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PREFATORY NOTE

VOLUME XVI

The extracts from oral evidence contained in this volume cover the more important portions of the evidence given, in the presence of the Press, by non-officials* in the following Provinces : Bombay, Punjab, North-West Frontier Province, Delhi, United Provinces, and Bihar and Orissa. Volume XVII contains that given in the Provinces of Assam, Bengal, Burma, Madras, and the Central Provinces.

In nearly every case the witnesses had previously submitted written memoranda; these documents formed the basis of their examination, and are printed at the beginning of their oral evidence.

A few of the written memoranda on which oral evidence was not taken, are also included in this volume.

As explained in the preface to Volume I of the Commission's Report, all evidence was taken by a Joint Conference consisting of the Statutory Commission, the Indian Central Committee and, in all the Governors' Provinces except the Central Provinces, a Provincial Committee. A list of the members of these Committees is given on page iv.

References in the evidence to pages of the various written memoranda have been altered to correspond with the paging in the present volume.

The Commission have suggested that the full text of the evidence given in the presence of the Press, including portions omitted from the present volume as being of less importance, and also copies of non-official memoranda not printed in these volumes, should be made available for inspection in London and India, and it is understood that this will be done.

* Including officials, speaking for Service associations in their personal capacity, and not representing views of Government.

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NOTE.—The composition of the Joint Conference is given at the beginning of each day's evidence, and is the same during the afternoon as during the morning session unless otherwise stated.

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DOCUMENTS TO WHICH FREQUENT REFERENCE IS MADE.

Full Title.	*Usual Description.*	
Committee on Financial Relations between the Central and Provincial Governments in India.	Meston Committee Report.	Cmd. 7240/1920.
Report of Taxation Enquiry Committee, 1925	Todhunter Committee Report.	Government of India publication.
Report of North West Frontier Enquiry Committee, 1922	Bray Committee Report.	Government of India publication.
Report on Indian Constitutional Reforms	Montagu-Chelmsford Report.	Cmd. 9109 of 1918.
Report of the Committee appointed by the Secretary of State for India to enquire into questions connected with the Franchise and other matters relating to Constitutional Reforms. (Chairman: Lord Southborough.)	Franchise Committee Report.	Cmd. 141 of 1919.
Report of the Royal Commission on the Superior Civil Services in India.	Lee Commission Report.	Cmd. 2128 of 1924.
Report of Reforms Enquiry Committee	Muddiman Committee Report.	Cmd. 2360 of 1925.

BOMBAY CHAMBER OF COMMERCE.

Memorandum on the Meston Settlement.

The Committee of the Bombay Chamber of Commerce desire to avail themselves of the invitation issued by the Statutory Commission and to submit a memorandum on the subject of 6 (*c*) of the Appendix to the invitation to submit memoranda. In pursuance of the last paragraph of that invitation it is necessary to preface their remarks with a brief statement of the nature, extent and membership of the Chamber. The Bombay Chamber was founded in 1836 and one of its principal objects is to promote the trade, commerce and manufactures of India, and in particular the trade, commerce and manufactures of the Bombay Presidency. At the present time it consists of 161 Chamber Members, six Associate Members and one Honorary Member and includes the leading European commercial firms in Bombay, some of the more important Indian firms and a few Japanese concerns. Besides mercantile firms its membership includes banking, insurance and railway interests.

2. The Meston Settlement is the economic counterpart of the Government of India Act. The Meston Committee itself recognised that it was reached from political and not primarily from financial motives and that it originated in the desire to secure a greater measure of devolution in the Provinces and in the endeavour to draw for this purpose a defensible line of financial partition between local Governments and the Government of India. The Meston Committee allotted Customs, Income-tax and Excise on salt, cotton goods and petroleum to the Imperial Government, leaving Land Revenue and Irrigation, Excises on liquor and drugs and General Stamps to the Provinces. The separation between Central and Provincial finances, which might normally have been expected to benefit each party to the bargain occurred at a time when both the Central and Local administrations were suffering from a period of financial distress. Consequently the hope that the resources of the Provinces, increased as the result of the new financial settlement, would enable them to find money for large schemes of economic and social progress has not been realised and the working of the reforms has been seriously handicapped.

3. The position of Bombay has been particularly unfortunate and the Government of Bombay, supported by all classes and communities in the Presidency with a unanimity otherwise unknown, has not ceased since 1918 to protest vigorously against a system of finance which was first suggested in the Montagu-Chelmsford Report, accepted by the Meston Committee and endorsed by the Joint Committee of the Houses of Lords and Commons.

4. The Bombay case against the Meston Settlement is based on two distinct grounds; firstly, that the distribution of surplus revenues assigned to the provinces of India over and above the Provincial revenue existing at the time of the Reforms was determined in a haphazard manner and bore no relation to the needs of the Provinces, to the total taxation derived from those Provinces and to the resources then available to those Provinces; and secondly, that this haphazard distribution was founded upon the application of federal principles of finance which have not been adopted in any other federal Government in the world. It has been urged by the Government of Bombay that the Settlement should be revised for the following reasons:—

(1) because it has broken down in practice as evidenced by the amendments which have had to be introduced in the Devolution Rules;

(2) because the premises on which the settlement was founded can be demonstrated to be erroneous;

(3) because the anticipations of the Meston Committee have been completely falsified by events.

5. The arguments against the Meston Settlement were succinctly summarised by Mr. Grantham in his speech at the Annual General Meeting of the Chamber in 1925 and it may be convenient to reproduce an extract here:—

"1. The settlement is an arbitrary division of revenue between the Central Government and the provinces, giving vastly increased spending powers to certain provinces, and as a settlement is inequitable.

"2. The contribution system devised was never intended to remedy any inequity in the original settlement, but only to ensure that the chief beneficiaries should help to balance the central budget over the transition period, that is to say, until such time as they could make full use of those increased spending powers, and the Central Government could do without the provincial contributions.

"3 The increased spending power of Bombay was based on totally incorrect data and Bombay's contribution is therefore obviously unfair.

"4. When making the settlement no consideration was given to the comparative taxation existent in each province nor to the comparative spending powers of each province, before the settlement.

"5. In making income-tax a central source of revenue we, an industrial province, were denied a share in the proceeds of our main form of industry, income-tax forming, as it does, a very heavy percentage of the total taxation of this Presidency.

"6. From the Bombay point of view the inequity lies not in the system of contribution and remission but in the original settlement, so that while the only real remedy is a redistribution of revenues—and until that is done we must protest against the reduction in any other province's contribution—we feel very strongly that if a respite is to be given to any other province, as has been done to Bengal, we have at least as good a claim, and in our opinion a better claim, to such a respite."

6. It will be necessary to develop briefly these main counts in Bombay's indictment of the Meston Settlement. The table below shows the additional revenue awarded to each Province, together with the percentage increase, while in the last column the contributions of the five major Provinces to Central revenues are shown:—

	Lakhs.		*Over normal revenue.* %	*Contribution fixed at*
Madras got increased revenue of ...	580*	=	66	350
U.P. got increased revenue of ...	400	=	51	240
Punjab got increased revenue of ...	290	=	50	175
Burmah got increased revenue of ...	250	=	41	...
Bengal got increased revenue of ...	104	=	14	63
Bombay got increased revenue of ...	92	=	9	56
C.P. got increased revenue of ...	52	=	15	...
Bihar and Orissa got increased revenue of	51	=	15	...
Assam got increased revenue of ...	42	=	27	...

7. It will be seen that out of an additional net increase of 18½ crores 15 crores were allotted to four provinces, *viz.*, Madras, United Provinces, Punjab

* These figures and any others contained in this Memorandum and in the Appendix can be substantiated by a reference to Government publications.

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and Burmah and 3½ crores went to the remaining five provinces, which included Bengal and Bombay, so that while Madras, United Provinces and Punjab received windfalls of 66 per cent., 51 per cent. and 50 per cent., respectively, over and above their former revenues Bengal and Bombay received increases of 14 per cent. and 9 per cent. respectively.

8. In regard to the theoretical basis of the Meston Settlement, it is contended that the origin of all the subsequent trouble is to be found in the academic insistence by the framers of the Montagu-Chelmsford Report on the theory of complete separation of the resources of the Central and Provincial Governments. In no country in the world in the history of federal and provincial finance has it been found possible to achieve a clean cut between provincial and central revenues. Wherever complete separation has been aimed at as in India, it is found that subsidies or contributions are required.

9. Bombay's main grievance against the Meston Settlement, which has been loudly voiced from the beginning, is that under it the Government of India took over all the growing heads of revenue, more particularly income-tax, and gave the Presidency all the growing heads of expenditure. As Sir Basil Blackett has said, the kernel of the complaint of Bombay and Bengal is that their revenues are not sufficiently elastic. The Meston Committee rejected the claim of Bombay to a share of the income-tax on the ground that they "do not apprehend that the richer provinces, such as Bombay, will be seriously handicapped in the administration of their own finances"; and they appended "some figures which indicate that several of the provinces, and Bombay in particular, may look for reasonable elasticity which will in most cases be encouraged by judicious capital outlay." In these figures they compared the revenue under the proposed individual heads of the year 1912-13 with the year 1920-21 and found that in these eight years Bombay had increased—

its Excise Revenue by 102 per cent.
its General Stamps by 119 ,,
its Land Revenue by 32 ,,
and
all Provincial revenue by 52 ,,

whereas the increase in other provinces varied from 11 to 35 per cent. It was thus on an assumed annual increase of 12½ per cent. in Excise, 15 per cent. in General Stamps, and 4 per cent. in Land Revenue that they based their conclusion, that Bombay in particular may "look for reasonable elasticity in their revenues apart from income-tax."

10. The four statements A, B, C and D contained in the Appendix to this Memorandum show the extent to which the actual realisations have fallen short of the anticipations of the Meston Committee. The figure up to the end of 1927-28 is Rs. 20.8 crores. Figures for 1926-27 can be taken as final, those for 1927-28 are the revised estimates, while those for 1928-29 are Budget figures. These figures and any others contained in this Memorandum and in the Appendix can be substantiated by a reference to Government publications.

The selection of two single years as the basis of important conclusions vitiated the whole argument. The datum line selected was a year of famine when the land revenue had fallen by a crore and a half. Hence the erroneous conclusion that land revenue would go on expanding at the rate of 4 per cent. per annum. In the case of excise the period considered by the Committee included an important change of system from fixed fees to auctions which led to a sudden large increase of revenue which could not possibly be repeated. The Committee's expectations regarding stamps were equally erroneous as they were based upon the boom years following the war. As a result of their erroneous premises the Meston estimates of the expansion of the Bombay Provincial revenues were utterly wide of the mark.

11. The Meston Committee refer to the high scales of expenditure in Bombay. The statements marked E and F in the Appendix give the expenditure in Administrative Departments in the five major provinces for the last two years available. The figures for Bombay are high, but they do not compare unfavourably with those of Madras. It must be remembered that industrial expansion and the growth of a wealthy class involve the maintenance of expensive administrative services for education, medical relief, sanitation, police, housing, urban development, etc. Factory inspectors and a labour bureau have to be maintained in connection with industries which finance the Government of India and not the local Government. The wealthy classes which contribute handsomely to the Imperial Government and are its main prop in its Indian loan operations are, from the revenue point of view, untouchable classes for the Bombay Government. The needs of the local administration, which are clamant, have to be met from land revenue which is not merely inelastic, but liable to the vicissitudes of famine, from the profits of an unpopular trade in alcohol and from the receipts from stamps and a few minor heads where the prospects of expansion are trifling. It is not reasonable to expect the poor cultivators of the Presidency to contribute a large portion of the funds required for the education of the industrial artisan classes, for the medical relief of those classes and for the maintenance of law and order amongst the mixed populations of the large industrial cities.

12. Some indication of the amount of revenue contributed by the two industrial provinces to the Central revenues, compared with an agricultural province like Madras, is afforded by the collections of income-tax for the year 1925-26 (the latest account year for which figures are available):—

	Income tax and Super-tax receipts in 1925-26 (Lakhs of Rs.)	Rs. per head of population.
Bombay	350.5	1.8
Bengal	593.6	1.3
Madras	141.4	0.3

Again, as regards provincial taxation, Bombay taxes itself more highly than other provinces. Provincial taxation per head of population in 1925-26 was as follows:—

	Rs.
Bombay	6.1
Bengal	1.9
Madras	2.9
Burma	5.8

Despite the high rate of taxation for the past three years Bombay has been living on its accumulated balances and a deficit is anticipated for the current year. The financial position of this province, compared with that of the other major provinces, is shown in the statement marked G.

13. Devolution Rule 15 was introduced in order to alleviate some of the defects of the Meston Settlement by granting to the Provinces some share in the growth of revenue from taxation on incomes so far as that growth was attributable to an increase in the amount of income assessed. It took as a datum line the exceptional boom year of 1920-21 and has notoriously failed in its working. In the result Bombay has received no share in income tax since the year 1922-23, when it merely received Rs. 3 lakhs.

14. The Indian Taxation Enquiry Committee were specifically instructed that it was not within their province to revise the Meston Settlement and they therefore made no concrete proposals in that behalf, but they clearly realised that Devolution Rule 15 had conspicuously failed to alleviate the inequalities of the Settlement and their lucid examination of the subject deserves close study. The Taxation Enquiry Committee were instructed to indicate the theoretically correct distribution of taxes between Imperial and Provincial and to advise on the operation of Devolution Rule 15. In regard to the latter they found that it had failed in its object and had resulted in giving bonuses to individual provinces on a haphazard basis. They rejected the suggestion that the rule should be amended by adopting a different datum line because they considered that the whole system of dividing income tax on the basis of a datum line was unsound. They pointed out that income tax in the commercial provinces depends largely on the main industries, in Bombay on cotton, in Bengal on jute, in Assam on tea and in Bihar and Orissa on coal and

minerals, that the periods of prosperity and depression of these do not necessarily synchronise, and that any datum line common to all provinces would consequently give disproportionate results as between the industrial provinces themselves.

15. The Taxation Enquiry Committee examined the possible methods of dividing income tax, and they reached the conclusion that the most satisfactory means of determining the share of the different provinces was to make over the proceeds of a basic rate on personal incomes graduated proportionately to the general rate, to which should be added a small proportion of the receipts from the corporation profits tax (if any).

16. In regard to the question of the theoretically correct distribution of taxes between central and provincial, the Committee recommended, apart from a transfer to the provinces of a share of the income tax, the transfer of non-judicial stamps and the excise duty on country-made foreign liquors, and possibly the revenue now derived from excise opium, to the Central Government. The Chamber's experience goes to confirm the wisdom of these recommendations. In 1926 the Chamber had occasion to refer to the present unsatisfactory system of taxing liquor which resulted in unhealthy competition between Central and Provincial Governments. They said then that the ideal solution of the difficulty would doubtless be to credit all duty on foreign liquor, whether country-made or imported, to the Central head, but that excise, being a transferred subject, they presumed it was outside the range of practical politics until the Reforms came up for revision when equilibrium could be established by the transfer to the Provinces of a compensating source of revenue. Another argument in favour of removing excise on liquors from the Provincial sphere is to be found in the fact that the Bombay Government have accepted total prohibition as the ultimate goal of their excise policy. The net loss, including the cost of extra preventive staff, which the achievement of this goal would involve has been estimated by an authoritative body at Rs. 6 crores, or nearly half Bombay's present annual revenue. Prohibition would seem to be impossible of realisation for some time and Government have recently issued a notification recognising that the path is beset with difficulties which for the present are insuperable and resigning themselves to a policy of cautious rationing. Apart from the financial aspect prohibition could hardly be made effective in one province alone if the others refused to come into line, and the present would therefore seem a favourable opportunity for transferring excise to the Central Government, who would be in a better position to direct the general lines of advance, as demanded by public opinion, towards a reduction of the liquor and drug traffic.

17. The Taxation Committee emphasised the desirability of re-transferring stamp duties to the Central Government; an instance of the inconvenience of the present system recently came to notice. The imposition of a tax on patent medicines was one of the recommendations of the Taxation Committee and, inspired doubtless by a laudable desire to assist stricken provincial revenues, the Government of India ruled that this should be levied as a provincial tax. The Government of Bombay appointed a Committee to examine the practicability of levying the tax and the ways and means of collecting it. The Committee's deliberations have not proceeded very far, but it is understood that they have served mainly to emphasise the difficulties in the way of imposing such taxation provincially since it is obvious that the tax will be largely evaded by smuggling unless it is an all-India one; and it is not improbable that what has proved in other countries a lucrative source of revenue will have to be abandoned because stamps are at present credited to the Provincial instead of the Central head.

18. The Financial Relations Committee expressed a doubt whether it would be possible permanently to exclude local Governments from some form of direct taxation upon the industrial and commercial earnings of their people. But they were obsessed by the bogeys of divided heads and doles which had wrought evil in the past and they were bent on a clean cut. The system they devised has broken down in practice. The Reforms Enquiry Committee reported that practically every Provincial Government had entered a protest against the Meston Settlement and had expressed the opinion that it should be revised as soon as a favourable opportunity occurred.

19. If the Provinces were given a reasonable share of income-tax, as a right not as a dole, they would be in a position to forgo the unsuitable sources of excise and stamps, their revenues would acquire the necessary resilience to enable them to devote themselves to the great nation-building schemes of which there is such urgent need and they would not be forced to resort to expedients for raising revenue such as the entertainments tax which belongs more properly to the Municipal sphere. At the same time the Municipalities, relieved of the encroachments of the Provincial Government, would not be driven to such noxious and uneconomic devices as non-refundable terminal tax.

20. As already stated, it was not within the Taxation Committee's functions to suggest a detailed revision of the settlement between the Government of India and the Provinces and they left the application of the principles suggested by them to some other body. Those principles appear to be conceived on sound lines; the success of the labours of the Statutory Commission will depend very largely on their ability to evolve therefrom a practical scheme of financial relations between the Central and Provincial Governments.

21. In conclusion, the Committee desire to emphasise most strongly that while the Meston Settlement gave Land Revenue *to* the Provinces, it took Income-tax *from* the Provinces, and yet treated the resulting surplus revenue in the agricultural provinces as if it were the provinces' own revenue. It is contended that Income-tax is the industrial counterpart of Land Revenue. In asking for a share in Income-tax receipts Bombay does not ask so much for immediate financial advantage as to be assured of a source of revenue which can be trusted to expand steadily in proportion to the constantly increasing cost of the administration.

22. The Committee would have liked to have summarised for each province the taxation imposed within each province and to have shown the proportion of the total taxation which goes to the Central Government and the proportion retained for Provincial purposes. The Committee would have liked to have done this because it is felt that the proportions as between different provinces would prove to be most uneven. But it is realised that this is a complicated matter and one which will be better undertaken by a tribunal unconnected with any particular province.

23. Income-tax may be taken as illustrative of the complication. The collections in a province do not represent only the tax on the income of the province in which it is collected but on income earned in other parts of India. Certain taxes may be considered on the border line, that is, it may be doubtful whether they should be classed as provincial taxation or not.

24. Now that the revenues of the Central Government are sufficient to meet the expenditure of the Central Government without requiring any contributions from the Provinces, the Committee consider it may be possible for financial experts so to adjust the Central Revenues as to enable industrial provinces to get a reasonable share of their Income-tax Revenue. If, however, the Central Revenues so adjusted prove insufficient the Committee are of opinion that the question of extending Probate Duties should be taken in hand as recommended by the Taxation Enquiry Committee (paras. 352 *et seq.*). The Chamber has repeatedly urged the desirability of introducing into India duties on inheritance and expressed approval of the recommendations of the Taxation Enquiry Committee in this behalf, with the proviso that the scale suggested might with advantage be steepened. The Committee considers that death duties should be centrally administered and should be a Central source of revenue. This is in accord with their recommendations in paras. 16 and 17 *supra* that General Stamps should be centralised. It is submitted that in the adoption of these suggestions lies a practical solution of the problem of compensating Central revenues for reduced receipts from Income-tax.

APPENDIX.

STATEMENT A.

Land Revenue.

(Lakhs of Rupees.)

Meston Committee's figures for 1912-13=489 lakhs. Annual increase expected according to them=4 per cent., or 20 lakhs.

——	Meston Committee's Estimate.	Actuals.	Excess of Estimate over Actuals.
1921–22 ...	665	583	82
1922–23 ...	685	611	74
1923–24 ...	705	562	143
1924–25 ...	725	569	156
1925–26 ...	745	583	162
1926–27 ...	765	516	249
1927–28 ...	785	599	186
1928–29 ...	805	593	212

STATEMENT B.

Excise.

(Lakhs of Rupees.)

Meston Committee's figure for 1912-13=212 lakhs. Annual increase expected=13 per cent. approximately, or 27 lakhs per annum.

——	Meston Committee's Estimate.	Actuals.	Excess of Estimate over Actuals.
1921–22 ...	455	343	112
1922–23 ...	482	423	59
1923–24 ...	509	438	74
1924–25 ...	536	443	93
1925–26 ...	563	415	148
1926–27 ...	590	409	181
1927–28 ...	617	386	231
1928–29 ...	644	391	253

STATEMENT C.

General Stamps.

(Lakhs of Rupees.)

Meston Committee's figure for 1912-13=39 lakhs. Annual increase expected=15 per cent., or 6 lakhs per annum.

——	Meston Committee's Estimate.	Actuals.	Excess of Estimate over Actuals.
1921–22 ...	93	84	9
1922–23 ...	99	95	4
1923–24 ...	105	91	14
1924–25 ...	111	98	13
1925–26 ...	117	97	20
1926–27 ...	123	88	35
1927–28 ...	129	94	35
1928–29 ...	135	90	45

STATEMENT D.

(Lakhs of Rupees.)

Loss under	1921–22.	1922–23.	1923–24.	1924–25.	1925–26.	1926–27.	1927–28.	1928–29.
Land Revenue ...	82	74	143	156	162	249	186	212
Excise	112	59	74	93	148	181	231	253
G. Stamps	9	4	14	13	20	35	35	45
Total	203	137	231	262	330	465	452	510

Total deficit for the years 1921–22 to 1927–28 = 20,80 lakhs.
*1928–29 figures are omitted from the total as being only estimates.

Appendix—*continued.*

STATEMENT E.

Expenditure in Administrative Departments in 1926-27.

(Lakhs of Rupees.)

——	Madras.	Bombay.	Bengal.	U.P.	Punjab.
General Administration	230·0	222·9	123·7	133·7	107·4
Administration of Justice	95·5	74·0	111·5	74·7	52·4
Jails and Convict Settlements	28·0	24·7	32·6	37·5	34·0
Police	187·3	167·1	190·4	164·2	108·3
Education	198·7	199·6	137·3	187·1	144·0
Medical	65·8	49·9	59·1	32·8	40·3
Public Health	30·9	20·0	34·0	22·2	22·6
Agriculture...	32·5	26·9	22·1	30·3	45·4
Industries	18·0	0·9	12·3	11·5	6·6

N.B.—These figures refer to administrative services only and do not include such important items of provincial expenditure as Land Revenue, Excise, Forests, Irrigation, Debt Services, Civil Works, Superannuation and Pensions, etc.

STATEMENT F.

Expenditure in Administrative Departments in 1925–26.

(Lakhs of Rupees.)

——	Madras.	Bombay.	Bengal.	U.P.	Punjab.
General Administration	219·4	223·1	113·8	130·1	98·2
Administration of Justice	93·7	71·9	107·6	70·5	50·3
Jails and Convict Settlements	29·7	25·2	30·9	34·9	31·9
Police	183·0	168·4	178·3	162·0	104·6
Education	185·6	195·2	131·3	184·4	140·0
Medical	56·1	46·7	55·9	28·9	33·0
Public Health	32·3	24·3	23·7	44·6	15·7
Agriculture...	28·9	26·6	19·4	26·6	36·6
Industries	15·0	0·7	11·0	10·7	7·0

N.B.—These figures refer to administrative services only and do not include such important items of provincial expenditure as Land Revenue, Excise, Forests, Irrigation, Debt Services, Civil Works, Superannuation and Pensions, etc.

STATEMENT G.

(Lakhs of Rupees.)

——	1925–26.			1926–27.			1927–28 (Revised).			1928–29 (Budget).		
	Revenue	Expenditure.	Surplus (+) or deficit (–).	Revenue.	Expenditure.	Surplus (+) or deficit(–).	Revenue.	Expenditure.	Surplus (+) or deficit (–).	Revenue.	Expenditure.	Surplus (+) or deficit(–).
Madras	1,693	1,595	+ 98	1,684	1,582	+102	1,676	1,558	+118	1,697	1,706	— 9
Bombay	1,559	1,650	— 91	1,486	1,652	—166	1,553	1,599	— 46	1,574	1,650	—76
Bengal	1,070	1,031	+ 39	1,050	1,071	— 21	1,078	1,103	— 25	1,094	1,120	—26
U.P. ...	1,271	1,301	— 30	1,290	1,285	+ 5	1,283	1,171	+112	1,247	1,244	+ 3
Punjab	1,266	1,108	+158	1,171	1,232	— 61	1,242	1,207	+ 35	1,273	1,303	—30

Note.—The Bombay figures are inclusive of Development Department transactions.

POONA.

Dated, 18th October, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, AND OF THE CENTRAL AND BOMBAY PROVINCIAL COMMITTEES.

Mr. H. G. COCKE, President of the Bombay Chamber of Commerce.

* * * * * * * * * * *

83. *Chairman:* Mr. Cocke, as President of the Bombay Chamber of Commerce you are here to support, I understand, the memorandum the Chamber has sent to the Statutory Commission?—Yes, Sir, that is so.

84. I do not propose that we should ask Mr. Cocke questions, but we will just ask him to state his views. I may only make this remark, Mr. Cocke, that we had a very interesting discussion to-day on this question, and we should be glad to have any supplementary remarks of your own. Kindly remember, as regards the general case of the Chamber of Commerce, that it is more or less arranged that we should take the main case at Calcutta. We should be glad if you would let us hear the points which are of special importance to this Presidency?—I will just go through the memorandum very briefly. I may say that it was prepared by a Sub-Committee of the Chamber and also adopted by the Committee of my Chamber.

85. Has this particular memorandum been published?—Yes, sir, about six weeks ago it was published. Of course, a large part of it, I presume, has already been discussed this morning.* We pointed out in para. 2 that the Meston Settlement is the economic counterpart of the Government of India Act, and in para. 3 that the position of Bombay has been particularly unfortunate, and in para. 4 (2) we state that the premises on which the settlement was founded were erroneous. I do not want to go into detail, because I know you were having the subject discussed all to-day.* But, briefly put, we feel that the Meston Settlement, judged in the light of to-day, has made really a very bad settlement. I do not suggest that some other committee could have done better at the time, but still the whole complaint, so far as Bombay is concerned, is that they took two very unfortunate years in basing their progressive figures for the past eight years. Taking eight years' expectation of total progress, they estimated the annual rate of progress. The first year they took was a famine year, and the last year they took was something of a boom year. It will be perfectly obvious to anybody, I think, that the conclusions reached, as events have turned out, could not be anything but unjust to the province. Had the boom continued, there might not have been the same objection to raise. But, as events have turned out, we maintain that Bombay has particularly suffered for reasons given in this memorandum, which, I hope, gentlemen here have read. I do not want to go into any more detail.

86. Speaking personally, I am very grateful to you because the memorandum you have submitted contains two or three things which I did *not* previously notice. For instance, there is this useful quotation —see para. 9:—

> "Bombay's main grievance against the Meston Settlement, which has been loudly voiced from the beginning, is that under it the Government of India took over all the growing heads of revenue, more particularly income tax, and gave the Presidency all the growing heads of expenditure.. As Sir Basil Blackett has said, the kernel of the complaint of Bombay and Bengal is that their revenues are not sufficiently elastic."

I am not expressing any opinion as to whether I agree with it or not, but it is a very useful quotation?—If you take an extreme case, sir, a province "A" with a very large land revenue and practically no income tax, and a province "B" with a very large income tax and practically no land revenue, it would be perfectly obvious that the settlement could not work. Unfortunately, predictions as regards progress have been falsified, and, it will be seen there has been no progressive source of revenue. As a matter of fact, from the figures of Land Revenue I have got here in Statement "A"—Actuals in col. 3—the first year showed 583 lakhs actuals, and for the last year, which was the eighth year, the actuals are only 593 lakhs. But the Meston Committee expected 805 lakhs in that eighth year.

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88. I see you set out here in the first column the estimate that was made by the Meston Committee of what they hoped or expected would be the land revenue year by year right down to the present year. Then you set out in the second column what the actual revenue has turned out to be?—Yes.

89. I see that the excess of estimate over actuals is increasing, or, roughly speaking, is an increasing excess. Coming to 1928-29 you get an excess of 212 lakhs?—In the second part of paragraph 10 we have pointed out that the datum line selected was a year of famine, when the land revenue had fallen by a crore and a half. Therefore, obviously the Meston Committee based their annual progress of 20 lakhs a year on a basic factor which was very wide of the mark. That prophecy of 20 lakhs annual increase could not possibly be justified and events have proved it. That is really our great objection to the Meston Settlement in the light of events. I am not attacking the Meston Settlement at the time it was made. I simply say that these two years were carelessly taken, if I may say so, so far as Bombay was concerned.

90. They have not turned out to be a safe guide as to what would actually happen?—I think the Commission ought to appreciate the fact that they were making a very unfair or, say, a risky comparison, or a risky expectation, having regard to the two years selected, so far as land revenue was concerned.

91. I wish you would call attention to paragraph 12, which gives interesting figures shewing the provincial taxation per head of population?—Yes. Those figures are certainly interesting. They first of all show that the income tax and super tax per head of population in Bombay was Rs. 1.8, in Bengal Rs. 1.3, and in Madras Rs. 0.3. As a matter of fact, the individual in the Bombay Presidency pays practically no taxation to his local Government. Ninety-five per cent. probably of his tax is income or super tax, which goes to the Central Government. It is true that he is taxed for his entertainments, and, to some extent, for his

* *See* Vol. XV., pp. 25-39.

liquor, but the tax which the ordinary individual pays is very small because I think there are no heads available where he is not a landowner. He pays very heavy income tax and super tax, but as regards other items, like entertainments and probate, at the present time he pays very little. In other words, the only tax which may be looked upon as a good provincial tax for the moment is income tax, but a very large proportion of that tax goes to the Central Government and very little is retained in the province.

92. I am afraid I have not followed your last remark. If you look at paragraph 12 you go on to set out what is the provincial tax per head of population. What it seems to show is that provincial taxation per head of the population in 1925-26 in Bombay was Rs. 6.1, in Bengal it was Rs. 1.9, in Madras it was Rs. 2.9, and in Burma it was Rs. 5.8. That is the contribution to provincial taxation made by the individual inhabitant on an average. I do not quite understand how, if Bombay is at the head of the list in that way, you can say that the man who lives in the Bombay Presidency contributes practically nothing to provincial taxation?—Land revenue is a very large factor there, and Excise. I was really only taxing the income-tax payee. The merchant or the professional man pays income tax and super tax to the Central Government, but he does not pay very much taxation to his own province.

93. If you mean the urban dweller I quite understand.—Really it is the land revenue which has been mainly handed over to the Central Government in the form of provincial contribution. That is what I wanted to emphasise. As regards provincial taxation per head of population, Bombay shows up very well. We saw in the early afternoon that the extent of the population makes much difference. For instance, the Madras population is double that of Bombay.

Then, sir, as regards income tax—paragraph 13—Devolution Rule 15 was brought into effect and the effect of that Rule on the income tax is shown in the Taxation Committee's Report in paragraph 529.

94. I shall try to save your time. I remember it perfectly well. It showed really that the attempt to give the provinces three pies in the rupee on any increase in assessments worked in the most utterly chance way, and that Bombay in particular, which hoped to get a good deal from it, as a matter of fact has not received anything at all for about four years. —Only for the first two years; 1922-23 was the last year. Therefore, the Meston Settlement having failed, if I may say so, from the point of view of Bombay, Devolution Rule 15 failed equally from the provincial point of view.

While on this question, Sir, as to a remedy, it has been pointed out that if Bombay wants another 50 lakhs it has to come from somewhere. Of course we have striven all along, I think the Bombay representatives in the Assembly and in the Council have striven all along, not definitely to get something more, but rather for a re-examination of the Settlement on the ground that it is unfair. It might be that Bombay might get less. I do not know. But I cannot see such a thing happening.

95. Certainly we are going to re-examine it, whether it is fair or unfair.—And, of course, it may be that three or four provinces may get something less, one or two something more. It is not a question of Bombay or Bengal. It is a question of Province A and Province B. An examination in particular may be undertaken by an independent committee. Your Commission, I understand, might have a special committee on this.

96. I quite agree. This important thing should be dealt with independently.—There are some difficult points to go into.

97. I do not think in paragraph 23 you quite take the same view as Mr. Wiles did. You take the income tax and say that the collection in a province does not represent only the tax on the income of the province in which it is collected, but on income earned in other parts of India. Speaking as a business man with great knowledge of this kind of thing—it is the business man and not the lawyer who knows—do you think that that is so?—Undoubtedly it is, particularly so in Bengal. For instance, I believe all the taxes deducted from interest on Government securities go to Bengal. That must be very large. All taxes deducted from interest on government securities go into the Bengal figures.

98. Does it?—I am informed so.

99. I am told that that particular instance is not correct.—I have got that demi-officially from the Government of India.

100. Mr. Rama Rau says it is not. That will be a most disturbing factor, of course. Never mind about that instance. You take that view. From my knowledge of English income tax it will be very difficult to persuade me that because a tax was collected inside the boundaries of a province, it is exactly the right amount to treat as properly attributable to the province. It may be very wise to adopt a rough-and-ready rule.—I cannot give the authority. If I may read the paragraph it simply says that the tax on interest on Government securities is deducted in Calcutta. It is obvious that the tax in this case cannot wholly be attributed to Bengal.

101. What are you reading from?—I am reading from a demi-official letter which I am afraid I cannot put in.

102. Do not please read from letters which you cannot put in. I am sure you will take it that Mr. Rama Rau has been looking into it.—Another instance is this. Take the exchange banks and the Imperial Bank of India. The Imperial Bank and all exchange banks are taxed in Calcutta. That would also go into Bengal's share, although those banks have branches all over India.

103. I have had fairly close contact with the working of income tax in England—I do not claim to know anything about the Indian income tax—but I am quite certain if it is on the English model, that there is a real distinction between the place where the tax is collected and the place to which it ought for this purpose to be attributed. It may, of course, cancel out in the end or it may be right to use a rough-and-ready rule. What is the suggestion which the Bombay Chamber wants to make?—It is this. First of all the Meston Settlement is unsound, as it has been proved. Secondly, cannot financial experts so adjust the existing revenues, provincial and central, in a more equitable way; in other words, if there is not enough to go round—for instance, if you take Rs. 30 lakhs from Province A and give to Province B and that is going to cripple Province A, Province A will require another 30 lakhs. If the suggestion was that all other heads of income proved extremely low at present, are there other heads which could undoubtedly be developed by the Central Government, particularly probate duties which the Bombay Chamber has emphasised several times? It is brought out clearly in the Taxation Committee's report.

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109. *Dr. B. R. Ambedkar:* Please refer to para. 16. I think your Chamber is in favour of transferring Excise to the Central Government?—Yes; they consider that would benefit the local Government in carrying out the policy of prohibition or at least in reducing the consumption of liquor.

110. And also because it will do away with the unhealthy competition between the Central and the Provincial Governments?—Yes.

111. *Sir Hari Singh Gour:* You stated that, as regards provincial taxation, Bombay is taxed more highly than several other provinces, and you gave the provincial taxation per head of population in 1925-26 as being 6.1. What was the income per head?—I have not got the figures here.

112. In order to judge the comparative high rate of taxation, do you not think it is necessary to find the income per head of population?—That is a different question. The taxation per head is one matter, expenditure per head is another matter, and income per head is yet a different thing.

113. But does not taxation per head bear any relation to the income per head?—It undoubtedly would, I suppose.

114. In paragraph 16 you say that the Bombay Government have accepted total prohibition as the ultimate goal of their excise policy. How far do you think the reduction in excise income is due to their accepted goal of the Government?—I am afraid I could not answer that; I am not in touch with the administration of excise.

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117. *Sir Arthur Froom:* The Bombay Chamber, you said, includes some European firms, some Indian firms and a few other concerns, and I think you informed the Chairman that this Memorandum has been published?—Yes, it has been published.

118. Would you tell us whether you received any adverse criticisms on the Memorandum?—No, none at all.

119. So I think we could take it that it has been received with unanimous approval throughout Bombay by all communities?—I think so, undoubtedly.

Statement of the Sardars' and Inamdars' Central Association, Bombay Presidency.

The Representative System as Applied to British India.

Basis of Franchise.

1. The basis of franchise consists in having an interest in the nation. The principal interests are:—

1. General interests, including agriculture.
2. Special interests, consisting of
   (*a*) Aristocracy and big land-holders;
   (*b*) University;
   (*c*) Commerce;
   (*d*) Labour, and
   (*e*) Industry.

General Constituency.

2. So far as the general constituency is concerned, the present system based on the payment of a requisite amount of assessment is satisfactory. The basis of franchise in cities also is satisfactory. But this Association is strongly of opinion that the educated classes ought to have a vote in the general constituencies whether they pay any assessment or not, and we think that all persons who have passed the matriculation or entrance or any equivalent examination of any university should have votes for the local councils, while all graduates and all persons practising as pleaders on the authority of Sanads granted by the chartered High Courts as well as all registered medical practitioners should have votes for the Assembly. Except for these additions we think that no change is necessary, *nor do we think that the franchise need be widened at present.*

Special Interests.

3. Aristocracy or Sardars and Inamdars who are popularly styled as "landholders," or landed aristocracy.

The landed aristocracy of the Bombay Presidency is an important part of polity from times immemorial. It founded empires, led armies, and was principally responsible for the civil administration. It formerly wielded and still wields a great influence in society. It is in no way inferior to any other class in respect of education and culture, and has not been slow to move with the changing times. This class has the special advantage of coming into direct contact with the villages, for the development of which no class is better fitted. In paragraph 147 of the Montagu-Chelmsford Report it is said:

"The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent ancient and well-born families and their estates are often the result of conquest or grants from some mediæval monarch. By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aim must be to call many more of them out into the political lists."

This quotation is given to bring to the notice of the Commission prominently that the framers of the Report intended to lay down as a matter of policy that this class should be given proper facilities to play their part in the new order of things.

4. The interests of this class are extensive. In the Bombay Presidency proper (exclusive of Sind) this class holds 2,076¼ villages as alienated, the total number of villages being 20,834¼. The *net* revenue of the alienated villages and lands is Rs. 1,07,13,995, the land revenue of the Government villages being Rs. 4,30,15,007. Thus it can be roughly said that Sardars and Inamdars hold one-tenth of the number of Government villages, and hold one-fourth of its land revenue.

5. The tenures, culture and political education of Sind being entirely distinct from that of the Presidency proper, our Association has restricted its activities to the aristocracy of the Presidency proper, and we are not going to offer any remarks about Sind and Sind landholders.

6. Having described the interests of our class and their extent, we proceed to trace the history of representation accorded to this class in the legislatures.

7. Since 1861, one person from our class was being nominated in the Bombay Legislative Council till the year 1892, when there was a change in the constitution of the legislatures. Elective principle came in, and one seat was reserved to be elected by the Deccan Sardars only for the Bombay Council. The order of Sardars of the Deccan is a creation of the Political Department of the Bombay Government, and the inclusion of any person in the list of Sardars depends exclusively on the sweet will of the Bombay Government. Thus the Inamdars, many of whom have interests much larger than those of many of the Sardars, remained unrepresented. The order of the Sardars of Guzerath was created about the year 1908 and the Morley-Minto Reforms provided one more seat for them in the local council, the Inamdars, who constitute the main bulk of the landed aristocracy, remaining unenfranchised. Reforms of 1909 went further and the landholders of the Bombay Presidency were given a seat in the Central legislature, which was alternately shared by the landholders of Sind and Sardars of Guzerath, and landholders of Sind and the Sardars of the Deccan, the Inamdars being without votes.

8. The Sardars and Inamdars pressed their claims for special and adequate representation when Rt. Hon. Mr. Montagu came to India in 1917, and waited upon him and His Excellency Lord Chelmsford in deputation. Our Association painfully notes that for no ostensible reason the Government of Bombay opposed the claims of Inamdars, and the Government of India saw no reason to interfere. Thereupon, our Association placed their case before the Joint Parliamentary Committee when it was formed, and being convinced of the justice of our cause, they reported that

"The special representation of the land-holders in the provinces should be reconsidered by the Government of India in consultation with the local governments."

As a result of this, such Inamdars as *solely held a whole village as alienated* were included in the list of the voters for the seat for Sardars without increasing the number of seats for the land-holders.

9. We strongly complain that in spite of the expansion of the Bombay Council in 1892, in 1909 and in 1920, the Deccan Sardars and Inamdars are just in the same place as they were in 1861, when the Councils came into existence with respect to the number of their seats in it. However, we note that the claim of Inamdars for special representation at last found recognition at the hands of the Government.

10. We are not satisfied with this recognition merely. We claim *adequate representation.* Our claim for the greater number of seats does not rest merely on the extent of our interests. We are the only cultured class that come into direct contact with the village, and shall be of great use to the development of the country if proper facilities are afforded to us. The Montagu-Chelmsford report says, "The natural and acknowledged leaders in the country areas are the landed aristocracy.", and they further observe in para 148 "No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the provincial legislatures."

11. Our class has a large stake in the country, and by tradition we are endowed with a sense of responsibility and appreciate the difficulties of administration. The management of our estates brings us into contact with almost every department of the Government, and the presence of this class in adequate numbers will serve as a healthy check on hasty and ill-considered legislation.

12. We have persons of all castes, creeds and religions in our class, which, combined with our culture and social position, keeps us above narrow feel-

ings of communalism. At a time when the evil of communalism is rampant, our presence in adequate numbers will serve as a check to it.

13. Wider powers have to be given to the legislatures to cope with the strong demand from the public for the same, and they should be so constituted as to progress on proper lines. We record it as our considered opinion that this can be best achieved by giving the special interests so much representation as would effectively influence the deliberations and decisions of the legislatures. We have confidence that representatives of the special interests detailed in the first paragraph will be persons of balanced views, and their voting will be guided by reason and responsibility. As the popular chamber will have real power and control over the purse, great care has to be taken of its constitution; we advocate the policy of *effective representation of the special interests in it.*

14. With due weight to these considerations, and without exaggerating our claim in any way, we modestly ask for twelve seats in the Bombay Council and three in the Assembly, and one in the Council of State if it is to be retained.

15. Having thus placed before the Commission our case for adequate representation in the legislatures, we proceed to bring to the notice of the Commission our views with respect to the franchise as well as to the distribution of the seats for the Sardars and Inamdars.

16. The franchise in this constituency is given to *Sardars and sole holders of whole villages.* An alienated village is a *partible* property in most cases, and a large number of villages is partitioned amongst the sharers according to the Hindu or Mahomedan law. Such sharers remain without representation according to the rules now in force. We advocate that the possession of a *whole* village should give to its "holder" or "holders" the right to vote. Where a village is held in shares, all sharers should nominate one person from amongst them to exercise the privilege of voting; and if they fail to do it, the holder of the largest share should be regarded as the voter. If one person holds more than one village, he should have the same number of votes as he would have had if he had held one village only. We further express that if an Inamdar derives an income of one thousand rupees or more from his shares in one or more villages, he should be included in this constituency. Similarly, persons holding alienated lands assessed at one thousand rupees or more should be regarded as voters.

17. Having thus dealt with the franchise, we proceed to point out some anomalies existing at present with regard to the allotment of seats. There is at present one seat for the Sind Zamindars and two for the land-holders of Presidency proper in the local council. Out of the two seats for Presidency proper, one is allotted to Sardars of Guzerath and Inamdars of the Northern Division, and the other to the Sardars of the Deccan and the Inamdars of the Central and Southern Divisions.

18. Sind, Northern Division, Central Division, and the Southern Division make the four administrative divisions of the Bombay Presidency. Sind and Northern Division each has a separate seat allotted to the land-holders comprised in it, while Central and Southern Divisions together are given one seat for their land-holders. This is an injustice, and it will appear still more glaring when it is prominently brought to the notice of the Commission that the Central Division has 1,043 alienated villages, Southern Division has 717, while the Northern Division has only 268.

19. The land-holders of Northern Division have no claim for this preferential treatment, even on historical basis. The dazzling history of the Maratha Empire was built up by the land-holders of the Southern and Central Divisions, of which they are justly very proud.

20. In conclusion, we request that while distributing the seats that may be assigned to our class, due consideration should be given to what we have said in paragraphs 18 and 19 to the extensive interests that the Sardars and Inamdars have in the Central Division, and distribution be made equitably.

21. We urge for three seats for the Sardars and Inamdars of Presidency proper in the Assembly, and one in the Council of State if it is to be retained. The whole of the Presidency proper should be one constituency for the seats in the Assembly and the Council of State as at present. The existing system of sharing a seat with Sind alternately for three years causes a break in our representation in the Assembly where the destinies of India are moulded. Experience has shown us that break in continuity is highly detrimental to our interests. The tenures and political development of Sind are so distinct from that of the Presidency proper that the Sind Zamindars cannot represent or adequately guard our interests.

22. We were never satisfied with the meagre representation given to us in the legislatures. Our Central Association passed a resolution at its general meeting in 1920 protesting against it, and it was successively repeated at subsequent meetings. In the first provincial conference, held at Satara in 1926, and in the second conference in Poona in 1927, resolutions asking for adequate representation were passed. Our Central Association petitioned to His Excellency the Viceroy in 1925 to give us a full seat in the Assembly, and Sardar Mutalik, who was our representative in the Assembly in 1926, tabled a resolution for the same purpose. Our Central Association pressed our claims also before the Muddiman Committee.

23. *University.*—The importance of the educated classes in the legislatures cannot be exaggerated, and we strongly recommend that the number of seats for this constituency should be raised to six.

24. *Commerce and Industry* ought to have adequate representation. We think that commercial interests in the moffussil are not adequately represented and propose that two more seats should be created to be elected by the income-tax payers.

Another industry which requires representation consists of small factories that use power and which are studded all over the moffussil.

25. *Europeans.*—The representation of Europeans may be reconsidered.

26. *Labour.*—Two more seats should be created for labour which should be filled by elections by Electoral Colleges.

27. *Depressed Classes.*—The depressed classes labour under no political disability. Their problem is a social one; there is already an awakening in their favour. Let it be noted that the higher classes have taken up their cause. We think that the Government should not interfere in social or religious matters, which should be left to the society to evolve. We are opposed to any kind of communal representation, but, under the circumstances, to help the awakening amongst the depressed classes themselves, two seats in the local council may be given to them. Their representatives should be elected.

28. With respect to the representation of the above interests in the Assembly, we express that Commerce and Industry should have adequate representation, and the Assembly should further be augmented by two additional representatives from each province elected by the graduates.

Methods of Election.

29. The present method of elections is working satisfactorily, and requires no change. We, however, suggest a question of detail, and that is that elections of all constituencies should be held on one and the same day.

30. The class of Sardars and Inamdars is educated, and in case all elections are not held on the same day, this class may be allowed to vote by post as is done for the elections of the Council of State. A large number of the voters of our constituency have votes

for the Council of State and voting by post will not be new to this constituency.

31. We are opposed to *Communal Representation.* It generates and strengthens a feeling in the candidates and their electors of their chief duty being the betterment and progress of their own community only. This feeling degenerates into seeking advantages for the community by *any* means fair or otherwise. This, in its turn, widens the gulf between the several communities and is the greatest obstacle to the creation and feeling of national unity. No nation can progress unless there is a goal which is common to all and to secure which all have to put together their best brains and energies. The result of communal representation is to the contrary. Communal representation strengthens communal feelings. It was not looked upon with favour by the Montagu-Chelmsford Report, and the experience of the past eight years has more than fully justified what the Report has feared about it. We may say that it is the greatest evil from national point of view.

32. Consistently with our views, we do not favour separate representation to the Mahomedans. They labour under no political disability. It is highly undesirable to allow religion or castes to come into politics. The Mahomedans are not backward in education and are a rich and an enterprising community.

33. If the Commission, unfortunately, come to the conclusion to give separate representation to the Mahomedans, it should be by reservation of seats in joint electorate, and it should continue for the ensuing two elections only. The Mahomedans should have seats in proportion to their enfranchised population.

34. No special representation is necessary for the backward classes. They form the overwhelming majority of the population and of the voters in the general constituencies. The fact that they have captured a large number of seats in the council shows that they are not without organising capacity. The local boards and the municipalities are completely in their hands, and they can make out no case for special representation.

35. It appears that the Commission intends to investigate about representation in the local self-governing bodies. We completely disapprove of the creation of the new Mahomedan constituencies created by the Local Boards and the Municipal Acts overhauled in 1923 by the Minister in charge of local self-government.

36. At the same time we strongly protest against the deprivation of the special seats of the landholders in the local boards. The Inamdars had one seat in each of the districts and taluka local boards since the local boards came into existence. Their representatives always worked with distinction, and a large number of Presidents and Vice-Presidents of the boards were members elected by the Inamdars. A Committee of the Bombay Council appointed under the chairmanship of Mr. Lawrence (now Sir Henry Lawrence) reported in about 1920 recommending the increase of Inamdars' seats to two in each taluka and district board. In spite of the recommendation, the existing seats were completely taken away, and the highly undesirable principle of communal representation introduced for reasons best known to the worthy minister. The protests of our Association were disregarded in all quarters, and we request the Commission to consider our case in this respect.

37. At the same time, we urge for provision of four seats in each of the taluka and district local boards as well as in municipalities for the educated classes, by which we mean persons who have passed either the Matriculation or school-leaving examination of the Bombay or any recognised university.

The Growth of Parties.

The existing parties are one Congress party, two Liberals, three Mahomedans, four Non-Brahmins. There are many Independents.

38. Of these the first two are the only parties that have political principles for their basis. The Congress party is the largest, strongest, and with good organisation and discipline. They have a large following in the educated classes as well as in the country areas. It is a party which goes with the people, and appeals to the public at large.

39. The Liberals have amongst them some persons of outstanding merit who are a great asset to the party. They advocate caution in politics, but are radicals in social and religious matters. They care little to take the people with them. There is a great scope for bettering the organisation of this party.

40. The independents own allegiance to no party, and view each question on its own merit. They are growing in power and importance.

41. As their name shows, the Mahomedan and Non-Brahmin parties are based on communal lines, and formulated with a view to advance the interests of their respective communities by *all possible means.*

42. With these remarks we observe that parties such as they exist in England and other independent countries are not possible in the legislatures of provinces, or in the central legislature. Financial stringency and the angle of view of the reserved side of the Government makes the Ministers dependent for majority on the Government votes, and little difference exists in the eyes of the public or the members of the legislatures between the Ministers and the Executive Councillors. The Ministers have no funds with which they can initiate any policy, and if they have any policy it has to satisfy the reserved side, without the support of which the Ministers would be in minority in the council. There cannot be any parties in India as they are in England unless all the departments are transferred and complete control over the purse is given to the legislature. We agree with the remarks made in this respect by the Indian Executive Councillors and Ministers of the Bombay Government in their Report of the Working Reforms in 1923 and 1924.

Growth of Informed Public Opinion.

43. There is a large growth in informed public opinion. A large number of rural populace has begun to take interest in politics, and as a result in reading papers. It is often done on the village chowdie, where a large number of ardent listeners crowd round the reader. The villagers are approached by candidates at the time of council and local board elections, and thus a constant touch is kept with towns. At times an M.L.C. tours round and gives information about the burning questions of the time. People now know much more than what they did ten years ago, and we think that this progress will be kept up.

We may raise a word of caution against the campaign of hatred against forward classes that is at present carried on in certain communal papers. No feelings of hatred amongst several communities should be fostered, and we feel confident that, with the disappearance of communal representation, this will cease. It is not a wise policy on the part of the Executive Government to allow this campaign to proceed unchecked.

Nomination of Officials and Non-officials as Members of Elected Bodies.

45. We advocate that all elected bodies, including the provincial councils, should be clothed with full power, the Governor reserving to him the power of veto. If the elected bodies are to be responsible, it is against the basic principle to fill certain portions of it by nomination.

46. In provincial government, for which we advocate full autonomy, the Ministers may have Council Secretaries on the analogy of Parliamentary Secretaries, but persons from the permanent official staff should have no seats in the legislatures.

47. Such of the classes as ought to have representation in any elected body should have it by election, and nomination for this purpose should cease.

Provincial Governments.

Constitution:

48. There is an awakening on all hands and a large growth of informed public opinion. Wider powers have been given to local bodies, and there is a demand for increased powers for the councils from all quarters. We think that time is now ripe for the grant of full autonomy to the provinces. The experience of the working of the councils during the last eight years has proved the capacity of the councils to undertake the responsibility. The Report presented to the Government of India by the Government of Bombay and the Report of the Indian Councillors and Ministers will show that, but for some defects inherent in the constitution, the Ministers might have achieved what was expected of them by the Montagu-Chelmsford Report.

49. The provincial councils should be fully elective, no place being filled by nomination. The Cabinet should be formed on the British Cabinet system. The Governor should call upon the leader of the party having the largest following in the council to form his own Ministry. It will remain in power so long as it enjoys the confidence of the House.

50. The present system of appointing the Executive Councillors as well as Ministers is defective. Up to now almost all the Councillors have been selected from persons residing in Bombay, who have little first-hand knowledge or information about the conditions prevailing in the moffussil, far less the undercurrent prevailing there. Persons from moffussil should be freely chosen for these posts, and, as said by Montagu-Chelmsford Report in para. 148, with respect to the aristocracy and landed gentry, "No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the provincial legislatures," we claim that persons from our class should have preference. We do not approve of the present practice of nominating Executive Councillors from the Ministers. This leads to the Ministers to covet the post of Executive Councillor, and serves as a check to their independence.

51. But, apart from giving us any kind of preference, we have reason to complain that the Bombay Government have shown us nothing else than disregard if not positive antipathy. Every Provincial Government have included at one time or other a member from our class in the Government, and Bombay is the only exception perhaps where the aristocracy is neglected in this respect.

52. The present method of appointing Ministers is a positive hindrance to the political development of the Presidency. The reserved side of the Executive Government, with whom real power rests, have to secure a working majority in the Councils, which is done by appointing Ministers from a party or group of members who would support the Government. In return, the Government have to be guided by the policy of these Ministers, which may not be to the best interests of the Presidency, though it is approved of by the majority of the Councils. This is an inherent defect of dyarchy, for which it must be condemned.

53. While advocating provincial autonomy, we make it clear that Provincial Councils should have no power or control over Inams, Saranjams and solemn engagements made and sanads given by the previous Governments. Where the sanads given to Inamdars provide that they shall not be subject to the increase of land tax or to any other tax, the Councils should have no power to impose any tax or increase the land tax on the Inamdars, either directly or indirectly. The Council should have no power to legislate regarding the Inams and Saranjams, unless any Bill affecting the class is moved by a member elected by the Inamdars, nor should the Council have the power to attack, abrogate, or curtail an Inam.

Working of Dyarchy.

54. Dyarchy has had a fair trial, and we agree that it is unworkable. In fact, there has not been dyarchy at all. We refer to paragraphs 5, 7, 8, 9, and 19 of the letter No. 3116 of the Bombay Government dated 2nd July, 1924, in reply to the letter No. F. 166 Pub. dated 8th April, 1924, and to paras. 3 and 4 of the dissenting minute by the Hon. Sir C. V. Metha, Hon. Sir Cawasji Jahangirji, and to the Minority Report of the Muddiman Committee. We see no reason to repeat the arguments contained in them to show that dyarchy is inherently unworkable. The financial position and arrangement which create difficulties may also be noted.

The Position of the Governor.

55. The Governor should be the head of the Executive Government, and should preside over the Cabinet meetings. He should have the power of veto. He should carry on the Government in case of a deadlock resulting in the Council not being able to form a Government, until the Government is formed. The Cabinet will consist of all the members of the Government, whether Ministers or Executive Councillors. The decision will always be by majority, but in case the Governor overrules the decision of the majority he should state his reasons, and the whole question should be open to be discussed by the Legislative Council. The control over the purse should rest with the Council, and there should be no power of certification. Precedent should be established of the Governor being always guided by majority. No Bill passed by the Council will become a law unless it is ratified by the Governor. The Governor-General will have the general power of superintendence and control over Provincial Governments. The Governor should be appointed by the King from amongst public men, and the present period of five years for the duration of his office is satisfactory. The Governor, before ratifying a Bill passed by the Council, should send it to the Governor-General with his recommendations, and should signify his ratification after the Governor-General has approved of the Bill. The Assembly also should have the power to discuss and negative controversial legislation passed by a Provincial Council, but the previous consent of the Assembly to the passage of a Bill is in no way necessary.

Position of Ministers in Relation to Governor and Members of the Executive Council.

56. As our Association urges that all departments should be transferred this question does not arise. However, if the Commission desires to recommend that some departments should be kept as reserved, we suggest that there should be no difference between a Minister and an Executive Councillor. There should not be separate Cabinet meetings of the Executive Councillors and the Ministers with the Governor. The Government should be looked upon and considered as a whole, and in the Cabinet meetings the Minister should be on a footing of complete equality with the Executive Councillor. All questions should be decided by majority, the Minister having a right to vote even on the reserved subjects, and *vice versa*.

57. The practice of allowing official secretaries and heads of the departments direct access to the Governor should be stopped. Being against the basic principles of administration, it is derogatory to the prestige and position of the Ministers.

Relationship of Ministers to each other and the Question of Joint Responsibility of the Ministers.

58. The Government cannot be looked at as Government of departments, but Government as a whole. Hence, all the Ministers should be jointly responsible.

Working of Particular Departments.

59. The chief Minister should distribute the portfolios to his Ministers, and questions of general policy should be discussed at the Cabinet meetings. If the Minister in charge of any department thinks any particular question of importance being worth the consideration of the whole Cabinet he may place it before the Cabinet.

Second Chambers.

60. Experience of the last eight years does not speak in favour of the second chambers. The Council of State is regarded as an impediment in the way of the Assembly, and the case with other second chambers if they come into existence in provinces will be similar. We suggest that the first chamber should be so constituted as to find place for persons with a sense of responsibility, which can be achieved by providing sufficient number of seats for the special interests. The real power will remain in the hands of the popular chamber, and the members of the second chamber will be put to unnecessary unpopularity. To prevent hasty legislation provision should be made in the constitution to enable the Governor to send back any Bill to the Council for reconsideration.

Redistribution of Provinces.

61. The principle of redistribution of provinces on linguistic basis is acceptable to us, provided the demand for it comes from the people themselves.

62. Sind should be made a separate province. But before doing it the interests of the Hindu minority in it should be properly safeguarded by providing for seats in the Sind Legislature in proportion of their number to the whole population of Sind, and arrangements should be made for the inclusion of Hindus in the Government. The Bombay Presidency has spent enormous sums on the development of Sind, and financial adjustments should be made between Sind and Bombay Presidency before Sind is made a separate province.

63. Karnatik may be turned into a separate province. Marathi portions of Belgaum and Bijapur districts should be retained in the Bombay Presidency.

64. The Marathi districts of the Central Provinces should be included in the Bombay Presidency if the residents of those districts express their willingness in this behalf.

Central Government.

65. Since the introduction of British Rule in India, the Western ideas of political development have progressed to such an extent that there is at present a strong demand for autonomy from all quarters which cannot be safely or reasonably resisted. It is asserted that the ultimate responsibility for the Government of India rests on the British Parliament. Even accepting that position, the British Parliament will have no better way of discharging it than by transferring it to the Indians themselves.

66. The present position of the Government of India in anomalous. The Secretary of State has to be consulted in all important matters in which the views of the Government of India may or may not prevail. In practice, as well as in theory, there is the control of the Secretary of State over the Government of India. The policy of the Secretary of State has to be supported before the Assembly in which the Government are often in minority in spite of their skilful manœuvring for votes. The Government of India have at times to justify a policy not agreeable to them, at the dictation of the White Hall. The position of the legislatures is irresponsible and critical. The Government is not responsible to the legislature and holds the position of an irremovable executive controlled by the Secretary of State, who is responsible to the British Parliament in which India has no representation. The position of the Government in the Assembly is embarrassing. There is every danger of a deadlock and little chance of smooth working. The attitude of the public is that of suspicion towards tht Government, which is charged with looking more to the interests outside India than those of the Indians themselves, and often at the cost of Indians. The Central Legislature does not look with favour on a Government which is not responsible to it either in theory or in practice. It is necessary to evolve a system of Government which will be responsible to the people, and avoid deadlocks resulting in discontent.

67. We think it necessary to remove the control of the Secretary of State over India. The responsibility of Parliament can be discharged by transferring the charge of Indian affairs to the Colonial Secretary, or by limiting the control of the Secretary of State, who should have the same powers over India and exercise them in the same way as the Colonial Secretary does towards the other self-governing parts of the British Empire. His control should not extend beyond the defence of India and foreign relations, the voice of the Government of India being supreme in all other matters. India should occupy the same place in British Empire as other self-governing dominions do, and should have the same relations with the Imperial Government as the other parts have. The name of the British minister who will have the charge of India should be changed, and a new name of the "Secretary for Indian Dominions" be given to him. India Office should be abolished. In short, we advocate full Self-Governing Dominion status for India.

68. To remove the control of the Secretary of State over the Government of India without substituting any other control would make the Government of India autocratic and irresponsible—a position which no one can like. The constitution of the Government of India should be changed, and the Government should be made responsible to the Indian Legislatures, which will be the Assembly and the Council of State.

Assembly.

69. The Assembly will be the popular chamber of legislature. We have already offered our observations with regard to franchise for it and think that no change is at present necessary in it. We advocate the policy of strengthening the representation of Special Interests in it and claim three seats for our class for the Bombay Presidency.

70. As already stated, we are not in favour of Communal representation, and in a responsible body like the Central Legislature especially, we look upon it with particular disfavour. However, if it is unfortunately decided to give it to the Mahomedans it should be in proportion to the enfranchised Mahomedan community, and by the method of joint electorate for three elections only.

71. Nominations of non-officials to the Assembly should cease.

72. All the Bills passed by the Provincial Legislatures should be placed on the table of the Assembly, which should have the power of raising a debate over it, and send them back to the Provincial Legislatures for reconsideration.

Council of State.

73. With all due deference to the House we may say that the House as at present constituted does not command respect which it ought to. It does not serve the purpose which is expected from a Second Chamber in any constitution. The reason, on one hand, is that the Assembly has not got that power which necessitates an active function of the Second Chamber. It has on a few occasions acted as a deterrent body on legislative and other measures which emanated from the Opposition Benches and which were stoutly opposed by the Government Benches. In matters where Government was indifferent the House has not been able to assert its voice or reflect the opinion of the upper classes.

74. The constitution of the House requires to be modified in some respects. In our view a franchise uniform for all provinces will not work. Under the present constitution members represent different interests in different provinces. In some provinces the landholders are in prominence, in others the commercial classes are returned, and in some leaders of public have found place. The constitution should be that there should be representation of all the classes who have stake in the country, as well as persons who are eminently fitted to exercise a sober judgment on any questions. The attempt ought to be to have the

representation of all these interests in the Council of State.

75. With this end in view, we suggest that each province should elect three landholders, three graduates and three persons to represent the larger commercial interests. In Bombay Presidency the constituency to elect landholders for this House should consist of persons holding lands assessed at rupees one thousand or above, for the constituency of graduates the voters should be all graduates of ten years' standing of Bombay or any recognised university, while persons paying one thousand rupees or more as income tax should be the voters for the commercial constituency. We see no reason why past or present presidents and vice-presidents of city municipalities and district local boards should have votes for the Council of State.

76. The graduates, landholders and commercial constituencies as just specified should elect their own representatives, or there should be a joint electorate of these interests as specified, and they should jointly elect the landholders, graduates and persons to represent commercial interests.

77. On no account communal representation should find place for this House.

Ministry.

78. The Ministry for the " transferred " departments of the Central Government should be formed in the manner described above for the formation of the Ministry in provinces. The Ministry should be jointly responsible.

Governor-General.

79. The Governor-General of India should have the same powers as the Governors or the Governors-General of other self-governing dominions in the British Empire have.

Defence.

80. For the present, the defence of India must rest with the Governor-General. Since the introduction of the British Rule, the Government of India have made no arrangement for giving military education to Indians with a view to make India self-reliant for defence. We have no doubt that India will be able to defend herself within a short time if arrangements are made for giving higher military education to Indians, which should be done without delay.

81. As for defence, and army, we suggest the creation of a Defence Committee, to be elected from amongst the members of the Central Legislature, to advise the Government on military affairs. Let the Army Department be for a time reserved, but the creation of this committee will keep the executive Government in close touch with the Indian point of view, and the Indians with the Imperial point of view.

Foreign Relations.

82. This is a question of Imperial policy which has to remain in the hands of the Imperial Government. Except the Departments of Defence and Foreign Relations, all other departments should be transferred.

Statement on behalf of the Provincial Conference Committee of the Sardars and Inamdars of the Bombay Presidency.

1. We present this statement on behalf of the Provincial Conference Committee of the Sardars and Inamdars.

The first Provincial Conference was held at Satara under the auspices of the Inamdars' Central Association, Satara. It was due to an idea to widen the scope of the activities of the Associations for consideration of the problems regarding the class. The Associations are restricted to members and the Conference is open to all.

The second Conference was held at Poona, under the auspices of the Deccan Sardars' and Dumaldars' Sabha, Poona. At the Conference a Resolution was passed creating a constitution and the formation of an Executive Committee. The Committee includes representatives from all the Districts.

The Executive Committe is empowered to carry on the work on behalf of the Conference. The Executive Committee decided at its meeting to present a case and appointed a Sub-Committee. The Sub-Committee drafted the statement in accordance with the spirit of the Resolutions passed at the Conferences. The draft was discussed and finally approved by the Committee on the 29th July, 1928.

The Office bearers of the Executive Committee are:

Sardar V. N. Mutalik, B.A., Ex-member of the Bombay Legislative Council. (1921-23) and Ex-member of the Legislative Assembly (1924-26) and was elected by the Deccan Sardars and Inamdars in the 1st case, and by the Sardars and Inamdars of the Presidency in the 2nd and President of the Inamdars' Central Association, Satara, and of the 1st Conference.—*Chairman.*

Sardar K.C. Mehendale, B.A., President, Deccan Sardars' and Dumaldars' Sabha, Poona.—*Vice-President.*

Shrimant Sardar Shri Jagannath Maharaj Pandit, 1st Class Sardar of the Deccan, Hony. Secretary, Deccan Sardars' and Dumaldars' Sabha, Poona, —

Shrimant Nanasaheb Mutalik, B.A., LL.B., Chairman of the Executive Committee of the Inamdars' Central Association, Satara. Shrimant R. R. Jahagirdar of Bhuyar, Secretary of the Bijapur District Inamdars' Association,

Shrimant Jayaramdas B. Desai, M.L.C., Secretary, Gujarath Inamdars' and Talukdars' Association.—*Secretaries.*

Most of the Presidents and Vice-Presidents of the different Inamdars' Associations are members of the Executive body.

The statement is mainly restricted to the Resolutions passed at the last two Conferences.

The awakening in this class may be said to have begun since the passing of the Land Revenue Code, Act V. of 1879. In 1880, Deccan Sardars' and Dumaldars' Association was started at Poona. Such Associations were subsequently formed at Nasik, Bijapur and Dharwar. The Inamdar's Central Association was formed at Satara in 1915. Similar Associations were afterwards formed in the Ratnagiri, East Khandesh, Ahmednagar, and Sholapur Districts.

2. Most of these Associations joined in the deputation to the Right Honourable Mr. Montagu and His Excellency the Viceroy Lord Chelmsford in 1917. The Inamdars' Central Association submitted further memorandum to the Joint Parliamentary Committee as well as to the Franchise and Functions Committees. A statement was also submitted to the Muddiman Committee.

The Sardars, Talukdars, Inamdars and Vatandars form the Aristocracy of this Presidency. They rank in the social order just below the Ruling Princes. The members of this class are the descendants of the persons who founded empires, led armies, fought wars and carried on Civil Administration in former times. The estates, owned, are in many cases the result of conquests. The custom in many places was that part of the conquests was given to the person who succeeded in winning the war. Many of the families, now classed as Sardars and Inamdars, were at one time principalities or States enjoying territorial powers, under one Government or another. In some cases they were independent princes.

The families settled new areas and helped to develop the country and were the main supporters of learning, art and craft, which flourished under their paternal care. This class is described in the famous Montagu-Chelmsford Report in paras. 147 and 148.

As can be naturally expected, this class is literate and cultured, and imbued with the powers, capacity and art of Government and possessed the Political sense to serve the interests of the Nation.

3. The Executive Committee of the Provincial Conference of the Sardars and Inamdars of the Bombay Presidency (proper) painfully notes the fact that it considers it necessary to differ from the views of a large body of the general public of this Presidency in offering this statement, when the public opinion of the politically minded section is against giving any statement before the Commission. We, however, do maintain the right of the Indians to have the preponderating voice to settle the constitution of the country, even with the existence of the preamble to the Government of India Act.

4. The Executive Committe offers a suggestion that the views of the enlightened political leaders and sections of the country should receive full consideration at the hands of the Commission, even though they may not be before the Commission in due form. The views are expressed in the debates of the Legislatures, especially in the debates of the Legislative Assembly, on various occasions. The All-Parties Conference have prepared a Constitution, embodying the demands of the public, or that section of the public which commands respect. The decision to refrain from giving any evidence before this Commission by a very large body of the politically minded public, who are really entitled to present the case of the nation, has a deep meaning and significance. It is a matter of grave importance that the whole body of politicians of all schools, should concur in views when the destinies of the whole nation are in making. By our position, we stand between the people and Government, and in that capacity we earnestly request the Commission to give due consideration and weight to the views of the persons and bodies, whose views deserve the attention in the inquiry of this nature as this Commission is making. We also request the Commission to find out a way to receive the first-hand views of the leaders.

5. We do not propose to express detailed views on the Reforms, but we express our views in a general way. In case the Commission desires any details, the representatives of this Body will orally state the views. We propose to state our case for the representation on the Legislatures and on the powers of legislatures as affecting our interests.

6. We think, after mature consideration, that the time has come when a substantial advancement should be made in the Constitution of India. We stand for Self-Government for India within the British Empire. The Aristocracy and the Landed Gentry, whom we have the honour and privilege to represent, welcome the great national awakening, and are prepared to work hand in hand provided our individuality is maintained. We feel confident that self-governing India will be a great asset for the British Empire. We feel that there is a strong demand for a constitutional advancement. The experience gained during the last eight years of Reforms period warrants the advancement. We are of opinion that although the Reforms were not worked under very congenial conditions, they have proved the potential capacity of the people for representative Government. There is an increasing awakening amongst the people. They

are showing keener interest in the working of the representative institution. We feel confident that the results of the working of the Reforms would have been far more satisfactory, had there been no communal feeling and intercommunal hatred exhibited in the fields of politics. We, as the aristocracy and the landed gentry, having great stake in the country, extremely regret the communal tension. We feel that it has great pernicious effect on the development of national sentiment.

7. We think that time has come for the grant of complete autonomy for the provinces. We, however, urge that full protection for vested interests is absolutely necessary. In pressing for provincial autonomy we want to make it clear that we urge strongly, with all the force at our command, that Legislature should not be invested with any control or power over the solemn engagements and promises already made by previous Governments and recognised and continued by the present British Government. The treaties or engagements with the Indian Princes, the Sanads of lands and villages given to Sardars, Inamdars and Vatandars must remain untouched. The rights and privileges of the holders should not be allowed to be interfered with. The Legislatures should have no power to levy directly or indirectly any tax on lands and incomes which Government have declared as free from any additional taxation. Restriction of power is absolutely necessary in such cases in the interest of the vested interests.

8. From the very beginning of the Reforms Inquiry this class is urging for the protection of vested interests in transferring power of Government to popular control. We quote a passage from the address presented to H.E. the Right Hon. Lord Chelmsford and the Right Hon. Mr. Montagu, the then Secretary of State, by our Associations.

"10. That these Associations humbly pray that Inamdars and Vatandars should be allowed to enjoy *undisturbed* all the rights and privileges that they have been enjoying in connection with their alienated holdings; and that, in the true spirit of the Proclamation of Her Imperial and Gracious Majesty Queen Victoria of Blessed Memory, no encroachments be made upon their rights."

9. Under British Government this class has suffered most from intentional indifference of Government, and is purposely pushed back. Before the British Government was established in this part the Inamdars and Vatandars were in full power in their villages and exercised a good deal of power, control and influence outside their villages. Besides the full rights over the land revenue they had the right to levy taxes like tolls, taxes on market places, to give licenses for sale and various other minor taxes in their villages. In some cases they had a right to levy custom duties. They exercised full criminal and civil powers, though in cases the powers were limited. They exercised control over the hereditary village officers and servants and the village servants had to work for the Inamdars. They had also full revenue powers.

10. In the early period of the British Government these powers were exercised by the Inamdars. The grip was tightened very gradually and the period that followed may be said to be the dark period for this class. One by one the powers were withdrawn, the protest of Inamdars proving to be unavailing. In spite of the promises for the maintenance of dignity, rights and privileges of Inamdars and Sardars, the general trend of policy of Government came to be the curtailment of their power and influence in their own villages and in the general public.

11. This class was promised posts in higher services in all departments. Preference was shown to the candidates from this class. The tide has turned now. We are never given preference, but even suitable candidates have not sufficient chance of getting in now. The promises given in former times have been thrown to the wind.

12. We are being reduced to nonentities. With growing awakening in the class we are forced to fight for every inch, but we have no advocate in Government or in services. We are gradually dispossessed of our control over the village officers. Every step taken in this connection is calculated to lower the dignity and undermine the influence which we hold in the country.

13. This class possesses a keen sense of duty for the welfare of the public and public duty and political advancement of the nation. Many of them have served with distinction on local Self-Government bodies and as honorary magistrates. We quote here what the famous Montagu-Chelmsford Report has said about this class. The Report has also laid down a policy to be followed with regard to this class in para. 148.

> "By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aim must be to call many more of them into public life. * * *"

These words hold good to-day, and we urge that this class should be offered opportunities and proper facilities to play their part in the new order of things. The policy has been laid down, but we regretfully note that it was not followed during this first period of Reforms, in this Presidency.

14. *Extent of Interest.*—The interests of this class are extensive in this Presidency. In the Presidency proper, exclusive of Sind, villages and lands assessed at Rs. 1,09,77,292 are alienated to this class. The land revenue of Bombay Government is, roughly, Rs. 4,30,00,000. There is scarcely any village in this Presidency which has not alienations of lands—2,077 villages out of the total number of 20,835, villages of the Presidency are wholly alienated. Roughly speaking this class holds one-tenth the number of villages and one-fourth the land revenue.

15. The alienations are distributed in the various revenue divisions of the Presidency in the following way:—

Division.	Number of alienated Villages.	Net Alienated Revenue.
Northern Division ...	266½	Rs. 25,49,800
Central ,, ...	1,048¾	,, 28,42,174
Southern ,, ...	717	,, 18,20,844
Bombay Suburban Division	48	,, 58,636

16. Our estates were originally tax-free. Still we contribute to the public Exchequer to the extent of about Rs. 37,00,000. This tax was imposed on us since the advent of the British rule, after some inquiries by Inam Commissions. Besides this tax called the Judi, we also contribute to all local taxes to the extent of Rs. 25,00,000, as well as other taxes.

17. In society this class wields a good deal of influence, even in spite of the democratic currents in the nation.

18. *Representation in the Legislature.*—By a convention established since 1861, when councils came into existence, a representative from this class was nominated to the Provincial Council till the year 1892. By the reforms of the year 1892, when the representation by-election came into existence, a seat was assigned to this class, and only the Sardars of the Deccan were enfranchised to send a representative to the Legislative Council. In 1908, under the Morley-Minto Reforms, three seats were given to this class, viz.: (1) Sardars of the Deccan, (2) Sardars of the Guzarath, an Order newly created in 1909, (3) Sind Zamindars. Under the reforms of 1908 one seat was assigned to this interest on the Imperial Council, which went by rotation to Sind Zamindars and Sardars of Gujarath and Sind Zamindars and Sardars of the Deccan. The Sardars of the Deccan had no chance to send representative to the Imperial Council under the Morley-Minto reforms.

19. In the Reforms of 1919 the representation of the "Landholders" was originally kept at the same strength and for the same constituencies, but the rotation was changed. The Sardars of the Deccan and Guzarath were formed into one constituency

which shared the representation to the Assembly with Sind Zamindars by alternate turn. However, on representation to the Joint Parliamentary Committee the class of Inamdars was added to the Sardars of the Presidency, but the strength of the representation was kept at the original level. We represented to the Joint Parliamentary Committee about the increase in the number of our representation to the legislatures. The Joint Parliamentary Committee recommended reconsideration of the representation of the "Landholders," but the matter did not receive any further consideration.

20. Under the present Act three seats are allotted to the "Landholders" on the Provincial Council, out of which only two are for the Presidency proper, and one goes for the Sind.

21. On the Central Legislature, only one seat is allotted to the Landholders and is shared by the Sardars and Inamdars of the Presidency proper and the Zamindars of Sind. The Zamindars of Sind were given the first chance of sending one representative and in the history of the representative government in India we could send only one representative to the Legislative Assembly, although Sind Zamindars had four times to their lot. We note with regret that we are most unjustly treated in our representation to the Central Legislature. The whole class feels for this and looks upon it as an insult to the class.

22. On the Provincial Council the Deccan and the Karnatick Landholders, who formed the oldest constituency for sending a representative of the Landholders, has suffered by neglect and indifference. The largest number of Inamdars and Sardars is in the Central Division and the next largest number being taken by the Southern Division. Guzarath Sardars and Inamdars have the least number of all. Only one seat on the Legislative Council is given to the Sardars and Inamdars of the two largest divisions, while one seat is given to the Sardars and Inamdars of Guzarath, a division which has the least number of the voters and also the least number of Inam or alienated villages.

23. In other Presidencies five seats are given for the representation of the Landholders on the Provincial Councils, whereas the treatment accorded to this class in this Presidency is most unsatisfactory, as the seats allotted are only three.

24. The Landholders' Constituency is free from any idea of communal bias or feeling. Only the special interest is recognised in forming this constituency. The constituencies consist of all castes and communities and we are glad to note that there is never any jarring note due to communal feeling.

25. There is considerable growth of political education and a sense to serve the nation. Leading members of this class are not only taking keen interest in the welfare movement for the class, but many of them are serving the public cause and working for the benefit of the nation in various fields. This class has the advantage that it can afford more leisure to be devoted to politics. We are conscious that our best men are at present outshone. We admit we have made a late start in politics. We have every hope that, looking to the present progress, what is lost in time will be gained by our natural influence in the society and by the time that we shall be able to devote for the work. We feel confident that, given proper facilities and better opportunities, the aristocracy as a class will be able to wield a great healthy influence on the national political field.

26. We have our associations and provincial conferences. The deliberations are on a high level and compare favourably with the debates and deliberations in any other political body.

27. Our special advantage is that by our position as Inamdars we are able to understand and appreciate the difficulties of administration. We especially note that it is unfortunate that we are excluded from any share in the administration during the last half a century, and have been thus deprived of an opportunity to prove our capacity and ability.

28. There will be a great advantage to legislature by giving increased representation to this class. No class is better fitted to represent the rural areas than this class, as it is the only class with culture and education that comes directly in contact with the rural areas. Most of the representatives in the Legislatures come from the cities from a class that have no opportunities to know the rural areas by having direct touch with their grievances and wants, nor can they help the rural development as our class can, if opportunities are given to it. The framers of the Montagu-Chelmsford Report recognise this fact and say, in para. 148:—

> "No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the Provincial Legislatures."

The Future Constitution and the Representation of this Class.

29. We are more in favour of a Single Chamber Legislature in the Provinces. It may be noted that our representatives at the first inquiry of Reforms urged for a Second Chamber in the Provinces. The experience gained in the Central Legislature leads us to believe that Second Chambers in the Provinces will not serve much useful purpose. The reserve powers of the Governors and of the Governor-General, with the power to return a measure for reconsideration, will serve a sufficient safeguard against hasty judgment or legislation. We have grave doubts whether the cost that will have to be incurred and the time and energy that the Executive Government will have to devote for the work in the Second Chamber will be justified by the results.

30. Our considered view is that Second Chambers should not be introduced in the Provinces, provided there is adequate representation of the classes on the legislatures. In this connection we propose formation of new non-communal general constituencies with a wide territorial area.

31. We have already expressed our view that full provincial autonomy should be given. We also propose that nominations should be done away with on all representative bodies. The officials should be allowed to explain and speak in the Legislative Council but they should have no right to vote. The Ministers should be helped by Council Secretaries.

32. On the Provincial Council we urge for a substantial increase in the representation of the "Landholders." In spite of the large expansion of the number of the members of the Provincial Council, the representation of this class, and particularly that of the Landholders, Sardars and Inamdars of the Deccan and Karnatic is kept at the antediluvian period of representation. We submit that twelve seats should be assigned to this class. The seats should be distributed by Revenue Divisions or on the linguistic basis or on the basis of different tenures. We have already given the table showing the alienated villages and the alienated land revenue in different divisions. The distribution should be on the voting strength and the extent of interest. We also propose two separate seats for the Watandars, and one for the Khots, who have a distinctly separate tenure.

33. The present constituency should be enlarged in case more seats are assigned to this special interest. The present qualification for a voter in this constituency is that a person must be either a Sardar of the Deccan or Guzarath or that he must be a sole holder of a whole alienated village. Before the present Reforms the qualification was the enlistment in the list of Sardars. We now propose one of the following qualifications for a voter in this constituency.

(1) Sardars of the Deccan or Guzarath.
(2) Sole holder of a whole alienated village.
(3) Holder of a share in an alienated village, the revenue of the share being assessed in the

records of Government at not less than Rs. 500 annually.

(4) Holder of alienated land, assessed at Rs. 500.

(5) Holder of a Sharakati alienated village.

34. As we propose separate seats for Watandars, it naturally follows that the holder of watan lands should have no right to be a voter in this constituency. We advocate separate seats for Vatandars, because the tenures on which they hold the lands are different and they are governed by a separate act called the Vatan Act. They hold the lands on the condition of rendering some services, most of which are now commuted. The Vatandars whose services are not commuted have their special grievances, and also special privileges. In case Vatandars are not recognised as a separate interest for representation, they may be treated as ordinary Inamdars.

35. Khots also are a class by themselves. They are not included in the Inamdars. This class is often attacked in the Council, and finds no advocate in the House, and their case goes by default. The House is ill-informed on this question and judges questions only on the arguments of the prosecution.

36. We have every confidence that the demand for twelve seats distributed amongst all these interests will not be considered to be unreasonable.

37. We have already stated that there should be no Second Chamber in the Provinces. If, however, it is decided to establish a Second Chamber, our view is that there should be no communal bias in that chamber and the constituencies should be non-communal. The distribution of seats should be by divisions. The constituencies should be formed to return not less than four or five members. There should be no reservation for any community. The basis of franchise should be maintained at a high level and should be based both on education and property. But provision should also be made for representation of special interests.

38. We propose that Dyarchy should be introduced in the Central Government. We are of opinion that the system is defective and cannot work well. Still as a make-shift arrangement we propose that the system should be tried in the Central Government. There are a number of departments in the Central Government which can safely be entrusted to the control and management of the Ministers, appointed from the elected members of both the Houses.

Representation on the Central Legislature of this Class.

39. The "Landholders" were never satisfied by the most meagre and inadequate representation allotted to them on the Central and Provincial Legislatures. Ever since the scheme of Reforms was out some of our Associations have expressed strongly on the point and lodged protests. We have sent memorials to Government. Our representative on the Central Legislature sent a memorial to the Viceroy to make up the injustice by nomination to the Assembly. He also urged before the Muddiman Committee that no further step in the Reforms should be taken unless the Landholders of this presidency are given adequate representation in the Legislatures. A Resolution was tabled in the Assembly but could not be moved for want of time. This class feels very strongly for the want of representation on the Assembly for three years alternately. Our Provincial Conferences have passed resolutions requesting Government to arrange for our continuous representation on the Legislative Assembly. The inconvenience is felt alike by the constituency in Sind as well as in the Presidency proper.

40. Under the present arrangement, the "Landholders" of the whole of the Bombay Presidency have one seat only, which is shared alternately by the Sind Zamindars and the Sardars and Inamdars of the Presidency Proper. This leaves one of the Constituencies always without representation on the Central Legislature, where the destinies of the country are moulded. There is a continuous seat for the Landholders of every other province and they enjoy a continuous and unbroken representation. Sind for all purposes is practically a separate province and ought to have been treated as such for the representation of this class. There is absolutely no similarity between the Sind Zamindars and the Inamdars of the Presidency Proper. The tenures are different. The problems affecting are altogether different and even the social and political development of the two constituencies is altogether different. It is impossible that a representative of either constituency can represent the views of the other constituency. There are two or three other constituencies which have alternate representation on the Legislative Assembly. In their case the inconvenience is not felt so much as there is a great similarity of interest and views, In the case of the Landholders of this Presidency the case is different, and there is no other representative who can express the views. In fact, in the Central Legislature, our voice is completely shut up for three years. We emphatically urge that this is the greatest injustice done to us, and that this is a most anomalous position, which cannot be found anywhere in the history of representation to Legislatures. If Indian Legislature is to reflect the views of all classes, why this class should be excluded for alternate life of the Assembly passes our comprehension.

41. The system of alternate representation is a great hindrance to the political education of the constituency. It does not help to keep up interest in the general current of events. It deprives the constituencies of the highly valued privilege of a voice in the moulding of the destinies of the nation, and above all, it deprives us of the opportunity to serve the nation in the best possible way.

42. We urge and request earnestly that three seats should be given to this interest on the Legislative Assembly. The constituency should be one for the whole of the Presidency proper. We can state that even if all the major provinces are given representation for the Landholders on this scale, it will not materially affect the balance of parties in the Legislative Assembly. The Assembly will have the advantage of the views of a section which has the greatest stake in the country. It will also help the formation of a separate party, which will be able to create a healthy balance of parties.

Representation on Local Boards.

43. We are not quite sure if representation on the Local Board is within the scope of the inquiry of this Commission, and how far we will be justified in referring to it.

44. Before the Local Board Act of 1923 was enacted the Inamdars had one representative on every Local Board. That representative in most cases proved to be one of the leading members of the Board and was very useful to the Board. They occupied responsible posts on the Boards and rendered their duties creditably, and the fact was recognised on all hands.

45. A Committee appointed by the Government of Bombay in connection with the Boards, under the Chairmanship of Mr. Lawrence, now Sir Henry Lawrence, recommended that two seats should be given to the Inamdars instead of the one then existing. We were all surprised to find that in the new Bill, which is now passed into the Act, the provision for the representation of the Inamdars was dropped, and, instead of that, there came the obnoxious provision for representation for the Mahomedans, even though there was no demand for the same.

46. The local boards are really the pivot or the basis of self-governing institutions. It is the foundation and the training ground for the councils. The boards play a great part in influencing the elections. The local boards give an opportunity to come in direct contact with the villages and study first hand the grievances and the requirements of the people of the district. They give an opportunity to serve the people first hand and they can be the real places where to

educate the electorates. To shut away the Inamdars from these bodies is doing them great injustice. It is going directly against the spirit of the framers of the Montagu-Chelmsford Report. The aristocracy should have been given more representation on the boards, as recommended by the Committee. We feel sure that the Inamdars will be a great asset on the boards and will be able to serve the deliberations with great profit to the boards and to the general public.

Similarly, the demand on the part of the Inamdars to be the head of the Village Panchayats in their villages is most natural. No body will feel for the people in the village than the Inamdar of the village. He will always start with a paternal feeling for the people of his village. The people also have more trust in him than in the official head of the village. In fact, we claim that it is more for the benefit of the people, as well as for the development of the cordial relations of the people with the Inamdar, that it is necessary that the Inamdar should be the Surpanch of the Village Panchayat, if such a body is brought into existence in an alienated village. If it be objected that Inamdars are not residing in the villages, we are prepared to say that the statutary right to be the Surpanch should be restricted in the cases where the Inamdar is a resident of the village.

We earnestly request the Commission to make some recommendation on the point. The more the aristocracy and the gentry have opportunities to mix amongst the people the more it is beneficial to the whole community.

47. *Services.*—The position of all-India services has become peculiarly difficult and delicate under the new order. We have noted that the services have generally worked the reforms loyally and helped to make them a success. The Legislatures were treated with respect by the services.

48. We note in the first instance that there is a distinct deterioration in the efficiency of the services since the communal considerations crept in the recruitment of the Indians. We can fully understand and appreciate a recruitment on communal basis provided the qualifications are equal and up to the standard required, and the rights of the existing members of the services are not neglected or overlooked. The present way of recruitment on communal considerations has a pernicious effect on the services. Undue preference for promotion is shown, and mistakes, want of discipline and inefficiency are condoned only on communal consideration, even if they are not a passport for special promotion.

49. We urge that in future the recruitment of the all-India Services should be on condition that they have to serve under full provincial autonomy and transfer of any number of departments in the Government of India. We feel that the Public Services Commission is a sufficient guarantee to the services. Instituting of provincial public service commissions deserves consideration.

50. We urge strongly that suitable candidates from the landed aristocracy and gentry should be given a preference in the recruitment, provided candidates have required qualifications. The principle of preference has been introduced, and we claim a preference for a class which had a big share in the services and which is the most suitable class for higher services. In the past promising young men were appointed to highest posts in various departments on consideration of high birth. The reason for neglecting this class for recruitment in the services may be found in the fact that it is not a strong body in politics. We think that men with a stake in the country prove to be superior to any ordinary men in services. We have constantly pressed this point on Government. We do urge that this request should receive best consideration at the hands of the Commission. We think that the representation of this class in services is more important than the representation of the communities in the interest of the services and of the nation.

51. We claim representation from the highest to the lower services. In all other provinces except Bombay the aristrocracy is treated with much better consideration. We are up to now denied a chance of serving on the highest post in Government. We mean in the Executive Council. In other Presidencies the aristocracy has secured a seat on Government. In this Presidency the Government has yet to think and try to find out a suitable candidate from this class.

52. *Communalism and its Effects on Representative Bodies and the Council.*—We have said that recruitment based on communal considerations has led to the loss of efficiency, favouritism and discontent amongst the more efficient but less favoured class of officials. We further say that the result of the communal feeling is equally pernicious and unfortunate in local self-governing bodies and in the Legislative Councils. We are of opinion that there is a decided deterioration in the working of the local bodies, in spite of the greater interest shown by the public. Communal good is the only consideration and the sense of justice and fair play or the national good is always made to serve the second fiddle. All parties based on communal considerations cannot be expected to have the broad national outlook. It is wrong in principle to encourage this feeling or help the growth.

53. We advocate that the first necessary step is to do away with separate communal electorates and communal representation in services. If anything is demoralising in politics it is the communal consideration in services without the necessary qualifications. No new communal constituencies should be created and there should be joint electorates for the existing ones if they are to be continued with reservation of seats.

54. The necessary concomitance of any communal party is the hatred of other communities and particularly of the more advanced classes and communities. The cult of hatred is advocated openly in the Press and on the platform, and it is a pity that the conduct of authorities is always such as can be interpreted to help the growth directly or indirectly. The direct result of the reforms is a scramble of securing the votes in the Council, which has a sad aspect on the public life. This battle for securing votes has led further to emphasise and to cement the communal tension.

55. In conclusion, we submit to the Commission that:—

(1) The Commission should take into full consideration the views of the public leaders of the nation, even though the people do not offer the statement.

(2) The vested interests should be given full protection.

(3) There should be provincial autonomy and an Indian Federation, within the British Empire, with full Dominion status.

(4) Single Chamber Government will be more suitable.

(5) The Landed Aristocracy and Gentry should have adequate representation on the Councils, so that they should be in a position to influence the Councils.

(6) The communal representation should be done away with in the elections as well as in the services, as far as possible. If communal representation is to be retained the electorates should be joint and not separate.

(7) The Landholders should have representation on the Local Boards.

(8) The Inamdars should be Surpanch in the Village Panchayat if it is instituted in an alienated village.

(9) The Inamdars and Sardars should have fair representation in the services from the highest to the lower.

POONA.

Dated, 22nd October, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN), AND OF THE BOMBAY PROVINCIAL COMMITTEE.

Deputation from the Sardars' and Inamdars' Central Association, Bombay Presidency.

1. Sardar V. N. Mutalik (President)—Spokesman.
2. Sardar N. G. Vinchurkar.
3. Sardar K. C. Mehendale.
4. Shri Nana Saheb Mutalik.
5. Shri P. A. Inamdar.
6. Shri Sarda Jagannath Maharaj Pundit.

1. *Chairman:* Sardar Mutalik, I understand this is a deputation from the Sardars and Inamdars of the Bombay Presidency?—Yes.

2. I think you are the President of the Central Association of Sardars and Inamdars?—Yes.

3. We have all seen the interesting memorandum which you have put forward, and we understand, I think, your general view, because you have stated it very clearly. * * * As things stand at present, what is the representation of Sardars and Inamdars in the Bombay Legislative Council?—Three.

4. There are three members elected by the Sardars and Inamdars?—Two elected by the Sardars and Inamdars of the Bombay Presidency proper and one by the Zamindars of Sind.

5. For our present purposes, we are treating the Presidency as having its present boundaries. I see you have one gentleman who represents the landowners of Gujarat?—Yes.

6. Another gentleman, whom we know very well (our colleague, Sardar Mujumdar), represents the landowners of the Deccan, and a third gentleman represents the landowners of Sind. That is the situation so far as the present representation in the Bombay Legislative Council is concerned?—Yes.

7. As regards the Legislative Assembly, you have some representation there, have you not?—We have one representative, representing alternately the Presidency proper and Sind.

8. * * * Is the present member from Sind or from the Presidency proper?—From Sind.

9. How is your representative in the Legislative Assembly appointed? Is he elected?—He is elected.

* * * * *

10. *Mr. Cadogan:* I understand that you base your claim for larger representation mainly on the consideration that you are the only cultured class that comes into contact with the village communities?—It is not the only class that comes in contact with the village people. We base our claim mainly on the fact that we form a steadying influence in the Presidency. We are not carried away by the whims and exigencies of election times, and we will be the proper persons to exercise a steadying influence on the Legislative Council.

11. Without going into details in regard to figures, you hold about one-tenth of the number of Government villages, and one-fourth of the land revenue?—Yes.

12. That is in the Presidency proper?—Yes.

13. On the subject about which the Chairman was speaking just now—representation on the Council—I understand you complained not only that you are inadequately represented, but of the distribution of seats in the Presidency?—That is another complaint we have, yes.

14. You complain that that distribution is wrong?—Yes.

15. I should like to get that clear. You have one seat for the Northern Division, exclusive of Sind?—Yes.

16. And you have only one seat for the Central and Southern Divisions combined?—Yes.

17. Would there be a larger number of villages in the Southern and Central Divisions combined than in the Northern Division?—Yes.

18. A very much larger number?—Very much larger.

19. What is your scheme for larger representation? How many seats do you suggest?—We have suggested twelve seats.

20. Twelve seats altogether? And how many for the Legislative Assembly?—For the Assembly we have suggested three.

21. Instead of only one, which you hold in rotation with Sind?—Yes.

22. With regard to the franchise, I understand you to say that at present only the holder of a whole village has a vote?—Yes.

23. Your suggestion is that where a village is held by a number of Zamindars they should meet together and select a representative voter. Is that your suggestion?—Yes.

24. How do you propose that should be done?—Either all the shareholders should select one representative to vote or the largest shareholder should be called on to vote.

25. *Mr. Cadogan:* My question was, how would the various holders select the representative voter?—They will select him from amongst themselves.

26. And if they cannot agree?—Then the largest shareholder will come in.

27. Are there Inamdars who hold only Inam land and not villages?—Yes, a number.

28. How do you suggest they should have the franchise?—We suggest that holders of alienated lands assessed at Rs. 500 and over should be enrolled as voters.

29. Would you be prepared to give your view as to the expediency of having a Second Chamber in the Presidency?—Our scheme does not favour the institution of second chambers.

30. Broadly speaking, you are against the principle?—Broadly speaking, we accept the principle that a second chamber would have a restraining influence, but in view of the difficulties arising from conditions in the Presidency and in the country at large, and of the time the executive government would have to devote to the work of the second chamber, we have suggested another course, which is, in effect, to have a combined chamber where the interests who would normally form a second chamber will be represented

and exercise a restraining influence. If this is not possible we shall not object to a second chamber.

31. *Chairman:* I am not entirely clear on one point, namely, who are on the present list of voters and who choose the representative of the Sardars and Inamdars. Taking the Sardars first, who are on the voting list?—All persons listed as Sardars under the Political Department by the resolution of the Bombay Government.

32. So that the position of a Sardar, in case of doubt, is recognised and put down on the list by the authorities?—Yes, there cannot be any doubt.

33. As far as that is concerned, are you satisfied with that?—Yes.

34. That is all right?—Yes.

35. Besides the Sardars, there are the Inamdars?—Yes.

36. How is the list of Inamdars decided on?—The holders of villages are entered on the Government records.

37. And necessarily must be?—Yes.

38. In connection with revenue records?—Yes.

39. So there is no doubt as to who they are?—No uncertainty can exist.

40. Just one other question. How many voters are there in the total constituency?—Under the present arrangements, the total constituency, taking all the divisions together, is about 700.

41. You are excluding Sind?—Yes.

42. Excluding altogether the member who represents the Sind landowners, there are two others, one for Gujarat and the other for the Deccan?—There are two other constituencies, yes.

43. When you say 700 you are adding those two together?—Yes.

44. Are the numbers about the same in each?—No. The number of voters in the Deccan and Karnatak Divisions combined is about 560.

45. So that is the larger one?—Yes.

46. And the number in Gujarat?—Is about 140.

47. Are the holdings, on the average, larger in the Gujarat area?—The holdings of land are larger.

48. *Major Attlee:* Am I right in thinking that Inamdars do not pay any land revenue in respect of their Inam lands?—Originally we were not obliged to pay land revenue, but we pay a duty or tax of one-quarter of our land revenue to Government and we pay death duties also.

49. That is less than the ordinary landowner pays? You pay a quarter of what the ordinary landowner would pay?—We pay a quarter of our whole income.

50. That amounts to the same thing; if it was not Inam land it would pay four times as much as you pay?—Yes.

51. I think you pay no income tax in respect of agricultural income?—At present agricultural income is excluded from income tax.

52. On the basis that the people who want representation should pay taxation there would not seem to be very much claim from the point of view of the Inamdars. You do not pay much in the shape of taxation?—I think we are the most heavily taxed people.

53. How so?—Because the original grants of our estates were tax-free, without any land tax, but we have consented to pay one-quarter towards the public revenue. Besides that we are paying death duties, which come to 6½ per cent., and we pay local taxes also, as well as all other general taxes.

54. Setting aside the question of what happened originally, what grants were made and so on, and taking the Inamdar and comparing him with other owners of land, he gets off lightly?—He gets off lightly if you say he does not pay the assessment to the full extent.

55. Taking the landowners as a whole, you are claiming 12 seats for the Sardars and Inamdars?—Yes.

56. Do those Sardars and Inamdars work their land at all themselves?—Many of them do.

57. Do they look after their estates?—Yes.

58. What do they do for their tenants?—We do all we are empowered to do. In fact, one by one all the powers of doing good to our tenants are being taken away from us, and Government has assumed all the responsibility. The whole policy of the Government of Bombay has been to take away the power of the Inamdars to do good to their tenants and cut off any contact between the Inamdars and their tenants.

59. They remove from you all the burden of doing anything for your tenants?—Yes.

60. Why should you want special representation under those circumstances? What is your claim?—The interest we have in the Presidency proper as a restraining influence.

61. Restraining in respect of what?—The principle of having a second chamber is recognised in all legislatures, and that sort of influence could be exerted by these constituencies.

62. I suppose the members of your association are men of considerable local influence, leading opinion in their districts?—Yes.

63. Why should not they obtain election in the usual course, in a general electorate?—There is a prejudice against this class, as there always is against the big landowners; and that generally comes out at the time of elections.

64. Supposing you stood in a general constituency, you would be able to influence the general electorate and the population generally?—Not unless we accepted the party ticket for the time being; we will have no chance unless we accept the ticket, and in that case we, as Inamdars, will not be represented, for even in the Legislature we should have to work according to the ticket.

65. Has not it sometimes been found that people who ask for a special and privileged position are apt to find that that prejudices them in the eyes of the rest of the population, as you suggested just now?—I think that is the case. There is a sort of prejudice against the Inamdars. I think it exists in every country.

66. I quite agree with you; but you still think a representation, which could not, of course, be a majority representation——?—We do not claim a majority in the Council.

67. You still think that sort of representation is necessary to safeguard your interests?—Yes, we think it is necessary to safeguard our interests and to give us an opportunity to serve the country, too.

68. Take the local boards. I think you formerly had a claim to one Inamdar's seat on the district board?—Yes.

69. What is there to prevent you being elected to the district board now?—We shall have to stand in a general election if we want to be elected.

70. Well, and why not?—Some of us have stood.

71. We sometimes think that elections, whatever may be their defects, are rather educative to the people who stand as well as to the people who vote?—Yes.

72. If you stand apart in a separate electorate are you not hindering the general advance of the community in which you live by keeping separate from them?—I think experience has proved the contrary. The Inamdars chosen up to now have been the best men that could be had on local bodies, and they have also helped to educate the electorates.

73. *Chairman:* May I just ask this for my information. Is there at present, or has there ever been, on the Bombay Council a Sardar or Inamdar elected for a general constituency?—Two or three have got in on the communal or party ticket; that is all.

74. *Colonel Lane-Fox:* I did not quite understand what you meant when you said the Government had taken away from the landowners their chance of helping their tenants?—In some respects we are now practically merely the receivers of land revenue. We receive it (land revenue of the villages) through another agency, that of Government, so that direct contact between ourselves and our tenants is not obtained at the present moment.

75. I do not quite understand what opportunities the Government have taken away from you. I am a

large landowner, and I have to do a great deal and get very little out of it. I want to know how it is you are in a different position from me?—We are in a different position from yourself in respect of being holders of whole villages. Practically in your country you are the real masters of the land; you are real landlords. We are not real landlords in that respect; we only receive land revenue as settled by Government in some respects, and in other respects we receive it as you do, as holders of land. We are holders of land as well as holders of villages, and there is a difference between the two classes of Inams. In one we are in direct touch and can work for tenants. In the second, viz., as holders of villages we receive the revenue through Government agency and are cut off from the tenantry.

76. *Lord Strathcona:* You say you want 12 representatives on the new Legislative Council. On what do you base your figure of 12?—We base our figure on the expansion of the Legislative Council since 1861, and not only on that, but on the ground that there should be a sufficient number of representatives of this class in the Legislative Council.

77. *Dr. Ambedkar:* You say that you represent special interests?—Yes.

78. Can you tell me what are the special interests that your constituency would represent as distinct from the interests of the rural population?—As holders of the whole of the villages.

79. I take it that you represent property?—Yes, in a way.

80. Your interest is that you hold property?—Yes.

81. And, therefore, you want representation in the Legislative Council?—Yes.

82. I put it to you whether there are other property holders who are not Inamdars?—There are. They will have representation, and they have it, I think.

83. My point is this. If your interest is merely the interest of property, then, having regard to the fact that there are also other property holders, although they do not happen to be Inamdars, would not they represent your case, whatever your case may be, in the Legislative Council?—Certainly not. They will represent the interests of other property. Ours is a special sort of property, governed by special rules and special Acts.

84. Then your position is this: you claim representation in order to retain the privilege which you now enjoy, namely, that you enjoy property tax free? That is what you claim, is it not?—That would be only with regard to our own interest. That is one claim that we put forward for this representation, but there are other claims.

85. I am for the moment discussing the question of your special interest. Your special interest, then, is this: that your property is tax-free?—It is not tax-free.

86. To some extent it is, the Inam?—Yes.

87. While other property is not tax-free?—Yes.

88. And, therefore, there is a conflict?—To some extent.

89. And you want to have your interest represented on that account?—Yes. There are other rights also which we have—rights and privileges with regard to our villages, with regard to our property, with regard to the management of our property.

90. *Chairman:* I do not know that I understand it rightly. I did not understand that the Sardars' property was tax-free. These gentlemen are a deputation of Sardars and Inamdars: is not that so?—Yes.

91. Are Sardars a kind of Inamdars?—Sardars are not necessarily Inamdars. Let there be no misunderstanding about this tax-free holding. Let me make it clear that we are paying taxes.

92. *Dr. Ambedkar:* Yes, I know you are paying taxes, but you are not paying at the same rate as the other population?—We are paying at a higher rate.

93. Very well; that is a matter for later investigation. You are opposed to the lowering of the franchise?—I am opposed to it, yes.

94. And you are at the same time claiming twelve representatives for your constituency, as a conservative force?—Yes.

95. Do you still maintain that the retention of the existing franchise and your claim would make the Legislative Council more representative of all the classes?—I think so.

96. Do you have any representative of the tenant class, of the labouring class, as such?—There are representatives of the labouring classes. All the representatives are elected by the general constituency.

97. Do you think they represent the labourer?—They represent the tenant class, and labouring class.

98. Do you think the existing franchise of 32 rupees reaches the ordinary tenant?—Certainly.

99. You are quite certain about it, that the existing franchise of 32 rupees in the rural constituency enables the tenant class, as apart from the landlord class, to have their representatives elected to the Legislative Council?—No, most of them are the actual cultivators of the soil; but tenants are in a better position, because they take the lease of land and become entitled to vote. Most of the representatives that come from the general constituencies are representatives of the cultivators and tenants.

100. I am not using the word "cultivators," I am using the word "tenants"?—Tenants are in a better position, because their claim on entering in the voter's list is based on the rent that they give. If you take a land assessed at 4 rupees and they are paying 32 rupees as rent, they are on the voters' list, so they are in a better position, while the owner of land assessed at less than 32 rupees is not entitled to vote.

101. *Dr. Ambedkar:* On page 10, para. 27, you state that the depressed classes labour under no special disability, that their problem is a social one, and that there is an awakening in their favour?—Yes.

102. Now, suppose a depressed-class man is qualified for any particular post, and by reason of the fact that he is looked upon by society as an untouchable, and on account of that he is deprived of being enlisted in any particular post, would you not regard that as a political disability?—But I do not think a man of the depressed classes, with the necessary qualifications, is debarred from entering Government service.

103. We had an official witness who maintained that the depressed classes could not be enlisted in the police service because society looked upon them as untouchable, although they were in other respects quite efficient people?—My personal knowledge is the other way.

104. What sort of disability would you call it?—I do not think it exists.

105. Is that no disability?—I do not think there is any disability in this respect at all.

106. A man is deprived?—If he is deprived only because of his caste, I think it goes against the spirit of the Proclamation of Queen Victoria.

107. It may be, or is, a disability?—It may be.

108. *Khan Saheb Abdul Latif:* Are the majority of the Inamdars in favour of the agricultural reforms?—Many of the Inamdars are; Sardars are not generally.

109. I asked you about the majority of the Inamdars?—You must understand the difference. Sardars as Sardars have no claim to property. They may be absolutely without any landed property.

110. Is it not the case that the Sardars and Inamdars, although they are representative of the ancient aristocracy, are a class of men of decaying fortunes?—Some of them are.

111. Are they able to cope with the rising standard of living on the income they get from the villages?—Only some have to supplement their incomes in some respects by their own industry.

112. Is it not the case that the social position is not being maintained, and that, as regards political influence, their position is negligible?—I do not think so.

113. *Rao Saheb Patil:* Will you kindly tell me whether you have come to give evidence in order to advocate the cause of democracy or to protect the rights of the aristocracy?—I have come to——

114. To defend both?—To place the case of my own class before the Commission.

115. That is, you have come to defend both democracy and aristocracy?—Certainly.

116. That is, aristocracy and democracy go hand in hand, according to you?—Yes, we have to go hand in hand for the good of the nation.

117. I know you are opposed to communal representation. You have a separate constituency of Sardars?—Yes.

118. Yet I believe you will have to accept the view that your special representation for a class is nothing but a sort of communal representation in a way?—Not in the least. Communal representation is altogether different from class representation. When I advocate class representation I do so not only for my own constituents, but also for millowners and producers, merchants and university men, Europeans and all special interests.

119. Do you agree with the view that special representation of special interests is open to the same objections as those to which separate elections are open?—You mean separate communal elections?

120. Yes?—No, I do not agree to that.

121. May I know from you what castes are included in your community?—All castes.

122. Let me know the castes. Is it three or four?—Brahmins, non-Brahmins, Marathis, Muhammadans, Parsis, Christians, and the Depressed Classes.

123. Who will command the majority so far as your class is concerned?—What is my class?

124. The advanced class?—I would say that all Inamdars are men of advanced classes, because every Inamdar is of a high social standard and generally well educated.

125. *Chairman:* You have already pointed out that properly speaking "Sardar" is an honourable title?—Yes, with certain privileges.

126. Whatever the privileges may be, it is a title?—Yes.

127. That means, apparently, that some people in this Presidency might have the title of "Sardar" though they did not own any agricultural land?—Yes.

128. There are such cases, I gather?—There are only a few cases.

129. In those cases where the Sardar has been given that honourable title, but does not own any land, is he included in the list of those who have a vote as a Sardar for the Council?—Yes.

130. The other thing I wanted to know was this. All the Inamdars, I imagine, are the holders of Inams?—Yes.

131. There are no honorary Inamdars, so to speak?—They all must own land. There cannot be an honorary Inamdar.

132. Then the last point was, which Mr. Patil brought out for us very clearly, a man may be a Sardar in the Presidency here whether he is a Hindu or a Muhammadan or a Parsi?—Yes, in fact we have all those castes, represented in the list of Sardars.

133. Lord Burnham points out to me that to put the Sardars and Inamdars together is to bring together people in a different position, because some Sardars are honorary, whereas all Inamdars are owners of land?—The fact is that there are very few Sardars who are not landowners—very, very few.

134. *Rao Saheb Patil:* I think you will have to admit that your community will command a majority of votes so far as the constituency goes?—No, it does not command a majority. The man who preceded me was a non-Brahmin.

135. I am not going into questions of Brahmin and non-Brahmin. My question is that your community will command a majority of votes—the Brahmin community?—Not necessarily.

136. What is the number of Brahmin voters so far as Sardars are concerned?—I cannot say, but I think by my calculations at the time of the elections, the majority were non-Brahmins.

137. Supposing that case was altogether reversed, and suppose that we recommend one more seat for your constituency, represented by my honourable friend Sardar Mujumdar, would you like to give that seat for the other group of your class?—We are opposed to community representation altogether.

138. But you do not want to recommend that for the other group of your class?—No, we do not want a communal representation in our class at all. We want to stand solid.

139. Suppose one more seat is given to safeguard the interests of your class as a whole, and if you formed the majority of the voters, then would you give that seat to the other group of your class?—No.

140. *Chairman:* I gather that your inquiry is whether he would like to subdivide the landowners so that there will be, as it were, non-Brahmin landowners and Brahmin landowners, or whatever it may be, and his answer is No, he does not want to subdivide: he wants the constituency to contain both sorts.—Yes, I want a solid constituency.

141. *Rao Saheb Patil:* You are in favour of provincial autonomy?—I am.

142. Please refer to paragraph 53 on page 12. You have stated there: "While advocating provincial autonomy, we make it clear that provincial councils should have no power or control over Inams, Saranjams and solemn engagements made and sanads given by the previous governments. Where the sanads given to Inamdars provide that they shall not be subject to the increase of land tax or to any other tax, the councils should have no power to impose any tax or increase the land tax on the Inamdars, either directly or indirectly. The Council should have no power to legislate regarding the Inams and Saranjams, unless any Bill affecting the class is moved by a member elected by the Inamdars, nor should the Council have the power to attack, abrogate, or curtail an Inam." Then as you want to preserve these powers, why should you want anyone on the Council in case provincial autonomy is granted? I do not understand what interest you have to be represented on the Legislative Council?—I do not think my constituency can separate the national good from the good of a particular class.

143. You want to safeguard the interests of the poor agriculturists and that is why you want to come in?—Not only the poor agriculturist, but the nation as a whole.

144. You want the progress of the nation?—Yes.

145. And you want to progress by keeping all the powers of your class to yourself, and not vesting them in the Council?—I do not think that the old system should be disturbed at all.

146. Why do not you give the power to the Council, since you are so very fond of provincial autonomy?—In what way? Do you think that engagements entered into by previous governments should be abrogated?

147. Are you willing to transfer the very powers and control that are exercised by the Government to the control of the Legislative Council?—Well, I do not think for a time I shall be willing.

148. Whatever power or control is exercised by the Council now, are you willing to transfer that very power and control to the Legislative Council?—No, not for a time, till conditions settle down.

149. What are the reasons for that, please?—My reasons are that there is a prejudice against this class, and perhaps there may be certain legislation immediately brought forward by the Legislative Council affecting the property of the Inamdars.

150. That means, of course, that you would like your affairs to be managed, or rather controlled by the Government rather than by the Provincial Council?—No, at present the Government does not do it, and the Government are not empowered to do it.

151. Can you say that an adequate number from amongst the Hindu backward classes is returned either in proportion to their numbers or to their voting strength?—In the Legislative Council?

152. Yes, and in the Central Legislature?—There is sufficient representation.

153. My question is this. I want to know from you whether there is an adequate number elected from amongst the backward classes in proportion to their population or their voting strength?—I have not worked out the proportion.

154. What is your general impression?—My general impression is that it is easy for a member of the backward classes to come in at elections. I will give you the experience of my own district, where I know the conditions very well. My district has three seats for general constituencies, two of which are generally occupied by persons belonging to the backward communities.

155. *Rao Saheb Patil:* I want your general impression for the whole Presidency?—That is what is going on everywhere.

156. There is sufficient representation of the backward classes in proportion to their population and voting strength?—You may take the enfranchised population or the population as a whole.

157. Take the enfranchised population?—I think it is in proportion to the enfranchised population.

158. There is adequate representation of the backward classes?—Yes.

159. *Syed Miran Muhammad Shah:* You wish our province to be autonomous?—Yes.

160. In order that the power of the people may be increased?—Yes.

161. And the Government should be a truly democratic government?—I want representative government.

162. What is you idea about democratic government?—Do you mean that all interests and all classes should be represented, or a particular class only?—I am against the representation of particular classes as a majority; I wish for the representation of all classes.

163. And therefore you wish that your interests should also have representation on the Council?—That is so.

164. And your interests should have not only representation but effective representation?—Not only our interests, but all classes combined.

165. But so far as your interests are concerned, you want effective representation?—Yes, combined with other interests.

166. Why do you want effective representation and not representation according to your numbers?—We want representation in proportion to our interests in the country.

167. What is your interest in the country?—My interest in the country is one-tenth of the villages and one-quarter of the land revenue.

168. Do you mean to say it should be on the basis of property? Do you mean that those who hold property should have greater representation than those with less property?—I do not claim any proportion to property.

169. But you say you should have more representation because you hold one-tenth of the villages?—If we were to take property as the basis, I should be entitled to ask for 25 or 26 per cent. seats.

170. But you want to base the franchise on property and representation on property?—I have given my schemes on the first page of our memorandum; it should be based on property, education and so on.

171. What is the number of Mohamedans who are Sardars in your constituency?—I cannot say off-hand; I think there are seven or eight in the Sardars of the Deccan.

172. Out of 900?—No, out of 111, standing on the list of Sardars.

173. Do you think a Muhammadan would ever have the shadow of a chance of being returned for your constituency?—By all means, if he is a good man; there would be no difficulty at all. Any one can represent our class, provided he has worked for the good of the constituency. We do not make any communal differences between people.

174. You are in favour of the separation of Sind?—Yes, provided a suitable financial adjustment is made, but for Sind I have got my own scheme, if you would like to have it.

Chairman: We should be grateful if you would care to send us a paper containing your own scheme for Sind, but it will help us if we deal with that when we are considering Sind as a whole.

175. *Syed Miran Muhammad Shah:* I want to draw attention to page 13, in which the witness has advocated the separation of Sind, but at the same time wants affective representation for his Hindu brethren there. I want to draw attention to his communal feeling, for he says that "before doing it" (making Sind a separate province) "the interest of the Hindu minority in it should be properly safeguarded by providing for seats in the Sind legislature."—Yes, but that is only for a transitional period. I would do away with it as soon as possible.

176. You would give it to the Mohamedans also, if Sind is not separated, for a transitional period?—Yes, they had it.

177. *Sardar Mujumdar:* What do you mean by "adequate and effective representation"?—So that it should be possible to throw some weight on one side or other of the parties in the Legislative Council.

178. What was the origin of the Deccan Sardars?—The origin was with the Mahratta Government.

179. Were they formerly Sardars of the Peshwa Government?—Yes, of the Mahratta Government.

180. Is not it a fact that so long ago as that the Sardarship was considered hereditary?—Yes, as it is even now.

181. Why is it you say the representation given to your class is not adequate? Has it been the same since 1861?—Yes, it is now the same as in 1861.

182. Can you show that by figures?—In 1861 by nomination the Government took one man from the Sardars of the Deccan, and in 1892 also there was only one man from the Sardars of the Deccan, and Karnatak. Again in 1909 there was only one seat given to them, and in 1920 the same was repeated. They return only one member, and now that the Inamdars are added they enjoy only one seat, in spite of the expansion of the Council.

183. The number of Inamdars was added since the Reforms?—Yes.

184. What taxes are levied from your class? How do they compare with other taxes on agriculturists, merchants', etc.?—One-fourth of our revenue, and in addition I think we are the only class paying death duties to Government.

185. Is it the same as succession duty?—Yes. No other class pays death duties. We also pay away one-third of our revenues in duties and we pay local taxation also.

186. Is there any Act under which you have to pay this succession duty?—Yes.

187. There is a Settlement Act under which you pay this?—Yes.

188. In para. 13 of your memorandum you state: "We have confidence that representatives of the special interests detailed in the first paragraph will be persons of balanced views, and their voting will be guided by reason and responsibility."—Yes, that is exactly our idea; it should serve the purpose of a second chamber.

189. You are referring there to the representatives of special interests, those whom you detail on the first page, at the beginning?—Yes.

190. Not only the landed classes?—Not only the landed classes, but all special interests taken together.

191. With regard to para. 23, will you kindly amplify your statement and say why you want special representation?—We want it, as I have just explained, both for the protection of our own interests and for the purpose of exercising a restraining influence on

the Councils, *i.e.*, for the sake of serving the purpose of a second chamber.

192. Are you aware that in other Provinces the landed constituency have more seats? In Madras, for example, they have 6; in Bengal, 5; in the United Provinces, 6; in the Punjab, 4; in Bihar and Orissa, 5; and in the Central Provinces, 3; while in Bombay you have only 3?—We have represented to Government from time to time on this very line.

193. Have you sent any petitions to the Government of India with regard to your seat in the Assembly?—Yes, I sent one, when I was a member of the Legislative Assembly, in 1925.

194. Are you primarily responsible for the local fund cess?—Yes.

195. And yet you have not got representation on the local bodies?—No, though it was on the understanding that we accepted to pay the local fund cess—that we should enjoy representation on the local boards.

196. When were you deprived of your right of representation on the local boards?—By the Act of 1923.

197. *Chairman:* There is one answer you gave just now which I do not follow. I thought I heard you say, in answer to a question from the Sardar Sahib, something about death duties. You were recounting the burden put on you, and you mentioned death duties?—Yes.

198. Is it a fact that the Sardars and Inamdars as a class pay these duties?—Succession duties mean death duties.

199. You look on it in that sense and I accept it. Is there any law which says that, because you are a Sardar you have to pay it, but that if you are not a Sardar you do not have to pay it? It is not the fact, is it, that the body you represent have a special tax of this kind imposed on them as such?—It is a special tax on the Inamdars. The tax does not affect Sardars as Sardars.

200. It is a tax which is put on succession, and in proper cases it will have to be paid whether a man is a Sardar or an Inamdar or not?—Yes, if he has any landed property. It is a tax on Inams.

201. *Major Attlee:* You have just said you are primarily responsible for paying the local fund cess?—Yes.

202. You pay it and then recover it from the tenants? The tenants repay it to you?—In some cases the tenants pay and in some they do not. The liability varies in different cases.

203. But you have the right to recover it if you can?—There is a statutory provision for recovery, the tenants are not always necessarily liable to pay. We can recover from the tenants in cases where tenants are liable, but in some cases the tenants are not even liable to pay.

204. *Sir Sankaran Nair:* You represent only the holders of alienated villages and lands?—At present the constituency represents holders of alienated villages, but we are holders of alienated villages and alienated lands also.

205. Alienated lands and villages, but you do not speak for other land holders?—No, not for the ordinary cultivators.

206. It is not only the cultivators; there may be land holders too. Have not you land holders here other than the owners of alienated villages and lands?—Yes. We own lands. We own lands apart from villages.

207. Are those lands alienated lands?—They are.

208. Leave alienated lands alone; I am speaking of lands which are not alienated. Are there not big landlords of unalienated lands in this Province?—Yes, there are many.

209. There are?—There are.

210. You do not speak for them?—We do not speak for them.

211. None of you is a landlord of lands which are not alienated?—We are. We hold unalienated lands also.

212. You hold unalienated lands also?—Yes.

213. The Joint Parliamentary Committee say in their Report: "The subject" (land revenue) "is one which probably would not be transferred to Ministers until the electorate included a satisfactory representation of rural interests, those of the tenantry as well as of the landlords." Note the words "as well as the landlords." Has this condition been satisfied in Bombay?—Yes, so far as our representation goes.

214. That is, the landlord representation?—Yes.

215. Has there been a representation of the tenantry too, as the Joint Parliamentary Committee say?—Yes, there is representation of the tenantry.

216. They say *satisfactory* representation of the tenantry. Has there been satisfactory representation of the tenantry also?—I think so.

217. I want only your opinion on this, and I am not going to press you further. Do you think that in this Province there is already a satisfactory representation of the tenantry, so that the subject can be transferred?—Yes.

218. You think so?—Yes.

219. You said you are landholders of land which has not been alienated also?—Yes.

220. If you are not familiar with it, say so at once, and I will drop it; but can you say anything about the terms of letting land to your tenants, the conditions on which they are let, or do you simply leave it to your land agents?—No, we look to the details of leasing ourselves and do not trust only our agents.

221. You inquire into the thing yourselves?—We look to it ourselves.

222. Very well. Now, according to our old custom, when lands are let to tenants, after the crops are harvested and brought to the threshing floor, first of all a share of the crops is set apart for labour and given over to the agricultural coolies, or slaves as they were in those days. Is that practice still recognised?—We pay to the village labourers, to the persons who work for the village, the village servants ——

223. I did not mean the village servants; I mean those who work in the fields?—We give it.

224. You do?—If we only take a share of the crops; otherwise we leave the arrangement to the tenants.

225. Do you set it apart first, out of the crops brought to the threshing floor?—Yes.

226. You do?—Yes.

227. You do it now?—Yes.

228. Are you able to say whether the Government, in fixing the assessment, set apart a certain share for the actual labourers in the field? If you do not know, say so?—I cannot tell you definitely.

229. Then I will not pursue that matter further. After you give this share out of the crops to the labourers do you set apart a share, as you said before, for the village servants, like the carpenter, the blacksmith, and the dancing girls in the temples, and so on? Do you do that?—Yes.

230. You do that even now?—Yes.

231. Are you able to say whether the workmen in the fields are paid throughout the year, work or no work, at different rates of pay by you Sardars?—We do not pay them anything.

232. Do the farmers pay them?—There are two systems on which the farmers pay. Either they pay a share when the crops are ripe, or they pay by daily wages.

233. They pay by daily wages?—Yes.

234. When they pay by daily wages, do they pay them throughout the year?—Yes, for working days.

Chairman: Does "wages" mean money there?

235. *Sir Sankaran Nair:* Wages means payment in kind?—No, not payment in kind.

Chairman: I did not know whether the wages were money wages.

236. *Sir Sankaran Nair:* They are not. In some parts of India, to my knowledge, work or no work, the agricultural slaves are paid daily wages in kind?—Yes.

237. Of course, there are different rates. When there is no work to be done they are paid at a lower rate?—I cannot say.

238. So far as I know, that practice obtains here in the Bombay Presidency, which is also like Madras. Is that practice in any way continued in the province?—It is continued, but that practice is now dying out.

239. It is continued in some places, but the practice is now gradually dying out?—It is being replaced by daily payment.

240. By daily payment in cash?—Yes.

241. Would you be willing to have those things made obligatory by law, all these payments which are made to agricultural labourers, or would you resist it?—As a general principle I would leave the things to themselves.

242. As they are?—Yes.

243. You do not like to have it made an obligation?—No, there should be no legislative provision for that.

244. *Sir Hari Singh Gour:* You represent the Inamdars?—Yes.

245. You belong to the privileged tenure class?—Yes.

246. And intermediate between yourself and the ryotwari settlement you have the Indian villages?—Yes. We have ryotwari settlement in our villages.

247. You do not speak for the holders of the ryotwari land?—In the villages we exactly stand in the position of Government. The ryotwari system is there. There is direct relation between the tenants and us only with regard to the lands that are leased out by us.

248. I understand you to say that you are representative of the privileged class?—Yes.

249. And you speak as a representative of that class? Now, you have made a point that you pay a death duty which is called succession duty?—Yes.

250. Is not that by reason of the fact that when you are Inamdars you have the privilege of paying only 25 per cent. of the assessment?—We pay 25 per cent. of our income.

251. The other 75 per cent. is remitted in your case?—Yes, it is our income.

252. And therefore after each death, as in the case of the ruling princes of India, you have to pay succesion duty?—It is a special duty imposed on us.

253. Because you are in the enjoyment of a special privileged tenure?—It is not exactly because of that. It is a special tax levied upon us.

254. It is only levied upon Inamdars paying what is called the favoured rate, not from the rest of the people? While as holders in ryotwari villages, you are not liable to pay anything at all?—That is so, landholders in ryotwari villages are not liable to that tax.

255. Because during your lifetime the Government remits three-fourths of the assessment in your favour, therefore on each death a succession duty is levied?—No, it is not that. This tax came later on. It was a later growth.

256. I know, but the reason given for it is that yours is a privileged tenure?—No. Inam is not really a privileged tenure. It is our income on which the tax is levied.

257. Then what is the reason given?—The reason given is that we are taxed. That is the only reason given.

258. The only reason is that you have got to pay it?—Yes, we have got to pay it.

259. You have just told the Commission that there is a prejudice against your class?—Yes.

260. Can you please give some concrete reasons for that prejudice?—There is a general prejudice against Inamdars, * * *

261. That they are a bad lot?—Yes, a bad lot.

262. What are the special reasons? Is there any reason why there is such a strong and deep-rooted prejudice against your class, that without special representation you have no chance of coming in through the general electorate?—In the general electorate, unless you champion the cause and come under the ticket of the party, there is no chance. We stand in relation to the cultivators as mill owners stand to the labourers; cultivators consider our interests antagonistic to theirs.

263. I know; but I was dealing with the question of prejudice rather than with your chances of coming in at a general election. What is the reason why there is this feeling?—Because we enjoy privileges.

264. Because you are in the enjoyment of privileges which the general public do not like?—Yes.

265. That is it?—Yes.

266. You say you have a great power for doing good to the public. In what way will you do good to the public will you please tell the Commission?—I will say that my class has got more leisure to devote itself to the public good.

267. Tell us some concrete good that you would do to the public?—Rural development and agricultural development.

268. Give me an instance?—We go in for village sanitation, and in the village industrial field also we shall be able to help the worker, as well as in the development of agriculture.

269. But do not the ryots complain that you will probably take possession of the little land they have got?—No, their tenure is secure, by law, and they have absolutely no fear on this ground.

270. Do they not say that you are only rent receivers, middlemen, who have no direct touch with the tillers of the soil, and that if you are given a greater foothold in the village life you will deprive them of the little they have got?—That is not exactly the prejudice against us. We are not middlemen or rent receivers. We receive assessment, fixed by government agency.

271. It may not exactly be, but it is on the lines of that argument, it is something to that effect?—It may be.

272. You say you are in favour of a democratic form of government?—Yes, representative form of government.

273. But do you think that communal and class representation is consistent with a democratic form of government?—The point which these two bodies have made is that class representation combined with a democratic form of government will be the best form for India at present.

274. But the two things are irreconcilable?—No, they are not.

275. It is the very antithesis of a democratic form of government. The moment you introduce classes you have done away with the very foundation of a democratic form of government?—We give them a majority. We only have a small representation of the classes in the legislatures.

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281. *Sir Hari Singh Gour:* Will you turn to page 10, paragraph 14 of your statement? You say, "We modestly ask for 12 seats"—out of how many elective seats?—It will be about 125, I think.

282. That is in the Council. Out of how many elective seats in the Assembly do you want, three?—I think there will be some increase in the number of seats of the Assembly.

283. Now take paragraph 16. You say: "Such sharers remain without representation according to the rules now in force." Have they not got a vote in the general constituency?—Yes, they have.

284. The effect of your paragraph 16 would be to give them double votes?—Yes.

285. Therefore you want not only 12 seats, but also double votes?—They have already on the other side.

286. You want 12 seats and double votes for your class?—Yes.

290. In para. 49 on page 12 you say, in advocating provincial autonomy, the cabinet should be formed on the British Cabinet system?—Yes.

291. If you will turn to page 12, para. 55, you say: "The Governor should be the head of the executive

government, and should preside over the cabinet meetings." How do you reconcile the British Cabinet system with the Governor presiding?—We mean that there should be one chief Minister, and he should be responsible for the policy of the whole Cabinet.

292. But if the Governor presides over the Cabinet it will be very antithesis of the British Cabinet system. In para. 49 you say: "The Governor should call upon the leader of the party having the largest following in the Council to form his own Ministry. It will remain in power so long as it enjoys the confidence of the House." In another place you say that Ministers must come from your class, do you not?—Yes. That refers only to the present constitution. That is one of our grievances.

293. It does not apply to the future?—The future, of course, will depend on whether we command a majority in the Council or not.

294. In para. 50 you say: "No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the provincial legislatures"—that is a quotation from the Montagu-Chelmsford Report—and you claim that persons from your class should have preference?—Yes.

295. How do you reconcile that para. 50 with the preceding paragraph, 49? In the one case you say the Minister should be drawn from the largest group?—Yes.

296. In the other paragraph you say he must be drawn from your class?—Yes. It is very easy. If there are two candidates who can claim to be in the same position, our man should be preferred.

297. You have not got a largest group in the Council?—I said if there are two persons who have equal following in the Council, we may be given the preference.

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305. *Dr. Suhrawardy:* Am I right in concluding that there are landholders, big and small, whose names are not included in the constituencies of Inamdars and Sardars?—Yes, holders of lands are not included in this constituency.

306. Have these people any special electorate of the kind you have got?—No; we are advocating a special electorate for them.

307. So the landholders other than Inamdars and Sardars stand from the general constituency?—Yes. Holders of alienated lands can stand for the general constituency.

308. So you do not represent on the Council the landholders' interest entirely? You represent only Inamdars and Sardars who may be even landless Sardars?—We represent the privileged classes.

309. You said that there are Sardars on the Government list who have no lands?—They are very few—one or two.

310. You have stated in your memorandum that "if the Commission unfortunately come to the conclusion to give separate representation to the Muhammadans it should be by reservation of seats in joint electorate." Supposing the Commission were unfortunately to come to the conclusion to give you a special electorate, will you be content with a reservation of seats in joint electorate?—Certainly.

311. You have no objection?—No objection.

312. Why do you want to increase representation in the Local Council? If I am not mistaken you said that in your constituency there are five or seven Mahomedans on the list of voters?—In the Sardars' list.

313. How many of them are there in the Inamdars' list?—Quite a number of them.

314. Can you give me an approximate idea?—More than 50 in a constituency of 500.

315. They are in the minority?—Yes.

316. You suggest that, if there is a good Mussalman who is capable of protecting the rights and interests of your class as a whole, he has got a chance of being returned?—Yes, a very good chance.

317. That is a mere chance. Can you tell me whether either a Mussalman or a Parsi has ever been returned?—I am sorry to say that no Mussalman or Parsi has even taken so much interest and has ever stood for election.

318. I am asking you to give me the facts?—Nobody ever came forward for election.

319. Since when do you enjoy this privilege of being returned to the Local Council?—Since 1892.

320. Through election?—Yes.

321. That is to say, even prior to the Minto-Morley Reforms?—Yes.

322. Since 1892 there has been no Parsi or Mussalman representative on the Council?—Only one Parsi stood for election in 1923 and he was not returned.

323. Your idea is that it is not the number which counts, but it is the personality?—Yes.

324. May I suggest to you that in the Local Council also it does not matter whether you have 12 or three men provided they are good men, capable of protecting your rights and interests?—No. The interests of the classes are different from those of the masses.

325. You represent the Sardars' and Inamdars' Central Association?—Yes.

326. May I take it that you do not represent the Sardars and Inamdars of the whole Presidency; I mean the proper and improper, as the Chairman put it?—We have nothing to do with Sind.

327. May I ask you whether you have got in your Association any Mussalman member?—Many. Our Vice-President is a Mahomedan.

328. In the present deputation of yours are there any Mussalmans or Parsis?—No.

329. Any non-Brahmin?—No.

330. *Rao Bahadur Rajah:* You say in paragraph 43 of your memorandum that the electorate is growing in education and understanding of public opinion. I take it that this advance is largely due to the fact that they take part in various elections and thus have frequent opportunities of getting into touch with the public opinion of the country?—Yes.

331. Do you think this qualifies an average person to an intelligent use of the franchise?—In some cases they do use intelligence in exercising their franchise, but in some cases they may not.

332. You say that the electorate is growing in education and understanding of public opinion. If so, will you kindly let me know whether you think that this qualifies the average voter to intelligently use his franchise?—Yes, to some extent.

333. You do not recommend extension of the present franchise beyond that mentioned in para. 2 of your memorandum?—I do not recommend.

334. Why?—Because I think the time has not come for that. The present electorate, though it is getting more education, still wants to be further educated.

335. You claim to be a military class?—Yes.

336. You say you still wield a great influence with society?—Yes. We are a military class in the sense that our income is due to our military exploits.

337. You are not in any way inferior to any other class in education and culture?—Yes, we are not.

338. And still you want separate electoral register for you?—Yes, because of our special interests.

339. You say that among you are persons of all castes and creeds and religions? How many are there among the ranks of Sardars and Inamdars who belong to the depressed classes?—There are two members of the depressed classes in the constituency.

340. You recommend two seats in the Local Council to be given to the depressed classes and that by election?—Yes.

341. Will you kindly tell me how you arrive at that basis?—We have not worked out on any mathematical basis, but we think that two special seats with chances of standing for the general election are quite sufficient for that class.

342. Is it by a separate electorate or by general electorate?—I would like to have separate electorates for this class (depressed) in the beginning.

343. You take the view that Government should not interfere with social or religious matters?—Yes.

Are you, or are you not, aware of the fact that the members of the depressed classes are denied many of the ordinary civic rights and privileges?

Chairman: Can we not have that point discussed to-morrow?

Rao Bahadar Rajah: My point is this. This point has been raised in the memorandum of the Sardars and Inamdars and I would like to get their opinion. To-morrow we are going to examine the depressed class representatives, and I do not think that it will be relevant to put to them questions on the points raised in this memorandum.

344. Are you, or are you not, aware of the fact that members of the depressed classes are denied many of the ordinary civic rights and privileges?—Perhaps there are some disabilities which existed formerly, but we are trying our best to remedy the evil.

345. Am I to understand that these disabilities do not exist to-day?—Many of them have disappeared.

346. May I mention to you some of the disabilities to make my point clear? In the first place the depressed classes are not allowed to draw water from public wells?—I may say that most of the so-called public wells are not really public wells. They are endowed by some charitable people and given to the public on certain conditions. Neither the local boards nor the Government have built them and in such cases the wishes of the donors have to be respected. But in cases where the local boards or the Government construct these wells, there is no restriction whatsoever at present.

347. Where there is any interference of the civic rights of the depressed classes would your Association assist these classes in exercising these rights?—Certainly. In fact, the position is that we count them amongst ourselves as Vatandars.

348. *Sardar Shivdev Singh Uberoi:* Your Association generally is not in favour of communal representation?—It does not favour communal representation.

349. On page 13 of your memorandum, while dealing with the separation of Sind you recommend that the separation of Sind should be made on two conditions, firstly, the financial adjustment between Bombay Government and Sind and, secondly, the proper safeguarding of the interests of the Hindu minority. Is it your view that minority communities should be given special protection?—No, the experiment with regard to Sind should be tried separately and I advocate this only for two elections, after which this safeguard may be taken away.

350. That is, for six years?—Yes.

351. For six years it is necessary that the minority community should be protected?—It is only during the transition period. We also had it in the transition period.

352. After two elections you would recommend general election?—Yes.

353. No class representation?—We are strongly in favour of class representation.

354. Even in Sind you recommend class representation after six years?—Yes, but not communal representation.

355. While you recommend representation of the landed class to which you have the honour to belong, what will become of the peasantry class? Do you not think that they should be represented on the Council?—Yes, they are well represented at present.

356. How?—Practically the general constituencies consist mainly of peasants' representatives.

357. Similarly I understand that members of your class are in the general constituency and they can also take part in the general elections?—Compared to the numbers they are in an insignificant minority.

358. You have been good enough to mention in your memorandum something about the Council of State of which I have the honour to be a member. You say that the Council of State should be reconstituted on different lines?—Yes.

359. You also say that the present Council of State is not very popular. May I know something more about it? Why do you think it is unpopular?—I think you yourself know better about it.

360. I do not hold that view which you hold and I would like to know something from you as to why you hold that view?—We have given reasons in the memorandum itself. The general public opinion is that the Council of State does not do much business. It only sits for a short time and much of the important business is done in the Legislative Assembly and the only thing the Council of State does is to act as a drag on the Assembly.

361. You do not recommend the abolition of Council of State altogether?—No.

362. You simply recommend a change in the constitution?—Yes.

363. You recommend that it should consist of three electorates, the landholders' class, the commercial class and the graduates' class?—The electorates and franchise should be such that these classes should be returned.

364. With regard to the commercial class, anyone who pays Rs. 1000 as income tax should be an elector?—Yes.

365. How do you think this change will improve the constitution?—It will give representation to all interests, but, as we have mentioned in the memorandum, unless the Legislative Assembly is invested with more powers, the Council of State cannot function much in a useful way.

366. But this cannot be a ground for the unpopularity of the Council of State. If the Legislative Assembly has not been given more powers there must be a separate recommendation for giving more powers to them. Is it not so?—Constitution is altogether different from the unpopularity of the House.

367. How do you propose to make the House a popular one?—It should be representative of all classes.

368. Is it not so now?—The electorate is too general for all provinces, and all interests in different provinces are not returned.

369. There are advanced landholders, men belonging to commerce, men belonging to the general public and so on, and thus all classes are represented on the Council of State even now?—All Presidencies are not represented in the same way.

370. You want different qualifications for each Presidency?—Yes, different qualifications for different Presidencies.

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Memorandum submitted by A. N. SURVE, Esq., B.A., LL.B., J.P., Advocate and Fellow, University of Bombay.

1. *The Representative System as Applied to British India.*

(a) *The Basis of Franchise.*—Early introduction of Universal Franchise should be the goal. Time has arrived for liberalising the franchise. The rules, as they stand at present, prevent the labouring and depressed classes from being enfranchised. In the City of Bombay Rs. 10 franchise has kept the masses, *i.e.*, labouring and depressed classes without a vote. I suggest that Rs. 4, 2, and 1 should be the rental qualification for a vote in the constituencies of Bombay and Karachi Cities and in the rest of the Presidency respectively. In the case of depressed classes it should be still lower, say, 1 rupee in the urban and 4 annas in other constituencies. Unless they are enfranchised they will not obtain direct representation, which is essential for their all round advancement. They should be given elected representatives in the Legislature—Central as well as Provincial.

The amount of land assessment which is prescribed as a qualification for a vote should be reduced by half.

(b) *Methods of Election.*—Voting by ballot is all right, but care is required in fixing the polling day, which should be such as would enable a large body of voters to attend the polling stations, *i.e.*, it should be when the pressure of agricultural work is least and the transport facilities are most easy. Polling stations should be located with due regard to the convenience of voters. Polling day should be declared a public holiday. Liberty of cumulative voting should be withdrawn. Voters should vote distributively, *i.e.*, give one vote to each of the candidates of his choice.

(c) *Communal Interest.*—Communal electorates should continue if the communities concerned want them.

The Maratha and the allied castes are given reservation of seats in the Bombay Council. The present number of reserved constituencies should be doubled. Experience has shown that the Maratha caste has been able to return its representatives, therefore there is no need now for continuing the facility provided by reservation in its favour. The allied castes need protection, therefore steps should be taken for confining the benefit of the device, *i.e.*, reservation to them (*i.e.*, the allied castes). In order to secure representation to all the allied castes, I would even recommend rotation or reservation of a particular constituency to a particular caste, *i.e.*, if there is a preponderance of a particular caste in a constituency, it should have the privilege of returning a member of the said caste, say, for instance, a Koli from Thana, an Agri from Kolaba, a Bhandari from Ratnagiri and a Kunbi (non-maratha) from Khandesh, and so on. The advantages of this proposal will be that all the allied castes will be able to share the benefit of reservation, there will be fewer contested elections—and be it noted that a contest deters many a deserving person from offering himself for election.

There should be reservation in favour of the allied castes in the Central Legislatures—three in the Assembly and one in the Council of State, should its existence be continued.

Reservation should also be extended to the depressed classes. They should have six elected representatives in the Bombay Council, two in the Assembly and one in the Council of State. Unless this is done, their advancement would be very slow and uncertain and they would be acting as a clog upon the early attainment of complete self-government.

Local Interests.—Industrial centres should possess the right of returning by election representatives of labour, two for Bombay City and one for each of the other industrial centres in the Presidency. Labour should have its elected representatives—two in the Central Legislatures as well. Liberalisation of franchise in the local self-governing bodies has given in the Presidency appreciable increase in representation to the masses as against the classes, who formerly enjoyed exclusive representation on them. Franchise should be still further liberalised. Local bodies, *e.g.*, village panchayats, etc., should be established for the purpose of giving education in self-government. In the Bombay City franchise for municipal corporation should be 4 rupees as against 10 in force at present.

(d) *Relationship between Representatives and Constituents.*—A representative should represent the constituency in the true sense of the word, *i.e.*, he must voice his constituents, but in the present state of political consciousness this proposition is merely an ideal. I do not think that it is possible to enforce it by legislation. As political consciousness in the electors grows the representative will gradually become a true representative of his constituency.

(e) *Growth of Parties.*—To state my experience of the first Council (Bombay), there were no well-defined parties except the Government and the Opposition. As such, its achievements were remarkable. Much good and beneficial work was accomplished.

Second Council was marked by the formation of parties—Swarajist-Responsivists, Mahomedans, Non-Brahmins, Independents and Liberals. In the first half of its life there was co-operation with Government where possible and opposition where necessary; but, in the latter half, walkouts and sulks or vows of silence were the order of the day, which broke down all opposition and enabled Government to win easy victories.

As regards the present Council—from observation—I say that the formation and dissolution or transformation of the parties are constantly taking place. This process conduces to weaken the Opposition. And I believe Government are having very easy time. It is fortunate for the Presidency that its head and executive are not reactionary, otherwise the presence of numerous and ill-formed parties in the Council would have led to disastrous results, so far as the public are concerned.

It is hoped that with more experience the fissiparous tendency will disappear, and the Council will resolve into distinct and well-informed parties which will be able to voice the views of and safeguard the interests of the public.

(f) *Growth of Public Opinion.*—Informed public opinion is growing day by day. The increase in the number of newspapers, meetings and conferences is an unmistakable indication of this fact. Urban areas are far in advance in this respect of the rural areas. Even in the districts people have begun to recognise that they ought to have a share in the Government. It is regrettable that these activities are carried under colour of religious propaganda. Responsible leaders are aware of this tendency and they are adopting such measures as they are able to. It is hoped that in course of time people will learn to separate politics from religion.

(g) *Nomination of Officials and Non-Officials as Additional Members of Elected Bodies.*—Nomination will have to be tolerated during the period of transition. It can be tempered by giving preference to non-officials. Bombay Presidency has made considerable advance in this respect. It is hoped that in near future the small proportion of nominated members now existing will be abolished. Co-option can be substituted for nomination where necessary.

2. *Suitability of Existing Areas for Legislative and Administrative Purposes and for the Growth of Representative Institutions.*

(a) *Local Self-Governments.*—Local Boards, Municipalities, Notified Area Committees and Village Panchayats, where they are established, are all right for the respective areas, but, as stated elsewhere (in this memorandum), more village panchayats should be

established. The scope of their duties and responsibilities should be widened; they should be better financed by grants and loans. Unless this is done improvement in the condition of sanitation, education and amenities in the rural areas will be long in coming.

(b) *Proposals for Division of Existing Provinces.*—Non-division of Sind from the Presidency will result in the mutual benefit of both. It is a complaint of the Sindhis that they do not receive fair treatment in the matter of their wants in spite of revenue received by Government from them. My impression is that the charge is not well-founded, but I am not against separation if the Sindhis, as a whole, want it. The Mahomedan demand for its separation and its opposition by Hindus, so far as they are based on communal differences, should not be countenanced. If Sind can shoulder the burden involved in its attempt to achieve its advancement, financially and administratively, it should be separated from the Presidency.

4. *The Provincial Governments.*

(a) *Constitution.*—The allied castes and the depressed classes are not well represented in the Bombay Council. Labour and depressed classes obtained representation by nominations—1 for each in the first and the second Councils, and 2 for each in the third Council. The amount of representation thus secured is insufficient. During this period the allied castes had to remain satisfied with vicarious representation. To remove the defect a suggestion has been made above under 1 (c) communal interest. Measures should be adopted to secure direct representation for the allied castes, depressed classes and labour.

(b) *Working of Dyarchy.*—Apparently it has worked without friction in the Bombay Presidency. Credit for this is due to the sympathy of the heads of the Presidency, the tactfulness of the Executive, and the co-operation of the people's representatives. Even under trying circumstances the members have loyally supported the Ministers. Deadlocks were avoided. Bombay may be cited as an example of the good working of an essentially bad system of Government. The sooner it is abolished the better.

(c) *Position and Power of Governor.*—They were sparingly used, and when they were used they did not leave a sting behind. I was a victim of this power in the matter of resolutions of which I have given notice. As the resolutions passed by the Council have no more effect than mere recommendations, I think the power of veto of Governor in respect of moving resolutions in Councils should be withdrawn. Same remarks apply to motions for Adjournment of Business. This power is open to abuse in unsympathetic hands.

Power of certification of a bill or of any of its clauses should not be exercised by Governors if the measure is passed unanimously or by an overwhelming majority of non-officials.

(c) *Relation of Ministers to each other and Questions of Collective Responsibility.*—Bombay Ministers were fortunate in not having to face the question of collective responsibility, as votes of no-confidence in Ministers were not carried to the bitter end, the resignation of a Minister or the question of collective or separate responsibility did not arise. I prefer collective over separate responsibility. The Ministry should stand or fall together rather than any of its individual members.

(f) *Growth of Party System in the Provincial Councils.*—My views are stated in 1 (e).

(g) *Classification in Reserved and Transferred Subjects.*—The sooner it is done away with the better.

(i) *Desirability of Second Chambers.*—They are not necessary or even desirable in the Provinces.

(j) *Provincial Autonomy.*—It should be given as early as possible.

This memorandum contains the personal views of the undersigned, who, if required, for examination or re-examination will be ready to tender oral evidence.

31st May, 1928.

Memorandum from Mr. S. K. BOLE, J.P., M.L.C., Bombay.

(1) The Representative System as applied to British India:—

(*a*) The basis of machine:—The franchise should be universal suffrage—

> A male attaining the age of 21 and a female attaining the age of 25 should have the right of vote for all the legislatures, Central and Provincial, provided the usual disqualifications as enacted by the Government of India Act, 1919, should prevail.

(*b*) The widening of the franchise is the only solution to do away with the principle of reservation of seats, nomination of non-official members to the elected bodies, and religious constituencies now in existence and operation under the Government of India Act of 1919. The objection of the ignorance of the masses in education and politics can be well answered. The progress of education of India will always be slow and no institutions can be opened to give political education to the masses. The right of vote will teach them to know and understand that they enjoy the political freedom and it is in their hands to remedy their political grievances through their representative. If the franchise is not made universal, then the principle of reservation of seats, nominations, separate electorate and constituencies is a dire necessity and no reforms of whatever nature and character will be adequate without these things.

(*c*) Methods whereby particular interest, communal, local, social and economic may obtain adequate representation on local self-governing, provincial and central representative bodies.

As far as the particular interests, local and economic, are concerned, the present representation in their case is adequate, but in the cases of communal and social interests, the present arrangement requires an increase in the number of the representatives given to the communal and social interests under the Government of India Act, 1919.

Under the head communal, the thorny question of the Hindu-Moslem solution will loom largely on the dark horizon of Indian politics. I have suggested "Universal Suffrage" as the best solution of the problem, and if it is not resorted to, then India will be divided as Hindu India and Moslem India, that is what the resolutions of the Hindu Mahasabha and the Moslem League are trying to aim at, though suitable arrangements should be made to get the representatives of the minorities. Whether there be Hindus or Mahomedans in any provinces, yet the methods of joint-electorate should prevail, which may arouse in the minds of the voters, that there is some element of unification in the law of the land, which may lead to Nationalism, or he may try to be a national as this open opportunity is given to him.

Apart from the Hindu or Moslem question, the question of the backward communities or depressed communities, labour population and agricultural population requires serious attention of the British Parliament. The solidarity of the higher castes, the weapon of social ostracism which they can easily handle, makes it impossible for the backward communities to express their robust opinions, when only a small section out of them is enfranchised. Hence the need for reservation of seats to the backward communities in every province, separate constituencies for the depressed classes, special representation on the central and provincial legislature for labour and agricultural population should be embodied in the new Government of India Act.

Nomination of Officials and Non-Officials as Additional Members of Elected Bodies.

The nomination of officials in the provincial legislatures should be done away with, while in the Central Legislature it should be kept so low as to ensure non-official majority as it is done in the provincial legislatures at present. While nomination of non-officials to the provincial as well as to the central legislatures should be equitable.

At present the official members help the Government in two ways: by answering the arguments of the popular side and keeping themselves in touch with a responsible criticism of the administration and secondly in assisting the Government by their block vote, in turning down any proposal that Government may not wish to pass. As it is high time to introduce full autonomy in the provincial administrations and as the ministers will be in charge of departments, they can well answer the opposition side and also there is no need of assisting the Government in turning down any issue, as the defeat of any ministry means a change of ministry and a new Government, who commands the confidence of the House.

We do not know what fate our proposal of universal suffrage will meet at the hands of the Commission, and hence it is better to err on right side and propose the non-official nomination to the provincial and the central legislatures. The present nominations to safeguard any other interests, other than the agriculture and labour should be done away with the adequate (for example, 5 seats for labour and 7 for agricultural population) nominations for these two classes of population should be recommended and embodied in the new Act.

II. The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions. (*a*) The settlement of areas for local self-governing bodies should be under the control of the provincial Government as it is at present and no change is required. (*b*) No part of British India should henceforward remain without an introduction of representative government in some form and the provinces—the North-Western Province and the British Baluchistan—be put on par with other provinces in British India in matters political. The separation of Sind and the redistribution of provinces on linguistic basis should be aimed at in the constitution and the Government of India should be entrusted with that work.

It is an anomaly in the nature of things that the people living in the same country, under the same Government and obeying the same laws should be divided in two, one enjoying all the civilised forms of government while the other should be debarred from enjoying these rights only on the plea of the geographical situation they are put in. As it is in London that the British citizen of whatever nationality, colour, caste or creed, is on the same footing with any other British citizen of the British Empire of whatever status and position, it should be in India with any Indian living in any part of the country should have and enjoy the same privileges which his brother in India may be enjoying in any part of the country.

The trend of political thought in the world is on the side of creating small self-sufficing nationalities, which may achieve fullest realisation of their political ideals without any outside interruption, and such conditions require same language and same historic traditions, the division of India in new provinces based on "one language" is ardently desired by every thoughtful Indian, and sooner it is done the better. India should be federation of nations giving fullest freedom to its component parts to develop to its fullest limits.

IV. The Provincial Government.

I have already put forward the claim of provinces for full autonomy, and hence the questions of working of dyarchy, the position of ministers in relation to the members of Executive Council, the working of particular department, the classification of reserved and transferred subjects, the desirability of second chambers, do not arise. The position and powers of Governor, the position of ministers in relation to Governor, the collective responsibility of ministers are to be dealt with by themselves and by exact clauses in the new Government of India Act.

"The Treasury of the Provincial Government and the Central Government" should be separate. If the

Meston Settlement is to be continued, the head "Income Tax" under the Central Government should be made provincial.

The aim of Indian political system is to nationalise the Provincial Government, hence a separate and independent provincial system of finances cannot but be the basis of such a Government. Every province should be left, as far as possible, to develop its resources and all the avenues of taxation. As the sovereign authority in all matters under the constitution, the Provincial Government shall be controlled by the Government of India, but devolution of authority in matters political, social and economic be embodied in the New Government of India Act, so as to ensure complete provincial autonomy.

V. The Central Government.

"Some element of responsible Government in the Central Legislature should be introduced."

The introduction of responsibility in Government of India will be in accordance with the constitutional progress already defined and decided by the British Parliament in granting self-government to India. The system of dyarchy should be introduced, some subjects like the Army, Navy, Foreign Affairs, Indian States Management and other subjects of Imperial importance should be made reserved and separate non-votable items in the Central Budget should be shown, while all other subjects, finances, taxation, railways, Indian marine, education, and sanitation should be made responsible to the legislatures. The present system of giving over as many departments as possible to one Secretary or a Minister discloses a lack of political science. Each secretary or a minister should be in charge of one department and one subject only. Limiting the number of secretaries (executive councillors) or ministers by the Government of India Act has no meaning. If it is introduced on economic basis, then the salaries of such secretaries or ministers should be reduced. But it should be borne in mind that the present salaries of executive councillors, and ministers are all within the economic boundary, and to level them down will not only impair efficiency, but will give rise to immeasurable sources of abuse. It cannot be denied that high salaries of elected allure all political adventurers, yet the returns for services rendered—when all sources except personal and private are barred—should be in proportion to what is paid in other walks of life to the average intellectual persons, otherwise the State will not command the best intellect of the land in the service of the country. The life at legislature and the secretariats should not be made a slavery, as to result in turning away honest, straightforward and self-respecting persons from political life as it is done in the United States of America and in some slight degree in the United Kingdom.

Defence of India.

(1) The employment of British Army, Navy or Air Forces should be eliminated, and the recruitment of Indian Army, Navy and Air Force should be made so as to take the place of the British force in India within a period of ten years. I do not claim the severance of British connection, yet an employment and presence of alien army, whether British or non-British, is always an eyesore to the extremist leaders of thought and they make much out of it even on uncalled-for occasions. On the question of appointing Indian officers over the British troops, an argument is put forward that British soldiers will not be willing to serve under Indian officers, the same argument can be well advanced and it can be said that the Indian troops will not like to serve under British officers. Whatever be the sentiment behind the argument on the side of the British force, the same sentiment should prevail in the case of Indian forces; and we are further of opinion that the British Parliament should not wait to see that the Indian forces with one voice condemn by action or by express will the employment of British officers over them.

2. The command of the Army, Navy and Air Force should be vested in the Governor-General in Council.

In putting this claim we are making the forces employed in India independent of the British Army, and putting on the same level as the forces of the Colonies, which cannot be employed outside the Indian frontiers without the sanction of the Indian Legislatures. The forces in India are paid by India, and hence their engagement and movements should be controlled by India.

3. Half of the revenues of the Central Government are spent after the forces. We do not think India is able to bear such a heavy load for the times indefinite. Some way is to be found. The Indianisation of the Army is the one way, and the most effective is the establishment of territorial force and the introduction of compulsory military and naval service for the youths of the country. Two years' military and one year's naval service should be made compulsory for all males (at the age of 18 till the age of 21) and one year's naval service should be made compulsory for all males (at the age of 18 till the age of 21) and one year's Red Cross service should be made compulsory at the age of 16 till the age of 18, and the units of the standing army should be appreciably reduced so that expenditure on forces will have control. In this connection we may warn the British Parliament that their suspicious treatment of Indian people have given birth misunderstandings, and we hope that the era of trust will be inaugurated.

The Position of Services.

"All services should be dependent on the Governor-General in Council. No services should claim a higher authority or an appeal to higher authority than the Governor-General in Council."

This clearly denotes that the Council of the Secretary of State, his control over Indian affairs, the recruitment of services independent of the Indian Government are all done away with, as they are not only useless but at the same time harmful to the growth of Indian representative institutions and democratic ideas.

AFTERNOON.

Mr. A. N. SURVE, B.A., LL.B., J.P., Advocate and Fellow, University of Bombay, and Mr. S. K. BOLE, J.P., M.L.C., Bombay.

162. *Chairman:* (To Mr. Surve) We are obliged to you, Sir, and to Mr. Bole for coming in together because we know that you are not of quite the same view.

Mr. Surve, just a word to you first. Were you not a member of the Bombay Council?—In the first two Councils I was a member.

163. From the City of Bombay constituency?—Bombay City North Reserved Constituency.

164. The seat that is reserved for non-Brahmins?—It is reserved for the Mahratta and allied castes only, not for all the non-Brahmins.

165. In the same way, Mr. Bole, you are, I believe, at present a member of the Legislative Council. Are you not?—Yes, Sir.

166. You are a nominated member representing labour?—Yes, Sir.

167. *Chairman:* Let us take Mr. Surve for a moment. Mr. Surve, when I read your document what I see you suggest is this. You say at present there are seven seats reserved for Mahrattas and allied castes?—Yes, Sir.

168. Are you one of the members?—Yes, I belong to one of the allied castes.

169. Well, now, your suggestion is that the number of seats should be increased to 14?—Yes, sir.

170. But I thought I read it in your document that you thought they should not be for the Mahrattas but for the allied castes only?—Yes, Sir; that is what I suggest.

171. That would mean 14 seats to the allied castes excluding the Mahrattas?—Yes, sir. There are only seven seats reserved at present. I ask for 14 seats. If 14 seats or a larger number of seats are given to us then the Mahrattas need not be taken out of the protection which the reservation of seats confers.

172. At present I understand there are seven seats in the Council which are reserved for non-Brahmins, and they are what are called "Mahrattas and the allied castes"?—Yes.

173. If you suggest that there ought to be 14 seats what I am not clear about is—do you suggest that the 14 seats should not be reserved for the Mahrattas strictly speaking?—They should be reserved for Mahrattas as well as the allied castes, but care should be taken to see that the latter get the benefit of the reserved seats and are not altogether excluded from them in the future as they are at present by the Mahrattas.

174. I think your view is that there should be some extension of the franchise?—Yes, Sir.

175. But you do not think that you should go to the length of adult suffrage?—Yes.

176. You suggest some lower qualification?—Yes.

Chairman: That, I think, gives the Conference the special views of this gentleman.

177. *Mr. Hartshorn:* (To Mr. Bole) I would like to ascertain by reference to Bombay what is your connection with labour. I understand you are a nominated member of the Legislative Council?—Yes, sir, I am.

178. Are you an official of any industrial concern?—I was a member of the Bombay Textile Workmen's Union.

179. Can you give us the membership of that union?—About 6,000.

180. Are you connected with the Trade Union Congress?—I was once the Chairman of the Reception Committee in Bombay of the All-India Trade Union Congress held in Bombay.

181. Are you still associated with them?—I am on the Provincial Committee.

182. In the document which you have sent, is it your personal opinion expressed or has the opinion you have expressed been submitted officially through the organisation with which you are connected?—It is my personal opinion.

183. So that you cannot say, can you, whether if the suggestions you made were submitted to the organised labour, there would be common agreement with them or not?—I cannot say that. But I think they would be acceptable.

184. You express the belief that the only solution is to do away with the principle of reservation of seats and nomination of non-official members and to adopt the principle of universal suffrage?—I still hold that view.

185. Has that subject ever been discussed in your Trade Union meetings?—Yes, that has been discussed.

186. And you have found fairly common agreement on that point?—Yes, common agreement.

187. Can you tell us why you have come to the conclusion that the adoption of that proposal would have solved the problems associated with separate electorates, nomination and other things which you have mentioned?—I think then every man will get the opportunity to exercise the right of voting.

188. But do you think that the Mahomedans would be prepared, if they got universal suffrage, to dispense with the separate electorates or the reservation of seats?—I cannot say about the Mahomedans.

189. But I rather gather from the opinion you have expressed in this document that the adoption of universal suffrage will solve those problems?—I think so.

190. Is it your experience that in the labour organisation your membership would be prepared to accept the adoption of that principle and give up the claim in the other directions if they got universal suffrage?—Yes.

191. Now you say if that principle is not adopted, then it becomes necessary to have reservation of seats and nomination and separate electorates and so on?—Yes, that is necessary.

192. I notice that on page 31 you say: "Apart from the Hindu or Moslem question, the question of the backward communities or depressed communities, labour population and agricultural population require serious attention of the British Parliament." There I notice you distinguish between the depressed classes and labour population?—Yes.

193. Where do you draw the line between the depressed classes and the labour population?—The depressed classes are regarded as untouchables. That is quite a distinct class.

194. I notice on page 31 you say: "We do not know what fate our proposal of universal suffrage will meet at the hands of the Commission, and hence it is better to make certain suggestions for nominations, and so on." Then you say: "The present nominations to safeguard any other interests other than agriculture and labour should be done away with and adequate (for example, 5 seats for labour and 7 for agricultural population) nominations for these two classes of population should be recommended." In this paragraph you wish to abolish nomination for all classes except labour and agriculture?—Yes.

195. In the previous paragraph you made a distinction between labour and the depressed classes?—Here I mean that capitalists as such do not want separate nomination.

196. I will make myself clearer. You have got, according to the memorandum supplied to us, in the present Legislative Council 3 nominated to represent the labouring classes and 2 those classes which, in the opinion of the Governor, are depressed. That is to say, you have 5 now for labour and the depressed classes. Now you say on page 31 that all nominations should be abolished except for labour and agriculture and you ask for 5 for labour?—What I mean by that is that at present reserved seats are given to mill-owners of Bombay and such other industrial interests in the Bombay Council. That is not necessary. That is what I say.

197. Then am I to understand that what you are asking for is 5 labour seats in addition to representation for depressed classes?—Yes.

198. You do not propose to exclude them from nomination?—No.

199. The *Chairman:* I gather that Mr. Bole would propose to get rid of reserved seats for the Mahrattas and the allied castes?—Yes, if the proposal of universal franchise is accepted.

200. Then I do not think you agree with Mr. Surve?—I do not agree. But if my proposal is accepted then his difficulty would also be solved. At present Gujarat and the province of Sind have got more representation than their proportion of population entitles them to, whilst the Marathi-speaking districts are neglected. They do not get adequate representation according to their population. If the Marathi-speaking districts and all other districts get representation on the basis of population, then this difficulty would be solved. What is required is to increase their number of members in the Bombay Legislative Council. If the number is raised to 200 then each district will get about four seats. Then if some seats are reserved for the Mahrattas and

allied castes one Mahratta may come in and other non-Mahratta communities also may get a chance.

201. *Mr. Hartshorn:* Am I to understand that it has been laid down in any official way by labour in the Bombay Presidency that what labour is asking for is first of all universal suffrage, then the complete abolition of reservation of seats, of nominations, separate electorates, and so on, but that if you failed to obtain that, then you ask that labour shall be represented by five nominated members and the agricultural population by seven?—Yes.

202. Is that an official demand put forward by organised labour in Bombay?—No.

203. That is merely your own view?—Yes.

204. That is your suggestion?—Yes.

205. Then we must take this at the moment as very largely being the opinion of yourself, and that alone?—Yes.

And I gather that you lay down the suggestion that first of all you should have universal suffrage, secondly that India should be divided up into areas on a linguistic basis and that within those areas there shall be provincial autonomy? I think that sums up pretty well what you said here?

206. *Mr. Hartshorn:* Are there any organisations connected with the textile industry besides the one in which you were an official?—Yes.

207. Will you give us the total membership of the textile workers in the Trade Union in Bombay?—Only textile?

208. Yes.—About 16,000.

209. They have not been consulted about these proposals?—No.

210. *Dr. Ambedkar:* There was one thing about which the evidence of the witness has not been correctly summarised by Mr. Hartshorn. The witness said that the number of seats in the Bombay Legislative Council should be apportioned among the different parts, Sind, Karnatak and Marathi-speaking districts, in proportion to the population. He did not say that there should be Provinces on the basis of language.—(*Mr. Bole*): No.

Dr. Ambedkar: His point was that there was unfair distribution.

Mr. Hartshorn: He said: "The trend of political thought in the world is on the side of creating small self-sufficing nationalities, which may achieve fullest realisation of their political ideals without any outside interruption, and such conditions require same language and same historic traditions; the division of India in new Provinces based on 'one language' is ardently desired by every thoughtful Indian, and the sooner it is done the better."

211. *Dr. Ambedkar:* There the witness was saying about the distribution of seats.—(*Mr. Bole*): What I say is that seats should be distributed on a population basis.

212. *Major Attlee:* I just wanted to bring out one point about your reply to Mr. Hartshorn as to the number of textile workers in the union in the City of Bombay. Of course, there are other textile operatives outside Bombay who are organised—in Ahmedabad and so forth. I have seen the figures in the official labour returns. I just wanted to make that clear. You are speaking only of the Bombay City, but not of the textile workers of the Bombay Presidency?—No.

(*At this stage the Chairman vacated the Chair, which was occupied by Lord Burnham.*)

213. *Rao Saheb Patil:* Mr. Surve, I think, in the interest of the backward classes, you want reservation of seats for the whole of the Presidency?—(*Mr. Surve*): Yes; but I am speaking generally for the Marathi-speaking districts.

214. My question is that you like the idea that in all the districts of the Bombay Presidency, so far as the backward classes are concerned, there ought to be reservation of seats in each and every district?—Well, that would be a desirable thing indeed.

215. It is quite desirable?—Yes.

216. In the interest of the backward classes?—Yes.

217. So I think you will like the idea that all the backward classes should be included in the Mahratta and allied castes?—Yes. And to that effect a resolution was passed only last Sunday (14th October, 1928) by the conference of the allied castes held in Poona. That resolution has been already sent to the office of the Commission. The resolution, as we passed it, was in Marathi. Its English rendering is as follows:—

> Those backward Hindu castes, excepting the depressed classes, who desire to be included among the allied castes should be so included.

The exclusion of the depressed classes does not mean that we want to go against their interests. They want that separate provision should be made for them and therefore we have not asked for anything on their behalf. We are asking in this resolution only for our own interests, but we do not oppose the granting of more facilities to the depressed classes. That is the explanation which I want to give for excluding the depressed classes in this resolution.

218. So then you want more reserved seats for all the backward classes?—Yes.

219. You have said in your memorandum that there ought to be reserved seats for non-Mahratta backward classes?—Yes.

220. Of course, you wanted to safeguard the interests of the non-Mahratta backward classes?—I wanted to safeguard their interests as well as the interests of the large number of castes that are at present not included in the term "Allied Castes." The idea before my mind was about these 14 reserved seats only, but if reservation is to be extended to other backward classes and the number is not to be increased beyond 14 seats then the first preference should be given to the allied castes, which term will include, as stated by me a little before, all other Hindu backward castes also.

221. So far as Mahrattas are concerned, the non-Mahrattas can settle their difference with the Mahrattas?—Yes. We have political organisations—both Provincial and All-India—called the Non-Brahmin Conference and Congress respectively. Whatever differences we may have among ourselves can be settled in that body.

222. In short, your claim is that reserved seats should be given to all the backward classes as such?—Yes.

223. These reserved seats should also exist in the Central Legislatures?—Yes. I may as well mention that in the second and the third Legislative Assembly there was not a single person who represented the backward Hindu communities. The Maratha and the other Hindu backward communities are at present unrepresented. In the first Legislative Assembly, which was elected during the non-co-operation days, two members were returned. One got in from the Central Division and he was Mr. Bagde, and another got in from the Southern Division, and he was Mr. Latthe. But they got in only because the other advanced communities were at that time under the influence of non-co-operation. If non-co-operation had not existed then even these two gentlemen who had the chance of getting into the Legislative Assembly would never have got it. Therefore, if no arrangement is made, if no special facility is provided, then, under the existing order neither the Mahrattas nor any other backward classes will ever have an opportunity of being represented in the Legislative Assembly.

224. *Lord Burnham:* Do I understand from you that on the general list in the constituencies not a single Mahratta was returned?—Yes; no Mahratta was returned.

225. *Rao Saheb Patil:* So far as the Central Legislature is concerned not a single Mahratta was returned for the Council?—Yes. Several candidates came forward, but they were defeated.

226. So then, do you mean to say that though the number of voters of the backward classes is sufficiently large, still on account of certain influences at work they cannot take full advantage of the right of vote?

—That is so, because there are various interests. For instance, there is indebtedness, there is illiteracy, and then there is the landed interest. All the land is practically in the hands of the rich people. So practically these rich people in a way coerce their tenants to vote in a particular direction, and that is why other people get returned.

227. So then may I take it that the reservation of seats in the Central Legislature is quite essential in the interests of the backward classes?—Indeed it is so.

228. You are in favour of lowering the franchise?—Yes.

229. To what extent?—My individual idea is to lower it as far as the land assessment is concerned to half of the present limit. The present limit is Rs. 16 in the Ratnagiri district and in the other districts it is Rs. 32. I want that it should be half of that, that is, Rs. 16 for all the other districts and Rs. 8 for Ratnagiri. As for rental qualification, I want that in the urban area it should be Rs. 4 for Bombay City and Rs. 2 for Karachi City—I have said that in my memorandum—and Re. 1 for other urban areas.

230. Mr. Bole, do you agree with the views expressed by Mr. Surve?—(*Mr. Bole*): I agree. But I want to increase the number of seats allotted to each district.

231. *Sir Hari Singh Gour:* You, Mr. Bole, represent the labour organisation in Bombay?—Yes.

232. What is the condition of labour as regards education?—The percentage is very low.

233. What is the percentage of educated labour?—I think it might be 3 or 4 per cent.

234. Has any progress been made in literacy during the last ten years?—Yes, some progress has been made.

235. Could it amount to $\frac{1}{2}$, $\frac{3}{4}$ or, say, 1 per cent. more?—I think it might be 1 per cent. more, because it is only now that the corporation has introduced the scheme of free and compulsory primary education in some of the wards.

236. When you speak of universal suffrage, do you speak of universal male and female suffrage or only universal male adult suffrage?—Universal male and female suffrage.

237. You will enfranchise all men and women irrespective of whether they possess any property qualifications or not, whether they are literate or illiterate? Only the fact that they have attained the age of 21 years would do?—Yes, 21 in the case of males and 25 in the case of females.

238. You think that by giving a universal male and female franchise, labour is not likely to be exploited by designing people? Do you think that there will be the danger of exploitation?—In the initial stage that will happen.

239. And therefore in the initial stage it might endanger the purpose for which reformed legislature shall have been constituted?—But by that way only these men will get the proper training.

240. Will you not therefore begin by giving them universal franchise in district councils and municipalities and when they are sufficiently schooled in the art of self-government in these local bodies then extend the franchise to local councils and last of all to the Legislative Assembly. Do you not think that that would be a more logical course to follow?—I think it is no use to wait; how long are they to wait, I do not know.

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242. *Sir Hari Singh Gour:* You have stated in your memorandum that you would not like any nominations?—Yes.

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253. *Sir Hari Singh Gour (to Mr. Surve):* You are in favour of provincial autonomy, Mr. Surve?—Yes, with certain safeguards.

254. Do you like to suggest any other safeguards beyond those you have mentioned in your memorandum? You have suggested, on page 7, clause (*c*): "I think the power of veto of Governor in respect of moving resolutions in councils should be withdrawn. Same remarks apply to motions for adjournment of business. This power is open to abuse in unsympathetic hands. Power of certification of a bill or of any of its clauses should not be exercised by Governor if the measure is passed unanimously or by an overwhelming majority of non-officials." Subject to these safeguards the removal of these provisions, you would advocate giving provincial autonomy to the provinces?—Yes.

255. I am asking you whether these are the only safeguards which you wish to suggest. You want that the powers which are now enjoyed by the Governors should be taken away. Have you got any safeguards to put in their places?—When I was examined by the Reforms Inquiry Committee, I suggested at that time that Finance and Police should remain with some agency which is not under the control of the legislature. Taking the situation as it exists to-day, I mean the communal conflicts where one party tries to overawe the other, I think that this safeguard is essential. In other respects provincial autonomy should be given, but before it is given communal quarrels should first be settled. If they are not settled, provincial autonomy will not work and will prove disastrous to the welfare of the Presidency. These are the only safeguards which I would like to suggest for the granting of provincial autonomy.

256. Are you in favour of transferring law and order in your Presidency?—No.

257. You want to exclude law and order and put them under the Central Government?—Not exactly. I want to have a sort of limited provincial autonomy. With the safeguards I have suggested provincial autonomy should be given.

258. Do you want that law and order should be a reserved subject under an Executive Councillor or you would transfer them directly under the control of the Central Government?—I think the suggestion that I made before the Muddiman Committee—and to which I stick even to-day—was this: that the Governor should have the control of law and order. I should think that so long as party disputes are not settled it will not be in the interests of the Presidency to transfer law and order. I had also made a suggestion about finances. The finances also should remain for some time at least out of party influence.

259. *Lord Burnham:* Do I understand you to be saying that you wish to leave the subjects of Government divided as at present, that is to say, to keep land revenue, law and order still reserved subjects?—I do not want that land revenue should be a reserved subject.

260. I thought you said Finance?—Yes, I want Finance to be a reserved subject. In Bombay Finance is a portfolio by itself. It deals with revenue and expenditure also.

261. *Sir Hari Singh Gour:* As regards the claims of the community, the Backward Classes, the Depressed Classes and the Mahomedans, how may seats in a total of 100 would you give to these three combined classes and also to Landed Classes and the Labourers? Have you worked out all this?—I have not worked out on that line.

262. After making these reservations, what will be the number of seats that will be left over to the Advanced Classes? Have you worked it out?—I have only worked out for the Marathi-speaking districts; I have not touched the Mahomedan interests or any other interests.

263. *Sir Arthur Froom* (to Mr. Bole): May I know, Mr. Bole, the name of the Labour organisation with which you are connected?—The name of the Union with which I was connected is called the Bombay Textile Workmen's Union.

264. Is it registered?—Yes.

265. Under the Trade Unions Act?—Yes.

* * * * * * * * * * *

270. You have made another statement, Mr. Bole. I preface my remarks by saying that I do not question at all there being an army in India officered by Indian officers, I do not disagree with it nor am I arguing against it. But you make a statement here that Indian soldiers do not like to serve under British officers. Have you any justification in making that statement?—As the Europeans do not like to serve under Indian officers, it is natural that Indians will not like to serve under European officers.

271. They never tried it. Have they?—Because Indians are never given the chance of being officers in the army.

272. *Lord Burnham:* I suppose you do not refer to the past or the present, but that your statement is confined to the future?—Yes.

273. *Dr. Suhrawardy:* Mr. Bole, I understand you say that you are in favour of provincial autonomy? Yes.

274. One of the reasons why you want provincial autonomy is, I believe, due to the fact that, generally speaking, dyarchy has failed in the provinces?—No; in Bombay Presidency it has not failed.

275. Why do you then want provincial autonomy? —We want provincial autonomy because we want that there should be no reserved subjects.

Lord Burnham: Thank you, gentlemen. That concludes the evidence. We are much obliged to your attendance and for having answered so frankly the questions put to you.

Statement concerning the safeguards for the protection of the interests of the Depressed Classes as a minority in the Bombay Presidency and the changes in the composition of, and the guarantees from, the Bombay Legislative Council necessary to ensure the same under Provincial Autonomy. Submitted by Dr. BHIMRAO R. AMBEDKAR, M.A., Ph.D., D.Sc., Barrister-at-Law, Member of the Legislative Council, Bombay, on behalf of the Bahishkrita Hitakarini Sabha (Depressed Classes Institute of Bombay).

I.—Protection through Adequate Representation.

1. *Preliminary.*—The Sabha feels relieved of great anxiety by the decision of Parliament not to appoint an Indian on the Statutory Commission. The agitation for the appointment of an Indian would have been proper if the Commission had to consider a common Indian demand for self-government. But the fact is that the Commission shall have to consider not one demand, but a variety of demands made by the different interests prevailing in the country. That being the case the agitation should have been for a representation of all such interests on the Commission. The Sabha desires to point out that nothing could have satisfied the Depressed Classes better than the appointment of Indians representing various interests in the country, including their own, on the Statutory Commission. The demand for representation on the Statutory Commission was not, however, of such a nature and the Sabha, therefore, could not feel at one with those who urged it. The Sabha, it is true, did not agitate as it should have done, in conformity with its own views, for the representation of the depressed classes on the Commission. But that was because the Sabha felt that it was too much to hope for in a country where those in charge of the affairs from the Viceroy downwards have cultivated the habit of recognising the noisy few and forgetting the dumb millions. To use the language of Burke, because half a dozen politicians, like grasshoppers under a fern, make the field ring with their importunate chink, whilst the masses, like thousands of great cattle, are reposing beneath the shadow of the oak, chew the cud and are silent, the Government of India imagines that the politicians who make the noise are the only inhabitants of the field—that, of course, they are many in number—or that, after all, they are other than the little, shrivelled, meagre, hopping, though loud and troublesome insects of the hour. But there was also another reason why the Sabha did not press for its views. In the opinion of the Sabha this exclusion of Indians from the Statutory Commission was no small mercy to the depressed classes. For, by their non-appointment the depressed classes are, at any rate, saved the prejudice that would have otherwise been caused to their case, which the Sabha has hereby undertaken to place before the Commission.

2. *Injustice done to the depressed classes in* 1919.—The Montagu-Chelmsford Report recognised fully (para. 151) that the existence of the social differences and divisions formed " a feature of Indian Society which is out of harmony with the ideas on which elsewhere in the world representative institutions rest " and the authors of the Report (para. 153) held that they " have to be taken into account and they must lead us to adjust the forms of popular Government familiar elsewhere to the special conditions of Indian life." In accordance with this, the authors of the Report, in order to pacify the depressed classes who had stoutly opposed the introduction of the Reforms, undertook to safeguard their interests, as will be seen from the following statement in para. 155 of their Report in which they say " we have shown that the political education of the ryot cannot be very rapid and may be a very difficult process. Till it is complete he must be exposed to the risk of oppression by people who are stronger and cleverer than he is; and until it is clear that his interests can safely be left in his own hands, or that the Legislative Council represent and consider his interests, we must retain power to protect him. *So with the depressed classes. We intend to make the best arrangements we can for their representation in order that they too may ultimately learn the lesson of self-protection.* But if it is found that their interests suffer and that they do not share in the general progress, we must retain the means in our hand of helping them * * * *."

3. The Sabha regrets that all these promises were thrown to the wind by the Southborough Committee which was subsequently appointed to devise franchise, frame constituencies and to recommend what adjustments were needed to be made in the form of the proposed popular Government as a consequence of the peculiar social conditions prevalent in India. So grossly indifferent was the Southborough Committee to the problem of making adequate provision for safeguarding the interests of the depressed classes that even the Government of India, which was not overparticular in this matter, felt called upon in para. 13 of their despatch on the Report of the Southborough Committee to observe: " We accept the proposals (for non-official nomination) generally. But there is one community whose case appears to us to require more consideration than the Committee gave it. The Report on Indian Constitutional Reforms clearly recognised the problem of the depressed classes, and gave a pledge respecting them. The castes described as ' Hindus—others ' in the Committee's Report, though they are defined in varying terms, are, broadly speaking, all the same kind of people. Except for differences in the rigidity of their exclusion they are all more or less in the position of the Madras *Panchamas*, definitely outside that part of the Hindu community which is allowed access to their temples. They amount to about one-fifth of the total population, and have not been represented at all in the Morley-Minto Councils. *The Committee's Report mentions the depressed classes twice, but only to explain that in the absence of satisfactory electorates they have been provided for by nomination. It does not discuss the position of these people or their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them. Paragraph 24 of the Report (of the Franchise Committee) justifies the restrictions of the nominated seats on grounds which do not suggest that the Committee were referring to the depressed classes.* The measure of representation which they propose for this community is as follows:—

Province.	Total population in millions.	Population of Depressed classes in millions.	Total seats.	Seats for the Depressed classes.
Madras ...	39·8	6·3	120	2
Bombay ...	19·5	·6	113	1
Bengal	45·0	9·9	127	1
United Provinces	47·0	10·1	120	1
Punjab	19·5	1·7	85	—
Bihar and Orissa	32·4	9·3	100	1
Central Provinces	12·0	3·7	72	1
Assam	6·0	·3	54	—
Total ...	221·4	41·9	791	7

" These figures speak for themselves. It is suggested that the one-fifth of the entire population of British India should be allotted seven seats out of practically 800. It is true that in all the Councils there will be, roughly, a one-sixth proportion of officials who may be expected to bear in mind the interests of the depressed (?): but that arrangement is not, in our opinion, what the Report on Reforms aims at. The authors stated that the depressed classes should also learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the community in an assembly where there are 60 to 90 caste-Hindus. To make good the principles of paragraphs 151, 152, 154 and 155 of

the Report we must treat the out-castes more generously. * * *"

4. The Sabha feels happy that it is not alone in its opinion as to the injustice done to the depressed classes by the framers of the Reforms Scheme of 1919. This opinion was also shared by the Muddiman Committee, which was appointed two years afterwards to report upon the possibility of improving and enlarging the scheme of reforms. That Committee admitted in its Report (paragraph 64) that the representation granted to the depressed classes under the scheme was inadequate.

5. *Extent of Representation that must be Granted to the Depressed Classes.*—What then should be the extent of the representation of the depressed classes which can be said to be adequate? In the opinion of the Sabha the following scheme for the composition of the Legislative Council of Bombay, assuming that Sind will be separated from the Presidency, may be deemed to satisfy the demand of the depressed classes for adequate representation:—

Composition of the Bombay Legislative Council for I—Bombay Presidency without Sind.

Constituencies.	Total No. of seats.	Reserved for the Depressed classes.	Reserved for Mahomedans.	Reserved for Marathas and allied castes.
I. GENERAL.				
(*a*)—Urban.				
1 Bombay City North	5	1	1	
2 Bombay City South	3	...	...	
3 Ahmedabad City	3	1	1	
4 Surat City ...	1	...	...	
5 Sholapur City ...	3	1	1	
6 Poona	1	...	...	
(*b*)—Rural.				
NORTHERN DIVISION.				
7 Ahmedabad District	5	1	1	
8 Broach do.	4	1	1	
9 Kaira do.	5	1	1	
10 Panchmahals do.	4	1	1	
11 Surat do.	5	1	1	
12 Thana do.	5	1	1	
CENTRAL DIVISION.				
13 Ahmednagar District	5	1	1	
14 Khandesh East do.	6	1	1	
15 Khandesh West do.	5	1	1	
16 Nasik do.	5	1	1	
17 Poona do.	6	1	1	
18 Satara, do.	6	1	1	
19 Sholapur do.	5	1	1	
SOUTHERN DIVISION.				
20 Belgaum District	5	1	1	
21 Bijapur do.	5	1	1	
22 Dharwar do.	6	1	1	
23 Kanara do..	4	1	1	
24 Kolaba do..	4	1	1	
25 Ratnagiri do.	6	1	1	
Total of General	112	22	22	...
II. SPECIAL.				
26 Labour Unions ...	4	...	...	...
27 University ...	3	...	...	...
28 Europeans ...	4	...	...	...
29 Millowners ...	2	...	...	...
30 Commerce ...	2	...	...	...
31 Agriculture ...	3	...	...	...
32 Inamdars ...	1	...	...	...
33 Officials	9	...	...	...
Total of Special	28	...	...	...
Grand Total...	140	...	...	...

Same as now.

which should be the strength of the Bombay Legislative Council.

6. In case it is decided to keep Sind as part of the Bombay Presidency the Sabha would like to propose the following scheme for the composition of the Bombay Legislative Council:—

Composition of the Bombay Legislative Council for II—Bombay Presidency with Sind.

Constituencies.	No. of seats.	Reserved for Depressed classes.	Reserved for Marathas and allied castes.
I.—*Non-Mahomedan.*			
(*a*)—Urban.			
1 Bombay City North ...	5		
2 Bombay City South ...	4	...	
3 Karachi City	1	...	
4 Ahmedabad City ...	3	1	
5 Surat City	2	...	
6 Sholapur City	4	1	
7 Poona City	2	...	
(*b*)—Rural.			
8 Ahmedabad District ...	5	1	
9 Broach do. ...	4	1	
10 Kaira do. ...	4	1	
11 Panch Mahals do. ...	4	1	
12 Surat do. ...	4	1	
13 Thana do. ...	4	1	
14 Ahmednagar do. ...	4	1	
15 Khandesh East do. ...	5	1	
16 Nasik do. ...	4	1	
17 Poona do. ...	5	1	
18 Satara do. ...	5	1	
19 Belgaum do. ...	4	1	
20 Bijapur do. ...	4	1	
21 Dharwar do. ...	4	1	
22 Kanara do. ...	4	1	
23 Ratnagiri do. ...	5	1	
24 Eastern Sind do. ...	2	...	
25 Western Sind do. ...	2	...	
26 Sholapur do. ...	4	1	
27 Kolaba do. ...	4	1	
28 Khandesh West do. ...	4	1	
Total	86	22	...
II.—*Mahomedan.*			
(*a*) Urban.			
29 Bombay City	2	...	...
30 Karachi City	2	...	...
31 Ahmedabad City ...	1	...	...
32 Surat City	1	...	...
33 Poona City	1	...	...
34 Sholapur City	1	...	...
(*b*)—Rural.			
35 The Northern Division	2	...	...
36 The Central do.	3	...	...
37 The Southern do.	3	...	...
38 Hyderabad District ...	2	...	...
39 Karathi do. ...	2	...	...
40 Larkana do. ...	2	...	...
41 Sukkur do. ...	2	...	...
42 Thar and Parkar do. ...	2	...	...
43 Nawabshah	2	...	...
44 Upper Sind Frontier ...	2	...	...
Total	30	...	...
III.—*Special.*			
45 Labour Unions ...	4	...	...
46 University	2	...	...
47 Europeans	4	...	...
48 Millowners	1	...	...
49 Commerce	1	...	...
50 Agriculture	1	...	...
51 Inamdars and Jaghirdars	2	...	...
52 Officials	9	...	...
Grand Total ...	140	...	...

which should be the total strength of the Council.

STATEMENT SUBMITTED BY DR. BHIMRAO R. AMBEDKAR. [*Continued.*

7. In either case the demand of the Sabha is for 22 representatives of the depressed classes in a Council composed of 140 members. The Sabha desires to state emphatically that this much representation to the depressed classes in a Council of 140 is only just. The Sabha is aware that some people are likely to call such a demand as a very large one. Such a view must, however, be deemed to be the result of prejudice against the depressed classes. It cannot be said to be founded upon any definite reason. The Sabha thinks that an exact idea as to the population of the depressed classes would be a sufficient corrective to views of this sort. *For it must be admitted that population is a measure by which to evaluate the representation that is to be granted to any community.* The computation of the exact strength of the depressed classes is, therefore, a matter of considerable importance. The depressed classes of the Bombay Presidency have already suffered an injustice at the hands of the Southborough Committee in 1919. That Committee gave in its Report a grossly wrong figure* as to the exact strength of the depressed classes in the Bombay Presidency—a figure which was absolutely unwarranted by the Census of 1911. So small was the strength of the depressed classes shown by the Southborough Committee that even the paltry suggestions of the Government of India to give two representatives to the depressed classes in the Bombay Legislative Council failed to have any effect. Similar attempt is now being made in responsible quarters to whittle down the population of the depressed classes. For instance, Mr. Bajpai, speaking on behalf of the Government of India in the Legislative Assembly on the 23rd February, 1928, said "that the population of the depressed classes in India was much exaggerated, and that the real strength of the depressed classes was only 28½ millions and not 60 millions" as used to be stated theretofore. The Sabha fears that the Commission may fall into the same error in which the Southborough Committee fell, and may in consequence make proposals based upon such erroneous calculation. The Sabha therefore desires to draw the attention of the Commission to what the Director of the Census of India has to say in this connection. In chapter xi. of Volume I. of the Census of India 1921 the director observes:—

"Paragraph 193. It has been usual in recent years to speak of a certain section of the community as the "depressed classes." So far as I am aware the term has no final definition, nor is it certain exactly whom it covers. In the Quinquennial Review of the Progress of Education from 1912 to 1917 (chapter xviii, paragraph 505) the depressed classes are specifically dealt with from the point of view of educational assistance and progress, and in Appendix XIII. to that Report a list of the castes and tribes constituting this section of the community is given. The total population classed according to these lists as depressed amounted to 31 million persons, or 19 per cent. of the Hindu and tribal population of British India. There is undoubtedly some danger in giving offence by making in a public report social distinctions which may be deemed invidious; but in view of the lists already prepared and the fact that the "depressed" have, especially in South India, attained a class consciousness and a class-organisation, are served by special missions, "raised" by philanthropic societies and officially represented in the Legislative Assemblies, it certainly seems advisable to face the facts and to attempt to obtain some statistical estimate of their numbers. I therefore asked Provincial Superintendents to let me have an estimate based on census figures of the *approximate* strength of the castes who were usually included in the category of "depressed." I received lists of some sort from all Provinces and States except the United Provinces, whose extreme delicacy of official sentiment shrank from facing the task of attempting even a rough estimate. The figures given are not based on exactly uniform criteria, as a different view is taken of the position of the same group in different parts of India, and I have had in some cases to modify the estimate on the basis of the figures in the educational report and of information from the 1911 reports and tables. *They are also subject to the general defect which has already been explained, that the total strength of any caste is not recorded.* The marginal statement [reproduced below] gives, however, a rough estimate of the *minimum* numbers which may be considered to form the "depressed classes" of the Hindu community. The total of these provincial figures adds to up about 53 millions. *This, however, must be taken as a low and conservative estimate since it does not include* (1) *the full strength of the castes and tribes concerned and* (2) *the tribal aborgines most recently absorbed in Hinduism, many of whom are considered impure.* We may *confidently* place the numbers of the depressed classes, all of whom are considered impure, at something between 55 and 60 millions in India proper. * * *"

Population of the Depressed Classes in India.

Provinces.	000's omitted.
Total	52,680
Assam	2,000
Bengal	9,000
Bihar and Orissa	8,000
Bombay	2,800
C. P. and Berar	3,300
Madras	6,072
Punjab	2,893
U. P.	9,000
Baroda	177
Central India	1,140
Gwaliar	500
Hyderabad	2,339
Mysore	932
Rajputana	2,267
Travancore	1,260

8. This cautious and considerate estimate of the Director of Census must supersede all guesses and surmises regarding the strength of the depressed classes in the different Provinces of India. It destroys the validity of the estimate of Mr. Bajpai. For, it has been arrived at after scrutinising the figures that have appeared in the Provincial Educational Reports which Mr. Bajpai says have formed the basis of his statement. Its correctness must be admitted. For, as the Director says, it was arrived at after a deliberate investigation. The Sabha must, therefore, insist upon the Statutory Commission accepting these figures in preference to any other. According to this estimate the *minimum strength of the depressed classes in the Bombay Presidency is* 2,800,000 *souls or* 10.8 *per cent. of the total population. On the basis of their strength alone the depressed classes are entitled to* 15 *seats out of a total of* 140.

9. If the strength of a community was the only factor governing the extent of the representation to be granted to it, then the demand for the seven extra seats for the depressed classes would no doubt appear to be one for an unearned increment. *It must, however, be recognised that the strength of the community cannot be taken as the sole factor in determining matters of this sort. The standing of a community is no less an important factor to be taken into account in determining its quota of representation.* The standing of the community must mean its power to protect itself in the social struggle. That power would obviously depend upon the educational and economic status of the community. It follows from the recognition of the principle that *the lower the standing of a community the greater is the electoral advantage it must get over the rest.* There can be no two opinions that the standing of the depressed classes, both educational and economical, is the lowest in this Presidency. Consequently they are entitled to

* The figure given by the Southborough Committee and adopted by the Government of India in the table given above was 577,516. According to the authority relied upon by the Southborough Committee the population of the depressed classes in the Bombay Presidency in 1911 was 2,145,208.

some electoral advantage over what they are entitled to on the basis of their strength. This electoral advantage must be greater in the case of the depressed classes than in the case of any other community of equal strength and standing; because no community can be said to form a submerged class in the same sense in which the depressed classes do. Nor can any class be said to be burdened with those grave disabilities which form the common lot of the depressed classes and which prevent them from rising above their degraded station in life. This is one reason why the Sabha feels justified in asking for this increment in representation. There is also another reason which the Sabha thinks must justify the extra-representation claimed by it for the depressed classes. The representation of a minority, if it is to protect the minority, must also be effective. If not, it would be a farce. To escape this reproach it must be recognised that *if a minority is to be protected then there must be enough representatives of the minority to save it from being entirely submerged.* To put the same thing in the form of a proposition, the effectiveness of a minority representation depends upon its being large enough to have the sense of not being entirely overwhelmed. In claiming this extra-representation the depressed classes, the Sabha thinks, are entitled to invoke this principle in their favour, in common with the rest of the minorities in the country.

10. *Necessity for impartial treatment of all minority communities.*—These principles governing the extent of representation are those which have been laid down by the Government of India in their despatch reviewing the Report of the Southborough Committee. The Sabha desires to point out that the case of the depressed classes was more deserving of the application of such principles than that of any other community that could have been thought of in the whole of India. In practice, however, the benefit of these principles was rigorously denied to the depressed classes all throughout India and was literally showered upon a community like the Mahomedans holding a stronger and better position in the country than can be predicated of the depressed classes. To point out one such instance of unequal treatment the Sabha would invite the attention of the Commission to the two following cases:—

Provinces.	Moslem Population.	Seats for Moslems.	Depressed classes Population.	Seats for D.C.
Central Provinces	574,276	11	3,060,232	2
Bombay Presidency	1,297,443	7	1,627,980	1

Howsoever indignant one may feel over the perpetration of such injustices to the depressed classes the Government of India does not blush at it. For it had avowedly enunciated those principles for the very limited purpose of applying them to the Mahomedans only. This was due, as every one knows, to the distinction the Government of India made in the political importances of the different communities. The Sabha protests against this grading of the citizens of a country on the basis of their political importance. There can be no safe and secure rule except the one that all communities are politically of equal importance. This invidious distinction is at the root of all the communal troubles and is destructive of the principle of equal opportunity. The introduction of this principle in the governance of India at the time when the first instalment of Reforms was granted by Parliamnet was disastrous to the interests of the depressed classes. The Sabha is glad to find the present Secretary of State recognising the existence of the depressed classes as a problem for serious consideration in the decision that may now be taken with regard to the enlargement of the scope of the political reforms already introduced. But the Sabha is anxious to point out that such recognition would be of no consequence to the depressed classes if it is not reflected in the changes that may now be introduced into the framework of the constitution of the country.

11. *Mode of representation.*—The Sabha is opposed to the principle of nomination and would insist upon the extension of the principle of election to the depressed classes. Election is not only correct in principle from the standpoint of responsible Government, but is also necessary in practice from the standpoint of political education. Every community must have an opportunity for political education which cannot well be secured otherwise than by the exercise of the vote. It must be regarded as unfortunate that the depressed classes, who need such education more than any other community, should be denied an opportunity to take their share in the rapidly developing political life of India. There is also another reason why election in the case of the depressed classes is a necessity. Ministership is a very important privilege, and the depressed classes cannot afford to forego the same. No great benefit can come to them from the introduction of political reforms unless they can find a place in the Cabinet of the country, from where they can influence the policy of the Government. This opportunity will be denied to them so long as they are denied the opportunity of electing their own representatives. For, under responsible Government nominated members must continue to be ineligible for office. A system of representation like that of nomination which deprives the depressed classes of this right must stand self-condemned.

12. Two objections are usually urged against the application of the principle of election to the depressed classes.

(a) *Difficulty in forming constituencies.*—This objection, the Sabha thinks, must be ruled out of serious consideration as not being honest. If difficulty in the matter of forming constituencies was a consideration which led Government to prefer nomination to election in the matter of the representation of the depressed classes, it is difficult to understand how the Government ventured to apply the principle of election to the Moslems and the Europeans. These communities are not less scattered than the depressed classes and no constituencies can be formed for them including the existing ones, which cannot be condemned as absurd from a logical point of view. All the same, the Government of Bombay did abandon its æsthetic sense and undertook to form asymmetrical constituencies for these communities when it found it impossible to form symmetrical ones. All these difficulties in regard to the formation of the constituencies for the Depressed classes are, however, set at rest under the scheme of representation outlined by the Sabha. The problem being thus simplified, no objection ought now to be raised for the substitution of the principle of nomination by the principle of election.

(b) *Difficulty in getting a sufficiently large electorate.*—Will there be a sufficient number of electors in any constituency to make the election of the Depressed classes to the Council a real election? By way of pointing out a difficulty in substituting election for nomination this question is usually raised and answered in the negative. The difficulty would, no doubt, be there if it is decided that the existing pitch of the franchise is not to be touched and so long as the pitch continues where it now is, the Sabha must admit that the number of electors among the Depressed classes will be very few. But the Sabha thinks that the existing pitch of the franchise is unjustifiable on every ground. It has turned responsible Government into a mockery. It means a Government of the whole Presidency of two crores of people by a minority of seven lakhs who happen to have the good fortune of being voters under the existing franchise. Such a state of things is clearly vicious and cannot be allowed to continue in future, if there is to be responsible Government, not merely in name but also in fact. It is to be regretted that the question of franchise does not seem to have been adequately pressed by the class that is most vocal in demanding Reforms. Democracy is alleged to be the

aim of that class, but if the truth be told, in the words of the Government of Burma, " they are in favour of democratic institutions mainly because they are making an appeal to a democratic nation. They could not very well call for democracy and leave the *Demos* out. Their chief interest in the Reforms is centred in the powers that they expect to gain over the executive. The broad franchise and responsible voting in its true sense by the rural electors is not at all the central idea of their demand. As long as their own class will furnish the Legislative Councillors who will exercise the desired control, it is immaterial to them whether these represent few or many voters." Whether or not this is the correct diagnosis of the indifference of the Indian politicians to the important question of franchise, the fact remains that the question of franchise occupies in Congress politics a very subordinate place as compared to the question of the transfer of powers. In the opinion of the Sabha, this attitude of the Congress politicians is a reversal of the true relationship between the question of the franchise and the question of transfer of power. It must be admitted that the dictum of the Government of India that the forces which now hold the administration together cannot be withdrawn before satisfactory substitutes are ready to take their place must find acceptance in all quarters which are willing to look at things from a proper perspective. Now these substitutes must obviously be the electors: it follows therefore that the degree and the kind of responsibility which can be introduced into the Government of the country will depend upon the strength of the electors. So vital is this question of the franchise that upon its determination alone can depend the degree of the transfer of political power. What should be the franchise is therefore a most important question. In the way in which it is determined at present the Sabha wishes to point out that the principal aim of representative Government has been lost sight of altogether. *Franchise means the right to determine the terms of associated life.* Franchise can mean nothing else. If that is the meaning of franchise, then it follows that it should be given to those who by reason of their weak power of bargaining are exposed to the risk of having the terms of associated life fixed by superior forces in a manner unfavourable to them. If this is true, then the very exigencies of representative Government demand that the franchise, if the term is properly understood, must be fixed so low as to bring it within the reach of the large majority of the poor and the oppressed sections of society. Indeed, adult franchise is the only system of franchise which can be in keeping with the true meaning of that term. The Sabha would, however, be content if the franchise for the Legislative Council is fixed at the same level as that for the Taluka Local Board in the rural parts and Rs. 3 rental per month in urban parts of the Presidency. The fear often entertained on the part of the Government that such a lowering of the franchise will bring in a large part of unintelligent people is without foundation. Large property is not incompatible with ignorance. Nor is abject poverty incompatible with high degree of intelligence. Property may as well dull the edge of intelligence. On the other hand poverty does and often must stimulate intelligence. Consequently the adherence of the Government to a high property qualification as an insurance against ignorance is nothing but a superstition, which is sedulously cultivated by the classes and fostered by the Government in order to deprive the masses of their right to the making of their Government.

13. *System of Election.*—Free election in general constituencies is, in the opinion of the Sabha, out of the question so far as the depressed classes are concerned. On the other hand, the Sabha does not wish to ask for Communal electorates. In its opinion, it would be sufficient if the depressed classes are provided with reserved seats in the general constituencies. In the case of the candidates for election from the depressed classes the Sabha would urge the total abandonment of the residential qualification and a partial relaxation in the condition as to deposit.

14. *Representation in the Assembly.*—The Sabha respectfully protests against the non-recognition of the right of the depressed classes in the Legislative Assembly in 1919. The Government of India is still supreme in important matters which are directly under its control or under the Reserved half of the Provincial Governments. Even in respect of the Transferred subjects it continues to have the power of superintendence. It is, therefore, obvious that in the direction of such large powers the depressed classes should have some voice and the Sabha would, therefore, claim that three members from the depressed classes of the Bombay Presidency should be elected to the Legislative Assembly by their representatives in the Local Legislative Council.

II.—Protection through Guarantees.

15. In addition to the demand for adequate representation the Sabha feels that it must also demand the inclusion of clauses in the constitution of the country and as a fundamental part thereof, guaranteeing the civic rights of the depressed classes as a minority in the Bombay Presidency. Such guarantees must cover the recognition of the following propositions concerning the interests of the depressed classes:—

(1) That the education of the depressed classes shall be recognised as the first charge on the revenues of the Province and that an equitable and just proportion of the total grant for education should be earmarked for the benefit of the depressed classes.

(2) That the right of the depressed classes to unrestricted recruitment in the army, navy, and the police shall be recognised without any limitation as to caste.

(3) That for a period of 30 years the right of the depressed classes for priority in the matter of the recruitments to all posts, gazetted as well as non-gazetted, in all civil services shall be recognised.

(4) That the right of the depressed classes to the appointment of a special inspector of police from amongst themselves for every district shall be recognised.

(5) That the right of the depressed classes to effective representation (as defined above) on the local bodies shall be recognised by the Provincial Government.

(6) That the right of the depressed classes to appeal to the Government of India in cases of violation of these rights by the Provincial Government shall be recognised and the Government of India shall be given the power to compel the Provincial Government to conform to the law in the matter.

16. *Justification of such guarantees.*—It may be argued that as the depressed classes have been given adequate representation in the council, there can be no danger to their rights, as there can be in the case of an unrepresented minority. Why then should there be these guarantees? The Sabha demurs to this much faith in the efficacy of a representative form of Government to effectively protect a minority from the tyranny of the majority. In this connection the Sabha would like to invite the attention of the Commission to the views of John Stuart Mill, who has observed that " the notion that the people have no need to limit their power over themselves, might seem axiomatic, when popular Government was the thing only dreamt about or read of as having existed as some distant period of the past * * * It was now perceived that such phrases as self-government, and the power of the people over themselves, do not express the true state of the case. The people who exercise the power are not always the same people with those over whom it is exercised; and the self-government spoken of is not the government of each by himself, but of each by all the rest. The will of the people, moreover, practically means the

will of the most numerous or the most active *part* of the people, the majority or those who succeed in making themselves accepted as the majority; the people, consequently, may desire to oppress a part of their number; and precautions are as much needed against this, as against any other abuse of power. The limitation, therefore, of the power of Government over individuals loses none of its importance when the holders of power are regularly accountable to the community, that is to the strongest party therein. This view of things, recommending itself equally to the intelligence of thinkers and to the inclination of those important classes in European Society to whose real or supposed interests democracy is adverse, has had no difficulty in establishing itself; and in political speculations the tyranny of the majority is now generally included amongst the evils against which the Society requires to be on its guard."

17. From this it is obvious that representative Government cannot altogether do away with the necessity of such guarantees for the protection of the interests of the minorities in a nation. Indeed it may safely be asserted that a representative form of Government, far from being a means of affording protection to the minorities, must be deemed to be so very inadequate for that purpose that its introduction without a system of guarantees being made a part thereof was looked upon as a most dangerous experiment. The post-war history of Europe abounds in such cases. The peace treaties between the allied Powers and Czechoslovakia, Austria, Hungary, Rumania and the Polish-German Convention relating to Upper Silesia with their guarantee clauses for the benefit of the minorities bear eloquent testimony to the fact that the minorities cannot depend upon the representative form of Government but must seek protection in the form of guarantees of their rights.

18. If representative Government is so weak when operating among European peoples, where the secularisation of politics has gone far further, how much weaker must it be in India where politics is nothing but theology in action. It is this theology against which the depressed classes must seek to be protected. How destructive is this theology of true citizenship has nowhere been described so well as in the Note by the Honourable Sir Alexander Cardew, K.C.S.I., I.C.S., to the Government of India contained in the Letter No. 1146 (Reforms) dated the 31st December, 1918. The following extracts are made from that Note:—

"2. It may first be asked whether the democratic idea is in accordance with the prevailing philosophy of the people of India. The fundamental principle of the modern democratic state is the recognition of the value of the individual and the belief that as each individual has but one life, full opportunity should be accorded to each to attain his maximum development in that life. Neither of these propositions is accepted in the current philosophy of India. This rather holds that the present life is for each only one of a series of existences; that the position of each individual in this life has been determined for him by his merit or demerit in previous births; and that, therefore, his place in the social organism is irrevocably fixed and cannot be changed. It may, therefore, be safely asserted that the root notions of democracy run counter to all the ideas which for thousands of years have formed the common stock of popular belief in India.

"3. Closely connected with the doctrine, that each man's place in the present birth has been determined by his actions in past existences is the institution of caste, which has the effect of stereotyping and fixing unalterably the position of each individual in the social scale. Thus, a man born a Brahmin cannot be other than a Brahmin, and a man born Pariah can never be other than a Pariah. Equality of opportunity is impossible under such conditions and it is neither recognised nor desired by Indian public opinion.

"4. At the apex of the caste pyramid stands the Brahmin. This caste, originally representing, at least in Southern India, a racial difference, has established through a long period of time its absolute supremacy over all other castes. The Brahmin's claim to supremacy is based not only on race and intellect, but also on the injunctions of religion. The sanctity of a Brahmin's person and religious merit to be obtained by feeding him, paying for his education, providing money for the marriage of his daughters, endowing him with land, has been an established belief in India for centuries * * * Brahmins possessed numberless privileges * * *

"6. With such predominance in most walks of life, it is not surprising that the Brahmin has easily secured control in politics * * * No representative of the great Pariah Community nor of the Christian Community has ever sat, or would ever have a chance of sitting, for one of these constituencies. This experience strongly suggests that the political machine in the future as in the past will be under the control of the Brahmans, unless special measures are resorted to, to secure adequate representation of the other classes.

"8. Next to the Brahman *sed longo intervello* comes the great group of Hindu castes, some higher, some lower, generally grouped together as non-Brahmans, but all equally exclusive and largely antagonistic to one another. It is notorious that if a member of one of these castes attains to a position of influence he fills the offices in his gifts with his fellow castemen. The Standing Orders of the Government recognise this tendency and contain directions to counteract it. The Joint Report is not ignorant of this, for it says, "there runs through Indian society a series of cleavages of religion, race and caste which constantly threaten its solidarity." These distinctions of castes do not merely threaten the solidarity of Indian society—they prevent such solidarity from ever existing.

"9. Below both the Brahmans and the non-Brahman caste Hindus, come the low castes, or more correctly the persons of no castes, who number in this Presidency [*i.e.*, Madras] some ten millions of people. For convenience they may be referred to as the Panchama or Pariah community. These people are regarded, not merely as belonging to a lower class, but as conveying by their very presence an actual pollution which requires purificatory religious ceremonies.

"13. The difficulty of introducing democratic institutions into a society such as this, illiterate, divided into hard and fast castes, with the Brahman at the top, with the various non-Brahman Hindu castes in the middle, and the low castes, liable to be oppressed impartially by both, at the bottom must be very great. Nor does this difficulty seem to have been sufficiently realised by the writers of the Joint Report. *Surely the first essential of any scheme of reform is that adequate safeguard should be provided for the good government of the inarticulate masses of the population* * * *"

18. If this is a correct description of the existing state of affairs then the Minorities of Europe cannot be said to have a better case for obtaining guarantees of their rights than the Depressed classes. *Many people in the world have fallen low by force of circumstances. But having fallen they are free to rise. The depressed classes, on the other hand, form a solitary case of a people who have remained fallen because their rise is opposed to the religious notions of the majority of their countrymen.* Much was made before the Muddiman Committee by certain persons of the resolutions passed by the various Legislative Councils, throwing open wells, dispensaries and dharmshalas to members of depressed classes, and of the circulars issued by Ministers of Education requiring children of the depressed classes to be admitted to schools in common with the rest. But what a mockery such resolutions and circulars are will be apparent to the Commision from the perusal

STATEMENT SUBMITTED BY DR. BHIMRAO R. AMBEDKAR. [*Continued.*

of annexure A to this statement. It will illustrate the attitude of the majority towards the depressed classes as evidenced by incidents reported from time to time in the various newspapers in the country (items No. 1 and 10). From a perusal of these news items it will be realised that the depressed classes cannot be employed in the army, navy and the police, because such employment is opposed to the religious notions of the majority (item No. 8). They cannot be admitted in schools, because their entry is opposed to the religious notions of the majority (item No. 12). They cannot avail themselves of Government dispensaries, because doctors will not let them cause pollution to their persons or to their dispensaries (item No. 2 and 5). They cannot live a cleaner and higher life, because to live above their prescribed station is opposed to the religious notions of the majority (items No. 1 and 6). So rigorous is the enforcement of the social code against the depressed classes that any attempt on the part of the depressed classes to exercise their elementary rights of citizenship only ends in provoking the majority, to practise the worst form of social tyranny known to history (items No. 4, 7 and 11). It will be admitted that when society is itself a tyrant, its means of tyrannising are not restricted to the acts which it may do by the hands of its functionaries and it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection against such tyranny is usually to be found in the police power of the State. But, unfortunately, in any struggle in which the depressed classes are on the one side and the upper class of Hindus on the other, the police power is always in league with the tyrant majority (item No. 11), for the simple reason that the depressed classes have no footing whatsoever in the police or in the magistracy of the country.

19. In view of this, it is unfair to the depressed classes to be lulled into the belief that their interests would be safe in the hands of their countrymen, because some Councils have passed resolutions and some of the Ministers have issued circulars favouring the depressed classes. The Sabha desires to caution the Commission against being lured into forming a better opinion of the Hindu majority from its best instances. Pictures of loving exercise of authority on one side, loving submission to it on the other, of superior wisdom ordering all things for the greatest good of the dependants are very gratifying to read. But such pictures would be to the purpose only if any one from the depressed classes denied the existence of good men in the Hindu society. Nobody among the depressed classes doubts that there would be great and universal happiness under the government of a good Hindu. But the fact is that laws and institutions require to be adapted not to good men but to bad. From this point of view, it is safer to grant the minority the necessary protection by the inclusion of guarantee clauses than to leave it unprotected on the fanciful ground that the tyrant majority has in it a few good men sympathetic to the minority. Such guarantees may be looked down upon by persons other than the depressed classes as being unnecessary; but from the standpoint of the depressed classes it is but an essential safeguard. There is such an enormous dread of the Reforms prevalent amongst the depressed classes that they have from the very beginning opposed their introduction. So strong was their feeling against the Reforms that in one of the addresses presented to Mr. Montagu the depressed classes declared "we shall fight to the last drop of our blood, any attempt to transfer the seat of authority in this country from the British hands to the so-called high-class Hindus." Nothing can allay such fears as the system of guarantees can do. Government is based upon faith and not upon reason. If the depressed classes can have no faith in the new constitution it is statesmanship to buy that faith if it can be done so with the concession of guarantees herein demanded.

ANNEXURE A.

ITEM No. 1.

(From the *Times of India*, 8th February, 1928.)

No Uplift for Antyajas.

As a landmark in the rapid progress of Indian social reform, a lecture delivered last month by Mahamahopadhyaya Pandit Ananta Krishna Shastri (Professor, Calcutta University) to an audience of Sanatanist (orthodox) Agrawal Marwadis of Bombay in the local Nara-Narayan temple, deserves to be rescued from unmerited oblivion. The subject of the discourse was "The Way to Uplift the Patits" (*i.e.*, "fallen" untouchables), and the chair was graced by Shri Jagadguru Anantacharya Maharaj of the new Vaishnav temple in Bombay. The lecturer proved by citations from the Shastras that the various castes have always been in existence and will continue so to exist till the end of all time. He added that those who talk of uplifting the "Fallen" (Antyajas) are merely talking, and that, in fact, there is no way of uplifting the Antyajas in the sense of getting them admitted into any of the four castes, or taking them out of their present social position.

Orthodox Generosity.

The learned lecturer suggested the only possible way of uplifting the "unupliftable Fallen," namely, generously restoring to them some of their inalienable professions at present encroached upon by unthinking and unorthodox caste people. "In this 20th century," said the Mahamahopadhyaya, "people on getting up in the morning sit down to clean their costly shoes instead of performing their appointed morning ritual. Next they sit down to shave themselves. And instead of cleaning their teeth in the Swadeshi style (*i.e.*, with twigs of babool, etc.), they sit down to rub powder on their teeth with brushes. By doing all these things they deprive Mochis (cobblers), Hajams (barbers), and tooth-stick sellers of their livelihood. Let everyone do his duty according to Dharma and rest content. This is the only way to bring about the uplift of the Antyajas—let those who have deprived these Fallen people of their means of livelihood restore it to them."

ITEM No. 2.

(From the *Times of India*, 2nd March, 1928.)

Antyajas in India.

But, the patriots will protest, all this happened in British India, not in Indian India. Well, we know what happened to Balais only the other day in a big Central India Native State for wearing gold and silver ornaments and absurdly presuming to behave like touchable caste Hindus. And this is what the *Saurashtra* reports about the Antyajas in Baroda territory, where the Maharaja himself sympathises so deeply with these unfortunates: "The order to admit Antyaja boys into Gujarati schools is on paper only. In nearly 95 per cent. of the schools the Antyaja children are made to sit outside in the cold, heat or rain, and they are made to fetch cowdung, fuel, droppings, dust, etc. * * * In April, 1927, an Antyaja went to the Damnagar dispensary for medicine. The doctor made him wait for twelve hours and then examined him—from a distance, and gave him medicine—from a distance. This happened in the presence of an Antyaja member of the Baroda Legislative Assembly." And the *Pratap* of Surat tells us that when a teacher in the Navasari Antyaja Ashram took an ailing boy to the local hospital, the doctor in charge drove them both away with these remarkable words: "Get away! This is not Gandhi Raj but Baroda Sarkar's Raj!"

ITEM No. 3.

(From the *Evening News*, 11th May, 1926.)

Untouchable in Jambusar Municipality.

Four Hindus Resign.

A sensation has been caused in Jambusar at the election of an untouchable to the Jambusar Municipality. Four Hindu members have resigned, while the rest have promised not to touch the untouchable member and to bathe if ever they touched him.

ITEM No 4.

(From the *Bombay Chronicle.*)

KOLABA DEPRESSED CLASS CONFERENCE.

Rowdyism of Upper Class Hindus.

The *Times of India* in its issue of the 24th gives a statement of the riot at Mahad. But as that statement is incomplete and fails to give a correct idea of what happened it is necessary to give a complete and correct account of the riot.

A Conference of the Depressed Classes of the Kolaba District was held at Mahad on the 19th and 20th instant (*i.e.*, of March, 1927) under the Presidentship of Dr. B. R. Ambedkar, Bar.-at-Law. The attendance of the depressed classes was over 2,500 and great enthusiasm prevailed. But the work of the Conference was severely marred by a riot, the responsibility for which rests entirely upon the upper class Hindu residents of the town of Mahad. On the first day of the Conference, after the President had delivered his address, several upper class Hindus addressed the Conference assuring the depressed classes that they were willing to help them in all ways and urging that the depressed classes should not cultivate hatred of the upper class Hindus. In pursuance of this, the Subjects Committee drafted a resolution, among others laying down what the upper class Hindus should do for the uplift of the depressed classes. In the Subjects Committee attention was drawn by some people to the fact that there was a great difficulty at Mahad for the depressed classes in obtaining water for drinking purposes, and that this difficulty was felt not only by the resident depressed classes of Mahad but also by the depressed classes from villages who resorted to Mahad for private business or for the purposes of Government work. So great was the scarcity that water worth Rs. 15 had to be bought each day to satisfy the needs of the Conference. The Municipality of Mahad had some time ago passed a resolution declaring the tanks in the city to be open to the public, but as it had not placed a board there people feared to resort to them. The Subjects Committee, therefore, decided, after taking the sense of the upper classes who attended the Conference in this matter, that the Conference should go in body to the Chowdar tank and help the depressed classes in establishing their right to take water.

A False Rumour.

When, therefore, the Conference met on the morning of the 20th, and the first resolution which declared what the upper classes should do for the depressed classes was put before the Conference by members of depressed classes, the President requested Messrs. Purushottam Prabhakar Joshi and Govind Narayan Dharya (as representatives of the upper classes) to speak on the resolution. With the exception of one clause in the resolution dealing with inter-marriages they both accepted the resolution. Having thus assured itself that there was general support behind it, the Conference, when the Session was over, went in a body to the said tank. The procession was a most peaceful one and everything passed off quietly. But after about two hours some evil-minded leaders of the town raised a false rumour that the depressed classes were planning to enter the temple of Vireshwar, whereupon a large crowd of riffraffs were collected, all armed with bamboo sticks. The crowd soon became aggressive, and the whole town at once became a surging mass of rowdies, who seemed to be out for the blood of the depressed classes.

Twenty Wounded.

The depressed classes were busy in taking their meal before dispersing to their villages. When a large part of them had left the town the rowdies entered the kitchen where the depressed classes were taking their food. There would have been a regular battle between the two forces, but the depressed classes were held back by their leaders, and thus a far more serious riot was averted. The rowdies, finding no occasion for provocation, began patrolling the main street and assaulting the members of the depressed classes who in stray batches were passing along on their way to their villages and committed trespass in the houses of several depressed-class people and gravely assaulted them. In all the number of wounded among the depressed classes is supposed to be as large as 20. In this the attitude of the depressed classes was as commendable as the attitude of many of the upper classes was unworthy. The depressed classes assembled vastly outnumbered the upper classes. But as the object of their leaders was to do everything in a non-violent and absolutely constitutional manner they set their faces against any aggression on the part of the depressed classes. It speaks a great deal in favour of the depressed classes that, although the provocation given to them was immense, they kept their self-control. The Mahad Conference has shown that the upper classes are not willing to allow the depressed classes to enjoy such elementary civic rights as taking water from public watercourses.

The most reprehensible part of the conduct of the upper-caste Hindus in Mahad and Kolaba District was that messages were sent immediately to the different villages asking the upper-class people there to punish the delegates of the Conference as soon as they returned to their respective villages. In obedience to this mandate assaults were committed on a number of Mahars returning from the Conference either before or after they reached their villages, where the depressed classes have the disadvantage of being overwhelmingly outnumbered by the upper-caste Hindus. The leaders of the depressed classes have appealed to the authorities for protection and the District Officials, including the D. S. P., are making inquiries on the spot. It must, however, be stated that, if the Resident Magistrate had not allowed two precious hours to pass without doing anything, the riot would have probably been averted.

ITEM No. 5.

(From *Young India*, 5th May, 1927.)

Man's Inhumanity to Man.

(By M. K. Gandhi.)

In another column will be seen an extract from *Navajivan* of a most disgraceful case of calculated inhumanity of a medical man towards the dying wife of a member of the suppressed class in a Kathiawad village. Sjt. Amritlal Thakkar, who is responsible for giving the details of the case, has withheld the names of the place and parties for fear of the poor suppressed class schoolmaster being further molested by the medical man. I wish, however, that the names will be disclosed. Time must come when the suppressed class people will have to be encouraged by us to dare to suffer further hardships and tyranny. Their sufferings are already too great for any further sufferings to be really felt. Public opinion cannot be roused over grievances that cannot be verified and traced to their sources. I do not know the rules of the Medical Council in Bombay. I know that in other places a medical practitioner who refused to attend before his fees were paid would be answerable to the Council and would be liable to have his name removed from the

Council's list and be otherwise subject to disciplinary action. Fees are no doubt exactable; but proper attendance upon patients is the first duty of a medical practitioner. The real inhumanity, however, if the facts stated are true, consists in the practitioner refusing to enter the untouchable's quarters, refusing himself to see the patient, and refusing himself to apply the thermometer. And if the doctrine of untouchability can ever be applied in any circumstances it is certainly applicable to this member of the profession which he has disgraced. But I am hoping that there is some exaggeration in the statement made by Sjt. Thakkar's correspondent, and, if there is none, that the medical practitioner will himself come forth and make ample amends to the society which he has so outraged by his inhuman conduct.

Read, Reflect and Weep.

There is a school for the children of the suppressed classes in a village in Kathiawad. The teacher is a cultured, patriotic man belonging to the *Dhedh* or Weaver (untouchable) class. He owes his education to the compulsory education policy of His Highness the Gayakwad, and had been doing his little bit for the amelioration of his community. He is a man of cleanly habits and refined manners, so that no one can recognise him as belonging to the untouchable class. But because he had the fortune or misfortune of teaching the children of his own community in a conservative village in Kathiawad everyone regards him as an untouchable. But, unmindful of that, he had been silently working away. There are some moments, however, when the most patient man living under intolerable conditions may give vent to his agony and indignation, which are evident in the following letters from the schoolmaster. Every little sentence in it is surcharged with pathos. I have purposely omitted the names of the village and all the people mentioned in the letter lest the schoolmaster should come into further trouble.

Namskar. My wife was delivered of a child on the 5th instant. On the 7th she was taken ill, had motions, lost her speech, had hard breathing and swelling on the chest, and her ribs were aching painfully. I went to call in Dr. ——, but he said "I will not come to the untouchables' quarters. I will not examine her either." Then I approached the Nagarsheth —— and the Garrsia Durbar ——, and requested them to use their good offices for me. They came, and on the Nagarseth standing surety for me for the payment of Rs. 2 as the doctor's fee, and on condition that the patient would be brought outside the untouchables' quarters, he consented to come. He came, we took out the woman, who had a baby only two days old. Then the doctor gave the thermometer to a Mussalman who gave it to me. I applied the thermometer and then returned it to the Mussalman who gave it to the doctor. It was about eight o'clock, and, having inspected the thermometer in the light of a lamp, he said: "She has pneumonia and suffocation." After this the doctor left and sent medicine. I got linseed from the market and we are applying linseed poultice and giving her the medicine. The doctor would not condescend to examine her, simply looked at her from a distance. Of course, I gave Rs. 2 for his fee. It is a serious illness. Everything is in His hands.

II.

The light in my life has gone out. She passed away at 2 o'clock this afternoon.

Comment is needless. What shall one say about the inhumanity of the doctor who, being an educated man, refused to apply the thermometer except through the medium of a Musalman to purify it, and who treated an ailing woman lying in for two days worse than a dog or a cat? What shall one say of the society that tolerates this inhumanity? One can but reflect and weep.

A. V. THAKKAR.

ITEM No. 6.

(From the *Times of India* dated 1-4-28 and 10-2-28.)

Tyranny of Hindus.

Rules for Balais.

Mode of life laid down.

Last May, high caste Hindus, viz., Kalotas, Rajputs, and Brahmins, including the patels and putwais of villages Kanaria, Bicholee Hafsi, Bicholi Mardana, and of about 15 other villages in the Indore district, informed the Balais of their respective villages that if they wished to live among them, they must conform to the following rules:—(1) Balais must not wear gold lace bordered pugrees; (2) they must not wear dhoties with coloured or fancy borders; (3) they must convey intimation of the death of any Hindu to relatives of deceased—no matter how far away these relatives may be living; (4) in all Hindu marriages the Balais must play music before the processions, and during the marriages; (5) the Balai women must not wear gold or silver ornaments; they must not wear fancy gowns, or jackets; (6) Balai women must attend all cases of confinement of Hindu women; (7) the Balais must render services without demanding remuneration, and must accept whatever a Hindu is pleased to give; (8) if the Balais do not agree to abide by these terms, they must clear out of the villages.

Balais refuse compliance.

The Balais refused to comply; and the Hindu element proceeded against them. Balais were not allowed to get water from the village wells; they were not allowed to let go their cattle to graze. Balais were prohibited from passing through land owned by a Hindu; so that if the field of a Balai was surrounded by fields owned by Hindus, the Balai could have no access to his own field. The Hindus also let their cattle graze down the fields of Balais. The Balais submitted petitions to the Darbar against these persecutions; but as they could get no timely relief, and the oppression continued, hundreds of Balais, with their wives and children, were obliged to abandon their homes in which their ancestors lived for generations and migrate to adjoining States, viz., to villages in Dhar Dewas, Bhopal, Gwalior, and other States.

Compulsory agreement.

Only a few days ago the Hindus of Reoti village, barely seven miles to north of Indore City, ordered the Balais to sign a stamped agreement in accordance with the rules framed against the Balais by the Hindus of other villages. The Balais refused to comply. It is alleged that some of them were beaten by the Hindus; and one Balai was fastened to a post, and was told that he would be let go on agreeing to sign the agreement. He signed the agreement; and was released. Some Balais from this village ran up to the Prime Minister the next day, *i.e.*, on the 20th December, and made a complaint about the ill-treatment they have received from the Hindu villagers of Reoti. They were sent to the Subha of the district. This officer, with the help of the police, made inquiries at the village, and recommended that action be taken against the Hindus under Sections 342 and 147 and against the Balais under Section 147 Indian Penal Code.

BALAIS LEAVE VILLAGES.

CASTE TYRANNY.

Ignorance of law a handicap.

There has been no improvement in the treatment of the Balais by the Hindu residents of certain villages. Balais, it has already been reported, have been ill-treated by the higher caste Hindus. From the Depalpur Pergana alone, Indore District, a large number of Balais have had to leave their homes and find

shelter in adjoining States. The villages from which Balais have been forced to clear out are Badoli, Ahirkheral Piploda, Moorkhera, Pamalpur, Karoda, Chatwada, Newri Pan, Sanauda,, Ajnoti, Khatedi, and Sanavda. Pamalpur village has been altogether deserted, and not a Balai, man, woman, or child is to be found there. Nanda Balai, a resident of one of the above villages, it is alleged, was severely beaten by the Hindus of the village. In one village, the report goes, the Hindus burnt down all the dwellings of the Balais but the offenders have not yet been traced.

Balais are ignorant village folk, who are ignorant of legal procedure and think that if a petition is sent to the *Sirkar* all that is required will be done for them. They have not the knowledge, or the means and practice, to pursue a complaint to its end; and, as they, it is said in some cases, failed to attend or produce witnesses in support of their allegations, the magistrate had no alternative but to dismiss their complaint.

ITEM No. 7.

(From the Bombay Chronicle, 25th February, 1928.)

Orthodoxy Run Mad.

Alleged Barbarous Treat of "Untouchables."

Crime of being Mahars.

Mr. Keshavaji Ranchhodji Vaghela from Ahmedabad has informed Dr. B. R. Ambedkar, President, Bahishkrit Hitkarani Sabha, as follows:—

One, Bapoorao Laxman, and his brother, Kaurao, have been residents of Ahmedabad during the last six years. They used to mix with some people from the Deccan belonging to Maratha caste. Kaurao's two sons, viz., Damoo and Laxuman, used to take part in the Bhajan parties of the Marathas. The latter, however, recently came to know that the brothers Damoo and Laxuman were Mahars by caste and in order to ascertain this, two Mahars employed on the parcel train between Surat and Ahmedabad were specially called to identify Damoo and Laxuman. After it was ascertained that Damoo and Laxuman were Mahars they were called at a Bhajan party at Kalupur, Bhanderi Pole, at midnight on the 11th instant. Asked as to what caste they belonged to, Damoo and Laxuman replied that they were Somvanshis. This reply enraged the Marathas, who freely abused them for having defiled their persons and places. The Mahar brothers were also assaulted by the Maratha. One of the brothers had a gold ring on his person. It was forcibly taken away from him and sold for Rs. 11. Out of this amount Rs. 6 was paid to the Mahars who had been called from Surat to identify the brothers. Damoo and Laxuman entreated the Marathas to allow them to return to their homes, but the latter refused to do so unless a fine Rs. 500 was paid. On the Mahar brothers pleading their inability to pay such a heavy sum, one of the Marathas suggested that the Mahar brothers should be fined only Rs. 125. But then one of the Marathas opposed the proposal for fine saying that they should not be satisfied with fine, but should punish the Mahars severely for their crime of concealing their caste. Having decided upon the course, the Mahar brothers were detained and at about 9 o'clock in the morning they were subjected to barbarous indignities. Their moustaches in the left side and eyebrows on the right side were shaved, their bodies besmeared with soot mixed in oil and also with dirt, garlands made of old shoes were put around their necks, and one of them was asked to hold a broom in his hand and the other to hold a placard on which it was written that the punishment was meted out to the culprits for venturing to touch high caste people. The Mahar brothers were taken in procession consisting of about 75 people, a drum being beaten in the front.

A complaint has been lodged with the police by the said two Mahar brothers. The accused in their statement have admitted that Damoo and Laxuman were treated in the alleged manner, but pleaded that the complainants had willingly agreed to undergo the punishment. Obviously Damoo and Laxuman were helpless when they were abused, assaulted and threatened with severe punishment and actually subjected to barbarous indignities. This case has created a great sensation among the people belonging to the so-called untouchables castes and efforts are being made to give proper legal aid to the complainants.

ITEM No. 8.

(Bombay Legislative Council Debates, 1927;
Vol. XX.; Part XVI.; p. 1373.)

Police: Enlistment of Mahars.

Dr. B. R. Ambedkar: Will Government be pleased to state whether there is any rule prohibiting the enlistment of the depressed classes in the police constabulary force of the Presidency?

The Honourable Mr. J. E. B. Hotson: There is no such rule.

Dr. B. R. Ambedkar: Will the Honourable Member please inform me why the Commissioner of Police for the City of Bombay refuses to appoint depressed class members in the police constabulary if there is no restriction?

The Honourable Mr. J. E. B. Hotson: This opens up a very large subject. I can only say that there are practical difficulties which are known to every member of this House, and which stand in the way of the more extensive enlistment of these classes in the police. There is no prohibition against it.

N.B.—The practical difficulties referred to by Mr. Hotson are evidently difficulties arising out of untouchability.

ITEM No. 9.

(Bombay Legislative Council Debates, 1928;
Vol. XXII.; Part II.; pp, 96-97.)

Clerks in Government Service.

Mr. R. S. Asavale: Will Government be pleased to state the total number in the clerical ranks in the offices of the various departments of Government?

The Honourable Sir Chunilal Mehta: A statement giving the requisite information is placed on the Council table.

——	Marathas and Allied Castes.	Muhammadans.	Depressed Classes.	Advanced Hindus.	Parsis.	Christians and Jews.	Others.	Total.
I. The Secretariat	31	11	...	268	38	81	11	411
II. P. W. D.	6	...	...	64	8	10	3	91
III. Collector of Bombay ...	3	8	...	28	...	4	1	44
IV. Commissioner of Excise	1	...	...	12	5	...	...	18
V. Small Causes Court ...	9	7	...	58	10	5	8	97
VI. High Court	4	15	...	125	22	23	9	198
VII. Bombay Police Courts ...	7	4	...	32	...	4	...	47
VIII. Commissioner of Police, Bombay	8	7	...	59	...	4	9	87

ITEM No. 10.

(From the *Times of India* 30th May, 1928.)

THROUGH INDIAN EYES.

" Chamardas and Mahardas."

How sincere the political lions are when they roar about the disabilities and hardships of the Untouchables, was clearly brought out at the Maharashtra Conference when the question of the removal of untouchability was adroitly shelved. Among the half-dozen or so of protestants against this trick were men belonging to the *Swarajya*. One of them wrote in that paper an outspoken article, exposing the general Hindu outlook on the thorny problem, which shows much light on what the Maharashtra Conference did; " While speaking to me the other day," says the writer about the Samata Sangha (Social Equality Society) of Poona, a friend of mine said: " Because people like you join them, these Chambhardas and Mahardas (contemptible Chamars and Mahars) become insolent " * * * From this utterance one can realise what a terrible hatred of the Untouchable classes still exists among the upper classes.

Resolutions and Acts.

The sad reformer continues: " Mahatmaji issued a proclamation that untouchability was a blot on Hindu dharma; Swami Shraddhanand and Lala Lajpat Rai have said all along that we shall never be able to win Swaraj if untouchability is not removed from Hindu Society; during the last seven years resolutions for its removal are being adopted by the Congress; but what is the actual result of all these activities? Utterances like the one given above are still coming out of the mouths of highly educated persons! We pass resolutions in the Congress and the Hindu Sabha advocating temple entry of Untouchables and urging that public tanks, wells, etc., should be thrown open to them. But when the time for putting them into practice comes, we contemn the Untouchables, nay, we assault them and then proceed legally against them and send them to jail."

ITEM No. 11.

Resolutions passed at the Depressed Classes Conference held at Dapoli (District Ratnagiri).

1. (*a*) This Conference expresses indignation at the campaign of persecution carried on by the so-called high caste Hindus in this district against the depressed classes for the refusal on the latter's part to eat the meat of dead animals.

(*b*) This Conference is extremely grieved to find that the Police officers and Magistrates in the district systematically abuse the depressed-class people instead of giving them protection against the tyranny and injustice to which they are being subjected by the so-called high caste Hindus through impounding the cattle of the former, committing assaults on them and making it impossible for them to obtain the necessaries of life in the bazaars by observing a strict social boycott against them.

(*c*) This Conference appeals to the Government to take steps for having the usual *baluta* remuneration paid to the Watandar Mahars who have been deprived of the same by the high caste Hindu villagers owing to the former's refusal to eat the carrion and carry dead animals, beg alms and do other unclean things.

2. (*a*) Having come to know that in a number of villages it is the Police Patel who countenances the campaign of persecution against the depressed-class people, this Conference requests the Government to take proper steps against such Police Patels.

(*b*) This Conference requests the Government to appoint in each district a special Police Inspector from amongst the depressed classes for the protection of these classes and to admit recruits from these classes in the police service.

(*c*) This Conference requests the Government immediately to quarter punitive police under the command of military pensioners belonging to the depressed classes, at the villages of Vadval, Matven, Tulsi, Degaon, Mandangad, Satar, etc., at the expense of the so-called high caste Hindus residing in these villages in view of the fact that owing to harassment and social boycott and open assaults it has become impossible for the depressed classes to live in these villages.

5. This Conference is emphatically of the opinion that no further instalment of self-government be given to India except with proper safeguard for the interests of the depressed classes.

ITEM No. 12.

(From the *Bombay Chronicle*, dated 20-10-27.)

Municipal Schools (in the City of Bombay).

The Schools Committee has made itself ridiculous by taking fright at the little question of drinking " lotas " (pots). It seems that, in spite of the Corporation's resolution that there should be no caste discrimination in the municipal schools, " depressed " class children are given separate pots for drinking water. A sub-committee of the Schools Committee recommended that all children should be given the same pots. But the members of the School's Committee gravely cogitated over this recommendation and entertained all sorts of fears. Some said that the change would be resented by the caste Hindus; evidently, the resentment of the " low " caste Hindus does not count for much. Professor V. G. Rao said that it was a revolutionary change, and Mr. D. G. Dalvi, himself a well-known social reformer, added to these fears a legal one, that some parents might file a suit against the Committee. Ultimately the Schools Committee referred the question back to the sub-committee, which was tantamount to saying that the latter's recommendation was not acceptable to them.

A Calculated Insult.

The fears mentioned above are absurd, as every boy is expected to wash a pot well before using it, on sanitary and—if he is so minded—on caste grounds. That a pot once used by an " untouchable " boy becomes itself untouchable or unusable by the " high " caste Hindus in spite of its being washed clean, is a calculated insult to the unfortunate " depressed " classes, which we certainly did not expect the Schools Committee to countenance. Mr. Dalvi stated that in view of compulsory education in some Wards parents might file a suit against the Committee " for enforcing an obligation which was by no means a legal one." But nobody is under an obligation to use the common pots in the schools. Those parents who are so over scrupulous may give their own pots to their children and thereby protect their " religion." As for the " depressed " classes the insult to them remains, whether they bring their own pots or betake themselves to other schools where better notions of justice prevail.

The Joint Memorandum of The Depressed India Association, Bombay, and The Servants of Somavamshi Society, Bombay.

"Nothing is settled, that is not rightly settled.
If slavery is not wrong, nothing is wrong in the World." —ABRAHAM LINCOLN.

SIRS,—

We have been directed by our Associations, of which we have the honour to be the Presidents, to submit to the Commission this Memorandum, which contains an account of our status, in the social, political and economic spheres, and a statement of the concessions which constitute, in our humble opinion, the irreducible minimum which ought to be granted to our community if we are to enjoy a fair measure of that prosperity and economic welfare which we, as human beings, and as subjects of His Imperial Majesty, our beloved King-Emperor, have a right to expect from the hands of the Commissioners.

1. It is not our purpose to explain how, by the mandates of a wicked caste system and the silent workings of centuries of prejudice, we have been reduced to a state of degradation on a par with the beasts of the field, regarded as the untouchables and outcasts of society, and denied the use of roads, wells, entry to temples, and, in fact, the most elementary amenities of civilised life. Thanks to the joint influence of missionary education and British rule, the walls that divided us from the society of our fellow men have been breached, but the progress of their disintegration is slow and laborious and, unless our rulers take our condition seriously in hand and initiate definite steps towards our uplift, we can see no betterment of our position, in any sphere, in the near or the distant future.

2. In the Bombay Presidency we number about three millions by a recent computation; that is to say, one-ninth of the population of the Presidency. If the voice of our people is to be heard with effect in the councils of the nation, our representation therein must be substantial. We plead for nothing more than that, according to the principles of strict fairness and equity, we should have a *representation in proportion to our numerical strength*. At least *one-ninth* of the representation of the Legislative Council should be reserved to us, of which half the number may enter by election and half by the system of nomination. This measure of representation, we are confident, will not trespass upon the rights of other communities, nor will it involve the fate of Ministries, but it will serve to make our voice heard in the Council, and, when we are unanimous, will represent a moral force which the Council will find it difficult to ignore. Moreover, such representation must be a natural one; that is to say, our representatives must be men selected from the rank and file of our community. That this principle has not been recognised is apparent when we recall that recently, in Bombay, an Indian Christian and, in Madras, a Brahmin was nominated to represent our people. Such a system of representation runs counter to all principles of democratic government, and constitutes in the particular case of the depressed classes, a menace to our interests.

3. Of equal importance with the question of representation in the Councils is the necessity of granting our people the privilege of separate electorates. The principle of separate electorates was recognised by the late Lord Morley as a vital safeguard for the security and advancement of backward classes and communities, and experience has shown during the last two decades that it has served as a powerful lever to raise our Muslim brethren, who, in consequence, are making rapid headway and coming into line with more advanced sections. We plead that the identical principles, be applied to our community, and that the time has arrived to extend its beneficent utility to our case as well.

4. The urgency of granting us separate electorates to protect and advance our interests is manifest when we come to consider our lot in local bodies like the Municipalities and District Local Boards. For it is these bodies that come into daily and intimate touch with the life of the people, and if the profound social evils which, like so many millstones, grind us to earth are to be radically removed, our voice must be heard and our influence felt in the Municipalities and Local Boards. Then only shall we be spared the indignity of drinking water with the beasts at some running stream outside the village limits and of maintaining our bodily life by the leavings of the caste Hindus. Then, alone, shall we be men entitled to free air and sunshine with the doors of temple and school and office yielding to our loud and insistent knocks. That the picture we have drawn is no exaggeration but a vivid and real one may be proved without any difficulty. To-day, in the district of Gujarat, which boasts of its so-called spirituality as the home of soul-force, the depressed classes are hooted and hissed off the public roads, and, being denied even right of way, have to find it by nullah and stream like the wild denizens of the forest.

5. We submit that the franchise should be extended to all adults in our community without any property or educational qualifications, and should be on as wide a basis as possible. In the present backward state of our people, the necessity of providing property or educational qualifications to enjoy the vote would result in automatically depriving us of the privilege, and keeping us for ever lagging miles behind our fellow countrymen. This right we crave as the only means by which we could secure a hearing in the Local Boards and Councils, and a beginning would thus be made in the direction of redressing our just and age-long wrongs and the first steps towards the amelioration of our unhappy plight would then be taken. The benefit of separate electorates would be entirely lost if the franchise were whittled down to a property qualification. Centuries of oppression and the rigid rules of the tyrannous caste system have made it impossible for our brethren to acquire property and gather knowledge in the schools.

6. In the struggle for existence, which is getting keener every year, our community, already beset with evils, finds its lack of education its greatest handicap. Our percentage of literacy is in the region of 2 per cent. only, after more than a century of British rule in this Presidency. Education under the ægis of the British may be said to have commenced with the year 1815, with the foundation of the Bombay Education Society in 1815. It was the unfortunate policy of Government to restrict the benefits of education to the higher castes, chiefly the Brahmins, and that during this period the depressed classes were not allowed by Government to share in the blessings of education. Though by the year 1854 mass education was the declared policy of Government, it is significant that, even in 1881, there was no student from our community either in the High Schools or in the Colleges of the Presidency. Even from 1882 there has been no improvement worth speaking of, though other backward communities have come into line meanwhile with more advanced communities. A study of the following table will reveal the fact that the state of education of the backward classes is deplorable, and though in the matter of population they rank second, in the matter of education they rank last and lowest, and that the Muslims have, during the 30 years prior to 1924, made such enormous strides as to come within easy reach of the Brahmin and allied classes:—

Report of Director of Public Instruction, Bombay, for 1923-24.

Classes of Population in the Presidency.	Order in respect of Population.	Order in respect of education.		
		Primary.	Secondary.	Collegeate.
Advanced Hindus	4th	1st	1st	1st
Intermediate Hindus.	1st	3rd	3rd	3rd
Backward ...	2nd	4th	4th	4th
Mohamedans ...	3rd	2nd	2nd	2nd

JOINT MEMORANDUM OF DEPRESSED INDIA ASSOCIATION, BOMBAY, AND THE SERVANTS OF SOMAVAMSHI SOCIETY, BOMBAY. [*Continued.*

7. We have set out at some length how the root causes of our present backward state are the wicked and intolerable caste system and our lack of education in regard to which the policy of the British Government is mainly responsible. It now rests with Government to recast and overhaul its whole policy in regard to the education of our community and to take practical and effective steps to placing the cause of education in our midst on a progressive and substantial basis.

8. The first desideratum, we venture to submit, is the provision of annual and recurring grants for the education of the depressed classes. Such grants do exist at present but they are in the nature of meagre doles. An increase of 50 per cent. in the grant is essential. This would result in providing scholarships for promising children to prosecute their studies in the high schools and colleges and in districts where our classes preponderate in furnishing schools for them. We plead that the same efforts should be made in our case as were conspicuous in the case of our Muslim brethren, where special Muslim Inspectors with Deputy and Assistant Inspectors were drafted into the Education Department to pay special attention to the educational needs of their community and advise the Department accordingly.

9. As we are on this subject we should like to refer to the sincere and exemplary efforts made by some of the native States, notably by the Baroda and Kolhapur Durbars and their endeavours to uplift our people compare favourably with the absence of effort made by our British rulers. The State of Baroda, besides embarking upon a bold policy of free and compulsory education, has established four hostels for our people, where students are maintained free of cost of education and maintenance. In British territory there is only one hostel for our people, and this on a restricted and narrow scale of maintenance. The personal interest taken in our people by H.H. SIR SAYAJIRAO GAIKWAR of Baroda was brought prominently to the public eye when a pupil from the depressed classes was sent to England for higher studies at a cost of about Rs. 20,000 to the State. In the Kolhapur State the doors to schools, colleges and public service have been thrown open as widely as possible to our ranks.

10. In the machinery of the Central Government we plead that adequate safeguards be provided for the protection of our interests. It will be an anomaly if, were concessions being granted to us to fulfil our aims and aspiration on the constitutions of the local boards and councils, the scheme of the Central Government should not postulate similar and adequate provision for our political and economic safety. Matters of such vital importance to our community as recruitment to the army, and other matters of grave concern, are subjects in regard to which our representatives would be failing in their duty if they kept silence; but it is equally a matter of urgent necessity that the number of our representatives should be large enough to give sufficient expression to the needs of our classes all over India.

Two representatives from each Presidency, to represent our people, would, we submit, introduce no disturbing element in the composition of the Central Government; a lesser element of representation would only render the voice of our representatives as futile cries in the wilderness.

11. While we are anxious to obtain concessions from Government in order to ameliorate our social, economic and political status, we have no desire to shirk our responsibilities in the matter of sharing in the defence of our country. From the days when our Presidency passed from under the umbrella of the Peshwa to the shelter of the Union Jack, the depressed classes have always found scope for their martial spirit in the ranks of the British Indian regiments, both in the fighting line and in subsidiary occupations connected with regimental needs and requirements. In the Great War, the testimony is unanimous in regard to our proved worth and merit and the generous appreciation of HIS EXCELLENCY LT.-COL. THE RIGHT HONOURABLE SIR LESLIE ORME WILSON, P.C., G.C.I.E., C.M.G., D.S.O., GOVERNOR OF BOMBAY, was no piece of idle compliment when he addressed our deputation led by our Mr. R. S. Nekaljay in March, 1925, as follows:

"I much appreciate your expressions of loyalty to Government and to the British Crown. From all I have heard about the Mahars I have gathered that they are indeed a loyal and law-abiding community, with a very high standard of honesty, which is perhaps the more surprising in view of the unfavourable conditions in which they have lived for so many centuries. Every year a large proportion of the Government revenue is carried to the Taluka headquarters by the village mahars, and never a single pie is lost, and I have heard from officers who have toured in the districts for years many stories of the honesty and faithfulness of the men of your community. I congratulate you on the efforts you are making to improve your status in the country, and I can assure you that every endeavour you may take in this direction on sound constitutional lines will receive all the support that I am able to give."

Addressing the Bombay Council on 5th November, 1925, on the resolution of our Mr. R. S. Nekaljay, Mr. L. J. Mountford, Commissioner, Central Division, testified to the courage and heroism of our people in the following striking words:—

> "For the benefit of this House I would like for one moment to allude to the past history of the Mahars to show that the call upon such material will meet with good response. In the days of the John Company a very large proportion of its regiments consisted of Mahars. Those of you who have gone to Koregaon, and taken the trouble of seeing the monument there, will remember there are names upon that monument, which signalises one of the greatest and the most glorious feats of arms in the East, and that every name there is that of a Mahar. There was the time when Captain Staunton marched down just after the battle of Kirkee to join Colonel Burr before Poona and stopped at Koregaon. Captain Staunton, with 800 troops, a large majority of whom were Mahars, including some Arabs, who manned the guns, met the troops led by the Peshwa in person; Captain Staunton lost his guns three times, but recaptured them. The Peshwa's troops numbered 25,000, while Captain Staunton's force consisted only of 800 men who, be it said to their credit, kept the Peshwa's troops at bay for a day and a night and eventually routed them. That is the record of the Mahar as a fighting man, which has won the respect of this Government and also of the Government of India and that he will most certainly be called upon, if necessary, to swell the fighting forces of the Empire."

12. In the present backward economic state of our community it is hopeless to contend with other indigenous communities in other fields of service. Accordingly the army for some time to come must provide our people with sufficient occupations to earn their livelihood. Further, as a community, we constitute no menace, from any point of view to Government, which will incur no risk in opening the doors to military employment still wider to our people. We therefore beg to appeal to the Commissioners to recommend that the standard of recruitment from our people to the ranks of the army should be in the region of one-third of the strength of every regiment.

That the singular backwardness of our community in the field of education is responsible for our low economic status can be easily verified by a reference to vital statistics. At a meeting of the Bombay Legislative Council in the year 1925, the following interesting information was made available in answer to a question by Mr. Zunzarrao.

JOINT MEMORANDUM OF DEPRESSED INDIA ASSOCIATION, BOMBAY, AND THE SERVANTS OF SOMAVAMSHI SOCIETY, BOMBAY. [*Continued.*

Statement to accompany the reply to parts (i) and (iii) of the Bombay Legislative Council Question No. 2 put by Mr. S. J. Zunzarrao, on 18th March, 1925.

No.	Name of Institution.	Name of Students of the Classes mentioned on 1st July, 1924.					Number of free Studentships of the Classes mentioned on 1st July, 1924.					
		Advanced Classes.	Intermediate Classes.	Backward Hindus, excluding Depressed Classes.	Depressed Classes.	Mahomedans.	Advanced Classes.	Intermediate Classes.	Backward Hindus, excluding Depressed Classes.	Depressed Classes.	Mahomedans.	Remarks.
1	Elphinstone, High School, Bombay	643	158	...	1	20	21½	21½	...	1	1	
2	High School, Satara.	168	121	...	3	41	15	21	...	3	10	
3	High School, Sholapur.	268	162	...	5	51	23	21½	...	4	11	
4	High School, Jalgaon.	185	101	...	5	36	14½	10	...	2	7	
5	High School, Dhulia	304	67	5	11	36	23½	15	...	8	9	
6	High School, Ahmedabad.	229	52	1	1	21	22½	11½	1	1	8	
7	High School, Surat	207	46	...	...	26	20½	16	...	...	2	
8	High School, Broach	205	43	6	2	41	15	12	1	2	12	
9	High School, Nadiad	141	154	7	...	17	11½	31	4½	...	5	
10	High School, Godhra	119	46	9	...	54	9	7	5½	...	8½	
11	High School, Dharwar.	215	87	...	5	29	16	16	...	3	6	
12	High School, Belgaum.	269	84	...	5	58	18½	16½	...	5	13	
13	High School, Bijapur	213	100	...	...	49	17	12	...	...	11	
14	High School, Karwar	235	65	3	...	21	20	12	3	...	4½	
15	High School, Ratnagiri.	136	78	...	...	12	10	17½	...	...	3	
16	High School, Thana	278	46	...	4	2	18½	10	...	3½	...	
17	High School, Nasik	328	120	2	14	39	25	27	...	11	7	
18	Anglo Urdu High School, Poona.	32	...	...	...	150	3	...	...	...	29½	
19	Anglo Urdu High School, Hubli.	...	...	...	1	152	...	...	...	½	24	
20	Government Middle School, Ahmedabad	190	93	3	9	28	15½	14	3	9	3½	
21	Government Middle School.	153	43	4	...	57	12½	6	4	...	9	

Note.—Information regarding Intermediate Hindus and Backward Hindus, excluding Depressed Classes, is given in the statement separately on the assumption that both these categories are included in the term "Backward Hindus" used in the question.

Even in the service of the Bombay Municipal Corporation, which boasts of being the most democratic and exemplary civic body in the East, our status is so low that we are practically non-existent as a community. We append a table below showing the strength of the various communities in municipal service.

The total number of clerks employed in the Bombay Municipality is as follows:—

Hindus:—				
Advanced	...	...	596	
Backward	...	...	75	
Depressed	...	...	1	
				672
Parsees	...	...	106	
Christians	...	...	59	
Mahomedans	...	...	44	
Jews	...	...	14	
				223
Grand Total	...	...		895

ORAL ANSWERS. (22ND JULY 1927.)

Classified list of Clerical Establishment in the Revenue Department in the Central Division, according to Castes and Communities, of the employees.

Name of District.	Maratha.	Brahmin.	Other Advanced Classes.	Untouchable.	Mahomedans.	Other Castes or Communities.	Total Number of Clerks.	Remarks.
1. Commissioner, Central Division	1	11	6	...	4	...	22	
2. Nasik District	17	114	4	1	26	11	173	
3. West Khandesh District	26	74	12	5	23	...	140	
4. East Khandesh District	65	105	4	...	23	...	197	
5. Ahmednagar District	18	127	5	...	19	...	173	4 Posts vacant.
6. Poona District	21	168	6	2	9	18	225	1 Do.
7. Sholapur District	19	81	...	...	8	9	117	
8. Satara District	53	128	16	...	19	2	219	1 Do.
Grand Total	220	808	53	8	131	40	1,266	6 Posts vacant.

† At p. 463 of the Official Report of the Bombay Legislative Council Debate's, Vol. XX. Part V.

JOINT MEMORANDUM OF DEPRESSED INDIA ASSOCIATION, BOMBAY, AND THE SERVANTS OF SOMAVAMSHI SOCIETY, BOMBAY. *[Continued.*

13. From the account of our unhappy plight which we have given in the above paragraphs it would not indeed be surprising if we stated that we are opposed to Indianisation in so far as it is understood by that term greater association of Indians in the services irrespective of better opportunities for the depressed classes. Extension of political power to the caste Hindus proceeding simultaneously with their wider recruitment to the services would result in this, that even the small boons we have enjoyed would be automatically whittled down, for, in the nature of things, no caste Hindu, once he occupies a position of influence, would allow a member of the depressed classes to rise in the social or economic scale, but, on the contrary, would aim to stabilise his condition as a hewer of wood and drawer of water. We have more to hope from the British officer, who, free from communal or caste bias, unfettered by any wicked tradition, is quick to respond to the promptings of his conscience and the dictates of humanity. We realise that, with the passage of time, we cannot hope for ever to rely upon the protecting arm of the British officer, but we do hope that, in the transition period through which the country is passing, every endeavour will be made to encourage us to join the services by promoting recruitment on certain preferential lines. As the benefits of education are grudgingly allowed to us, it is not fair to expect that our young men are able to join the services which require an early age limit. An extension of the age limit to people of our community would be a great encouragement to our young men and constitute an act of fairness which it would be wrong for other communities to complain about. Where candidates of equal qualifications are in the running for an appointment it would be, again, an act of barest justice to grant the boon to a member of the depressed classes.

14. We now conclude this Memorandum upon a note of optimism. We regard the Commissioners as a body of men who have come to this country at great personal sacrifice, with the single and selfless motive of doing their best for the subjects of this part of His Majesty's Empire. We have no doubt but that the ideals that animate them and the motives that inspire them are those that filled the lives of that band of inspired statesmen, Canning, Ripon, Dalhousie, Elphinstone, Morley, Minto, Hardinge and others too numerous to mention who have left behind them a mantle of inspiration for the guidance of succeeding generations of statesmen. We recollect how, on the morrow of a great upheaval, Queen Victoria of beloved memory told the Indian people that the welfare of her Indian fellow subjects was the greatest object of her wish, and that no subject of Her Majesty shall, by reason of his colour, caste or creed, be debarred from filling the highest offices of state to which he is entitled by his ability, honesty and integrity to aspire. We trust, therefore, that the Commissioners will be pleased to enquire into our legitimate grievances and recommend solutions to the Imperial Government on the lines we have suggested in this Memorandum.

We beg to add that representatives of the two Societies or Associations of which this is a joint Memorandum will be ready to give oral evidence before the Commission whenever required.

We have the honour, &c.,

Your obedient Servants,

R. S. NEKALJAY, J.P.,
President,
The Depressed India Association,
Bombay Branch,
Justice of the Peace, Member of the Bombay Municipal Corporation and late Member of Bombay Legislative Council.

S. WAGHMARE,
President.
The Servants of Somavamshi Society of Bombay.

H. D. BHOSLE,
Honorary Secretary,
D.I. Association.

G. C. KAKDE,
Honorary General Secretary,
Servants of Somavamshi Society.

9th July, 1928.

POONA.

Dated 23rd October, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN) AND OF THE BOMBAY PROVINCIAL COMMITTEE.

Dr. B. R. AMBEDKAR (a member of the Bombay Committee) and Dr. P. G. SOLANKI (representing the Depressed Classes), called and examined.

1. *Chairman:* Just to remind my colleagues, the documents we should have before us are Dr. Ambedkar's statement on behalf of the Depressed Classes' Institute of Bombay and the Joint Memorandum of the Depressed Indian Association, Bombay, and the Servants of Somavamshi Society. Dr. Ambedkar has changed his seat, because he is acting for the moment as one of our witnesses. Dr. Ambedkar, of course, we know as a member of the Bombay Committee. I think, Dr. Solanki, you or your Association is responsible for the other document?—(*Dr. Solanki*): I concur in the document submitted by Dr. Ambedkar.

2. I should like you to begin, Dr. Ambedkar, by helping us as to the sort of number of depressed classes in this Presidency. Can you help us about that?—(*Dr. Ambedkar*): I find that the depressed class population, as computed in the Memorandum submitted by the Government of Bombay is estimated at 1,478,390, as may be seen from page 3 of their Memorandum.*

3. Let us see. They say, "The depressed classes, which include mostly the Dheds, Mangs, Mahars and Holiyas, number, according to the Census of 1921, 1,478,390 approximately." What do you say about that figure?—As you will see, the figure I have given on page 39 of my Memorandum is about 28 lakhs.

4. You think the number should be about 2,800,000?—Yes.

5. How does the discrepancy arise?—The first thing I should like to say is this, that the figures given by the Government of Bombay are taken, I believe, from the Census of India, 1921, Vol. 8, Bombay Presidency, Part II, the tables starting on page 176, while the figures which I give in my memorandum are from Chapter 1f of Vol. 1 of the Census of India, 1921. These are the figures estimated by the Director of Census, who has collected the figures of the different provinces, and his computations, which I have taken bodily, are given on page 39 of my memorandum, under the heading "Population of the Depressed Classes in India," and show the figures for the different provinces, giving the population of the depressed classes in each. Now, as we see, there is this discrepancy between the two sets of figures. These figures, of course, can never be exact, neither the provincial nor the central figures. In fact, if the Conference will refer to the remarks of the Director of the Census of India, which I commence quoting on page 39 of my memorandum, it will be seen that, after giving the total estimated population of the depressed classes he goes on to say (page 39 of memorandum, in italics), "This, however, must be taken as a low and conservative estimate since it does not include (1) the full strength of the castes and tribes concerned, and (2) the tribal aborigines most recently absorbed in Hinduism, many of whom are considered impure. We may confidently place the numbers of the depressed classes, all of whom are considered impure, at something between 55 and 60 millions in India proper." Then he gives the figures for each province.

6. Would you mind if I just try to clear my own mind, not by reference to precise figures, but by contrasting two conceptions. It is manifest that if some authorities, speaking with the precision of Census returns, give a total like 1,478,000, and other authorities, also speaking with precision, give a figure like 2,800,000, the second authorities must be including people not included by the first?—That is so, and I should, therefore, like to point out to the Conference that the provincial figures do not include certain castes which are, as a matter of fact, untouchable castes.

7. May we put it like this? See if I have it correct, and if I have not please tell me. I have been studying it as well as I can, although I have been looking forward to your help and that of Dr. Solanki. In one sense of the term, by "depressed classes" you might mean untouchables in the sense of persons who are Hindus, but who are denied access to the Hindu temples, might you not?—Yes.

8. In another sense you might include in the "depressed classes" not only those people whom I have described, but also the criminal tribes, the hill tribes and other people who no doubt are very low in the scale, but who are not, perhaps, in the narrower sense untouchables from the point of view of the Hindu hierarchy?—Quite.

9. Is not that a possible view?—That is a possible view.

10. Is not that the real explanation of why in some connections you get a certain figure for the depressed classes, meaning untouchables, persons who are refused admission to the Hindu temples, whereas on the other hand you sometimes get a bigger figure which would include these criminal and hill tribes?—I do not think that is so in this case, because the figures I have given seem to have reference to the depressed classes as distinct from the hill tribes and the criminal tribes.

11. Let me point this out to you. I have before me these three figures. I have got a figure of 1,478,000 odd for untouchables, taken from the Census of 1921, and made up of these Mahars, Dheds and other people. Then I have a long list of criminal tribes and so on, which adds up to 589,000—just over half-a-million. Then I have a third list of aboriginals and hill tribes—Bhils, and people of that sort—and they add up to another million. If you were to add the aboriginal and criminal tribes in with the first figure, you would get a total approximately like the larger figure you give of 2,800,000?—The quotation I reproduce on page 39 of my memorandum from the remarks of the Directors of the Census gives me the impression that his figures are strictly for the depressed classes. My feeling is that the figures computed by the Director of the Census and referred to by him in the paragraph which I quote on page 39 of my memorandum are figures which apply only to the depressed classes.

12. * * * I see that the Director of the Census of India for 1921 says this: "It has been usual in recent years to speak of a certain section of

* Vol. VII.

the community as the 'Depressed Classes'—so far as I am aware the term has no final definition, nor is it certain exactly whom it covers." Then he refers to some educational criticisms. That is the passage you mean?—Yes, and "The total population classed according to these lists as depressed amounted to 31 million persons, or 19 per cent. of the Hindu and tribal population of British India." That remark would appear to exclude the tribal people from the depressed classes.

13. I do not know. Anyhow, that is one possible explanation, and I think you agree a possible explanation is that the smaller figure is the figure of untouchables in the sense I have tried to define. I think you agree that is a possible view. It is manifest that for many purposes those interested in trying to promote the advancement and elevation of those who are most depressed may very well include in their survey a wider number of persons, including the criminal and hill tribes. That is a possibility?—It is a possibility.

14. I should like to suggest to you another possible view. I do not know if it qualifies it. On page 39 of your documents you point out, quite accurately, I think, that if you add the provincial figures together you get something like 55 to 60 millions in India proper?—Yes.

15. "India proper" there, I think, would include the Indian States?—Yes, I thought of that, but I would point out one thing. He seems to exclude the Indian States, because he gives a separate figure for Baroda.

16. Perhaps he mentions one or two of the larger ones?—Probably. I thought that would be one qualification of the figures.

17. We do not, of course, want to spend too long on the statistical point, because, after all, whether the right figure to take is 1½ million or 2 millions or 2½ millions it is obvious it is a very large number of people, and they are people who deserve our very special consideration?—One point I wish to mention is this, that the figures from which the provincial figures are computed are in the table which deals only with the principle Indian castes. It is not an exhaustive table, and I find by going over the different castes which are mentioned in this table that it does not give any figures whatsoever for ten castes, which are undoubtedly untouchable castes. They are not included in the principal Indian castes.

18. What I was going to suggest, if it was agreeable to you both, was this. You have called attention to the main considerations with regard to the figures and, without fixing absolutely the right figures, I think it would be well to get rid of this figures point as quickly as possible, and then we can get to the question of considering the position and treatment of these classes; otherwise we may occupy a long time on arithmetic. I have asked what I want to put about it, and I am quite prepared to take it that if you apply a narrower test you may get a figure of 1½ millions, but that with a wider test you will get a figure of between 2 and 3 millions. I accept that from you, as I follow it?—Yes, with this qualification, that the Bombay figures do not include ten of the castes.

Chairman: We want to get to the real point, which is their representation. Is there anyone who wants to occupy time on this statistical point? Are you content, Mr. Rajah, that we should take it the figures are something of that sort?

Rao Bahadur Rajah: Which figures?

Chairman: Do not you think we might proceed with the really important question, which is their representation, leaving it like this, that in the Bombay Presidency the Census of 1921 gives a figure of 1½ millions, but it would appear that those are the depressed classes in the narrower sense I have mentioned, the untouchables from the point of view of religion, but that, as Dr. Ambedkar has pointed out, the official figures really show, if you take a rather wider but perfectly legitimate view, that the true figure may be between 2 and 3 millions. Is not that fair?

Rao Bahadur Rajah: Yes, that is right.

Chairman: Does anybody want to add anything about that?

19. *Colonel Lane Fox:* On which figure are the two memoranda which we have received based? In each memorandum you ask for special representation for the depressed classes. You ask for adult suffrage in one memorandum, and you ask for special recruitment for the army and navy and so on. It is obvious it is a bigger thing if you ask for it for the aborigines and criminal tribes and so on. Are these privileges asked for the bigger figure or for the smaller?—I ask for them for the depressed classes.

20. For the aborigines and criminal classes also?—No. I do not think it would be possible to allow them the privilege of adult suffrage.

21. But you quote the bigger figure?—I am not accepting altogether the fact that the figure which I have given in my memorandum covers the aborigines and the hill tribes. I still hold to the view that on a fair computation the figure I have given is largely the figure for the depressed classes. I admit only the possibility of the other view.

Chairman: There is only one thing I might add. Sir Arthur Froom may be able to confirm it. I notice the Muddiman Committee,* in the table subjoined to para. 64 of their Report, give the figure at 2,800,000.

22. *Sir Hari Singh Gour:* Dr. Ambedkar, would you regard "depressed classes" and "untouchables" as synonymous terms?—Yes.

23. In asking for special representation for the depressed classes you confine yourselves to the untouchables?—Yes.

24. You say that some aborigines are not untouchables?—In some parts they may be. I do not propose to speak on their behalf.

25. They are not untouchables. The criminal tribes are not untouchable?—Some of them are.

26. Some, but as a tribe they are not?—The criminal tribes have so little social intercourse with the rest of the Hindus that there is no basis for any definite opinion on that point, but if they did have such intercourse I think they would be regarded as untouchables.

27. There are certain classes which stand midway between touchability and untouchability?—I would rather say they were lower down than the untouchables.

28. No, higher up in the social ladder there is a class which is semi-untouchable?—I cannot say. My point is this, that with respect to the criminal tribes we have no data for forming an opinion as to whether they are untouchable or not, because there is very little intercourse between the main body of Hindus and the criminal tribes.

29. Leave out of account the criminal tribes and aborigines; I am now dealing with the untouchables. Among the untouchables themselves there are degrees; there are certain among them who may be regarded as only semi-untouchable?—(Both witnesses) No.

30. I will give you an example. What is the position of the Chambhar?—(Dr. Ambedkar) He is entirely untouchable.

31. As much as the Mahar?—Yes.

32. You are certain of that?—Yes, if you apply this test of common water, or of entering a temple.

33. No, by untouchability I mean whose touch will pollute a high-caste Hindu?—Well, you can take entering a temple or taking water as a test.

Chairman: After all, we are engaged here primarily in a constitutional and political inquiry. Social customs and deeprooted religious traditions are not things which are likely to be removed between night and morning by any commission; that is obvious enough. It really comes to this, that in one sense the depressed classes, meaning the untouchables, will be those classes who are denied all access to Hindu temples, and who, it is suggested, are deprived very

* Reforms Enquiry Committee, 1925.

often of the use of wells, of schools, of dharamshalas and things of that sort. In addition to those, speaking politically and constitutionally, we shall all agree there are others, not very advanced in the scale of civilisation, such as Sir Hari Sing Gour has referred to—criminal tribes, hill tribes and so on—who are also inhabitants of India and as such demand our attention.

Sir Hari Singh Gour: The Hindus are divided into four castes. The Sudras cannot get into the temples * * *

Chairman: I think we all appreciate that. However, we are not engaged in making laws for the Hindu religion, but in considering the structure of the constitution of British India, which is a very different thing.

34. Taking that figure, what is it that you want to represent as the proper way in which the constitution of India, and more particularly the constitution of the Bombay Presidency, should deal with these people?—The first thing I would like to submit is that we claim that we must be treated as a distinct minority, separate from the Hindu community. Our minority character has been hitherto concealed by our inclusion in the Hindu community, but as a matter of fact there is really no link between the depressed classes and the Hindu community. The first point, therefore, I would stress before the Conference is that we must be regarded as a distinct and independent minority. Secondly, I should like to submit that the depressed classes minority needs far greater political protection than any other minority in British India, for the simple reason that it is educationally very backward, that it is economically poor, socially enslaved, and suffers from certain grave political disabilities, from which no other community suffers. Then I would submit that, as a matter of demand for our political protection, we claim representation on the same basis as the Mahomedan minority. We claim reserved seats if accompanied by adult franchise.

35. And if there is not adult franchise?—Then we would ask for separate electorates. Further, we would like to have certain safeguards either in the constitution, if it is possible, or else in the way of advice in the Instrument to the Governor regarding the education of the depressed classes and their entry into the public services.

36. May we just ask Dr. Solanki if he agrees in those points?—(*Dr. Solanki*) I agree with all the points.

37. Then we may take it that that is the view of both you gentlemen?—Yes.

38. Would it be convenient if I asked a question or two on these points as we go? You claim that the depressed class, although included within Hinduism in a sense, should none the less be regarded from the point of view of the constitution as a distinct and separate community from others who are within Hinduism?—(*Dr. Ambedkar*) Yes.

39. Is that on the ground that in your view the depressed classes cannot expect to have their interests satisfactorily represented by the higher ranks of Hinduism?—That is one ground, but as a matter of fact really we cannot be deemed to be part of the Hindu community.

40. You come, I believe, from an earlier set of inhabitants of this continent?—That is one view, I think.

41. It is supposed—we will not go into details—that you are pre-Aryan?—Well, I do not know. That is a view.

* * * * * * * * * * *

43. I only ask you the question because there are some very distinguished Hindu public men—I do not mention any names—who have undoubtedly exhibited a good deal of interest in the case of the depressed classes. There is no question about that?—Yes, there is a great deal of public talk.

44. I know; but, at any rate, that is your view: you say you must be regarded as a distinct and separate community from the constitutional point of view?—Yes.

45. As regards representation, I notice that whether there is adult franchise, or whether there is not adult franchise, you seem to be abandoning any idea of nomination, you want election?—Yes.

46. Is that the view of both of you?—(*Dr. Solanki*): Yes.

47. That means, of course, that you have to make a list of voters?—Yes.

48. And you have to make sure that the man who comes to vote is the man on the list, and nobody else?—Yes.

49. Could you give me an estimate at all, Dr. Ambedkar, of what percentage of the population whom you call the depressed classes can read?—(*Dr. Ambedkar*): In a separate memorandum which I have submitted to the Commission on education in the Bombay Presidency I give the figures.

50. I am afraid it is a very small proportion?—Quite.

51. After all, one of the complaints that are made is that they have not had as free access to schools as more fortunate people?—Quite so.

52. So it would mean, would it not, if it was done by election, that it would almost entirely have to be done by people voting who could not themselves understand the ballot paper?—Yes. That is true of the majority of voters even to-day.

53. True. Now, would you tell me how many reserved seats in the Bombay Presidency you would suggest as proper, assuming adult suffrage for the depressed classes?—In the scheme that I have prepared I say out of 140 we claim 22 seats.

54. What you suggest is that if the total number of members of the Bombay Council, all elected, was 140, then you think that the body for which you wish to speak should have 22 elective seats?—Yes.

55. And supposing, to take your other alternative, there is no adult franchise, then you are asking for separate electorates. Do you still want 22 seats?—Yes.

56. The only other thing I will ask you is this. I think Mr. Rajah probably will be glad to put a few questions himself to bring out the social condition. At present I think in the Bombay Legislative Council there are two members, are there not, who are nominated to represent the depressed classes?—That is so.

57. You yourself being one of them?—Yes.

58. And Dr. Solanki being the other?—Yes.

59. Was that based on the Southborough Committee's Report?—Yes, I believe so.

60. I believe you gave evidence before the Southborough Committee?—Yes.

61. I have been reading your evidence before that Committee, and I was looking to see how many members you said there were of the depressed classes. I think you point out in your memorandum, in a note at the bottom of page 39, that the figure of the depressed classes given by the Southborough Committee for the Bombay Presidency was 577,000?—Yes.

62. I think your view is that that was an error?—Yes, a very large error.

63. Can you tell me, as a matter of fact, how they arrived at it? Do you know at all?—They simply took, I think, a small table with regard to castes which cause pollution.

64. It was taking a still narrower definition of what constituted the depressed classes?—Yes.

65. *Mr. Hartshorn:* I notice in this note you say, after referring to the figure of the Southborough Committee of 577,000, "According to the authority relied upon by the Southborough Committee, the population of the depressed classes in the Bombay Presidency in 1911 was 2,145,000."—In the Census.

66. That is the authority they relied upon? That was what I wanted to know?—Yes. The authority gave two different figures on two different pages, if I remember correctly. On one page they gave the smaller figure, and they took that up, and as soon as the Report of the Southborough Committee was

published we protested against this estimate to the Government of Bombay.

67. *Chairman:* I think it is quite clear what the 2,100,000 was. It was the result of adding together in the Census of 1921 the figure given for the untouchables, which, as I have said, was 1,478,000, and the figure given for the criminal tribes, which was something like 623,000. Adding those two together, you would get the 2,100,000?—Yes.

68. And it was leaving out the aboriginal and hill tribes. It must have been?—Yes.

69. *Mr. Miller:* I should like to ask about the position in some of the Indian States. In Baroda and one other State, I think, where some special facilities are shown, are those special facilities anything beyond education facilities?—No, nothing beyond that.

70. Could you obtain service with the State?—I should think it would be very difficult.

71. You are particularly anxious to get appointments in the public service?—Yes, decidedly.

72. Why is that so?—On that point I should like to say this, that our experience so far as the administration of the law is concerned is very bitter. I wish to say most emphatically that in many cases the law is administered to the disadvantage of the depressed-class man. I would like to give a concrete case of what actually happened in one of the districts, without, of course, mentioning names. The Bombay Government annually lets out its forest lands for cultivation to the villages on certain stated terms. Now, we discovered that in the allotment of those forest lands the depressed-class man, who was often a landless labourer or with very little land, and who was clamouring for some sort of economic stability, never came in for a share. The Mamlatdars, who were really in charge of distributing the lands, showed absolute favouritism to the caste Hindu as against the depressed-class man. Last year in one district we organised and sent a deputation to the Assistant Deputy Collector of that district, placing before him our grievances with respect to these forest lands. He issued a circular to the Mamlatdars saying that the applications from the depressed classes should be considered. Now, some of the Mamlatdars, to show they were acting up to the circular, did give some lands to the depressed classes. But we found that they rather fooled us, if I may say so. What they did was, on paper they allotted a very large amount of land to the depressed classes and a very small amount of land to the caste Hindus, but when we came to see actually what was allotted to us we found that the land allotted to the depressed classes was all rocky and unfit for cultivation and the depressed-class people would not take it for anything, and the land allotted to the caste Hindus, though small, was all rich and fertile. Now, I think that is a most flagrant abuse of the administrative power which is entrusted to the officials, and I personally attach far more importance to good administration of law than to mere efficient administration of law.

73. *Chairman:* I imagine that the application of what you have told us, which is interesting, to our present inquiry is really this—because, of course, it is no part of the function of this Commission to interfere in day-by-day administration?—No.

74. You are using it as an argument to support your view that the depressed classes should have a full representation?—In the services.

75. That is your point?—That is my point. I will give some more instances of what happens in judicial courts actually in this Presidency. I happened to defend a depressed-class man in one of the courts, and, to my great surprise, I found that the man had to stand outside the court behind a little window, outside the wall, and he would not come in simply because, he said, "It is all right so far as you are concerned, but after you have left there will be terrible social ostracism if I enter the court."

76. It was the client who did not want to come in?—Who dare not come in.

77. What sort of social ostracism had he in mind?—The social ostracism would be that if he went back to the village there would be the boycott of the shopkeepers; nobody would sell him grain. The villagers would stop his dues as a village servant. He would not be allowed to come into the village. The depressed-class people always live on the border of the village, not in the centre or in the midst.

78. Your point would be that he was timid about coming into court on this occasion because he thought that afterwards the other people of the village, not his own lot but the others, the caste people, would regard him as having pushed himself in where he should not go?—Certainly—having exceeded the bounds of his social status.

79. That is a single case, is it?—I have had that experience, but I think that the existence of a circular of the Bombay High Court to the effect that the depressed classes must be allowed entry in the courts indicates that that is often the case. There must be some reason for that circular.

80. *Mr. Miller:* The only other question I want to ask is this. If you got these 22 seats in the Council do you think you could bring forward 22 suitable men?—Yes, I think so.

81. *Khan Sahib Abdul Latif:* Would you please enlighten the members of the Conference as to the fate of the minorities in the Bombay Council, when the official *bloc* is withdrawn for certain reasons?—I quite see that the fate of the minorities would be precarious. It has been precarious.

82. Did the honourable Minister belonging to the advanced class show any consideration to the project, or the feelings of Mahomedans, non-Brahmins, or depressed classes?—No, not at all.

83. Do the minor communities stand any chance of getting through any legislation in the Bombay Legislative Council, or get any chance to move it?—Their chances would be almost nil.

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98. *Sardar Mujumdar:* Is it not a fact that different kinds of caste among the depressed classes are known as the depressed classes; that is to say, there are different kinds of castes even among the depressed classes?—Yes, of course.

99. Can you give me approximately the number of those castes?—I think you will find them in the Census, the different castes enumerated as untouchables.

100. Can you give me any idea of the number of different castes?—About a dozen or so. The Census gives it.

101. How many castes are included in the depressed classes in Bombay?—Almost all the castes.

102. Then the members of the different castes are members of your organisation?—Quite; it is a general body inclusive of all the depressed classes.

103. So that among the depressed classes are included all those?—Yes.

104. Have you taken into consideration the claims of the Bhils and Wadias and other persons?—No.

105. What do you say about the protection of those minorities?—I think that they also should be allowed some protection by representation.

106. Do you not think that even among the backward classes there are certain communities, who are in a minority?—Yes.

106A. Then has the present constitution any provision to protect their interests?

Chairman: Are these castes to which you refer refused admission to the Hindu temples?

Sardar Mujumdar: No, they are allowed to go into them.

Chairman: This morning we are really considering the case of untouchables, and persons who are quite outside the Hindu temple scheme. I do not think we can go into the question of the backward classes, who would be admitted to the Hindu temples.

Sardar Mujumdar: What I submit is that there are various minorities even amongst the backward classes. We are not concerned with the question of

suitability; we are here to safeguard the interests of all the minorities.

Chairman: Certainly.

Sardar Mujumdar: It was from that point of view that I asked the question.

Chairman: Let me relieve you at once. India is full of minorities, and you have mentioned some of them; but this morning we are considering the body of people called the depressed classes.

Sardar Mujumdar: Very well, sir.

107. *Syed Miran Muhammad Shah:* You have just said that you want representation in proportion to what the Mahomedans get?—Yes.

108. Do you want them because Mahomedans get them? Do you see any justice in that?—I see justice in that. I do not quite accept the principle of representation of minorities according to population, because it seems to me that that implies a conception of the legislature as though it was a museum in which we have only to keep so many specimens of so many communities. A Legislative Council is more than a museum, it is a place where, for instance, social battles have to be fought, privileges have to be destroyed, and rights have to be won. Now, if that is the conception of a Legislative Council, I do not think it at all in the fitness of things to confine the minority to proportional representation according to population, that means you are condemning a minority to be perpetually a minority without the power necessary to influence the actions in the majority.

109. Would you be satisfied if the franchise was reduced to local boards in the rural areas?—Well, I would really insist upon adult suffrage. The lower the franchise the better, on that principle I would accept any lowering, but I certainly would not say I would be content with that.

110. Would you then extend adult suffrage to the aboriginal tribes and to the criminal and hill tribes?—Yes, I think so.

111. You would?—Yes.

112. Or would you like to exclude them and give them nomination and yourselves adult suffrage?—I will say one thing. With regard to the criminal tribes, it might not be a good thing to give them adult suffrage, because by occupation they are a people who have more the interest of their own particular community in their mind, and they are not very particular as regards the means whereby they earn their living; but I do not think there is any harm in giving aborigines the right to vote.

113. They should be given the right to vote, or should their interests be protected by nomination?—They should be protected somehow; I do not much mind how. My feeling is that every man is intelligent enough to understand exactly what he wants. Literacy has not much bearing on this point; a man may be illiterate, nonetheless he may be very intelligent.

114. Do not you think that this separate representation will lead to communal tension? It is stated that communal tension is due to separate representation and separate electorates. Is that your belief?—Even assuming it does lead to tension, I do not see how you can get rid of it. Whether it does lead to tension is questionable, but I do not see in any case how you can get rid of it, having regard to the fact that society is divided into classes and communities.

115. Do not you think it is the root cause of dissension?—I do not think so, but I do say this; as a result of communal representation, the leaders of the communities are less prone to compromise than they would otherwise be. That is my feeling, but I do not think it leads to communal riots, which are due, I think, to something very different.

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116. *Syed Miran Muhammad Shah:* Would you not suggest that by taking away the official block, non-officials may be nominated in order?—I do not want nomination.

117. *Major Attlee:* Are there members of the depressed classes working in industry, in the cotton mills and so on?—All of them. The depressed class men are all labourers.

118. You have not got my point; I am talking of industry. You have members of the depressed classes who work in villages, for the most part in certain occupations. But are there large numbers of the depressed classes engaged in industry?—A very large number.

119. You would have a very large number in a place like Bombay City?—Yes.

120. Do they cease in any degree to be untouchable?—No. I should like to point out this. The depressed-class man is entirely kept out of the weaving department, the most paying department. He can only enter departments like the throstle department and others.

121. Why?—On account of untouchability.

122. When he is working there he is working alongside people of all castes?—Not quite. The departments are discriminated according to castes. One department is entirely manned by the depressed classes; another—say the weaving department—by Mahomedans and caste Hindus.

123. Do they take part in the trade unions?—Yes, they are beginning to do so.

124. With members of the classes above the depressed classes?—Yes.

125. I wanted to get this point from you. You put forward a claim for representation of the depressed classes on the basis of numbers. Now, we have claims put forward on a different basis altogether; on, say, the labour basis. You get a cross-division in that way, because a man can be a depressed-class man and he can also be a labourer?—He is usually, if not always, a labourer.

126. That is rather a play on words, is not it? I am speaking of capital and labour, of labour in big industries, not of the ordinary unorganised labour. I am speaking of organised labour. How are you going to get over the difficulty? If you are going to have representation by social status in one case and by industry in another, you are going to get a cross-division. How will you get over that?—There will be some provision for organised labour, and the majority of the depressed classes are labourers.

127. *Mr. Hartshorn:* I think, Dr. Ambedkar, you have made it pretty clear that you are in favour of adult suffrage. You say on page 41 of your memorandum, however, "The Sabha would, however, be content if the franchise for the Legislative Council is fixed at the same level as that for the Taluka Local Board in the rural parts and Rs. 3 rental per month in the urban parts of the Presidency." Have you formed any opinion, or are any statistics available to enable us to know to what extent the franchise would be extended on that qualification?—I may tell you that I am myself shaky about that statement. I do not mind admitting that. Such information as I have been able to gather from the depressed classes in the mofussils, however, leads me to believe that the existing taluka local franchise does produce a certain number of voters from the depressed classes.

128. I was not quite thinking of that. Could you tell us the increase in the number of persons who would become voters in the Bombay Presidency if this qualification rather than the present one were adopted?—I do not think I can give you any very definite information on this point.

129. May I revert to a question put to you by Major Attlee. I gather the depressed classes work in the factories in isolation?—In isolation, yes.

130. They have their own shed and their own department?—Their own department; there are no sheds.

131. Whatever it is, they are separated from the other workers in the factory?—I would rather put it in this way, that certain departments are exclusively assigned to the depressed classes and certain depart-

ments are departments into which they are not allowed to enter.

132. Certain kinds of occupations are forbidden them?—In the mills, yes.

133. I think you said they are not allowed to go into the weaving department?—Yes.

134. If they became members of the same trade union, would the workers in the weaving department decline to allow them in?—They would decline to allow them in. If I may mention one thing, in the recent Bombay strike this matter was brought up prominently by me. I said to the members of the union that if they did not recognise the right of the depressed classes to work in all the departments, I would rather dissuade the depressed classes from taking part in the strike. They afterwards consented, most reluctantly, to include this as one of their demands, and when they presented this to the mill owners the mill owners very rightly snubbed them and said that if this was an injustice, they certainly were not responsible for it.

135. It is not altogether merely a case of the employers wanting to get cheap labour and confining certain departments to the depressed classes for economic reasons?—No, it is untouchability.

136. Would there be anything of this in the situation? The better-paid Indian, say, declines to allow the untouchable to come into his department for fear the effect of their lower wages would be to depress wages in his department?—No. There is no distinction on the basis of wages.

137. That does not come into it at all?—No, not at all.

138. It is merely a question of untouchability?—Quite so.

139. *Mr. Cadogan:* They can be members of the trade union?—Yes.

140. *Mr. Premchand:* Can you give me a strict definition of the classes who will be on a special register of the electorate as the depressed classes?—Castes which cause pollution.

141. Is the principle that the lower the standing of a community, the greater the electoral advantage it should command over others, justifiable?—Yes.

142. If all minorities are granted additional seats, what then will constitute the majority?—If minorities put together make up a majority there is no majority and the question does not arise. There may be class distinctions among the minorities. I can quite conceive the Mahomedans in the Bombay Presidency being divided into two groups, one favouring the capitalists and one the labourers.

143. Is not it true that people who are not politically minded or trained are frequently led astray by professional leaders?—I do not know. I have never been a professional leader, so I cannot say.

144. Would not the extension of the franchise to the large majority of the uneducated section of society be fraught with danger and render it liable to abuse?—No, I do not think so.

145. Can you tell me why it is not possible to admit members of the depressed classes to our present schools and colleges without the necessity for a charge on the revenue of the Province?—Because they are hopelessly neglected under the present system.

146. Why is not it possible to admit members of the depressed classes to our present schools and colleges without the necessity for a charge on the revenues of the Province?—You should ask those who refuse what their reason for refusal is.

147. Refusal of what?—To admit them.

148. To the colleges and schools?—Yes.

149. Do you know the Bombay Municipality has passed a rule now —— ?—And you know also of the protest meeting which was held in Bombay.

150. There may have been a protest by one section, but the Municipality has removed all those restrictions?—It remains to be seen how far they will stick to it at the next election.

151. But they have done it, you know?—Yes.

152. *Chairman:* Might we know what is the protest meeting to which he refers?—The position is this. Hitherto the Bombay Municipality has had separate schools for the depressed classes in the City of Bombay. Now, under the scheme of compulsory primary education, the Bombay Municipality is compelled to limit the number of schools and bring together the scattered children of the depressed classes into the schools of the caste Hindus as a measure of economy. Naturally, some provision has to be made for water and other amenities for the children who attend. The question arose whether there should be a distinction in the drinking arrangements, whether the untouchables should have separate pots for drinking from the caste Hindus. The Municipality passed a resolution saying "We cannot recognise untouchability in our own schools," and they issued a circular that there should be no distinction as to drinking pots in their schools. This protest meeting was a meeting held under the presidency of an important Hindu leader of Bombay to protest against that kind of uniform arrangement being made, as being against the Hindu religion.

153. *Mr. Premchand:* Do you know the depressed classes are employed in the weaving departments of the Ahmedabad mills?—I did not know that.

154. I can tell you they are.—There again I should like to say one thing, probably they are employed exclusively. I can quite conceive of a situation where, for instance, so many looms are exclusively handed over to the depressed classes. To-day there is a proposal also in certain mills that the depressed classes should take charge of the whole of the weaving department, that the millowners should hand it over to them, but you cannot have part depressed classes and part caste Hindus.

155. *Chairman:* The difficulty is the mixture?—Yes.

156. *Sir Hari Singh Gour:* What is the view of your Institute in regard to the general scheme of constitutional reform? Have you formulated any views at all on the subject?—I may tell you this. The depressed classes as such, of course, are not very much interested in constitutional questions; they are more interested in obtaining the guarantees and protection they require, under whatever form of Government that may come to be. Therefore, I do not think that the depressed classes as such have any definite views as to the form of Provincial Government or the form of the Central Government; but, of course, I have my own individual views as a member of the depressed classes, without these being the views of the depressed classes themselves. It is on that account that nothing is said about the constitution in my Memorandum.

157. I am aware of that, and that is why I asked you that question. What are your personal views?—So far as the Provincial Government is concerned, I am in favour of provincial autonomy.

158. Qualified or unqualified?—I think there might be some safeguards with regard to the transfer of law and order. It is not that I object to the transfer of law and order; I am in favour of the transfer; but still I should like some safeguard. I am not certain to-day what it should be, but there might be with advantage some safeguard in that respect. Barring that, I am in favour (speaking personally) of full provincial autonomy.

159. What about the Central Government?—I think we might start with dyarchy there.

160. As regards adult suffrage, I suppose you are in favour of adult male and female suffrage?—Yes.

161. Do you think that is a practical proposition?—Very practical.

162. Do you think the masses have attained any degree of political consciousness, so as to be able to use that political suffrage with any advantage to their own community?—Speaking only on behalf of the depressed classes, I emphatically maintain that the depressed classes will exercise their vote in a most intelligent manner, speaking for the Bombay Presidency. Having regard to the fact that the canker of untouchability is before their minds every minute of their lives, and having regard to their being alive to

the fact that political power is the only solvent of this difficulty, I emphatically maintain that the depressed class voter would be an intelligent voter.

163. Do not you think that, following the example of other countries, those who pay no taxes, having a political existence and possessing political power, will tax those who are already oppressed with heavy taxes?—I think that should be so. I do not see anything wrong in it.

164. You see no wrong in the exploitation of the taxpaying community? Is this your own opinion or the opinion of the Institute which you represent?—My own opinion. The Institute has said nothing about it here.

165. Do you think you reflect the general opinion of your Institute in conveying this view to the Commission?—I think that would be the view of all poor communities.

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167. *Sir Hari Singh Gour:* In answer to the Chairman, you said the depressed classes must be regarded as a distinct community, a community distinct from the Hindu community. Do you apply that only for electoral purposes, or for all purposes?—They are distinct for all purposes, as a matter of fact.

168. Would you class the depressed classes as real Hindus?—I do not care about the nomenclature. It does not matter whether I call myself a Hindu or a non-Hindu, as long as I am outside the pale of the Hindu community.

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170. It makes all the difference in the world. * * * If you were outside the pale of Hinduism you would not be subject to Hindu law. You could not, for instance, contract a marriage under the Act 30, of 1923, which has completely abolished all caste so far as the marriage law is concerned between a Hindu and a Mahar, touchable and untouchable. Now, if you go out of that community, out of that social system, and call yourself a non-Hindu, you will be outside the pale of Hindu law to that extent?—It might be.

171. Then by what law would you be governed?—We are governed by the Hindu law, just as, for instance, the Khojas, who are Mahomedans, prefer to be governed by Hindu law so far as the devolution of property is concerned.

172. And you are under the Act 30 of 1923; you are under Hindu law?—I do not know what the depressed classes would think about marriage.

173. Would you kindly turn to your memorandum? You say at page 39, and you also repeated it to-day in answer to my friend Mr. Kikabhai, "the standing of the community must mean its power to protect itself in the social struggle. That power would obviously depend upon the educational and economic status of the community."—Quite.

174. It follows from the recognition of the principle that the lower the standing of a community, the greater electoral advantage it must get over the rest. Do you adduce this last sentence as a logical deduction from the premises, from the previous two sentences?—Yes.

175. You regard that as a logical deduction?—Yes, quite.

176. * * * I wish to draw your attention to the fact that you say: "In addition to the demand for adequate representation, the Sabha feels that it must also demand the inclusion of clauses in the constitution of the country." Now, amongst these clauses you find things like this mentioned: "the right of every depressed class to the appointment of a special inspector of police from amongst themselves"?—Yes.

177. Do you expect that an Act of Parliament should contain a clause to this effect, that the depressed classes in India shall have an inspector of police in every district from amongst themselves?—I really do not see anything strange in that.

178. Supposing there was a provision to that effect relating to all communities (because if you have got certain constitutional guarantees it follows by necessary implication that other communities have an equal right), then you parcel out all the official posts and you parcel out all the other things amongst the various communities, and that is the constitution that you foresee for India?—I do not know that. I am only speaking for the depressed classes. May I just make one thing clear?

179. May I just complete my sentence. That is a contingency that does not arouse any apprehension in your mind?—Just let me explain before you go further. I think we must be very careful in using the word "minority." I do not think simply because a community happens to be a community composed of small numbers it is therefore necessarily a minority for political purposes. A minority which is oppressed, or whose rights are denied or the majority, would be a minority that would be fit for consideration for political purposes.

180. Wherever you have these minorities in other countries, there is provision made, there is sometimes a minister for the protection of minorities. Have you thought about that?—Yes.

181. Supposing we gave you the protection?—The protection might be given in any form, and if I may say so—I am sorry to interrupt you—I do find that the new constitutions that have been framed after the peace for the various European countries composing the bulk of the Slavonic nations very largely embody this principle. I have devoted some special attention to this subject, if you will permit me to say so.

182. *Lord Burnham:* And carried out?—And made part of the Constitution.

183. And carried out in practice too?—Carried out in practice; and the point is this, that if a minority feels that the guarantee has not been fulfilled, it has the right of appeal to the League of Nations.

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186. I am not quarrelling with the principle.—And I may say I am not very particular about the form.

187. If the details of the scheme which you have adumbrated were to be introduced into the constitution of this country, would it not lead to a perpetual class war?—It might, but that would depend upon the attitude of the majority.

188. Therefore you would not, as a sagacious statesman——If you will permit me to say so, all these things, though I insist upon them, I admit to be provisions of a transitory character. I do contemplate, and I do desire, the time when India shall be one; and I believe that a time will come when, for instance, all these things will not be necessary; but all that would depend upon the attitude of the majority towards the minority.

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197. Now, you mentioned a case that you conducted on behalf of a member of the depressed class, who, from fear of social ostracism, stood outside near the window. What district was it?—Khandesh district.

198. What court was it?—Magistrate's court.

199. Ordinary Magistrate's court?—The stipendiary Magistrate's court.

200. What caste was the Magistrate?—A Hindu.

201. He did not object to the accused coming into the court?—No, I say the accused himself would not come in.

202. The accused himself was terrorised by the past acts of the Hindus?—Yes.

203. The fear had been engendered in the minds of the depressed classes on account of the oppression of the caste Hindus that he would not get a square deal thereafter if he was to trench upon the limited rights which he had been given by the caste Hindus?—Yes.

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204. *Sir Hari Singh Gour:* I think you will admit, Dr. Ambedkar, that during the last few years there

has been a forward movement in the way of removing untouchability and removing all disqualifications from the path of the depressed classes?—Yes.

205. I admit that the reforms have not been commensurate with your desires and mind, but at the same time, we have to recognise that there is a growing feeling that there must be a consolidation of the Hindu people by removing all these barriers that stand between the castes and the non-caste Hindus. You recognise that?—Yes, there are speeches from the platform.

206. There are positive actions?—Speaking for my part of the country, the Bombay Presidency, I would rather hesitate to accept your proposition.

207. Therefore, I will give you examples. Every year, for instance, wherever there is a caste and no-caste society, Hindus hold annual dinners, and they all sit together for the purpose of making one class of people accustomed to the other class of people?—I am not aware of it in this Presidency.

208. I have attended several of them.—In this Presidency?

No, in Nagpur.

209. There is no such movement here?—No.

210. But you admit that there is recognition of the fact that oppression and untouchability must go, and that every effort to suggest anything in that way receives sympathetic consideration from the caste Hindus, and particularly from the Reformers?—I would hesitate, again, to answer that.

Chairman: Would you agree, in order to get this witness's view of the facts, that I should ask two or three question on your line?

Sir Hari Singh Gour: Yes, Sir, certainly.

211. *Chairman:* Mr. Rajah would be, in many ways the best person to do it, but I wish you would tell us your own view. Compare twenty years ago with now in the Bombay Presidency. How many years, if I may ask, have you been here?—Five or six years.

212. You have, of course, taken an interest in your own community since long before that?—Yes.

213. You can look back twenty years and give us some idea?—Yes.

214. Let me take two or three things. First of all I imagine that there is no change at all so far as regards the admission of the depressed classes to the interior of a Hindu temple. That, of course, is a matter of religious practice and teaching. I do not criticise it, but there is no change at all?—No, there is no change at all in that respect.

215. What I want to know is this. Let us take two or three definite things in this Presidency. In the country districts, you have told us that as a rule the depressed classes, the untouchables, live in a place for themselves. Of course, we have seen it many times. Sometimes they live in a corner of the village, if it happens to be a Hindu village, and sometimes in a hamlet of their own. Now is there any change in the last twenty years as regards their living among the general communities?—No change.

216. We saw some of the villages the other day. We understand some of them can draw water from the river, but I suppose there are other villages that rely on wells?—Even in the case of rivers they can take water only from a portion of the river. A point on the river is appointed for them.

217. That is to say, the depressed classes will draw water at a point lower down than the caste Hindus?—Yes.

218. Now let us take the case of villages that rely on wells. It is not uncommon?—No, not uncommon.

219. I am anxious to know and I hope you will tell me quite frankly, is there in that respect any improvement in the last twenty years?—No.

220. Your attention has been called to the fact that there have been resolutions passed on this subject?—Yes, only resolutions.

221. It is suggested that untouchability sometimes goes to such a length that the actual contact with the man (or sometimes his shadow itself) is regarded socially by those of the higher castes as a pollution?—Yes.

222. Is there an improvement in that respect?—There is an improvement in that respect.

223. I am glad to hear that. That is, whereas 20 years ago a caste Hindu who found himself in close contact with an untouchable would possibly think it his religious duty to purify himself, it is not viewed with so much strictness now; is that correct?—Yes.

224. Then, of course, as compared with twenty years ago I imagine that there are some members of the depressed classes who have in fact risen very much in the professional scale. Twenty years ago were there depressed classes who were practising at the Bar in Bombay?—No.

225. How many members of the depressed classes practise at the Bar now?—I am the only man.

226. I think we were told yesterday that in the list of voters for the Sardars and Inamdars there were two members of the depressed classes?—Only one. His position is different. His jagir was granted by the Peshwas for the services rendered on the battlefield. His title was not given by the British Government.

227. What one notices is that in India there is gradually being introduced the motor bus connecting the town with the village and I see them going along the road. Are those public vehicles open to the depressed classes?—Not in villages. There are a great many villages where the depressed classes are not allowed to travel in these buses.

228. Who prevents them?—The driver would not take them.

229. One would expect the driver to take anybody who pays. Why does he not take them?—Because if he takes them the other people will not come into his car. For instance, the barber here would not shave my head even though I offer him a rupee.

230. *Rao Saheb Patil:* According to law the driver would be prosecuted if he refuses to take any passenger?—That can be evaded by saying that all seats are booked.

231. Are matters improving in that respect?—Yes, they are improving; but still there are numerous cases where the depressed classes would not be allowed to enter into these buses.

232. Let us take the depressed classes who are employed in the mills in Bombay. Some of them go in trams, I suppose. Do you suggest that they are not allowed to use the trams?—There was a case two years ago where a Bhungi was not allowed to board a tram.

233. When you speak of the case two years ago it suggests to me that it is rather exceptional than a rule?—I have seen, for instance, when I was travelling by the B.B. & C.I. Railway hundreds of cases where the passengers obstructed the depressed classes coming into the compartments.

234. *Sir Hari Singh Gour:* With regard to the case of the Bhungi which you mentioned, are you sure if he was not properly attired and therefore he was not allowed to get into the tram?—I do not know about that.

235. Before a man gets into the tram he is not asked to which caste he belongs; they only ask him whether he has got the fare, is it not?—But people can easily recognise him.

236. That is on account of his dress?—But he will be dealt with very badly when once he is recognised to belong to the depressed classes.

237. Apart from the question of caste there is also the question of costume?—Yes, but some of the members of the depressed class are very well dressed.

238. In the Bombay Presidency you have no such thing as to consider it a pollution to walk in the shadow of a depressed-class member?—Yes, it exists in some parts of the Konkan and in Kathiawad.

239. It is on the wane?—Yes.

240. With regard to the Ambalal Saralal School in Ahmedabad, has not his sister started the school for depressed classes?—That is the only honourable exception.

241. Is not the school maintained for the depressed classes from public funds?—I do not know that, but I know that that lady is taking interest in the elevation of the depressed classes.

242. *Chairman:* I understand it is an exceptional case?—Yes, it is quite an exceptional case.

243. *Dr. Suhrawardy:* In view of the instances of social ostracism and tyranny which you have just stated, do you not think that in a general election members of your community will be frightened out of the polling booths?—Yes, it may happen.

244. Also there is the further apprehension that the high-caste Hindus may refuse to come and participate in the elections where the untouchables go to record their votes?—They might; it is very difficult to say what might happen. We have cases, for instance, where the caste-Hindu members of district boards have left the premises because the depressed-class members have claimed to sit at the table.

245. Do you not think that, in view of this state of affairs, it will be better for you to have a separate electorate because in practice it will mean a separate electorate even if you reserve your seats in a general electorate?—Yes.

246. *Rao Bahadur Rajah:* With reference to the question put by my friend, Sir Hari Singh Gour, regarding the costume of the depressed classes, did the barber refuse to shave your head because you were not well dressed?—No; it is because I belong to the depressed class.

247. Not on account of the dress you were wearing?—No.

248. With regard to another question put by another member of the Committee, may I ask you whether it is easy for a depressed-class member in a village to file a suit against the owner of a bus because he has refused to take him?—It is not possible.

249. I understand that you have been taking very much interest in the uplift of the depressed classes. What has been your experience during your propaganda as to the help you receive in this work from the higher classes? Do they help you to impress upon the depressed classes the need for greater sanitation, hygiene and such like things?—My experience, unfortunately, is rather very bitter in this matter. The depressed classes have been dubbed to be unfit for association because of certain unclean habits. That is the allegation of the upper classes. That is to say, they eat the meat of the dead animals and they are not clean, and so on. In this Presidency during the last two years I started a campaign to purify the depressed classes, so to say, and to persuade them to give up some of their dirty habits. But, to my great misfortune, I found the whole caste-Hindu population up against me when in a matter like this I expected the utmost co-operation from them. But when I began to analyse the basis of their opposition I found that they insisted upon the depressed-class people doing the unclean things because giving up doing these things meant that the depressed classes were exceeding their social status and rivalling the upper class. For instance, in the Colaba and Ratnagiri districts the whole of the Mahar population have given up the eating of the meat of dead animals, but the tyranny and social oppression that is going on against them is simply unspeakable; there is a complete economic and social boycott. The lands they had been cultivating for years past have been taken away from them by their caste-Hindu landlords. Every sort of pressure, social and economic, has been brought to bear upon the depressed classes in order to compel them to resume their dirty habits. The officials, who are all caste-Hindus, give no protection to the depressed classes, whose condition has really become pitiable, and all this because they sought to give up their dirty habits. Instead of getting co-operation I find that the members of the upper classes are up against me, and they say "these evil habits of the depressed classes are all insignia of their inferiority and they must remain."

250. The other day we heard a witness say that there is not a single depressed class member on the sanitary boards. If what you have said just now with regard to the higher castes is true, is there any good in the depressed class members being on these boards so far as their sanitary improvement is concerned?—I think the depressed class people ought to be represented on every local authority.

251. You told us just now that in the courts in this Presidency witnesses belonging to the depressed classes have no access. I want to be clear on that point. Do you mean to say that the members of the depressed class are not admitted into some of the courts?—Yes.

252. And I understand you to say that in a case the man did not dare go into the court, is that so?—The thing is the depressed class man is looked upon by the caste people as having a particular station in life, he exceeds that station in life when he enters the court, and if he exceeded that station in life they would begin to harass him. The man, if he exceeded the social limits, would subsequently suffer at the hands of the caste people. My protection in that particular case was only temporary protection and he knew it would cease as soon as the case was over.

253. If you had not been there and if he attempted to go into the court, what would have happened to him?—I think the same thing would have happened to me when I tried to enter a temple in Bombay.

254. Coming to medical relief, will you kindly enlighten us as to the kind of medical relief the depressed class men are getting?—They are not allowed entry into the dispensary, unless the case is a very very serious one; such as, for instance, the non-admission would bring the officer's conduct to the notice of the higher authorities. Ordinarily the medicine is dispensed out.

255. *Chairman:* I suppose you are talking of dispensaries in the mofussil?—Yes, Government dispensaries.

256. They are, of course, in the department of the Minister of Medical Administration?—Yes.

257. I imagine that the regulations of the Minister provide that these dispensaries are open to everybody who goes?—Yes.

258. But you say that in the mofussil in fact it does not work out like that?—No. (*Dr. Solanki*) The Hindu medical man who is orthodox always takes objection to examine a man belonging to the depressed classes. There have been instances in Gujarat where the men have actually died from the want of medical relief. I know of instances where doctors have actually refused even to touch the patient when he was suffering from pneumonia. The doctor would hand over the thermometer to a Mahomedan who does not know how to hold the thermometer and the Mahomedan would hand over the thermometer to the patient. This is a fact and it has happened.

259. What is important, I think, as I said before and I may repeat it, is to get a true picture. The thing may happen occasionally. I want to know whether what you are describing is quite an exceptional thing due to some particular doctor's objection or whether you think it is an every-day happening?—Doctors who are orthodox do it.

260. The difficulty about this thing is that the objection that is taken by the medical man is an objection based on his own religious views?—Yes.

261. *Rao Bahadur Rajah:* Have these facts been brought to the notice of the authorities concerned?—(*Dr. Ambedkar*): Yes.

262. What was the action they took?—The reply the Minister gave was that we had better depend on persuasion; that was the word he used.

Chairman: Would you do this for us, Rao Bahadur? One hears of different aspects of this and I want to know the facts. What is the position about the depressed class children in the ordinary public schools in this province? Would you ask the witness about that for me?

263. *Rao Bahadur Rajah:* Will you kindly enlighten us as to the attitude of the schoolmasters or the Education Department or the managers of schools towards the children of the depressed classes?—There is a circular issued by Dr. Paranjpye when he was Minister of Education in this Presidency to the effect that children of depressed classes should be admitted in all schools. But our experience is that that circular has not been carried out at all. It is true that in the report of the Director of Public Instruction it is stated that that circular has been carried into effect; but I beg to differ from that view. It is not a correct statement of facts as they exist to-day. There is an incident here at Poona which took place only a few days ago, at Deoo, where the children of the depressed classes were refused admission and when they insisted on it the village proclaimed social boycott against the depressed classes.

264. *Chairman:* The memorandum refers to that report?—Yes, that is not a correct statement of facts as I said. I beg to differ from that.

265. *Rao Bahadur Rajah:* I understood from Mr. Griffith that in his view there are reasons why the depressed classes could not be taken into the police department as the duties of the police involved house searches and arrests. Supposing, for the sake of argument, that is true, would there be similar objection to the recruitment of the depressed class members to other subordinate and provincial services?—There ought to be none; but, as a matter of fact, I find that there are so many objections raised.

266. You are a member of the Local Legislative Council?—Yes.

267. What is your experience as regards the attitude of the higher caste members of the local Council towards our community?—One cannot say it is favourable to the depressed classes.

268. What is the attitude of the Government towards the members of our community in your Provinces?—Very apathetic.

269. I suppose you have got honorary bench magistrates' courts in this Presidency. Are there any members of the depressed classes on these boards?—There are none and we are trying to get some on the bench of magistrates, but without effect. Perhaps it might be interesting to the Conference if I read in this connection a letter written by the Collector of the Khandesh district to a member of the depressed classes when he applied for an appointment on the bench. This letter also gives the reasons why he should not be appointed to the place, and it reads thus:—

> "The Collector has every sympathy with the aspirations of the depressed classes and is glad to recognise and appreciate Mr. Medhe's good work in the various fields of public activities; but in his opinion time has not yet come when a member of the depressed classes can be given a seat on the bench of magistrates, and, until the Government makes some pronouncement favourable to the aspiration of the depressed classes in this Presidency he must regretfully express his inability to recommend such an appointment."

This letter is dated 25th September, 1928.

270. I am sure you will agree with me that appointments to these bodies have nothing to do with the progress of the communities?—Nothing.

271. The sole consideration should be whether the individual candidate can discharge his duty with a sense of responsibility?— Yes.

272. *Lord Burnham:* I understood you to say that of all the methods to protect the interests of the depressed classes, you preferred the universal suffrage?—I would rather say adequate representation in the Legislative Council.

273. I understood you to say you were in favour of universal suffrage?—Yes.

274. If you have not got that you go in for separate electorates? Supposing you cannot get either, are you still in favour of the principle of nomination?—No. I would insist on our representative being elected.

275. If you cannot get the election on the terms proposed, you would prefer adult franchise?—Yes.

276. *Chairman:* You have spoken of your strong preference for the representation of the depressed classes being secured by the method of election. Are you satisfied, supposing the method was the method of election, that the result would be that you will get elected those who were really the best spokesmen for the depressed classes?—I believe so.

277. You do not feel anxious that influences which were really against the interests of the depressed classes will get to work?—I admit that and that is why I want adult suffrage.

278. You think that the influence will cease because of the adult suffrage?—That will be counterbalanced.

279. Supposing that a member of the depressed classes has the necessary qualification, does he vote in a general constituency?—He does.

280. Taking your case you will have a qualification to vote in some general constituency?—Yes; I vote for the University constituency as also my friend.

281. How does the position stand about the paying of taxes. A suggestion was made that depressed classes do not pay the taxes. Of course, it follows that, as regards the Customs duties and other indirect taxes which may raise the price of the articles, I suppose the depressed classes will have to pay the increased price like anybody else?—Yes. Also the depressed class men, particularly the Mahar community, is always in possession of some land of ordinary tenure or watan tenure at any rate, and they pay what is called the judi, that is the assessment, as anybody else.

282. I suppose that a good many Mahars follow the occupation of waiters in private service?—Yes, very few. But they mainly work in industries in the cities.

283. Take, for instance, a European private house or a club, they employ Mahars?—Yes.

284. Are those people qualified to vote in a general constituency or not?—That will depend on the pitch of franchise.

285. As a rule the waiters would not have any qualification?—Yes, under the existing circumstances.

286. *Sardar Mujumdar:* Are you aware that saints from the depressed classes are revered by all classes, and high-class persons bow down before them as much as before such saints from higher classes?—There is only one case so far as I know.

287. But do they do so?—Yes, as they do the Mahomedan Pir.

288. Are you aware that untouchability is not observed in the Warkari Panth, *i.e.*, the devotees of the God Vithoba at Pandharpur?—That is entirely incorrect.

289. Do you agree that there is a vast change during the last 25 years in the treatment accorded to the depressed classes, that the educated higher classes are trying to remove this evil of untouchability and mix with them quite freely and that there is a gradual change in the condition of the depressed classes and in the treatment accorded to them by the general educated public?—Yes, it is so, though the sympathy is only in words and is seldom translated into action.

290. Are you aware that in almost all villages the depressed class people are provided with wells meant only for their own use?—No.

291. Are there not such wells?—Not in every village.

292. Who are the depressed classes? Will you please name the castes?—There is the census.

293. Do intermarriages take place between the Mang and the Mahar castes?—No, the caste Hindus have spread their poison to the rest.

294. Do they dine together?—Yes, now-a-days. The movement for consolidation is going on and there is now a case of intermarriage between a Mang and a Mahar.

295. Are there not two Inamdars in my constituency who belong to the depressed classes?—I do not know.

Memorandum submitted by the Bombay Provincial Non-Brahmin Party.

We, the Secretaries, on behalf of the Committee and the members of the Bombay Provincial non-Brahmin Party, have the honour to address you on the subject of Political Reforms within the Province of Bombay. Our proposals refer specially to the Marathi and Kanarese speaking districts.

In accordance with a resolution passed at an annual session of the Bombay Provincial non-Brahmin Party, held at Kalyan, in the District of Thana, on the 15th of July, 1928, for the purpose of preparing a Memorandum to Statutory Commission. A Committee was appointed, with power to co-opt, consisting of the following members:—

(1) The Hon. Mr. B. V. Jadhav, Minister of Agriculture to the Bombay Government.
(2) Rao Bahadur S. T. Kambali, Deputy-President of the Bombay Legislative Council.
(3) Rao Saheb, D. R. Patil, M.L.C. Member of the Provincial Committee appointed to assist Indian Statutory Commission.
(4) Mr. N. E. Nawale, B.A., LL.B., M.L.C.
(5) Mr. S. K. Bole, M.L.C., J.P.
(6) Mr. K. S. Gupte, B.A., LL.B.
(7) Mr. K. M. Jedhe, and
(8) Mr. D. S. Javalkar, Secretaries.

Jedhe Mansion, Poona City,
15th October, 1928.

Non-Brahmin Party.—For the proper appreciation of the growth of the party it is not necessary to trace the relations between the Brahmins and the non-Brahmins from ancient times. It is sufficient to state that, in spite of the advent of the British, the Brahmins in the Deccan retained their political supremacy, and their authority in social and religious matters remains unchallenged. With their wonderful organisation and selfishness they managed in a clever manner to influence the administration of the country. It was to their interest to maintain the caste system, which every sensible man would condemn as a serious hindrance to the social, economic and industrial progress of the country. With all that the British occupation had its advantages, and with the spread of education the Brahmin v. non-Brahmin movement, gradually gained ground. It found expressions in the organisation of the Satya Shodhak-Samaj, a society which has been playing a conspicuous part in the advancement of the non-Brahmin cause. This Samaj was founded by Mahatma Jotirao Phule, of Poona, in 1873, with the object of emancipating the non-Brahmin communities from the state of intellectual, religious and social bondage into which they had been forced by the Brahmin priests. The result of the propaganda on the part of the Satya Samajists was that non-Brahmins became conscious of their social position.

Before the inauguration of the Reforms the non-Brahmin leaders were fighting their way for the social amelioration and the uplift and the religious emancipation of the non-Brahmin communities. Since their introduction the non-Brahmins became alive to their rights in the political fields. They started organising themselves, moved among the masses, agitated amongst them and succeeded in getting some special representation for the principal backward communities. This was a triumph in some measure for the non-Brahmin movement that the principle for which it stood and fought was recognised.

The political platform of the non-Brahmin Party has always been moderate both in views and aspirations. We have been from the very beginning trying to work the Reforms to the best of our abilities. Our aims are directed principally towards social reforms, consisting mainly of the education of the backward communities, and thus of enabling them to take a rightful place in the general advancement of the nation. It may be noted, finally, that we have in all our endeavours borne in mind the ideals, namely, the attainment of Dominion Status by constitutional methods.

The Franchise.—The Committee emphatically aim at adult suffrage as the goal to be attained. In fixing electoral qualifications it has to be remembered that the electorate should be sufficiently large to be considered representative of the Province. If the present position is examined it would appear that the percentage of male voters to the total male population over twenty years of age is 13.40 per cent. The percentage of female voters to the total female population of twenty years of age and over is approximately 0.79. The percentage of voters to the total population over twenty years of age is 7. Can it be said that this condition is satisfactory? It may be urged that the masses are not sufficiently literate, but illiteracy in itself cannot be a ground against widening the franchise. The proper course would be to grant franchise to those who would use it to the best interests of the country. If we examine the previous elections with a view to see if the people have intelligently exercised their votes, we would find that the general electorate has been unmistakably developing a political sense. There has been a marked growth in the sense of responsibility, which is also clear from the fact that the class of members returned has steadily improved, and this fact is the more noticeable when the condition of the various parties is examined. On these grounds the Committee recommend an extension of the franchise for the Provincial Council. A widening of the franchise is specially necessary in the case of agriculturists, who, according to the Census of 1921, form 64 per cent. of the total population, who cultivate an area of 4,29,68,000 acres and pay Rs. 4,67,00,000 as land revenue. The system of franchise should be so devised that the voting ratio of the various communities should be made to correspond with their population.

We propose lowering of franchise in the rural areas so that those who pay assessment to the extent of Rs. 16, and those who cultivate the land as tenants of an equal amount of assessment in districts should have a vote, whereas the qualification to be entitled to vote at present is that either they should be landholders paying land revenue to the extent of Rs. 32 or tenants of land paying a like amount as assessment. In districts such as Ratnagiri and Panch Mahals, where the franchise extends to those who pay land revenue to the extent of Rs. 16 and so on, the franchise should be equally lowered.

The Committee do not propose any change in the case of either the major or the minor municipal boroughs, but in the case of the town of Bombay the Committee are of opinion that the franchise should be lowered so that all those who pay Rs. 5 as rent per month should be held entitled to vote.

The Electorates.—The Committee propose the following electorates, and are prepared to forego the present privilege of the reservation of seats through a mixed electorate to the Mahratta and allied communities in case their suggestions, as given below, are accepted:—

(1) The Brahmins.
(2) The non-Brahmin Hindus.
(3) The Depressed Classes.
(4) The Mahomedans.
(5) The non-Mahomedan and non-Hindu Communities.

(1) *The Brahmins.*—The preponderance of the Brahmins is nowhere so keenly felt as in the Deccan and Karnatak districts of the Bombay Presidency. Experience has shown that by using various tactics they have managed to capture seats far in excess to their proportion to the entire population. They cannot be said to be the representatives of the masses so long as they maintain their superiority by birth over other communities. The Committee is, therefore, of opinion that the Brahmins as a class should form a separate electorate, while they should be allotted seats in the Council on population basis. The reasons for coming to such a conclusion are given in detail under the next sub-head, namely, the non-Brahmin Hindu Group.

(2) *The non-Brahmins.*—This term is used here with reference to the Hindus only. The Brahmins have gained immense advantages over their non-Brahmin brethren by their alleged claims to superiority by reason of birth. The non-Brahmins were kept behind for ages by the Brahmins in all spheres of activities and are facing even to-day the political and economic dominance of the Brahmins. The transfer of power to the hands of Indians has made the non-Brahmins alive to the fear that they would be for ever relegated to the backward position. It has been the experience of successive elections that the number of seats occupied by the Brahmins is vastly disproportionate to their numerical strength in the country. The traditional antagonism and the existence of the social cleavage not to speak of the religious differences have made it impossible for the non-Brahmins to have any confidence in their so-called representatives in the Councils, namely, the Brahmins. A reference to the discussion on the recent Joshi Bill, introduced by Mr. S. K. Bole, a non-Brahmin Member, and the present activities of the Brahmins in the name of Hindu Mahasabha, the Brahmin Sabha, etc., are sufficient to convince anyone that adequate representation through a separate electorate for the non-Brahmins ought to be provided for. In placing this proposal, we have in view the present Brahmin v. non-Brahmin tension. We think that if the rights of the non-Brahmins are recognised by giving them a separate electorate they will feel sure in their position to be ready for united action in the development of Indian nationhood.

(3) *The Depressed Classes.*—It is absolutely essential for the general advancement of the country that the problems of the down-trodden classes who are politically, socially, and economically depressed should be prominently before the Government and the public. Scattered as they are over wide areas, they can be adequately represented only by means of a separate electorate. At present these communities are represented by men nominated by Government. But the arrangement does not satisfy anybody. In these days all communities ought to be represented by elected members. Under the present circumstances it is not possible for these classes to win a seat anywhere, and therefore we recommend that they should have a separate electorate, with seats in proportion to their numerical strength.

(4) *The Mahomedans.*—Communal representation for the Mahomedans should be retained, because in these days of tension between the Hindus and the Mahomedans any attempt at depriving them of their previous rights in this direction would provoke widespread opposition and would increase communal hatred. It is to be remembered that the recognition of communal interest in the Reforms made the Mahomedans alive to their position. In fact, such a recognition was an important step towards an all-sided progress of that community. The Committee would, however, suggest that the principle of allotting seats on legislative bodies in proportion to the numerical strength of the community in the Province should be adopted in the case of the Mahomedans as in the case of the Brahmins, the non-Brahmins and th depressed classes.

(5) *The non-Mahomedans and the non-Hindu Communities.*—The Europeans, Anglo-Indians, Indian Christians, Jews, Parsis and such other communities should, in our opinion, form a separate group for electoral purposes. It may be urged that the members of these communities have an easy access to the Councils through channels such as chambers of commerce, etc., but in view of the fact that these communities have large stakes in commercial and industrial concerns, we are of opinion that their political rights should get adequate representation.

The Labourers.—The problem of labourers presents some difficulty in view of the shifting nature of the population. Moreover, it is difficult to define a labourer for the purposes of special franchise. There are five important industrial centres in the Presidency—namely, Bombay, Ahmedabad, Sholapur, Karachi and Hubli. There are over 150,000 labourers employed in cotton industry in the Bombay City alone. There are about 60,000 men engaged in textile works in Ahmedabad, and about 20,000 men in Sholapur. At present these are represented in the Council through nominated members. But in view of the fact that Labour Unions are being formed on organised basis and that they are being recognised by Government the labourers should get representation through members elected by such recognised labour unions.

Reservation of Seats.—This Committee have in another place proposed that the Mahratta and other allied communities of the non-Brahmin group would forego their claims to reserved seats in case their proposals regarding the formation of electorates in groups such as Brahmins, non-Brahmins and so on, be accepted. The one fact very prominently brought out in the last elections and which may be urged in justification of reservation of seats is that in spite of a large majority of Mahrattas and other allied communities in the Ratnagiri, Ahmednagar, the Bombay (North), and the West Khandesh no candidate of the said communities would have got a chance of securing a seat in the open elections, had there been no provision regarding reservation of seats. In case the present position remains unchanged the Committee propose that the following should be the reserved seats for the Mahrattas and allied communities. In addition to this, they urge that there should be proportionate increase in the number of reserved seats in case there be any addition to the number of members of the Council.

Constituency.	Reserved Seats.
Bombay (South)	1
Bombay (North)	2
West Khandesh	1
East Khandesh	1
Sholapur	1
Kolaba	1
Poona	1
Nasik	1
Thana	1
Ratnagiri	1
Satara	1
Ahmednagar	1
Poona City. By rotation	1
Sholapur City ,, ,, ...	1
Belgaum	1
	15

Provincial Autonomy.—Judging by the experience in working the Reforms this Committee think that the form of Government known as Dyarchy has not been a success. This failure is due to the inherent defects of the system. The artificial division of subjects into reserved and transferred has led to confusion and the Legislative Councils cannot but get confused. Reservation of some subjects does not inspire confidence in the Ministers, which in its turn is due to the fact that the people seek to identify the Ministers with the reserved side of the Government. The public favour or assail them according as they approve or dislike their attitude towards the reserved questions rather than judge them mainly on the record in dealing with the questions of their own departments. This naturally has an adverse effect on the working of the transferred departments. This Committee therefore recommend that the Dyarchy should be abolished and all departments should be administered by the Ministers.

The Second Chamber.—We do not approve of the principle of having a second chamber. But if it is considered necessary to provide some safeguard to the grant of full responsible Government to the

provinces, this committee will not press their objection strongly to the establishment of a second chamber. The Committee do not yet feel called upon to make any recommendations as to the exact powers or composition of this chamber. They would, however, point out that the members of this chamber should in every way be the real representatives of the people.

Nominations.—This Committee recommend that there should be no nominated officials in the Councils, since we think that real responsible Government, Ministerial responsibility, and the growth of parties will not be realised so long as officials as such find a place in the Councils. The opposition tends rather to direct against Government benches than against political party as such.

The Legislative Assembly.—The position of the Bombay Presidency at present in the Assembly is as given below.

Nominated	Officials	2
	Non-Official	1
Non-Mahomedans		7
Mahomedans		4
Europeans		2
Landholders		1
Indian Commerce		2
		19

The distribution of seats, as we find at present, is defective on linguistic grounds. The Committee propose that the Thana, Ratnagiri, Kolaba and the seven districts of the Central Division in the Presidency proper, being purely Marathi-speaking districts, should conveniently be divided into three groups, and that each group should be allotted one seat.

The Committee are of opinion that as the Europeans and Mahomedans are given separate representation, the Mahrattas and allied communities should be given two reserved seats and one seat should be allotted to the depressed classes instead of a separate electorate. They further propose the lowering of franchise so that those who pay Rs. 50 as assessment should be entitled to vote.

Conclusion.—Finally, the Committee would emphasise the necessity for your Commission to pay a visit to the districts and to gather first-hand information regarding the condition of the masses. The position of the non-Brahmins in this Province is entirely different to that in any other Province. We sincerely trust the recommendations which you and your colleagues will make, will secure lasting benefit to the future prosperity of this country by giving the people the SWARAJ IN THE FORM OF DOMINION STATUS.

Memorandum submitted to the Indian Statutory Commission by the Secretary of the All India Mahratta League.

Forming a component part of the population of the non-Brahmin communities represented by the Non-Brahmin Party of the Deccan, our aspirations and aims are the same as given in their Memorandum, as there was no necessity of presenting a separate case before the Royal Commission, but the other communities, known as the allied communities to the Mahrattas, have been instigated by some of those who have been opposing the non-Brahmin cause, held a meeting on the 14th October, 1928, and indulged in making wild attacks on the Mahrattas. We learn their representatives are placing their claims before you. Therefore, it is desirable that our demands and aspirations should also be urged. The Maratta League was started soon after the memorable Pronouncement of 1917, and demanded communal electorate. The Joint Parliamentary Committee recognised the disabilities under which we were labouring, and provided for us reserved seats in multiple constituencies. The members of the communities were also allowed to take advantage of the concession and we generously allowed them equal privileges with us. We accepted this decision of the Joint Parliamentary Committee, and merged ourselves in the non-Brahmin Party and did not carry on a separate propaganda, but now we find that, on account of the shortsighted policy of some of their so-called leaders, the allied communities are unjustly attacking us and asking the Royal Commission to deprive the Mahrattas of the concession of reserved seats. We have, therefore, to approach you on behalf of the All India Maratta League.

PANDURANGRAO NARAYANRAO JADHAV, Ex-M. L. C.
President, Satara District Local Board, President, The All India Maratta League, Satara.

GANGAJIRAO MUKUNDRAO KALBHOR, Ex-M. L. C.
Secretary All India Maratta League, Poona.
Rey Markete, Poona City.

India's Relations with England.—Our economic interests have been tied together for a period of a century and a half, and these relations got to be solved mutually. Neither party can break off the relations without doing harm to both.

The Status we would like to have.—Like every other word the word "Dominion Status" is also vague, but whatever it may mean we should be perfectly satisfied with "Dominion Status," be a member of the British Commonwealth of Nations, and work our destiny within the group.

Suggestions we would like to make.—Both the judicial and the executive offices in London which give the final word in their respective departments should be abolished or their connections cut off. That is to say, we would like the Viceroy, who represents the King-Emperor, to be the connecting link between India and England. We do not wish to have any connections with the Secretary of State and the Privy Council any longer.

The Viceroy.—He should be appointed by the Crown. He should have the power of veto and certification. He should be helped by as many Executive Councillors as he would choose to have. Half of them should be appointed by the Central Legislature and the remaining half by the Viceroy, subject to the approval of the Central Legislature.

The Central Legislature.—There should be only one Chamber, which should represent not Provinces or interests, but the people of India regardless of the franchise restrictions applied or put. The Legislative body should be free to pass legislation on any subject pertaining to our own interests (foreign relations, of course, will be controlled by the Imperial Parliament), and India will be consulted from time to time whenever her interests are affected, not only in the British Empire, but in any part of the world. The Central Legislature should not be authorised to legislate any discriminatory Act against any foreigner or any foreign interest. In case if it did so the party concerned should have recourse to the Central High Court and get the legality of the matter settled.

The Expenses of the Central Administration.—The expenses of the Central Administration should be met from independent sources not to be interfered with by the Provincial Governments. Any surplus left from the revenues thus collected should be redistributed in various Provinces according to their population.

Political Divisions of India.—India should be divided on linguistic basis into different Provinces, and these Provinces should be the next political units. At the head of these Provinces will be Governors appointed by the Crown.

The Power and Position of the Governor.—He should not have any power to interfere with any Act of Legislature which is passed by three-fourths of the Members of the House, but he may use his discretion in any other cases where the Act has not received three-fourths of the votes. His colleagues, who are to help him in administering various departments of the Province, should be taken from the Members of the House, whose nomination must be approved by that body.

Provincial Legislature.—The Members of the Provincial Legislature should represent the various social groups in that Province, their number varying according to the numerical strength of these social groups concerned. For example, the voters in the Deccan should be grouped as:—

(1) Brahmins.
(2) Mahrattas.
(3) Untouchables.
(4) The rest.

Purely provincial matters should be controlled by these Provincial Legislatures, the Central Legislature reserving the right to take over any provincial matter to legislate upon whenever it desires to do so.

Social Groups.—It is our honest opinion that it is better to describe conditions rather than discuss theories. Caste system may be good or bad. Castes are facts, unpallatable they may be. The Hindu Society is divided into various hereditary groupings. The members of these various groupings have been from time immemorial working up their destiny within that particular group and none other. It may be all right to divide society into economic units called "classes" as in the rest of the world, but the conditions prevailing in India do not exist outside India. Therefore, we are forced to utilise that which has been handed over to us from generation to generation and to-day we are not of opinion that we can get rid of the arrangement by mere wishful thinking. We have had these groups with us and we think that these groups are liable to stay with us for many more years yet to come. This is not the place to discuss the merits or the demerits of the system involved. We want to take the actuality into consideration. There is the caste system and the individual has to go up or down with his own caste. There is no escape from it. Therefore, it is our honest conviction that the members in these Provincial Legislatures and, to a certain extent, in the Central Legislature, should represent these various social groups.

Whom do we represent?—Realising how much work the members of the Commission have to do, we will not tax them by quoting dry historical facts, which are available in any book on Indian History. We are Mahrattas and belong to the Kshatriya class. We are known as Mahrattas, meaning an independent social group in the Mahrathi-speaking districts. The word Kunbi sometimes is meanly used in reference to us. We are engaged in agricultural pursuits. We belong to a martial race. Our ancestors at one time were the masters of this country. Some British historians admit that they did not receive or conquer India from the Moghuls but from the Mahrattas. Our

people have fought almost on every front during the Great War. The great part of the Indian Army is recruited from our community. The British people need not question our loyalty. We have served the Empire in every field to the best of our ability and borne the brunt during the war times more than many communities put together. We are a separate social unit. We are a martial people. We would like to preserve our identity. We would like to work out our destiny together. Therefore we request the British public to preserve and nourish this unity. We want communal representation. Our group should be represented in the Provincial Legislature and the Central Legislature according to the strength of our population and the sacrifices we have undergone. We care not for charity. We want justice.

The Army and Navy.—We believe that India should have an adequate Navy manned by her martial races for defensive purposes. She should spend enough money to achieve this state at the earliest possible date. In the meantime she should contribute a substantial sum to the Imperial Treasury for the protection she receives from the British Navy. As to the Army, its standard should be set up and sumptuously kept by the high military authorities. We would leave the ratio of the British troops to the Indian troops to be divided by the experts. However, we do believe that the martial spirit of the Indian Army should not be denatured by the inclusion of such communities who have never done any fighting. The Mahratta recruits should form a substantial part in the Indian Army, and our Mahratta boys should have Mahratta officers in proportion to their strength. For this the Government of India should create an Indian Sandhurst to give training to these cadets with cadets from other martial communities. We are afraid that the *morale* of the Indian Army is liable to be lowered by taking in officers from communities which may be intellectually superior but which utterly lack the most badly needed martial spirit.

Reserved Seats.—In the District of Satara 1,026,259 people reside, out of which 726,031 are Mahrattas. The total number of voters is 21,533, out of which the Mahratta voters number 15,236. Under such so-called favourable circumstances, the Mahrattas of the said district have been able to send only one representative of their own to the Provincial Legislature at the three successive elections. The reasons are quite obvious for this state of affairs. Ours is a backward community and does not know how to protect itself from local politicians belonging to other groups, who parade most of the time in sheep's clothing to achieve their unscrupulous ends. In order to put a stop to this exploitation by others, we ask in the interests of our community for reserved seats. In case the communal representation does not get sufficient hearing, we should like to propose a substitute. We comprise one-fifth of the population of this province and one-thirtieth of the total population of this country. Therefore, we should have at least twenty reserved seats in the Provincial Legislature (the membership of the House being 114 and five seats in the Central Legislature (the membership being 145). If the membership of these houses is changed, we propose a change in the number of our reserved seats in the same proportion.

The Voting Qualifications.—Though the universal adult suffrage is our goal we realise that it cannot be achieved within the next few years. But people should not be deprived of their primary rights by putting in economic barriers in their way at the time of voting. The average income of a Mahratta is extremely low and naturally his tax-paying capacity is also very low. But according to present arrangements the franchise is entangled with a high tax-paying capacity. Under the present circumstances, it is impossible for our people to meet these requirements, and so they have to lose their natural rights. Therefore, we suggest that whatever economical qualifications may be put in the way of the voter they should not be any higher than one-fourth of the present assessment which has to be paid by a potential voter.

Concluding Remarks.—The present atmosphere is saturated with communal misunderstanding. Each group is struggling for its existence and wants to preserve its age-long identity, and we cannot be blamed for using the same tactics. We stand for communal representation and the least which we can expect is the reservation of seats in the proportion to the population. Fortunately, or unfortunately, our relations with some of the communities in Maharashtra are none too bright. We want to live and let live. We want to preserve our historic unity. The backwardness of our community forces us to ask the British public and you, Sirs, their representatives, to grant us due political aid either in the form of communal representation or reserve seats to preserve the identity of an important social unit.

POONA.

Dated 25th October, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN) AND OF THE BOMBAY PROVINCIAL COMMITTEE.

Mr. N. E. NAWALE, B.A., LL.B., M.L.C., and Mr. K. S. GUPTE, B.A., LL.B. (Bombay Provincial Non-Brahmin Party).

1. *Chairman:* I think you gentlemen have come in support of the Memorandum from the Bombay Provincial non-Brahmin Party, and I believe you, Mr. Nawale, are the member for the non-Mahomedan rural constituency of Ahmednagar district?—Yes, Sir. (*Mr. Nawale*) I am.

2. Perhaps it will be convenient if I address my questions to you, Mr. Nawale, but your colleague will be at liberty to interpose and add what he wishes if he thinks it necessary. Is that convenient to you?—Yes.

3. We have your Memorandum,* and we see from the first page of it that you come before us in support of this Memorandum from the members of the Bombay Provincial non-Brahmin Party, and that your proposals refer especially to the Marathi and Kanarese speaking districts?—Yes.

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5. I will just call your attention and that of the Conference first of all to page 62 of your document, where you have set out very conveniently the present position in this Presidency as regards the proportion of the population that enjoys the franchise for the Provincial Council.

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14. Then that is how it stands. Leaving out the children and confining it to adults, you may take it that at present of the males something like 13 out of every 100 have a vote, and of the women something like one woman in every 200 has a vote?—Yes.

15. What is your view, speaking for those you represent, about that?—We do not think it is a sufficient proportion.

16. Would you like to see it increased?—Yes; more people should be enfranchised.

17. That would involve either the adoption of complete universal suffrage or else the lowering of the franchise qualification?—Yes.

18. If I look at page 62 of your Memorandum I see that what you are suggesting really is not universal suffrage but a lowering of the franchise qualification?—Exactly.

19. My colleagues will find it on page 64. I see you say, near the top of page 64, "a widening of the franchise is especially necessary in the case of agriculturists"?—Yes.

20. You point out that they form 64 per cent. of the total population?—Yes.

21. And, of course, pay a very considerable part of the revenue?—Yes.

22. Let me see if I have got it right in my mind. In this Presidency you distinguish, do you not, between the qualification for the franchise in urban areas and the qualification in rural areas?—Yes.

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29. Let us deal, first of all, with the urban constituencies. Is the view which you represent one which suggests that the qualifications should be lowered?—I do not think there is any necessity for lowering the franchise in the urban constituencies. I see no reason for doing so, except in the City of Bombay, where labour ought to get more votes.

30. You think the qualification of Rs. 120 annual rental value in the City of Bombay is too high?—Yes, it is too high.

31. What do you suggest it should be reduced to?—Rs. 60 a year.

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34. You have told us, of course, that you are speaking more particularly for the southern parts of the Presidency?—Yes.

35. I dare say you have not specially considered the case of Sind?—No, we have not considered that.

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37. Now let us take the existing qualification in rural constituencies, so that we may appreciate your suggestion there. As things are now in rural constituencies is the main qualification this: the ownership or occupancy as a tenant of land paying an assessment of Rs. 32 annually?—Yes.

38. I understand that when one speaks of land paying an assessment of Rs. 32 that is the minimum amount that is paid by way of land tax?—Yes.

39. It does not mean the land is valued at that figure, but its net profits are whatever they may be, and the proportion of net profits to be taken to represent the land tax is to be Rs. 32?—Yes.

40. What is your suggestion as regards that qualification?—That franchise ought to be lowered in the rural constituencies and brought from Rs. 32 to Rs. 16.

41. Halving it?—Yes.

42. Have you been able to form any estimate at all as to the number of new voters who would be introduced if that was done?—In the whole of the Bombay Presidency?

43. It may very likely be a matter for an expert estimate, but obviously it would considerably increase the number?—Yes. I can speak for the district from which I come, Ahmednagar district.

44. What do you say about your own district?—I think at least 9,000 voters would be added in the rural constituency.

45. Is that one of the reserved Mahratta seats?—Yes.

46. How many constituents have you got on the present roll?—Roughly speaking, about 17,000.

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48. And if the test was reduced from Rs. 32 to Rs. 16? You would get about 9,000 more?—Yes.

49. Making 26,000?—Yes.

50. Tell me this about it. When one says, in a district such as your rural constituency, that a man has a vote if he owns or occupies as a tenant a piece of land of this assessment, I suppose you may have a case where the owner of the land is also the actual occupier?—Yes.

51. The actual cultivator?—Yes.

52. He owns and occupies and uses his own bit of land. Does that often happen?—Yes.

53. In that case, he being the owner and occupier, he has the vote?—Yes.

54. Nobody else has the vote in respect of that bit of land?—That is so.

* p. 62.

55. You also have the case where the owner, though he owns the land, does not himself till the soil or himself occupy it?—There are cases like that.

56. He lets it to a tenant?—Yes.

57. In that case, if the land satisfies the Rs. 32 assessment test, is it the owner who has the vote or the tenant who has the vote, or have they each of them a vote?—Both of them have got votes.

58. Which is the commoner case? Take your constituency. Is the commoner case that the ryot, the man who holds from Government, has let to a tenant, or that he cultivates his own ground?—The commoner case is that he cultivates his own ground.

59. The Government tenant as a rule is the actual cultivator?—Yes, except in irrigated tracts.

60. You are speaking of the dry areas?—Yes.

61. I suppose there are cases, are not there, where a man may own a large piece of land and he may let portions of his land to a number of tenants?—Yes.

62. What happens then? Suppose there is a ryot who owns an area which is divided into ten separate farms; each of his ten tenants will have a vote if each separate farm is assessed at Rs. 32?—Yes, each will have a vote as well as the owner himself.

63. Will the owner have one vote or ten?—The owner will have one.

64. That is what I wanted to get. Your system is complicated, and I may tell you that so is ours; there are not many Members of Parliament who could tell you accurately every qualification for an elector. I could not myself.

65. *Major Attlee:* If a man has a Rs. 32 holding and he is an owner-occupier, he gets a vote for that?—Yes.

66. But if that man lets out the land in ten portions to ten other people is the Rs. 32 holding sufficient to give a vote to each of those ten men?—No, if you vote as an occupier you must occupy an area which is assessed at, at least, Rs. 32.

67. *Chairman:* One sees the effect, more or less, if that is done. I think the next thing you deal with (at the bottom of page 62 of your document) is a suggestion for a rearrangement of the constituencies from the point of view of reservation of seats, and so on. I will read the passage at the bottom of page 62 and then ask you a question about it: "The Committee propose the following electorates, and are prepared to forego the present privilege of the reservation of seats through a mixed electorate to the Mahratta and allied communities in case their suggestions, as given below, are accepted: (1) The Brahmins. (2) The non-Brahmin Hindus. (3) The depressed classes. (4) The Mahomedans. (5) The non-Mahomedan and non-Hindu communities." That realy is the kernel of your proposal as regards the redistribution of seats?—Yes.

68. Is that the general view of the non-Brahmin Party?—Yes, it is.

69. Or are you speaking as an individual?—No, we are here on behalf of the party.

70. The Committee have put forward that suggestion?—Yes.

71. Let us be sure we understand it. First of all you say you are "prepared to forego the present privilege of the reservation of seats * * * to the Mahratta and allied communities." That refers to the fact, I understand, that in this Presidency there are seven non-Mahomedan general constituencies in which the provision is made that at least one member must belong to the Mahratta caste or allied communities?—Yes, that is so at present.

72. I think I was told the other day (correct me if I am wrong) that that would not include a Rajput?—At present the "allied communities" would not include that; they are not included, according to the list.

73. Although Rajputs and Mahrattas are both Kshatriyas?—Yes.

74. You are prepared, you say, to give up the idea of the reservation of these seven seats if the condition which you suggest is fulfilled?—Yes, if the non-Brahmins are given a separate electorate.

75. Let me see if I understand the condition rightly. The condition really seems almost to amount to this: it seems to amount to abolishing general electorates altogether?—Yes, it will amount to that.

76. It does amount to that?—It amounts to that, yes.

77. It is a suggestion, really, to abolish general electorates altogether. It is a proposal, if I follow rightly, that the Brahmins should vote together for their own Brahmin members?—Yes.

78. In other words, that no Brahmin shall be a member for any constituency except a Brahmin separate constituency?—Yes.

79. Then there are the non-Brahmin Hindus, who do the same?—Yes.

80. Then that the depressed classes shall do the same, and the Mahomedans shall do the same, and then your non-Mahomedan and non-Brahmin communities—that would include the Parsis?—Yes.

81. So your suggestion is that all general electorates in this Presidency should be abolished?—Yes.

82. And that the elected members of the Council should each and all of them be elected by a separate constituency of their own community?—Yes.

83. Treating the Brahmins as a distinct community by themselves?—Yes.

84. It would be a very big change, would it not?—Of course, it would be a big change, no doubt.

85. Why do you propose this? What is there which makes you think it is a suggestion which the Conference should consider?—The main reason is this, that the Brahmins, though their proportion is very small, predominated everywhere in local self-governing bodies and in the Council also, up till now. The last Reforms only gave us seven seats; otherwise we had no representatives as such of our own in the Council.

86. While you are mentioning that, how many members are there of your party in the present Legislative Council?—In the non-Brahmin party as such?

87. Yes.—We are 14 at present.

88. So you see, though seven seats were reserved for the Mahratta, you have, in fact, under the present system, a non-Brahmin party in the Legislature of 14?—Yes. We have other members who also joined us, those who did not come in as reserved members.

89. Your reason really is that the Brahmin, though his caste is, of course, a minority of the Hindu community taken as a whole, none the less has a very large part in representation in public affairs?—In public bodies, yes. (*Mr. Gupte*): Their interests do not always coincide with the interests of the non-Brahmins. They claim superiority by their birth, and they are the priests, and, therefore, they want to predominate over other communities, over the masses.

90. Can you tell me how many Brahmins there are who are elected members of the present Bombay Legislature?—(*Mr. Nawale*): To speak of Deccan and Karnatak, there are about six.

91. When you gave me the figure of 14 just now when you spoke of the non-Brahmin party, were you still confining yourself to the Deccan and the Karnatak?—Yes.

92. Of course, as things are in this part of the world, you form a non-Brahmin party, and no doubt it is largely consolidated by the fact that it is opposed to the Brahmins?—Yes. It is opposed to the Brahmins, but we have our own constructive programme, too.

93. But do you think that under your plan all the non-Brahmins will agree, or do not you think it will lead to a proposal now that there should be a list of different castes, each of whom should elect its members?—No. This is a demand of the united non-Brahmins. Of course, there may be some members who disagree with the party as such. It would be impossible to give each caste a separate electorate, and we, too, have not asked like that.

94. *Major Attlee:* Why do you say that you would not have a proper representation if you did not have separate constituencies? You have got a big majority of the votes. There is a list in the big book, I think? —We have not got the big book here.

95. I will give you an instance. In Nasik there are 21,000 electors, of whom 15,500, roughly, are Mahrattas?—Yes.

96. Will you explain why Mahrattas cannot get in at election time?—Yes, the reason is obvious and very simple. There is hardly any doubt that we have a great number of voters in these constituencies; but majority of voters in these rural constituencies are under the influence of sowcars, Bramin priests and Brahmin Government officials.

97. *Chairman:* One of the words means moneylenders?—Yes.

98. Any Government officials who may be Brahmins?—Yes, everywhere we have Brahmin officials.

99. *Major Attlee:* You say moneylenders. Are the moneylenders Brahmins?—No. They belong to the advanced communities.

100. *Chairman:* What are the advanced communities besides the Brahmins?—The Banias and the Gujrathis who are moneylenders in the Deccan, for example.

101. *Major Attlee:* Then your point is not so much the Brahmin as such, but that your electors as a whole are likely to be influenced by persons in positions of authority, whether it is economic or political or social, or whatever it may be?—But I can assure you that it is the Brahmin priests and officials and the sowcars frequently.

102. How does that work?—The Brahmins are the pleaders of the sowcars and the sowcar is ultimately influenced by the Brahmin officer.

103. In your own community of the non-Brahmins, are not there people wielding influence? I suppose some are richer than others; some are better educated than others?—A very small percentage of them are educated.

104. You see, the point you make is that the ignorant voter is liable to be made to vote by people of influence?—Yes.

105. You try to get rid of that by a separate constituency for non-Brahmins?—Yes.

106. Are you sure that you will not have influences of the same sort wielded by Brahmins even in a non-Brahmin constituency?—No, not such a baneful influence as is working at present under the Brahmin dominance.

107. Now I want to ask you about the question of the franchise which we were talking about in the Bombay City?—Yes.

108. You proposed a reduction there?—Yes.

109. What is the ordinary rent paid by a mill-hand in Bombay City?—Ordinarily they pay five or six rupees.

110. You would enfranchise them by your proposal? —Yes, poor people as they are.

111. You do not propose to enfranchise the labourer in the village, the daily labourer? You have, I suppose, in the village some landless labourers, have you not?—Yes.

112. Would you enfranchise them?—Labourers in the villages, you mean?

113. Yes.—No, they are agriculturists. In the Deccan a petty agriculturist works in his fields for some months, and then he turns out a labourer himself.

114. Does he own sufficient land to give him a vote under your proposal?—Many of them do not.

115. What sort of proportion of them?—I should say that at least at present 40 per cent. of them have not land enough to give them a vote at present.

116. And, under your proposal, what proportion would they be?—I cannot give the exact proportion, unless I work out figures. But even if the franchise is lowered and brought down to Rs. 16 still a large number would be left out.

117. I do not know what proportion that would be of the total number. Your proposal shows, I think, that you have already 17,000 electors in Ahmednagar district?—Yes.

118. Your proposal adds 9,000?—Yes.

119. That makes 26,000 out of a population of nearly 700,000?—Yes.

120. Now, that leaves a very large proportion of adults without votes. Who would those be? What classes would thus be left out of the vote under your proposal?—Agriculturists mostly.

121. And why should not they have the vote?—I would be glad if they could be enfranchised, and even if the franchise were lowered to eight or six rupees; but as the proposal of the party stands, I must stick to it. These are our demands at present, that the franchise should be brought down to 16 rupees. Our ultimate object is, as we have stated in the memorandum, that there should be adult suffrage.

122. You have stated that the ordinary ryot was liable to be under the influence of the moneylender? —Yes.

123. I suppose that would apply still more to the ryots with very little land who are labourers most of their time? They are poorer still?—If there is a separate non-Brahmin constituency, then, of course, they can utilise their right of representating themselves by their own candidates. They can choose their own candidates.

124. But the men in the villages who own very little land, and who are mostly labourers, work for the ordinary farmer, do they not?—Yes.

125. And the suggestions you have made will not give those people the vote?—Yes, they would not get the vote.

126. Will they be represented by the people for whom they work?—No, not necessarily so. Now these classes are taking to education, and an educated man from amongst themselves can represent them. He need not be their landlord, he need not be their direct superior or man of influence over them. The candidate may be an individual man sprung up from the masses, and he can represent them.

127. Yes, but you are enfranchising as the voters the farmer class?—Yes.

128. And, therefore, the tendency will be, other things being equal, to return people in the interests of the farmer?—Yes.

129. What I am putting to you is that if the landless man or the man who owns very little land is not enfranchised, he will not have any representation as against the farmers' interest, will he?—Yes, that may be so; that is inevitable.

130. One other point. You have, as a matter of fact, beyond the reserved seats returned a certain number of members of your community for the unreserved seats?—Yes, we have.

131. Something like half of your present representation is by people returned for the unreserved seats; seven reserved and seven unreserved, I think you said?—Yes.

132. How is it that if the influence were so strong as you have said to support your claim for reserved seats, you manage to get these other seven returned for the non-reserved seats?—In those unreserved constituencies the electorate is rather enlightened, and the Brahmin influence and other influences which I have mentioned are not so strongly felt in those areas. (*Mr. Gupte*): And sometimes the personality of the candidate wins for him the seat.

133. *Chairman:* You have a colleague in the representation of Ahmednagar, have you not?—(*Mr. Nawale*): Yes, I have a colleague.

134. Is the other member also a Mahratta?—Yes.

135. That is an instance of what Major Attlee puts? —No. He came in only because one non-Mahratta member who was elected with me was disqualified.

136. *Major Attlee:* The point remains, of course, does it not, that half of your members in the Legislature are returned for non-reserved seats?—Yes, but

I have already said that the conditions in those non-reserved areas very much differ from those in the reserved areas.

137. There may be one case where the other candidate was unseated on petition, or disqualified, but the broad fact remains that you have managed to get representation, if not in seven, at least in six cases?—I think I must make one thing clear. The seven seats are reserved not for the non-Brahmins for whom we have come here to speak, but they are given to Mahrattas and allied castes. The non-Brahmins are not composed of Mahrattas and allied castes alone; there are other communities, too, and these seats belong to Mahrattas and allied castes as such; so these seven have come in on the vote of the Mahratta and allied castes, and not on the general ticket of the non-Brahmins as such.

138. You draw a distinction, then?—No, I do not want to draw a distinction. I was asked about 14 and 7 seats. It was said that seven have come in without the reserved ticket; that is why I am explaining these things.

139. Yes; but the broad principle on which your party is founded is non-Brahmin?—Yes; but the Council party is formed after members are elected.

140. And therefore you have, as a matter of fact, an effective return of 14 non-Brahmins, although there are seven seats that are specially reserved, the other seven have got in in open competition against Brahmins?—I don't wonder for that. In fact, in the non-reserved areas, the returns are not satisfactory to non-Brahmins. In Satara, for instance, with a majority of non-Brahmin votes, we have been able to get only one seat out of three seats. That is not good.

141. How do you reconcile that with the statement on page 63, which says that "in spite of a large majority of Mahrattas and other allied communities in the Ratnagiri, Ahmednagar, the Bombay (North) and the West Khandesh, no candidate of the said communities would have a chance of securing a seat in the open elections"?—Yes. I have already referred to that point. The Brahmins and the higher castes influence the masses, who are educationally backward, and, therefore, we were given seven reserved seats. The rest were left to the general electorate. But for reservation, our candidates would not have been elected in those areas at all.

142. Would you say that the disabilities of the people for whom you speak, the non-Brahmins generally, are due to ignorance, lack of education, and so on—things which are gradually passing away?—Gradually they are taking to education nowadays. We want to have compulsory education in our districts now, and if we get that soon there will be a great awakening amongst the masses.

143. Would you say that the necessity for reserved seats was less now than at the time when the Reforms were introduced?—No, I do not think the time has yet come for abolishing the reserved seats. That will be indirectly denying representation to millions of poorer masses.

144. Do you think it is better?—It would be better to provide for them for at least ten years to come. (*Mr. Gupte*): In the days of non-co-operation certain Mahrattas had a chance of coming in, but now that moment is going, and we are afraid that non-Brahmins hereafter will be deprived from getting a chance by the higher classes unless the seats are reserved.

145. *Colonel Lane-Fox:* You will see this is rather a startling proposal of yours, is it not? It is not exactly democratic?—(*Mr. Nawale*): The proposal on page 63 you mean?

146. No, the proposal for abolishing the general electorate?—It may sound so, but we cannot help it.

147. It is not a very democratic proposal, is it?—We are forced to put it like that because the conditions are very strange. In India conditions are so strange that what is democratic in other countries may be undemocratic here, and what looks apparently undemocratic here may really be very just and democratic.

148. I want you to tell me what they are? You vote by secret ballot?—Yes.

149. And you say that a large number of votes are captured by the Brahmins?—Yes.

150. Because people are afraid not to vote for them?—Yes.

151. How are the Brahmins to find out which way the man votes?—When the returning officer counts the votes naturally they get the various votes from the constituency.

152. But if the system is working satisfactorily nobody ought to know how the vote is given?—He does not know exactly what person has voted for him, but he knows where the majority of votes come from. There are agents and canvassers who canvass for him. The voters are influenced, and they tell the canvasser or the agent.

153. Why need they tell him?—The influence works and the agents are informed that such and such a person is voting for such and such a candidate.

154. But the system should be, and is intended to be, that a man could go into the polling booth and vote for whoever he likes?—He exercises that right, but afterwards he tells the agent for the candidate for whom he has voted, and his vote, too, is much influenced before he has approach to the polling booth.

155. There is no reason why he should?—They are ignorant. They are actually brought in carts and conveyances that are prohibited.

156. If that is the condition at present a lowering of the franchise will make it worse if you get more illiterate men voting?—They will get political education and more enfranchising would be much in the interest of the backward non-Brahmin candidates.

157. Is not the better plan for you to educate your electors to vote according to their conscience?—This is going on now day by day, but they are not at present thoroughly educated to exercise their vote properly and freely. Wider franchise will create awakening among the masses.

158. Why, instead of asking for these separate elections, do not you agitate among your people and tell them not to tell anybody how they vote?—We are doing so, and we are creating an awakening amongst these masses, but the system must also help us. The system must be so arranged as to awaken the masses to their political sense.

159. And will not that, in time, give you a better result than all these separate electorates?—After ten years I do not think there will be any necessity for reserved seats, but with things as they stand now there is a great need for reservation of seats; otherwise these masses would not have any representation on the Council at all. The process of awakening is just begun, and if you stop reservation at this stage, the process, instead of making any further advance, will be stopped.

160. *Chairman:* Then do you take the view that the adoption of a system of reserved seats tends to create a situation in which reserved seats will not be necessary?—Yes, that is my conviction. (*Mr. Gupte*): Perhaps when the backward classes are developed there will be no necessity to have reserved seats. (*Mr. Nawale*): We have compulsory schemes under consideration, and when they are applied the people will be educated, and they will know something of politics and something of public life. A time will then come to abolish reservation.

161. *Mr. Cadogan:* What is your own experience in Ahmednagar? It is a two-member seat. Who headed the poll?—Last time, Mr. Feroda.

162. Was he a Brahmin or a non-Brahmin?—He was a Marwari Jain, a merchant community.

163. *Chairman:* We may summarise it in this way. I see from this book that, while there are 13,615 Mahrattas in your constituency, you would not have

been returned if it had not been for the reserved seats?—Yes.

Mr. Cadogan: That is what I wanted to know.

164. *Chairman:* And, in fact, you did get, out of the 13,615 Mahratta votes, 2,385 votes?—Yes.

165. *Sardar Mujumdar:* What sub-communities, in your opinion, constitute the Brahmin community?—The Government have defined that, I think. I do not know what the Brahmin communities are.

166. I mean the Brahmin community as classified by Government?—I am not aware of what classes they consist.

167. Do you include the Gaud Saraswat Brahmins, Chandraseniya-Kayastha-Prabhus, Pathare-Prabhus, and Daivajna Brahmins in the Brahmin community?—The Gaud Saraswat Brahmins come in the Brahmins, but some of the others are different communities altogether. They are non-Brahmin communities, for at least election purposes.

168. They are not classed as Brahmins by Government?—I am not concerned with what Government has classed and what Government has not classed.

169. And you also do not know?—No.

170. That they are Brahmins?—I do not know that. I would have the Prabhus as non-Brahmins, for election purposes.

171. But I want the situation as laid down by Government?—I am not aware what Government has laid down. (*Mr. Gupte*): At present the Brahmins are incorporated with the Prabhus and other communities, because there are many communities amongst the Brahmins. We want to form our separate electorates on the principle that those who claim superiority by birth, those who belong to the priesthood class, should be styled Brahmins, and the rest non-Brahmins.

172. What proportion does the Brahmin community hold to the total population of the Deccan and Karnatak?—I have not worked out that figure, but the proportion must, of course, be very small.

173. What is the percentage of literacy among the Brahmins?—I have not worked it out. You could find it out from the Census reports. It is extremely high, obviously.

174. What is the percentage of Government posts held by the Brahmin community and the communities which are not, strictly speaking, Brahmins, but which are equally advanced in literacy with the Brahmin community, as, for example, the Kayastha-Prabhus?—I do not carry these figures in my pocket, but 80 per cent. of these posts are monopolised by Brahmins alone; I can say that from my experience going about the country.

175. Were any restrictions put upon the so-called backward classes in the matter of education since the advent of British rule? If not, why did not they educate themselves?—There are many difficulties in the way of the non-Brahmins.

176. Will you name some of them?—In the way of educating themselves the non-Brahmins have many difficulties. There have been invariably Brahmin teachers working under the District Local Boards up till now, and they did not educate the non-Brahmin boys properly. Now-a-days a gradual change is noticeable, since non-Brahmins took control of local boards.

177. Do you mean the non-Brahmin boys are prevented from receiving proper education by the Brahmins?—No, I do not say they are prevented, but they are neglected in the classes. In fact, out of every thousand non-Brahmin boys who attend the primary school in a village you get hardly one who reaches the matriculation examination of the university. That means you have neglected at least 999 boys out of every thousand, who are thrown away as waste.

178. Is it or is it not a fact that communities which are not Brahmin, but which have educated themselves, hold a greater proportion of Government posts?—I do not think so. The monopoly is decidedly of the Brahmins, which is simply vicious.

179. Do you know that among the Brahmins there are Grihasthas and priests, and the former constitute an overwhelming majority of the Brahmin community?—As far as the non-Brahmin community is concerned, it does not matter whether Brahmins are priests or not; whether they are priests or not, so far as the non-Brahmin community is concerned they are unitedly against them.

180. You do not think there is a difference?—They sink their differences when confronted with non-Brahmins. As far as we non-Brahmins are concerned, there is no difference between a Brahmin who is a priest and one who is not a priest.

181. Do you know that the Grihasthas have never cared to assert any social or theocratic right? Nay, that they consider it derogatory to follow the priestly profession?—No, I am not aware of any such thing. I cannot say what the Brahmin Grihasthas and the Brahmin priests do among themselves.

182. Do you know that a priest performs religious rites and ceremonies only at the invitation of the houseowner?—Well, they have got their tyrannical ways of exacting money. That is why Mr. Bole, the labour member of the non-Brahmin community, had to bring in his Joshi Bill in the Council to deprive the Brahmin priests of their tyrannical priestly emoluments.

183. Do you know that some communities have their own priests, and the Brahmin priests have never cared to displace them?—That has only started now-a-days, and on a very small scale too.

184. Do the Lingites have their own priests?—I do not know.

185. Do you know the exact difference between a vedokta rite and puranokta rite? Is not it a fact that the puranokta rite is only a simplified form of the vedokta rite?—I do not think that is so; the puranokta rite is something meant for the non-Brahmins, I suppose.

186. What was the profession largely followed by the Mahratta community before British rule?—They were warriors and agriculturists.

187. Do you know that there was, in the olden times, the fullest scope for the realisation of the ambition of the said community?—Yes, there was in the strict Mahratta rule.

188. Has that state of things prevailed since the advent of British rule?—No, our youths are denied the right of getting military commissions.

189. Do you know that the Mahratta community and other allied communities are mainly martial races and that they acted as such until the advent of British rule?—Yes.

190. Do you know that the Brahmin community in Mahrashtra is also martial in spirit, and that the Deccani Brahmins are not admitted in the Indian Army?—I do not think so. I do not think there is any provision of that sort.

191. Do you consider it as fair to shut out a whole community from one important department of administration?—They are not shut out, they did not offer their services in the last Great War to show their martial spirit.

192. Do you know that, except for the Kolhapur State, all other Mahratta States were the creation of Bajirao Mahratta I, a Brahmin?—I do not think so. Instead of any State being created by Brahmins, the Brahmin States have been created by Mahrattas.

Chairman: I am very much interested in this; I love learning history; but do you think we must go so much into this? Political rights cannot be made to depend entirely on these things, though they may be useful things to bear in mind.

193. *Sardar Mujumdar:* Do you think that for the efficient working of the Provincial Legislative Councils it is desirable to apply some test for educational qualifications for a candidate, inasmuch as the proceedings of the State Councils are conducted in English?—A test for qualifications?

194. Some sort of test of qualification?—You mean, to become a member of these bodies?

195. Yes.—Which? The Legislative Council or the local self-governing bodies?

196. The Council and also the local self-governing bodies?—As far as the views expressed in the non-

Brahmin Party's memorandum are concerned, I am bound to say no such qualification should be imposed.

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198. *Khan Bahadur S. N. Bhutto:* Would you suggest a universal lowering of the franchise in Bombay City, or is it only to apply to the working classes?—If it is lowered for everyone I have no objection, but if it is not going to be lowered for everybody it should be lowered for the labourers, at least.

199. Do you ask for it for the labourers or for all?—We have asked for it for the labourers.

200. *Dr. Ambedkar:* Do you wish to discriminate between the labouring population and the non-labouring, or do you say the basis of franchise should be the same all through?—All through. (*Mr. Gupte*): For labourers we have a different programme; there should be labour unions, and through the labour unions they can act.

201. *Rao Saheb Patil:* Mr. Nawale, according to the memorandum of your party, you want to have five electorates?—Yes.

202. Now, supposing we do not have a separate electorate for the Brahmins, I think you will be satisfied with the present non-Mahomedan constituency if you have reserved seats as at present?—Yes, but we want seats to be given to us in proportion to our population.

203. Your object in having the separate constituency for the non-Brahmins is that their interests shall be protected?—That is all.

204. So may I take it that in the interests of the backward classes the basis of representation should be the population basis?—Yes, it should be the population basis.

205. If you have the population basis, you will be quite satisfied with your representation, so long as you have reserved seats as well?—Yes, I will be satisfied if adequate number of seats proportionate to our population are reserved for us.

206. In such a case you will not mind if the non-Brahmins do not have a separate electorate; you will not press for that?—In what case?

207. If you get satisfactory representation according to the population basis with reserved seats, then you would like to have the Brahmins with you?—There would be no harm in having the Brahmins with us in that case. If we get seats proportionate to our population reserved in this Presidency, then we may not have these separate electorates except for the depressed classes.

208. I do not ask you about those; they will take care of themselves. You think that in the interests of the backward classes, the franchise should be necessarily lowered?—Yes, it should be lowered.

209. In what way will backward classes be benefited thereby? Can you give me some idea?—They can put up their own candidates, and exercise the right of voting in favour of their own candidate. At present they are not properly enfranchised, and the votes of those who have got them are taken over by the Brahmin candidate or by candidates who have got influence over these voters. For the effective return of non-Brahmins to councils the franchise of the rural voters must be lowered.

210. I do not want to go into the controversy of Brahmin and non-Brahmin, and I do not want to go into those questions which have already been put to you, but if the franchise is lowered, would your interests be better safeguarded?—Yes, with adequate reservation of seats.

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212. *Rao Saheb Patil:* Do not you think, in view of the number of voters in the towns, that the candidate there, especially if he belongs to the advanced classes, is able to canvass for votes much more easily? He can canvass much more easily, because the voters are in a compact area.

213. It is easier for him, because the voters are all in one place?—Yes.

214. Whereas, in the case of a rural constituency, a candidate who has to get votes from the rural voters has to go from place to place?—He has to wander from hut to hut; he has to pass over hills and valleys and cross rivers where there are no roads, even.

215. Would you like to have different constituencies, rural and urban, as is the case in the Central Provinces?—I should very much approve of that scheme, if the constituency were split up into two distinct parts, rural and urban.

216. But in that case you would like to have one more seat for the rural constituency?—The rural should have two and the urban only one.

217. Take the case of Satara. Would you like to have three seats for the rural constituency there and one for the urban?—Yes.

218. So that from that point of view you have no objection to an increase in the number of members of the Legislative Council?—I am in favour of increasing the number of members of the Legislative Council, without that the backward non-Brahmin communities would not get adequate representation.

219. *Syed Miran Muhammad Shah:* You have just said that there should be separate rural and urban constituencies, and you have described the trials and tribulations a candidate undergoes on account of the mixture of these constituencies. Now, do you want the separation of urban and rural on account of the candidate's convenience or because you think the rural interests are neglected by the candidate coming from urban areas?—Both. I do not think that the urban candidate can or will properly represent the interests of the rural voters, as the two interests at present clash with each other.

220. Therefore it is on account of the interest of the rural voters that you recommend this change?—Primarily it is in the interest of the rural voters, but, of course, there are some other reasons.

221. Primarily it is for the interests of the rural masses?—Yes.

222. In that case, if the rural and urban constituencies are divided, would you advise a lowering of the franchise?—Yes. I am in favour of lowering the franchise in the case of rural voters from Rs. 32 to Rs. 16.

223. In spite of the separation, you think a lowering of the franchise will be necessary?—Yes.

224. In reply to Major Attlee, you said that in addition to the seven seats which are reserved, seven more non-Brahmins had been returned. Do you think they are included in the Mahrattas and allied communities?—No, they are different castes altogether. Because they are non-Brahmins they have joined with us, but they are not Mahrattas or allied caste peoples.

225. You have asked for separate electorates for Mahrattas and allied castes joined together, and you would perhaps like separate electorates for the other non-Brahmin castes also?—I shall not be sorry if the non-Mahratta non-Brahmins are given a separate scheme of reservation of seats; in fact, I shall be glad of it.

226. I want to know your view as regards the tenant having the vote: do you mean the permanent tenant or the temporary tenant?—The tenant who is found to be the tenant when the lease is prepared.

227. Will you give the franchise to the permanent tenant or to the tenant at will?—I think to qualify himself as a voter a man has to stay there for a certain number of months; a residential qualification is necessary.

Chairman: I think it would be well to ask the gentlemen who represent the body called the All-India Mahratta League to come in and listen to this evidence. I appreciate that the point of view of the two bodies is not quite the same, but I think it might be useful if they came in to listen, and, if it is desired, members of the Conference might ask additional explanations from them..

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228. *Sir Hari Singh Gour:* It is clear from the trend of your evidence that you wish to strengthen rural representation in the Local Council?—Yes, because they pay a major portion of the revenues directly and indirectly.

229. And you wish to leave the urban representation as far as possible unchanged?—Unchanged as far as the voting population is concerned.

230. Do you realise what would be the effect, if your proposals were applied, upon the constitution of the Local Council? Do you think it will increase in brain power and efficiency?—I think you can get proper candidates even from the backward communities nowadays to represent them in the Council.

231. I suppose your objective, as it is the objective of every member of the Council, is that the best brains should be utilised for the public service?—Not necessarily. I am opposed to that idea. If you utilise the best brains without giving representation to the masses and allowing them to have proper and adequate direct representation in the Council, then, of course, there will be more mischief than good.

Mr. GANGAJIRAO MUKUNDRAO KALBHOR and Mr. K. S. GHORPADE, B.Sc., here entered the Conference Room.

Chairman: Gentlemen, I have asked you to come in because, although in some respects your Memorandum does not follow quite the same lines, still we are discussing a general subject on which I shall be very glad to have your presence. We have all read the Memorandum which you submit, the Memorandum of the All-India Mahratta League.* Sir Hari Singh Gour is asking some questions more particularly of the gentlemen who are already here. If you will follow the questions it may be that you would like at times to add a remark. I will tell you the question which has just been put. Sir Hari Singh Gour asked whether it was not desirable to utilise the best brains of the country in administration and in Government, even though that meant drawing disproportionately from some particular section (he was referring, no doubt, to the Brahmins), and I understood the witness to say that he did not himself think that was the true principle, and he was going to explain why.

Witness (Mr. Nawale): Yes, I just want to explain further. Before the Montagu-Chelmsford spirit was introduced we had these "best brains," and they used to be our representatives in the Councils; but that was the worst sort of representation of the masses. We have our own seats in the last scheme, and now we have greater representation of these masses. What we are trying now to do is to have greater direct representation of these masses in the Council.

232. *Sir Hari Singh Gour:* I understand your theory is that you would sacrifice the best brains in favour of the class principle?—I would.

233. Do you think it would be advisable to give votes to all literate persons who have passed the fourth standard?—There is hardly any education amongst the masses.

234. Merely literate persons not possessing the requisite property qualification have at present no votes?—I have not worked out that figure, how many literate persons have not a vote.

235. There must be some?—There might be some.

236. Very well; would you give them votes or not, because it would encourage and promote education and literacy?—That would be advocating manhood suffrage. I do not think a man possessing no property qualification should be given the vote.

237. My point is that, if you wish really to develop the political institutions of this country, you want to encourage literacy and education?—Yes.

238. In order to encourage literacy and education, give a vote to all literate adults?—No, that would be a wrong sort of way of creating more literacy and more awakening and consciousness amongst the masses. You give them direct representation. There are people available now amongst these backward classes who are fairly educated to represent them.

239. I am not dealing with that. I am to give them votes, according to you. All those persons will be enfranchised, that is to say, the backward classes and the people you have in mind?—Yes.

240. But in addition to those persons, I am suggesting whether you are not in favour of a literate vote as such, with a view to advancing the political education of the people, and to develop the self-governing institutions in the country?—No, I do not think so.

241. You have said this, if you will kindly turn to your memorandum at page 62, and I will draw your attention to page 63. I just want an explanation about this on page 62. You are prepared to forego the privilege of reserved seats for Mahrattas?—Yes.

242. But on page 63 I think your language is susceptible of an interpretation that because there is a very large number of Mahrattas, and though they failed to get the seats, you are still in favour of a reservation of seats in favour of the Mahrattas: is that so?—Yes.

243. Have I understood you correctly? In other words, while in the abstract at page 62 you are prepared to forego reservation, yet as a practical politician you find at page 63 that, as matter of fact, though the reservation of seats is foregone, the Mahratta interests will suffer, and therefore you are in favour of the reservation of some seats for your community for the Mahrattas?—Yes.

244. *Chairman:* Would you excuse me? It is not quite the way I understand it. I think the witness's view is, as he explained some time ago to me, that, provided that general electorates were abolished, and you had a series of separate electorates, he would be prepared to see the reservation of seats go; otherwise not?—That is so.

245. *Sir Hari Singh Gour:* I will draw your attention to page 66. If that is not your view, it certainly seems to be the view of the Mahratta League. The Mahratta League say: "We should have at least twenty reserved seats in the Provincial Legislature * * * and five seats in the Central Legislature."—(*Mr. Ghorpade*): According to population.

246. That is to say, the Mahratta League demand special reserved seats not *qua* non-Brahmins but *qua* Mahrattas?—(*Mr. Nawale*): We are not concerned with that.

247. I ask your opinion about it. There is a demand on behalf of the Mahratta League that they should have a certain number of seats, 20 reserved seats in the Provincial Council and five in the Central Legislature?—Yes. Well, I do not think that there is any need for reservation of any special seats for Mahrattas alone. We are here to advocate the cause of the non-Brahmins as such.

248. Then you do not agree with the demand of the Mahratta League?—No. Let me make myself more plain. The demand of Mahrattas comes before the Commission simply because certain communities have split up from the non-Brahmin Party, and they are now trying to have special seats for themselves; but that was really a bad move. I was sorry for that, personally, and this memorandum is an answer to that move. If these differences are removed, then the non-Brahmin Party has been united, and we are here to put forward the view of the united non-Brahmin Party as such.

249. You say you see no signs of the consolidation of the Brahmins and the non-Brahmin Party: you see no sign whatever of the political awakening having taken the turn of consolidating these people of India; consequently you want certain treatment in the matter of reserved seats?— Yes.

* p. 65.

250. I, therefore, ask you, will you not give the same latitude and the same freedom to your non-Mahratta colleagues? How can you deny them the right of asking for reserved seats if you wish also reserved seats for your community?—I have already answered that question to an honourable member here. I am sorry if seats are reserved only for us.

251. I am not asking you that. I ask you, as a sagacious statesman, as a politician with the best interests of the country at heart, do you advocate the splitting up of the general electorates into communities and sub-communities and sub-sub-communities for the purpose of exercising the right of franchise?—No, I do not want sub-divisions and sub-castes and all those things.

252. Do not you think that the results of your representation would terminate in it?—No, I do not think so. We do not want any sub-division more than the five which we have tabulated here.

253. Let me give you an example. You have, at pages 62-3, classified the non-Brahmins and non-Hindu communities?—Yes.

254. Take the case of the Europeans, the Anglo-Indians and the Parsis?—Yes.

255. You have lumped them together in a single community?—Yes.

256. And you deny the Parsis the right of separate representation for themselves on the same terms as you demand the right of representation, and the same in the case of Europeans and Anglo-Indians?—But you see that the non-Brahmin Hindus, electorate No. 2, which we have tabulated on page 62, includes some 25 or 30 communities grouped together; more than 40, I should say.

257. So that, whereas the Parsis and Europeans, who only comprise about 300,000 people, are given a separate vote, Mr. Nawle has lumped together about 25 or 30 communities, distinct ethnologically and otherwise, into a single group. You have told us that at the present moment the Brahmins are exercising a dominating influence in the general elections?—Yes.

258. What assurance can you give the Commission that if your seats are separated into two different classes, or more than two different classes, the Brahmin pleaders who advise and have great influence over the general electorates will not still exercise the same influence over the non-Brahmins, and put in undesirable non-Brahmin candidates in the Provincial Legislatures?—That will be the lesser evil.

259. You recognise that as an evil?—They will try to create all sorts of difficulties.

260. *Chairman:* I understand your answer to the first question is that you take your risk of that?—Yes.

261. *Sir Hari Singh Gour:* You recognise that the risk is there?—Yes, but it will occur less and less as the voters become enfranchised and get some sort of education. They will get their own rights, and will know the best way to exercise those rights.

262. Do not you think it is a dangerous thing to begin education by making legislation in the first instance? Do not you think it would be a better political education to begin at the bottom of the ladder?—You mean the voter?

263. Yes; give the masses political education by commencing to educate them from the bottom of the ladder.—No, I do not think so. Giving them the vote is beginning to educate them in a way.

264. *Dr. Suhrawardy:* If you get adequate representation on population basis in a separate electorate, would you still press for manhood suffrage or the further lowering of the franchise?—I would at this stage go in for the further lowering of the franchise.

265. Why do you want it if you get adequate representation on population basis in a separate electorate, because I understand that the whole object of you, gentlemen, representing the minorities who ask for lowering of the franchise or for manhood suffrage, is to get adequate number of voters to counterbalance or outweigh the voting strength of the majority communities?—Yes, that is our idea.

266. In a separate electorate that question does not arise?—I think a great injustice is being done at present in denying to a certain number of people belonging to the backward and minority communities the right of voting. Rs. 32 limit is too high and it should be brought down to Rs. 16 at least.

267. So is it on the abstract question of justice and equity that you want that everyone should be enfranchised, or on the grounds of expediency and necessity that though you get separate electorates for yourself and also reservation of seats still you feel to be in a position of insecurity?—The latter.

268. Therefore you want adult suffrage in order to counterbalance or outweigh the voting strength of the majority community?—The point is this. Even if we get a separate electorate the voters at present are under the influence of the advanced classes such as the Brahmins and Sowcars. That is why we want the lowering of the franchise.

269. But if you still lower the franchise the ignorant and illiterate people will still be under the influence of the advanced classes. By lowering the franchise you increase the domain of the priestly classes and the very evil which you want to safeguard against will be intensified?—I do not think so, because it will create a sort of awakening amongst the masses and they will know their rights.

270. So it is only for the educative value that you recommend this?—Our idea is that the electorate should be as representative as possible.

271. In order to protect yourselves against the domain of Brahmins and other advanced classes you want to lower the franchise? My experience is that the lower the franchise is the people will be more under the influence of priests who invoke the sacred thread and gods and get the votes?—Not necessarily.

272. *Sir Arthur Froom:* There is one point arising out of a question put to you by the Chairman on which I am not quite clear. Would you agree that it is a reasonable calculation to estimate that the rents of houses and buildings in Bombay are twice what they are in Karachi?—I have not studied the conditions in Karachi, but I think that statement is true.

273. And perhaps they are three times as high in Bombay as they are in other mofussil towns?—Yes.

274. That being so, why do you suggest that for qualifications for voting, rents in Bombay should be reduced to the basis of Rs. 60, and you do not suggest that they should be reduced in Karachi or in other cities?—I do not say that the voting qualifications in Karachi and other places should not be reduced.

275. I thought you did not wish any lowering of the franchise except in Bombay, where you thought that the qualification should be reduced to a rent of Rs. 60 per annum?—Particularly in Bombay we want the franchise to be lowered. I do not have any objection to the lowering of the franchise in other places.

276. *Chairman:* But in your memorandum on page 62 you say, "The Committee do not propose any change in the case of either the major or the minor municipal boroughs, but in the case of the town of Bombay the Committee are of opinion that the franchise should be lowered so that all those who pay Rs. 5 as rent per month should be held entitled to vote." I gather you say that really you have not considered the Karachi case?—We have not considered the case of Karachi. We had only limited our attention to Bombay.

277. *Sir Arthur Froom:* I wanted to know whether you had any special consideration for Bombay in recommending a lower franchise as compared with other cities. Have you any particular object in view?—There are many labouring classes in Bombay who come from the Deccan and other agricultural districts.

278. You think the lowering of franchise in Bombay to a rental of Rs. 5 a month, or, in other words, Rs. 60 a year would bring in everybody who lives in Bombay?—Of course, that would enfranchise a large number of people.

279. Everybody in Bombay, I suppose, pays a rental of Rs. 5?

Dr. Ambedkar: The rent of the Bombay Improvement Trust chawls built before the war is less than Rs. 5. It may be Rs. 4.

280. *Sir Arthur Froom:* There is only one other point on which I should like to get your opinion. You have given in this book your views on the future constitution of the Provincial Government. Have you any views on the future constitution of the Central Government? Do you think it should change or remain as it is?—Yes, we have some suggestions, though those suggestions are not embodied in this Memorandum. We think that Dominion Status ought to be given to India as a whole and the Provinces should be made autonomous.

281. *Lord Burnham:* Why are those views not embodied in this book?—We were considering there only the conditions of the Deccan and Karnatic. But we are authorised to state that, with regard to the Central Government, Dominion Status should be given and the Provinces should be made autonomous.

Mr. GANGAJIRAO MUKUNDRAO KALBHOR and Mr. GHORPADO, B.Sc., called and examined (on behalf of the All-India Mahratta League).

282. *Chairman:* I understand from your Memorandum that your view is rather that you would not like to see the seats reserved for Mahrattas given up?—(*Mr. Kalbhor*): Yes.

283. You wish to retain reservation of seats for Mahrattas?—Yes.

284. I think that you suggest that the number of seats reserved to Mahrattas should be increased?—Yes.

285. To what number do you want it to be increased?—It should be increased according to the population of the Mahrattas.

286. Do you mean to say that you have got to find out the total strength of the population and then increase the number of seats of the Mahrattas in the same proportion?—Yes.

287. I think you are a member of the Legislative Council, representing the Poona district rural?—Yes. I was member of the Legislative Council for the last six years.

288. Mr. Ghorpade is a landowner?—Yes, from the Satara district.

289. Do I understand that you suggest that you should group the communities here and have communal electorates for Brahmins, for Mahrattas, for untouchables and for the rest?—Yes.

290. That is following the same general scheme as we have already examined this morning. I think there is no other distinct point which you would like to mention. These are your main points?—Yes.

291. *Rao Sahib Patil:* I think you would not have submitted a Memorandum to the Statutory Commission had there been no agitation on the part of the non-Mahrattas for separate seats?—Yes.

292. So if the non-Mahrattas have no objection to unite with the Mahrattas in promoting the interests of the backward classes, you have no objection to have a general constituency?—I have no objection; but the existing number of seats should be increased, so that the Mahrattas will get proper representation on the Legislative Council.

293. May I take it that you want to have an adequate representation of the backward classes in proportion to their population?—Yes.

294. And if you get that adequate representation for the Mahrattas and allied castes you are quite satisfied?—Yes.

295. *Sir Hari Singh Gour:* I see from your Memorandum that you want to abolish the Privy Council?—(*Mr. Ghorpade*): Yes.

296. You want to establish a Central High Court, by which you mean a Supreme Court?—Yes.

297. You do not want to have bi-cameral legislature. You want to abolish the Council of State?—Yes.

298. And you want the Viceroy to have the power of veto and certification?—Yes.

299. Having abolished the bi-cameral legislature, you say that the Central Legislature should not be authorised to legislate any discriminatory act against any foreigner or any foreign interest. Under the existing Government of India Act the Central Legislature has got the power to legislate for all persons and places. Now, do you want to put a curb on this power of the Legislature?—Yes, as far as discriminatory legislation is concerned.

300. Then who will legislate in respect of the excluded subjects?—The Central Legislative body should be authorised to pass all legislation. But if a foreigner thinks that his interests are in danger then he should have the right to appeal to the Central High Court and test the legality of that particular legislation.

301. Therefore, you want to give the Central Legislature plenary power subject to an appeal to the supreme tribunal; that is what you mean?—Yes.

302. You have stated here that the surpluses of the Central Government should be redistributed amongst the provinces. But what about the general taxpayer? Would you not give relief to the general taxpayer who contributes to the central revenue? Supposing he has been more than normally taxed and there is a surplus, you will certainly like a reduction of taxation, will you not?—I do not want that the general taxpayer in one Province should be benefited.

303. If the general taxpayer pays more than what the Central Government is entitled to, is it not fair to pay him back the excess or the surplus which has been extracted from him rather than redistribute it among the provinces?—I do not follow you.

304. I suppose the first charge on the surplus must be the general taxpayer. The Central Government, when they have got surpluses, must consider whether the people have not been overtaxed, and consequently the reduction of taxation should be the first question that they must consider when they have surpluses, and they should not automatically redistribute them among the provinces?—The taxpayer, of course, will be the main person who will be recipient of the surplus. Whether it is given through the provinces or in any other way it would make little difference so long as the taxpayer gets the relief.

305. *Major Attlee:* You wish that India should be divided on a linguistic basis. Have you made any detailed proposal for the part you are inhabiting?—The Mahratta-speaking part is divided into many groups even in British India, leaving aside the native States for the moment. I should like that all these parts in British India should be grouped into one.

306. You mean part of the Central Provinces and part of the Bombay Presidency should be combined?—Yes.

307. Has your organisation considered that question in detail, with regard to finances and so on?—No, we have not.

308. Just a general vague idea?—Yes, in a way it is vague.

NOTE.—For evidence taken at Karachi *see* page 206 *et seq.*

A Note by the Honourable Mr. A. M. K. DEHLVI, Barrister-at-Law (President, Bombay Legislative Council), to the Statutory Commission, on Separate Electorates and Reservation of Seats.

Nothing in this note should be construed to imply that I am not entirely at one with the all-India demand for complete autonomy and responsible government; and I understand the great object of the Commission is to inquire, in terms of the Government of India Act and the Royal Proclamation of 1919, as to what steps towards further reforms be taken. That mainly involves the question of the introduction of greater element of responsibility in Government, and the truly representative character in legislation, making the executive responsible to the popularly elected legislature; and, further, giving to the legislature full powers which characterise modern constitutions. I, however, am strongly of opinion that nothing in this direction can be achieved in the best interest of India and the Crown unless and until —never for a moment losing sight of the enormity and diversity of interests, some of which, unfortunately, may remain eternally conflicting—the communal question receives the utmost statesmanlike considerations which the situation in India demands. In fact, the Indian problem, and, if I may say so, *the* problem for the Commission to solve, is the problem of the minority—and, indeed, the major minority, I mean the Muslim minority. I am not going counter to the legitimate demand for full responsible government when I state that political development of the country should and can only be on lines which, while ensuring the administration of India by Indians, and for Indians, would not allow any one section of Indian citzens to exploit the other, and trample under foot their just and legitimate rights. I think I am right in thinking that any constitution framed without regard to this all-important factor, allowing for a contingency of the kind I refer to to arise, would be against all accepted canons of democracy and representative government. For, is it not an accepted principle that the legisature must reflect in its composition the political temperature of the country for the time being. And for that reason alone, if not for any other reasons, every interest and every section or community must necessarily have equal opportunity and equal franchise with reference to the economic condition of every community. Circumstances and conditions prevailing in India do not permit of applying political theories which might be in consonance with, and might therefore find favour in certain circles, the conditions prevailing in the place of their origin. They will generally be found to have little bearing or reference to life and conditions in this huge continent of ours. It should also be conceded that political principles are evolved out of practical life and varying conditions prevalent in different countries. Unfortunately, the social and political conditions in this country, the deplorable communal mistrust and tension of feeling, with its not infrequent tragic outburst and developments, make it the first duty of the Commission to examine the situation and make special provision for it, without being biased by preconceived political theories and ideals.

Now, among the minority communities, Muslims, as I have stated, form the major and the most important minority. Their widely different cultures, religious beliefs and interests require effective safeguards. Together with a careful study of their history (and even in recent times before the advent of the British in India), and traditions as a nation, must be studied and examined, their economic conditions, their indebtedness, their acknowledged backwardness in education, their utter want of organisation, the communal differences, and, above all, the fact that practically trade, commerce, banking and the press of the whole country is controlled, owned and influenced by the majority community. Referring to the press, I may appropriately state here that in this Presidency, excluding Sind, there are about 181 papers controlled by the majority community and only 23 by the Muslim community, the figures of Sind being 32 Hindu and 11 Muslim papers, although the latter is the majority community there. A further classification of these figures will be found interesting. The Presidency proper is divided into three divisions comprising about 20 districts. The total area in square miles of these three divisions is very nearly double that of the whole of Sind; namely, 77,035 square miles. The Northern Division has an area of roughly 14,000 square miles; the Central 38,000 square miles; while the Southern has 25,000 square miles. The population in the Northern Division is about 37 lakhs, in the Central 60 lakhs, and in the Southern 49 lakhs.

To begin with, there is no Muslim paper published in English. Out of the 23 Muslim papers, vernacular or anglo-vernacular, 12 are published in Bombay City, and the remaining 11 go to the credit of the various districts, namely, about four to the Northern Division, about six to the Central Division, and one to the Southern Division; whereas, the Hindu figures stand in prominence as follows:—

46 in the City of Bombay;
47 in the Northern Division;
54 in the Central Division;
34 in the Southern Division;

a large number of them being in English and practically all the vernacular languages.

These factors make safeguards for the Muslims absolutely necessary. If you ask me what those safeguards should be, I may mention a few as indispensable:—

(1) Provision in the fundamental laws of the country;
(2) Adequate and effective voice to the Muslims in the matter of change of constitution;
(3) Unhampered opportunity and facility to send their true representatives to the Legislatures who would voice the true opinions and feelings of the Muslim community.

And for the purposes of the above safeguard (3), the Muslims must claim and maintain, especially in the light of the drawbacks and handicaps specified above, under which the community is suffering terribly, separate representation and separate electorates, until and unless at some future period conditions in the country and experience justify alteration of this safeguard.

Much has been said and magnified in behalf of some far-reaching advantages of joint or mixed electorates. But I must confess that I have seen nothing convincing advanced to justify the change suggested, except that it would result in the ultimate annihilation of the Muslim individuality. Although for practical purposes the Muslims, as compared to other castes and creeds may be called a *community*, but if the conditions prevailing even on the Continent of Europe, of a conglomeration of smaller communities than ours, which stand out as full-fledged nations in their own right, are a reality, the Muslims in India are a nation by culture and tradition (second to none in the world) and even number, having a population of over 70 millions, which, I think, is bigger than that of Great Britain and that of France, and has an advantage even over the entire German nation. To deny that would be tantamount to denying the existence of a nation. And, as such, while co-existing with other major communities or nations, the Muslims can legitimately claim to maintain their distinct individuality in the matter of representation in the Legislatures and can in no way harm the general interests of the country. For, otherwise, we are right in our fear that we will have no representation at all, or hardly any, in Provinces where we are in a miserable minority. Moreover, mixed or joint electorates, wherever they have been tried so far, have been not

NOTE BY THE HONOURABLE MR. A. M. K. DEHLVI. [*Continued.*

only not encouraging, but justify our dread of them. I will quote specific examples to prove the case. Let us peep into the elections of the District Local Boards, for instance, in Bengal in 1927-28, where the Muslims are in a majority, and the election is joint and the suffrage is not adult, yet the Muslim majority is reduced in the elections to minority or equality.

Dacca:—

Seats	22
Muslim proportion of population	65.4
Seats secured	6
Hindu population	34.2
Seats secured	16

Tipperah:—

Seats	19
Muslim population	74.1
Seats secured	6
Hindu population	25.8
Seats secured	13

Nadia:—

Seats	20
Muslim population	60.2
Seats secured	5
Hindu population	39.1
Seats secured	15

Bogra:—

Seats	15
Muslim population	82.5
Seats secured	11
Hindu population	16.6
Seats secured	4

Noakhali:—

Seats	16
Muslim population	77.6
Seats secured	10
Hindu population	22.3
Seats secured	6

These figures will instantly show as to what will be the results of elections if the electorates were mixed or joint in this Presidency, where the Muslim population is, roughly, 8 or 9 per cent., excluding Sind. Even if Sind is not excluded, the elections and conditions prevailing there cannot affect us. The Muslim gain there cannot be an argument to the Muslim loss here. What they might gain there in Sind, like in the Punjab and Bengal, is no matter of gift to them. It is only what they are entitled to.

Again, without a separate electorate, the Muslim who might be sent as representatives of their community could in no sense represent the true opinions of that community, for the simple reason that their opinion will be governed by the majority of electors, who will be Hindus; who, in turn, will undoubtedly choose such Muslims as will reflect their opinions. What might happen, in case there is no separate electorate, can best be illustrated by the results of election for the Delhi constituency for 1927 for the Legislative Assembly. There was a tacit understanding that the Delhi seat would go by turn to a Hindu and a Muslim. It was the turn of a Muslim in 1927, and the candidate who offered himself was a Nationalist and a Swarajist nominee. That, however, did not prevent his elimination by the majority community, who voted on communal lines and elected a Hindu. If the Muslims, or, for the matter of that, any other minority community, do not secure any, or their legitimate representation, then, whatever else happens, the Government certainly cannot, by any logic, be said to be a representative Government and a responsible Government; that which is not representative must be admitted to be much more injurious than that which is not responsible. Even the Nehru Report admits that this right of proper participation cannot, in justice or logic, be denied to any part or section of the country. In this connection I cannot quote a more convincing instance than that of the great Nationalist leader, Pundit Moti Lal Nehru, with due deference to his high ideals and aspirations. It is a telling example of the attitude, not of the leader of a Hindu communalist group, but, as I have said, of the Nationalist Swarajist group, in the Assembly. On the occasion when the question of the introduction of reforms in the North-West Frontier Province came up it may be noted that the Pundit, while he had voted with his following for the introduction of reforms in Ajmer-Merwara, asked his party not to vote on the motion for introduction of reforms in the North-West Frontier Province on, what I cannot help saying, the flimsy ground that his party, standing for complete Swaraj, could not compromise its position by asking for the Frontier reforms. This instance, is, indeed, very instructive and illustrative of the dangers which minority interests may have to face.

The condition of other minorities, although they are claimed as Hindu minorities, proves the Muslim claim for separate electorates even the more forcibly. These Hindu minority communities in the South, I understand, are not allowed even to walk on the same road and drink water out of the same well. And, what is more inconceivable and appalling is that they are not allowed even to enter a British court, although they be parties to litigation. Evidence is given by them by shouting it out from outside the court. This is denying a right of citizenship, which is guaranteed by the British Government, to communities who are included in the generic term "Hindu." The position and the situation can be more easily imagined than described when the question of Muslims is considered. The natural anxiety of the Muslim for definite statutory safeguards at this great psychological juncture cannot in justice be turned down from any standpoint.

The greatest aim of joint or mixed electorates is said to be the merging of the various peoples which inhabit India into *one nation*, in spite of the admission in the Nehru Report that the Muslims esteem separate electorates to be a "valued privilege." If that great aim of creating a complete and harmonious *nationhood* in India were to be achieved by such a simple method and by a stroke of the pen, attempts of great apostles of the Greater Religion, like Buddha, Ramanuja, Nanak and Kabir, who came to expel bigotry and establish unity and brotherhood of man would not have failed even in the partial and the possible achievement of kneading the various Hindu sections into one nation. The problem of the minorities and the major Muslim minority is fully acknowledged also in the carefully considered and ably written document universally known as the Nehru Report. Referring to the problem of the minority, the Report acknowledges in one part that, although it does not desire to exaggerate it, it cannot get over the fact that "it has to be faced," and that all that the Report has done towards its solution is, after all, an "attempt," and it earnestly calls for "additions to" or "substitutions for" its recommendations in that behalf, to settle the problem of the minorities. It is further admitted that the recommendations of the Report can only have weight to the extent to which they may be "*acceptable to all the principal parties concerned.*" It is conceded in the Report that the "only methods of giving a feeling of security are "*safeguards and guarantees.*" The time, therefore, has not arrived when separate electorates or other such safeguards for the Muslim minority can be discarded without wantonly undermining the interests of such a major minority, and thereby creating eternal troubles for the future, rather than eliminating them. I, therefore, do not agree to the introduction of mixed electorates.

The next important question to be considered is the representation of the Muslim and other minorities, first, in the Provincial Legislatures, and, secondly, in the Central. That is to say, the question of reservation of Muslim seats in these two legislatures. The Nehru Report, which, I must confess, is a fair guide on the questions of inquiry before the Commission,

deals with the whole question in Chapter III under five heads, four of which are:—

(1) Reservation of seats on population basis, both for majorities and minorities;
(2) Part reservation for majorities with freedom to contest other seats;
(3) Proportional representation;
(4) No reservation, but special safeguards in the constitution for educational and economic advance of backward communities.

The Report is not opposed to (2), except that it does not agree to applying it to Bengal and the Punjab, which is the crux of the whole question. As to (3), the Report opines that under the present circumstances in India it will not work, and recognises that difficulty as a considerable one. And as to (4), the Report admits that a unanimous acceptance of the proposal is not possible. And, as to (1), the recommendation is that in provinces other than Bengal and the Punjab, there should be reservation of seats for Muslim minorities on population basis with the right to contest additional seats, the same right being given to non-Muslims in the North-West Frontier and Baluchistan Provinces.

Take, first, the question of reservation of seats in provincial legislatures. The Lucknow Pact of 1916, which was adopted in principle and many details also by the Southborough Committee, has given certain number of seats to the various provinces. Referring to the Mahomedans, it provides for them in para. 4 of that Pact (giving Bombay one-third of the elected Indian members), because the Pact held that "adequate provision should be made for the representation of important minorities *and the Mahomedans* by election through special electorates on the provincial legislative councils." The conditions which weighed with the All-India leaders to accept and make that recommendation, as well as the grounds which convinced the framers of the existing constitution obtain in the country to a much greater degree to-day than they did then. For, one must blush to acknowledge the unfortunate and the most deplorable state of feelings rampant throughout the length and breadth of this great continent, between the two major communities, which has resulted in nothing short of mutual distrust and suspicion, and I think to a degree justifiable on either side. While meeting a pressing expediency the recommendation made and carried out did not at all deprive the Hindu community of its majority position.

One, therefore, cannot conscientiously suggest a safe departure from the present system of the Muslim representation and the reservation of seats in the provincial councils, although one cannot overlook the fact that the Punjab and Bengal have their special grievance in this connection.

The Nehru Report, while recommending reservation of seats for the Muslims on population basis—perhaps by way of a sop to make up for the weakness of the recommendation—presumes to compensate the Muslims by giving them a right to contest more than the number of seats reserved for them in proportion to their population. But what can this so-called concession amount to, in case of a community the percentage of which only ranges between 14 and 5 in the various provinces, and which is, further, so hopelessly diffused over the whole of each province, with the one single exception of a part of U. P.? The results can be easily imagined under these circumstances. The chances of securing a seat beyond the reserved number will, indeed, be nil. The case of the Mahomedans of the Presidency proper, whose proportion of population is about 8 or 9 per cent., becomes an important expediency for the examination of the Commission, particularly when Sind is excluded from consideration.

Now, to the question of reservation of seats in the Central Legislature. It is at present one-third of the total strength of the Assembly. The Nehru recommendation is one-fourth to the proportion of the population. The population is a little over one-fourth. So the margin of contention is very slight, although the one-third makes a world of difference as a safeguard to the minority, which, after all, does remain a minority even in the strength of one-third, and, therefore, does not harm the majority. But the one-third of the Muslims in the Central Legislature is an indispensable necessity, particularly if in the alteration of the constitution or other important subjects, and, in short, if in the distribution of power the Central Legislature secures a lion's share. I do not think this demand can be seriously contended, when such a contention will rightly lay a charge against eminent leaders of both sides of violating moral and legal obligations. It is a matter of no little surprise to find that the great leader of the Nationalist Swarajist Party, namely, Pundit Motilal Nehru, should have discarded considerations in this respect which he had, on more than one occasion, advocated in the history of this demand. Perhaps it is just as well that I showed how he has done so. That was settled and agreed to on all hands by a resolution in the Indian National Congress at its session held at Madras in December, 1927. As a matter of fact, even before that, in the Indian National Congress session of 1926 at Gauhati, its working committee was called upon to take immediate steps, in consultation with leaders on both sides, and submit proposals on questions of differences between the two communities. Consequent upon this, the Muslim leaders assembled at Delhi in March, 1927, and accepted the proposals negotiated with them for the reservation of *one-third of the total number of seats in the Central Legislature.* They also issued a manifesto to that effect. This Muslim manifesto was received with general satisfaction by all parties in the country. As a matter of fact, the one-third proportion was the original suggestion of the President of the Hindu Mahasabha made at its sitting in 1924. In short, when the All-India Congress Committee considered this question, a resolution to that effect was moved by Pundit Motilal Nehru himself, when he is reported to have said:—

> "Personally I am of the opinion that nothing better could have been proposed under the circumstances."

Dr. Moonje, also the President of the Hindu Mahasabha, "in the capacity of a representative of the Hindus," declared "I have no objection to the resolution." And Mr. Kelkar, another leader, while supporting the resolution, said his "conscience was clear in the matter." Mr. Jayakar "very willingly" accepted and supported the resolution. Dr. Ansari, in an interview in the *Bombay Chronicle* of 27th May, 1927, characterised it as "very honest and equitable." The agreement, therefore, of the one-third proportion was arrived at with the fullest consent and approval of all parties, and was as solemn as it was binding on all the parties. It is, therefore, now breaking of solemn pledges to go back upon it. Finally, the Indian National Congress formally confirmed the agreement at Madras, the Sikh members associating themselves with it.

Rightly or wrongly, as I have said—and that does not take away from the stern facts as they stand to-day in the country—the Mussulman minority in general entertains grave doubts about the political sense of responsibility of the huge majority, which commands all the power that can arise out of wealth, number, organisation and education, which, unfortunately, the minority community lacks and will lack for a long time to come. I, therefore, join with the Muslim demand for the reservation of one-third representation in the Central Legislature.

Memorandum submitted by the Central Labour Board, Punjab.*

Franchise.—Under the present Government, both for Provincial and Central Legislatures, the voting qualifications are determined by age, education and ownership of property, and thus the great masses, who form the major portion of India's population, are barred from taking any part in the constitution of the Government. To make the future Government of a more representative character it is essential that the general adult franchise should be adopted, and, if the present circumstances do not allow this, the property qualifications should at least be so relaxed as to cover a fairly large portion of the population to make the representation real in spirit. So far as Labour is concerned, every member of a registered trade union should be given the right of voting for Provincial and Central Legislatures. The "Achhoot" (untouchables) organisations should also be favoured with this right. The tenant should also be given a vote when his landlord has got one. Women aged 35, and those educated up to a certain standard and not less than 22 years of age should also be given the right of voting.

Electorate.—Joint electorate should be introduced with multiple transferable vote, but the allotment of seats should be fixed according to the proportion of the census of each community. One-fourth of the total seats should be reserved for labour (half by nomination to be made by labour organisations) and the other half by election in special constituencies created for the purpose. The daily increase and representative character of labour and the great part it is playing for the economic welfare of the country requires that it should be given hand in the administration of the country, so as to remove all possibilities of having any future trouble of Capital and Labour.

With this view in mind it is suggested that one-fourth of the total seats of Provincial and Central Legislatures should be allotted to the various interests under the main head "Labour," half of them to be elected by the members of the registered trade union by means of special constituencies created for this purpose and the other half to be nominated by the Government in consultation with labour organisations, whether registered or not.

It may not be out of place to mention here that the special constituencies at present maintained under heads Landlords, Industries, Chamber of Commerce, and like are always represented by Capital, and, as such, should be altogether abolished, because Capital has all the chances of being represented in the general constituencies, while Labour has no such chance.

Labour Ministry.—The potentialities of labour are being recognised all over the world; it is essential that its interests should be adequately safeguarded by the appointment of a separate Labour Minister in each Province, so to be nominated by the Governor along with other Ministers having the unanimous support and confidence of all the Legislatures, whether elected or nominated. He should be in charge of all matters relating to the welfare of labour, peasantry and untouchables, their education, health and sanitation, and should see to the proper operation of all laws touching the interest of Labour, such as the Trade Union Act, Workmen's Compensation Act, The Trades Dispute Act, Women Welfare Act, Factories Act, Unemployment Act, Old Age Pensions Act, etc., and should from time to time introduce in Councils such enactments as are deemed necessary for uplifting the cause of labour, peasantry and untouchables. In the Central Government a Labour Member should discharge all such functions in All-India subjects.

Indian States.—There should be Labour Commissioners appointed by H.E. the Viceroy and the Governor-General in Council to co-operate with the Agent to the Governor-General for Native States with a view to see that all enactments made in British India about the welfare of labour, etc., are brought into operation in the native States.

Central Government.—The subjects which are now being dealt with by the Central Government, like railways, posts and telegraphs, Customs and marines, should be represented by Labour Members in the Central Legislature elected by the labour employed in such departments through their registered trade unions. Special constituencies should be created for this purpose, and in case this is not feasible at present such members should be nominated on the recommendations of registered trade unions.

Court of Arbitration.—In each Province a Court of Arbitration should be appointed with a tribunal consisting of three representatives of the Labour, three of the Capital, two from the Government, and two from the public. They should elect their President from amongst themselves. In case of disputes between Labour and Capital not being settled within two months' time the tribunal shall have the right of interfering in the matter and giving a final award on the case binding on all parties.

Labour Employed by Government.—Employees should be given equal partnership in the management, control, direction and finance of the department concerned through their representatives nominated by their registered trade unions.

Free Education.—It should be made obligatory on employers to open day and night schools and colleges, at their own expense, according to the requirements of the labour. Such schools should give technical training of the industry in which the labour is employed. Such education should be compulsory and free of charge for labour classes.

Stability of Service.— No such agreement made by the Secretary of State for India on one side and the employees on the other should be valid if it provides any term or terms regarding the discharge or dismissal of any employee on any pretence of a month's notice or incapability, except that he is convicted for fraud, etc., by a competent court of law.

Living Wage.—Living wage should be ascertained by the Labour Minister and no one should be paid less than such wage.

Minimum Wage.—There should be some proportion fixed between the minimum and maximum wage.

Old Age Pension.—Government or local bodies should be compelled by legislation to make arrangements for payment of an old age pension to those who are above 60 years of age.

Peasantry.—The waste lands under Government, even after irrigation, should not be sold but given *gratis* or on nominal value to those only who pledge to cultivate such lands personally for their own benefit, and such agriculturists should be provided by Government with improved agricultural implements on co-operative basis.

Secretary of State.—Office of the Secretary of State should be abolished and the India should have direct dealing with the Parliament through Colonial Office.

Upper House.—No upper house should be created.

Local Bodies.—The revenues of the local bodies should be supplanted by as much good grant as possible to cope with the expenses of health, sanitation, education, etc.

Provincial Government.—There should be no "Reserved Subjects" in Provincial Governments, and Provincial autonomy should be granted, with the formation of Government on Federal system.

* The Board has since been registered under the name of the "Central Labour Federation, Punjab."

Executive.—Executives should be responsible to the Legislature. All Budget demands should be votable. Governor-General in Council should be the head of the Executives without any power of veto in matters dealt with by the Legislatures, excepting those matters which relate to foreign affairs and defence of India. No contribution should be made from Provincial Governments to the Central Government.

Judiciary.—Judiciary should be separated from the Executive.

Nationalisation of Industry.—All heavy industries should be nationalised.

Indianisation of Services.—All services should be Indianised, and only technical experts are to be imported from foreign countries when such are not available here.

Oral Evidence.—Mr. M. A. Khan will appear to give oral evidence before the Commission if necessary.

Lahore, dated 1st June, 1928.

LAHORE.

Dated 3rd November, 1928.

PRESENT:

ALL MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND RAJA NAWAB ALI KHAN), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Deputation from the Central Labour Board, Punjab (Mr. M. A. KHAN, President, and Messrs. S. D. HASSAN and M. D. AKHTAR).

325. *Chairman:* You say, Mr. Khan, that your memorandum is on behalf of the Central Labour Board, Punjab, Lahore. What I should like you to tell us first of all is how do you come to be a separate body such as you are? When did it happen, and what did happen? Whom do you represent besides yourself?—We represent the General Workers' Union, North-Western Railway, registered under the Indian Trades Unions Act.

326. Is there no other body representing the organised labour of the North-Western Railway but yours?—The Board represents, in addition to this body, the Tonga Workers' Union, registered under the Indian Trades Unions Act, and the Motor Drivers' Union, also registered under the Indian Trades Unions Act.

327. So your Board claims to represent three unions?—These are the registered bodies, sir. There is one other union, the Mechanical Engineers' Union; that is also registered under the Indian Trades Unions Act.

328. Is the Central Labour Board itself registered? —The documents have been filed since the last four months.

329. That is not quite an answer to my question. I am asking whether the Central Labour Board itself is registered?—No, sir. It is under the process of registration.

330. You have applied for registration?—Yes, sir; we have applied for registration.

331. *Mr. Hartshorn:* May I ask you, Mr. Khan, whether the Central Labour Board is affiliated to the All-India Trade Union Congress?—No, sir.

332. Does the Central Labour Board confine its activities entirely to the industrial side of labour, or is it in any way associated with the political movement?—No, sir, it is purely a trade union.

333. And you are not affiliated to the Trade Union Congress?—No, sir. None of the unions in this Board is affiliated to the Trade Union Congress.

334. Have you as officials of this union submitted the contents of this memorandum that you have submitted to the Commission to the membership of your trade union?—Yes, sir. It is in this way, that we who are the chief workers of different unions combined ourselves into this body and we have submitted this memorandum in consultation with our bodies as well.

335. You say that you submitted this document to the membership?—Yes, sir, with the consent of our members.

336. They considered it and they approved?—Yes, sir.

337. And they approved of the propositions contained in this document?—Yes.

338. I notice your first paragraph deals with the franchise, and you say that the village masses are barred from taking any part in Government because of the high franchise, and therefore you suggest that in order that representation should be made effective the franchise should be lowered?—Yes, sir.

339. Either it should be made universal, or, if that is not practicable, you say it should be lowered?—Yes.

340. What you refer to here is: "To cover a fairly large portion of the population, to make the representation real in spirit." What qualification do you think would bring about that result?—Every member of a registered trade union, every member of an "Achhoot" (Untouchables) organisation, every member who is a tenant himself, every member——

341 Excuse me. Apart from all these special considerations, you say that the property qualifications should be lowered. And what I would like to know is have you any particular property qualification in view, or what is the figure that you think would accomplish the end you have in view?—That is in the case of property owners, the property qualifications should be lowered.

342. To what point?—I think it should be lowered at least to half of the present one. But in the case of trade unions and the "Achhoot" organisations and tenants, every one as a member of these organisations should have a right of voting as such.

343. You contend that membership of a trade union should in itself constitute a right to vote?—Yes, sir. As the bodies are registered now, a register is maintained and they are properly on the register. So they may be allowed to vote just as the managing directors and company shareholders were previously allowed votes in industrial constituencies simply because they were members of certain companies. So we request that hereafter proper members shown in the register may be given a chance of voting.

344. Could you give the figure of membership of the Central Labour Board?—I should say, sir, that the proper registered membership at present would not be more than eighteen to twenty thousand.

345. And that is not confined to Lahore, that is, to the Punjab?—At present it is mostly confined to Lahore. In the case of the labour union the members belong to out-stations also, viz., Ambala, Ludhiana, Karachi, Peshawar, and certain other stations.

346. Apart from the railway workers, are there any other trade unions' members outside of Lahore?—There are organisations, sir, but they are not registered. They are under the process of registration, and I expect by the time the Reforms come there may be a good number of unions outside Lahore.

347. In any case you contend that membership of trade unions should carry with it the right of the franchise?—That is my request.

348. *Chairman:* I am not quite clear about that point. Do you mean that instead of a member or members being nominated as at present they should be elected, and that they should be elected by the

NOTE.—The Central Labour Board has since been registered under the Trade Unions Act (XVI. of 1926) as "The Central Labour Federation, Punjab."

members of trade unions? Is that what you mean?—Yes, Sir; that is what I requested, that special constituencies for trade unions may be created in the reformed Government.

349. *Mr. Hartshorn:* That comes under the next paragraph. But dealing with the franchise you say that "So far as labour is concerned, every member of a registered trade union should be given the right of voting for Provincial and Central Legislatures"?—Quite so, Sir.

350. On the question of franchise I understand your position is that, if a member belongs to a trade union, regardless of whether he is qualified under the ordinary regulations or not, he, as a member of the trade union, should have a vote?—Yes, that is what I mean.

351. *Chairman:* In a general constituency?—In every constituency. That is in connection with the lowering of the franchise and in case adult franchise is not granted.

352. *Mr. Hartshorn:* In the next paragraph you say, "Joint electorate should be introduced with multiple transferrable vote, but the allotment of seats should be fixed according to the proportion of the census of each community." What do you mean there by "each community"?—At present there is a division of Muslims, Hindus and so on, and what I say is that each of these communities should have its number of seats in proportion to its population according to the census, so that there may be no difficulty in ascertaining what each community wants. If Muslims are 56 per cent. of the population, let them have 56 per cent. of the seats and so on.

353. If each community has to have representation in proportion to its population, where are you going to get the seats you are asking to be reserved for labour?—Labour is a body which comprises every community and I think we should have a certain quota from that fixed up for each community.

354. You are suggesting that as far as labour is concerned, whatever is decided of any council, labour should have 25 per cent. of the representation?—Yes. Labour comprises in my view, three things—untouchables, labouring classes and tenants—and I suggest that 5 per cent. of the seats should go for untouchables, 7½ per cent. for tenants, and 12½ per cent. for labour.

355. *Captain Sikandar Hayat Khan:* You mean agricultural tenants?—Yes.

356. *Mr. Hartshorn:* You say 25 per cent. of the seats should be reserved for labour, half of which should be appointed by nomination?—If for these three classes special constituencies cannot be created, a certain number of them should be nominated on the recommendation of the organisations of these people.

357. Can you tell us the membership of the trade unions of India?—So far as the registered trade unions in India are concerned, the number does not exceed four or five lakhs. But if we also take the unregistered organisations into consideration, the number will be about a million. There are three and a-half lakhs of textile workers in the Bombay Presidency and there are jute workers in Calcutta, petroleum workers in Burma and mine workers in Dhanbad, etc. There is, again, the postal union which is a very big union, and in addition the railwaymen's union.

358. The figure contained in the report made by representatives of the British Trade Union Congress who came out some time ago is quite different?—Quite so. That does not include all the men.

359. They say that the membership of the Trade Union Congress is about 150,000, but that there are possibly 100,000 outside; that is very different from what you gave?—I think there are more outside. Recently we know that 1½ lakhs out of 3 lakhs of workers went on strike in Bombay.

360. I see that you propose that there should be in each Provincial Government a Minister for Labour?—Yes.

361. And you suggest that, in addition to the working of the Trade Union Act, Workmen's Compensation Act, and so on, the Minister of Labour should be responsible for the education, health and sanitation and a number of other things?—Yes.

362. Do you think you are not proposing to give one minister a pretty big job?—I think the ministers at present are given more work than this.

363. I see that you are advocating a Court of Arbitration, a living wage and a number of other very desirable things. But is there anything in the constitution at present which stands in the way of these reforms being accomplished if the people of India so desire? In other words, is it necessary that there should be any change in the constitution to bring about these reforms, or is it rather only necessary that there should be a change in the public opinion and the determination of the Indian people to accomplish these things at present?—I think the present Government will not do all these things. The present Government is not capable of doing these things.

364. What I mean is, have they not the power? Provided the Indian people determine it should be so, is it necessary to have any change in the constitution to bring about these reforms?—Yes, a change is needed. The present councils are composed of bourgeois and landlords and people of capitalistic views.

365. *Chairman:* Your view, I understand, is this: that if the franchise was lowered then these improvements which you mention here in general terms are more likely to be brought about because you think there will be a change in the political opinion of the elected members?—That will come about after twenty years even if you lower the franchise to-day. You know very well the history of England. When the franchise was lowered votes were sold for a bottle of whisky.

366. I hope that you will find it well to keep to your own subject, because we perhaps know more about England than you do. I was asking you a question about India. I was asking you whether your real meaning was not this, that you think that, unless the franchise is lowered, the political views expressed in the Punjab Council will not be favourable to those changes which you advocate, and so you want to have the franchise lowered?—That may be possible; but I want a safeguard in this direction to be recommended in your report.

367. Do you want the British Parliament to legislate?—I want the British Parliament to lay emphasis on this point and ask the Indian Government to look to these things.

368. *Mr. Hartshorn:* Do I understand you to say that it is necessary to call attention to the desirability of bringing about these reforms?—Yes.

369. *Chairman:* Have you any connection with the North-Western Railway Workmen's Union? Is it one union or two?—There are four unions, one is the audit portion, the second is the General Workers' Union, and the North-Western Railway Union is split into two.

370. When did the split occur which caused you to break off?—We split from the North-Western Railway Union in March, 1928.

371. Then it comes to this, the union you are speaking for came into existence in March of this year?—Yes.

372. Was there not a trade union of the North-Western Railway workers before March?—We all belonged to one body before March.

373. Does the other union, the older union, still exist?—Yes, it has already split into two again.

374. That makes three?—Yes.

375. How many workmen, wage earners, are there employed in the North-Western Railway works here in Lahore?—About 15,000.

376. How many of the 15,000 belong to your particular union?—Loco shops 1,500, carriage shops 1,000, sheds 250, interlocking 60.

377. It looks as though the number is something in the neighbourhood of 3,000?—Yes, in Lahore it is about 3,500.

378. The reason why I asked you is this, we gave out notice that anybody who sent us a Memorandum claiming to be representative must set out in the Memorandum how many people he represented and your Memorandum does not do it?—I am sorry we omitted it.

379. *Major Attlee:* Do you represent any particular section of the railway union, the less skilled workers or the skilled workers?—I represent the manual workers.

380. You do not represent the drivers?—I represent the drivers, as also the workmen, mechanics and engineers; but we do not represent the clerical staff at present, and that is for the reason that the recognition has been withheld by the authorities, and no sooner we get it they will also join.

381. Tell me how many members of your union have got votes for the Legislative Council?—I think it may be about 1 or 2 per cent. at the most.

382. How many of them have got votes for the Municipality of Lahore?—All of them.

383. Have you ever had a representative in the Lahore Municipality?—No, Sir.

384. Have you run a candidate?—I stood as a candidate, but the railway officers set up a candidate (a contractor) against me, and all the railway labour voted for him after having good meals.

385. How many members are there in the Motor Drivers' Union?—There are about 1,200 members.

386. Are they all in Lahore?—Mostly in Lahore.

387. Is your union centralised? Have you got branches outside?—We have got branches; one at Amritsar, one at Jullundur, at Ludhiana, at Saharanpur, Sukkur, Lyallpur and other stations, and there are branches at Karachi and Ghaziabad also.

388. Are these branches affiliated to the Central Labour Board?—Yes.

389. The Labour Board is a federal body and represents large unions?—Yes.

390. How many delegates represent each union on the Board? Is there any rule on the matter?—Yes, we have rules. Unions representing more than five thousand members have five seats and the others having a lesser number are given one seat each.

391. Are these delegates who represent the unions on the Board elected?—The unions send them down.

392. I want to know the form that the election takes place. Is that election done with the ballot paper?—No. Voting is done by show of hands.

393. Have your members had experience of voting?—Not yet.

394. *Lord Strathcona:* Among your members do many speak or read English?—Very few.

395. You told us that this document was referred to all the members and approved by them. How was it referred to them?—We translated in Urdu the demands contained in this Memoradum, which was drafted in our body and passed by the Central Board under a resolution.

396. Was the printed document referred to the members in Urdu?—It was written out in Urdu and copies were given to each member of the Board, who had to read them out and get their sanction.

397. Can you send for the use of the Conference an Urdu copy?—We have not got any; we never got it printed in Urdu, we got it printed only in English.

398. It was explained verbally to all your members?—We read the translated copy in Urdu; it was also published in vernacular papers and in *Khawar*, our own organ.

399. *Chaudhri Zafrullah Khan:* You have got at present at any rate one nominated member, in the Legislative Council, for Labour?—Yes.

400. I want to know whether any touch is maintained between the member who represents Labour and your board with regard to these matters?—Since he has been employed by the Nawab of Kazipur he is out of touch now, but previously he was in touch.

401. What are the scales of pay, if you can tell us, of drivers in the North-Western Railway?—Indian drivers have different scales of pay as compared with Europeans.

402. The average?—The average pay of an Indian driver is Rs. 45-50 a month.

403. Are there any European drivers who are members of your organisation?—Yes, we have some Europeans.

404. What is their pay?—Their rate of pay comes to about Rs. 350 to Rs. 400 a month on an average, including all emoluments.

405. With regard to the skilled workers in the workshop, mistries and other people, what would be the average pay of a mistry who is put over the heads of a few workmen in the workshop?—About Rs. 4 a day for twenty-six days in a month.

406. Are you aware that anybody who, in the city of Lahore for our present purposes, pays a rent of Rs. 8 per mensem for his dwelling-house or a portion of a house is entitled to become a voter for the Council?—Yes.

407. Do you mean to say that none of these persons, the European drivers and the Indian mistries and others, pays a house rent to the extent of Rs. 8?—I have already stated that their number is small; it is not more than 2 per cent.

408. What does an ordinary workman in the railway workshop get?—There are only very few who get more than Rs. 30 a month.

409. What is the average rent for two or three rooms rented by an ordinary labourer or workman in Lahore?—Eighty per cent. of the labourers in Lahore cannot afford to have a house on a rent of more than Rs. 3 or Rs 4 a month.

410. I understand that if the qualification were reduced to about Rs. 3 rental per mensem, almost every one of your members will be entitled to a vote?—I think if it were to be reduced to Rs. 2, as in the case of municipalities, every member will have a vote.

411. If it is reduced to Rs. 3 almost every member will have a vote?—Yes, nearly every member.

412. *Mr. Owen Roberts:* You said a European engine driver gets Rs. 350 to Rs. 400, including all emoluments, and you also said that an Indian driver gets Rs. 50?—The average is about Rs. 50.

413. What does he get, including all emoluments?—If we take all the Indian drivers together, the average will come to Rs. 50.

414. All the Europeans taken together the average is about Rs. 250?—Yes.

415. Are you aware of the number of labourers employed in agriculture?—I am not in a position to give you any definite idea about that.

416. You have no idea what proportion your union in the matter of labour represents to the total labour of the Punjab?—You mean the industrial labour or physical labour?

417. The principal labour is agriculture?—No, Sir. We have taken only industrial labour.

418. So you have excluded agriculture from your view?—I do not entirely exclude them because, after all, they are a class for which I have great sympathy and my organisation, too, covers them.

419. This memorandum is not submitted on behalf of that class?—No.

420. *Dr. Narang:* All the three gentlemen who form your deputation are Mahomedans?—Yes.

421. Have you not got Hindus and Sikhs in your organisation?—We have. But, unfortunately, we could not get them together since we were given notice only at one o'clock yesterday to form a deputation.

422. What is the percentage of non-Mahomedan membership in your union?—About 20 per cent.

423. Is it because you have asked for representation according to population that no Sikh or Hindu has joined your deputation to support this memorandum?—I think it is only fair that every community should have representation according to its population.

424. I do not want to know what your opinion is. I want to know whether it is not a fact that the non-Mahomedan members have not joined you because you are asking for representation in the Council in proportion to population?—No, it is not a fact.

425. What are the qualifications for membership of your union?—Any employee of the railway who is in the subordinate cadre can become a member.

426. No conditions of payment of any subscription?—Yes, he has to pay admission fee and subscription that is laid down in the rules.

427. You have mentioned about the multiple transferable vote. Do you understand what it means?—What I understand by that is this: In the case of a joint electorate, election is to be made both by Hindus and Mahomedans together. Supposing you have a constituency in which ten members are standing for election of whom two Hindus and two Mahomedans are to be elected. Now the man who has four votes in his hand may give all of them in favour of Hindus or in favour of Mahomedans or two for Hindus and two for Mahomedans, or divide them by giving one to each. After those votes are counted the four top men will be taken, two from Hindus and two from Mahomedans, that is the number allotted for each community.

428. You have mentioned on page 80 of your memorandum that you want industries to be nationalised?—Yes.

429. Do you not want the land also to be nationalised, to become the property of the State to be given to people who are fit to cultivate it?—Ultimately we will require that.

430. Why not now?—Do it now, if you want.

431. I see you have said in this memorandum that "The waste lands under Government, even after irrigation, should not be sold, but given gratis * * * ." You say you want industries to be nationalised wholesale, but for land you want to wait?—I will not mind if land is nationalised; I will be glad if it is done.

432. But why do you not like to add it here in your memorandum?—We are representing industrial labour.

433. Is not agriculture an industry in your definition? Can you carry on agriculture without land?—I have already answered that we represent only industrial labour.

434. Does not industrial labour include agricultural labourers?—It does, but at present we do not represent agriculture.

435. You lay emphasis on health, sanitation and education in your memorandum at the bottom of page 79. Would you insist on education being made free to relieve the burden of the labourer?—I will lay this burden on the employer.

436. Would you like it to be compulsory?—Yes, up to the primary stage and free throughout.

437. You have said that the employers should open schools at their own expense. Supposing the Government were to do it and make education free and also compulsory up to the primary stage, will it not meet the requirements?—I am here to express the view of labour; in this respect we have already stated in the memorandum what we feel in the matter.

438. Supposing I have got a small factory in which there are about fifty labourers. Your view is that I should open schools and colleges for such a small number of people and that the State should be relieved of this duty?—In that case you can join with another employer. What does the State mean?—They take money from you. Instead of the State doing it why can you yourself not do it?

439. *Sardar Ujjal Singh:* Do you know how many Sikh members are on your Central Board?—None.

440. Was a special meeting of all the members of your board called for considering this valuable memorandum that you have submitted to the Conference?—Whatever members we had on our board they were called together and they considered it.

441. *Rai Sahib Chaudhri Chhotu Ram:* What does an ordinary motor-driver earn per mensem on an average?—I should think it is about Rs. 35-40.

442. *Sir Hari Singh Gour:* You said this Central Board was started, if I understood you rightly, in March, 1925, but it has not been yet registered.—The papers for registration are with the registrar for the last four months.

443. *Chairman:* Why were the papers for registration sent only four months back?—The Trade Unions Act was applied to this province only at the end of 1927, sir.

444. *Sir Hari Singh Gour:* Have you got any rules for the guidance of your board?—We have.

445. Have you got a copy of rules?—I am sorry, I have not brought it.

446. Is it in print?—Yes.

447. When was it printed?—Just before we filed the papers for registration with the registrar.

448. Is it because, under the Trade Unions Act you have to send the rules to the registrar before the union could be registered, that you have framed the rules?—No. We had rules previously, but they were revised and printed before submission to the registrar.

449. You are a paid member, Mr. Khan?—I am not paid by the Labour Board, but I am paid by the General Workers' Union, North-Western Railway.

450. What is your designation?—General Secretary.

451. For how long have you been general secretary?—I am the general secretary of the union since its inception, from 1920, I am in the railway labour field as a general secretary of different organisations who have been changing their names.

452. So you have been changing the names from time to time and one cannot identify any organisation. As regards this Central Board, do you hold any meetings?—We hold meetings once a month.

453. How many meetings have you so far held?—Since we filed the papers with the registrar we have held about six or seven meetings.

454. Do you keep proceedings of these meetings in a minute book?—Yes.

455. Are the proceedings circulated to the members of the Labour Board for information?—No; if they want they read them.

456. How many attend these meetings?—Usually seven or eight.

457. Now I wish to ask you, Mr. Khan, who are these seven or eight members who attend?—Out of these seven, five or six are representatives of trade unions and the remaining are those who sympathise with labour.

458. That is to say, out of the seven members who have attended your meetings two of them are merely sympathisers and only five or six belong to real trade unions. Will you please tell me when this draft memorandum was submitted to this Labour Board? Was it at a meeting attended by five men?—I have already explained that we circulated the memorandum amongst the masses, it was read before different meetings and was published in vernacular papers before the Board submitted it to the Conference.

459. Let us go step by step. Seven members were present at the meeting, of whom five members represented trade unions and two were sympathisers. The next step you took was to circulate it to the unions. How many copies were circulated?—One copy of Urdu manuscript was given to each of them.

460. How many copies went out?—Ten copies were circulated.

461. Can you tell me how many members read this?—I have already stated that it was explained to the members in open meetings of these trade unions.

462. You yourself have said that five members attended the meeting. Out of the five, three of you

are here and there are only two more missing now? —This is not a union but a board.

463. Have you got any funds to keep this Board going?—We get from all the unions a certain fee according to our regulations.

464. How much money have you got?—We have got Rs. 40 or Rs. 50 in the bank.

465. When was it paid last?—That came to the bank in the month of March.

466. How much out of that Rs. 40 have you spent? —Rs. 40 is the balance. We got Rs. 200 in March.

467. Is it a fact that you got Rs. 200 by levying subscriptions from various people?—Yes, from different organisations and also by donations.

468. Do you keep accounts?—Yes, because we have to send them to the registrar.

469. Have you got the accounts here?—I have not got any accounts here. We will have to send them to the auditor.

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CHAPTER I.

The Punjab Problem.

The Punjab offers a very complex and complicated problem to the political thinker and statesman. Politicians outside the Punjab have called this Province the Ulster of India, a communal Province, and various other names have been given to it. The Punjab Council has been condemned as a reactionary body inasmuch as, according to these politicians, it has betrayed India by co-operating with the Simon Commission. Certain politicians have gone so far as to dub the members of the Council as traitors, job-seekers, and place-hunters. These attacks notwithstanding, the members of the Punjab Council have stood firm in their resolve to place full material before the Commission for their consideration in the firm conviction that thereby they are rendering real service to their own Province in particular and to India in general. The fact of the matter is that the formula of the politicians for reconciling the conflict of interests between the majorities and minorities does not apply to Punjab conditions. The Punjab contains three powerful religious communities, namely, the Mahomedans, the Hindus and the Sikhs. Moreover, here in the Punjab are statute-created privileged castes enjoying favours based upon birth. Here in the Punjab you find the Government bent upon conferring still greater privileges upon these favoured classes. The Punjab, therefore, presents problems which do not exist in other provinces. The politicians in India and the Government of this country have alike shown little keenness to study them in all their bearings. It is all the more necessary, therefore, that we who, on account of our closer connection, are in a better position to get at the reality make an humble effort to understand the Punjab problem and place our study of the situation before the Commission and the people at large.

1. The Punjab is the home of three religious communities, as stated already. The Mahomedans are in a majority. They are 55 per cent. of the total population. They are rich and powerful and not a backward community as the Mahomedans in some other provinces are considered to be. They are the largest owners of land and are strong, virile and communally better organised than the other communities. The introduction of the communal principle in our present constitution has further strengthened their position and has whetted their communal appetite for establishing the rule of their own community in all spheres of public life, whether political, economic or educational.

Next in numerical strength come the Hindus, who form about 32 per cent. of the total population. You cannot afford to ignore them. In spite of the repeated efforts of the dominant community to stifle them, they have succeeded in making their voice heard in the Council and other spheres of public activity.

The Sikhs, though only 11 per cent. of the population, have shown what religious zeal, enthusiasm and tenacity of purpose can accomplish. They successfully carried on a very powerful and well-organised propaganda for securing reform in their religious institutions. Their remarkable spirit of sacrifice and infinite capacity for suffering have extorted admiration from even their enemies. They are not prepared to submit to the domination of any religious community in the Punjab, especially when it is remembered that they were the rulers of the land only a few decades ago. They have, though in a minority, boldly proclaimed themselves against the principle of communal or religious representation, but when the Mahomedans claim majority of seats in the Council and services on the population basis the Sikhs, on their part, claim the recognised right of the minorities to special concession for excessive representation. The demands of the Mahomedans, therefore, become impossible of reconciliation with the claims of the Sikhs.

2. Then there is the problem created by the Punjab Alienation of Land Act—an Act which is peculiar to this Province. This Act has divided the people of this Province on caste lines—a division that has since been gathering strength daily. It is a serious problem of a novel nature, demanding speedy solution.

3. The Punjab is almost a frontier province, and the policy of conceding any advanced measure of self-government or full responsible government must be very carefully considered and adopted with due safeguards. The problem of defence, therefore, needs most careful consideration. The policy of the Indian politicians and of the Government of India in conceding the system of religious representation to the Mahomedans of the Punjab has a direct bearing on the question of defence. The districts of the Punjab beyond the Ravi, stretching up to Afghanistan, contain population predominantly Mahomedan. Beyond these frontiers are Mahomedan independent States—Afghanistan, Persia, Arabia, and Turkey—fully alive to the situation in India, and always ready to take advantage of the political and religious disturbances in this Province. The question whether the communities, especially the Mahomedans, should be given further opportunity to organise themselves on a religious basis has, therefore, a very important bearing on the defence problem.

Under the circumstances explained above, it becomes extremely necessary to study the actual working of the reforms in the Punjab and to observe carefully the effect of the system of communal representation on the life of the Province, especially with reference to the life of the Hindu minority.

CHAPTER II.

Communal Representation and the Minorities.

The acceptance of the principle of communal representation and its application to our present constitution has led to communal tension and communal riots. I contend that the creation of communal electorates and the working of reforms on communal lines in the Punjab has been mainly responsible for Hindu and Muslim riots, resulting in destruction of property and loss of human lives, and further it has, in the Punjab, substituted British *Cum* Mahomedan rule in place of British rule.

Communal Representation Cannot be Claimed by Majorities.

It is recognised on all hands that the principle of communal representation was devised for the protection of minorities, and, indeed, it is admitted by the authors of the Montford Reforms that the majorities cannot claim communal representation. Under the Minto-Morley Reforms this principle of communal representation was not extended to the Punjab Council, and a perusal of the Montford Report shows that it would not have been applied to the Punjab had there been no Congress-League Pact, *i.e.*, the Lucknow Pact of 1916.

Evils of Communal Representation.

The authors of the Montford Reforms have very forcibly pointed out the evils resulting from communal representation. They state, "Division by creed and classes means the creation of political camps organised against each other, and teaches men to think

as partisans and not as citizens, and it is difficult to see how the change from this system to national representation is to occur."

It is certain that the illustrious statesmen responsible for the reforms would not have accepted this principle had their hands not been forced by the Congress and League Pact of 1916, and had not the Government of India backed up the demand of the Muslims for separate representation. The working of the reforms in the Punjab has fully justified the nervousness of Mr. Montagu and Lord Chelmsford. The history of the Punjab for the last seven years amply shows that the worst fears of the authors of the present reforms have been fully realised in this regard.

Communal Electorates and their Results.

The creation of communal electorates under the present reforms is a baneful feature. The separation of the three communities in the Punjab into three water-tight compartments has divided the Province into three hostile groups. At the time of the three elections held so far there has always been a strong desire on the part of the candidates and their supporters to give communal colour to their speeches and election manifestos. This state of affairs has brought into prominence communal leaders who, in order to gain political importance and wield political power, inflame the religious passions of the ignorant voters and incite the people to murders and murderous assaults.

The communal newspapers, which owe their existence to the reforms, in order to secure extensive circulation and in order to make themselves popular with their respective communities, have been violently anti-national and hopelessly communal. The creation of communal electorates, therefore, has been instrumental in bringing to the forefront communal leaders and communal newspapers whose activities have threatened the peaceful and orderly life of this Province.

The Muslim Ministers Promote Communalism.

The Council, thus elected on the basis of religious divisions, has provided a fruitful soil for sowing the seeds of communal hatred and bitterness. It was in 1921 that Sir Fazl-i-Hussain was chosen to represent the Musalmans in the Cabinet, and L. Harkishan Lal to represent the Hindus, while the Sikhs were represented by S. Sunder Singh Majithia, who was then made the Revenue Member. Mahatma Gandhi, at this time, was successfully leading the non-co-operation movement, in which the Hindus, Musalmans and the Sikhs joined. It is clear that the Muslim Minister wanted a party for his support, and he set about to form one.

Muslim Minister Extends the Principle of Communal Representation beyond its Original Scope.

Sir Fazl-i-Hussain entered upon a policy of creating communal divisions in the Council. The principle of communal representation was extended beyond the limits originally intended to (*a*) the Public Services, (*b*) Municipalities, (*c*) Schools and Colleges. Public posts under the control of the Minister were filled by his Muslim nominees, and the non-Muslims already in Government service were superseded. In municipalities separate communal electorates were created, and it was sought to give preponderance to the Mussalmans in as many departments and municipal committees as possible. Admissions to schools and colleges were regulated on the basis of the candidate's religion.

Bitter Protests against his Doings.

This led to bitter protests from other communities against the policy of the Minister. In the first Council a vote of censure was moved against him, in which the Hindus and Sikhs joined. Hartals were organised by the Hindus to give expression to their feeling of resentment. On his reappointment as Minister, in the second Council, the Sikhs and Hindus, by way of protest, walked out of the Council Chamber at the time when the Governor came to deliver his opening speech. As a mark of extreme dissatisfaction with the action of the Muslim Minister in increasing the seats allotted to the Mahomedans in the Lahore Municipality, the Hindus boycotted the Committee for six years, notwithstanding the repeated efforts of the Government to break the boycott. In some other towns of the Punjab, also, the Municipalities were boycotted for similar reasons.

The Government Attitude Helpful to the Minister.

In all his activities, which had for their aim the benefiting of the Mahomedans at the expense of the Hindus, the Minister had the full approval of the Government. It was mainly with the assistance of the solid official *bloc* that Sir Fazl-i-Hussain succeeded in carrying his policy. The pages of the Government reports bear testimony to the fact that the Government was not wholly disinterested in strengthening the Mahomedan Minister's position. After Sir Fazl-i-Hussain, his successor, R. S. Ch. Chhotu Ram (at present a nominee of the Muslims on the Punjab Simon Committee and the leader of the Muslim Party, otherwise known as the Nationalist-Unionist Party) continued the policy of his predecessor, and was also instrumental in introducing further caste distinctions. The third Minister, M. Feroz Khan Noon, cannot afford to dispense with the help of the Muslim *bloc*, and, therefore, he also is compelled to follow a pro-Muslim communal policy, as is evidenced by his recent political activities in the matter of election to the Simon Committee and at the Mahomedan Educational Conference, held at Jullundur this year (May, 1928), where the actions of his colleague, the Hindu Minister, were criticised and condemned.

No Joint Responsibility in the Cabinet.

Under the circumstances there could not possibly be any joint responsibility of the Ministers. The Ministers of the minority communities either must submit to their Muslim colleague and help in injuring their own communities or must resign and make way for another Muslim Minister. The fact is that the responsibility of the Ministers has been individual and divided.

Council Mainly Divided on Communal Lines.

I have already referred to the efforts of Sir Fazl-i-Hussain to divide the Council on communal lines. The constitution of the Council and the Minister's policy, to befriend the Mahomedans, are mainly responsible for creating these divisions on religious lines. The Government Report of the Reforms Enquiry Committee, 1924, has the following remarks at page 10:—

> "The main criticism which is made against the departments administered as transferred subjects is that the Ministry of Education (Sir Fazl-i-Hussain) has subordinated the interests of his department to the support of the communal interests of the Mahomedans. *It was not unreasonable that the Minister should attempt to secure definite opportunities to the community which constitutes his chief support in the Council.*"

Sir Fazl-i-Hussain succeeded in breaking the Hindu and Muslim alliance in the first Council and in organising the Mussalmans into a separate camp. In the Administration Report of 1921-22, page 28, we read:—

> "The composition of the House lends itself to the domination of the Mahomedan vote and we find that non-official Mahomedan members, with few exceptions, steadfastly support the Minister for Education (Mian Fazl-i-Hussain). This tendency is to some extent influenced by the question of communal representation, a subject which obtained considerable prominence in the proceedings of the Council."

In the second Council Sir Fazl-i-Hussain's party was definitely organised on communal lines, and included in its ranks all the Muslim members of the Council. In the Punjab Administration Report of 1923-24, we

find, at page 2, under the heading "Growth of Party System":—

> "The Mahomedans in the Council were organised into a practically solid party of 35."

Parties in the Present Council.

In the third Council the division of the parties is also mainly on communal lines.

(1) The Mahomedan Party, consisting practically of all the Muslim members, calls itself the Nationalist-Unionist Party, and sometimes is termed by the Government as the Rural Party. With the exception of two Hindus, who in all matters vote and side with Mussalmans, there are no other communities represented in this party.

(2) The Hindu Party calls itself the National Reform Party, and is sometimes termed by its opponents as the Urban Party, though the majority of its members represent rural constituencies. This party has consistently opposed communal representation, and its programme is resolutely to oppose any further extension of this pernicious principle.

(3) The third party is the party of Sikh councillors.

(4) The fourth party, the Congress, Khilafat and Akali Party, calls itself the Nationalist Party. This party in almost all questions, and the Muslim Party in the majority of questions, form the opposition in the present Council. The so-called Nationalist Party comprises five Mahomedans, seven Sikhs, and two Hindus; but a study of the Council reports will show that on all communal questions the members move resolutions, deliver speeches and ask questions and vote as Hindus, Mussalmans and Sikhs. I am ready to substantiate this statement of mine by actual instances from the authorised reports of the Punjab debates.

Party System Impossible.

Thus it will be clear, that no such party system as prevails in countries where representative institutions flourish exists in this Province. Nor is there the slightest likelihood that such a system will ever come into existence so long as communal representation and separate religious electorates continue.

The activities of the majority of members in the Council or outside it have been largely influenced by communal feelings and considerations. The atmosphere in the Punjab has been steadily going from bad to worse and innocent people have suffered because of this atmosphere. Since the introduction of the Reforms, frequent communal riots have disfigured the history of this Province.

Council Weak and Inefficient.

The Council thus divided on communal lines has been weak and inefficient. It has failed to take advantage of the opportunities opened out to it by the Reforms. The members have not been able to bring forward and carry through any beneficial legislation. Attempts have been made by the dominant community to sow the seeds of dissension between the minorities and to promote ill-will among the various classes and castes.

Officials Exploit these Differences.

The Government's share in this strife has been most unhappy. The official members have not failed to take advantage of this division, and in order to carry their demands, sometimes with the help of Muslims and sometimes with that of non-Muslims, have exploited these divisions. The members, whether Hindu or Muslim, whether rural or urban, have condemned such activities of the officials in no uncertain terms. R. S. Chaudhri Chhotu Ram on the 29th February, 1928, in his speech on the general discussion of the Budget, said: "While Government is prepared to ridicule the proposals put forward by non-official members, while it stoutly opposes any motion that is made by members in the interests of smallholders, Government itself is not prepared to put forward any alternative suggestion which might go to ameliorate the lot of the poor zamindar. So the situation seems to be hopeless. *The Council in the first instance does not possess full powers, and in the second instance it is weak and divided (hear, hear). Government takes advantage of the weakness and divided character of the Council and it can afford to ridicule any suggestion, however reasonable and however just* (hear, hear)." Members of other parties have also used similar expressions on more than one occasion.

This unhappy state of affairs can only be ended if the system of communal representation is abandoned, if the division by religious communities finds no place in the new constitution. There is no justification for retaining this system in the Punjab where the minorities, *i.e.*, the Hindus, the Sikhs and the Christians in the clearest possible terms have condemned it and earnestly seek its abolition.

CHAPTER III.

Rural Party v. Urban Party.

I have already stated that the Council is mainly divided on communal lines, but it is claimed by Government that communal divisions are giving way to divisions based upon economic interests, and that there has come into being the Rural Party as opposed to the Urban Party. This claim on the part of Government is without foundation. It represents their desire rather than the actual facts. I contend there are no such parties as rural and urban, and further that no such division is possible under the existing conditions.

There are seven Hindus, five Muslims and one Sikh, representing 13 urban constituencies, and if you add to this number the member representing "Industries" there are 14 members in all. These 14 members have never formed a party as against the other members representing agricultural or rural interests. Moreover, such a party could not possibly work effectively either in supporting or opposing the Government.

Government's Aim to Create Parties on the Basis of Caste.

The real object of the efforts on the part of the Government and the Mahomedan Minister has been to divide the Council (in reality to divide the Hindus and the Sikhs) on caste lines, in other words, on the basis of privileged castes created by the Alienation of Land Act, and non-privileged castes on whom disabilities regarding the purchase of land have been imposed by this Act.

Government's Desire Intelligible.

The desire of the Government to give an economic and political aspect to the parties is intelligible. Muslim and non-Muslim disputes have tended to lower the prestige of the Government. They have led to very violent disturbances. Life and property have become unsafe. Government which prizes prestige so much has been the sufferer along with the minority communities. The idea is steadily gaining ground that Government is unable to take efficient steps to prevent riots, and loss of human lives and destruction of property which come in their train. Therefore, it has been anxious to see the Council divided on the so-called Rural or Urban lines. The Punjab Alienation of Land Act, which is described in Government reports as the "Magna Charta of the Zamindars," furnishes to the Government a ready instrument for giving effect to these wishes.

Government's Efforts to Creat a Rural Party.

In the second Council, therefore, the Government took the initial step to carry out its desire. It ap-

pointed, first, Chaudhri Lal Chand, an "Agriculturist" and a lawyer belonging to one of the privileged castes, to fill the post of the Hindu Minister, though he had only a following of four members. And when Chaudhri Lal Chand was unseated his place was given to Rai Sahib Chaudhri Chhotu Ram with the same small following of four members. These appointments were sought to be justified on the ground of the two Chaudhries representing "Rural" interests, though both were lawyers by profession, and are in every sense of the term "Urban." This marks the beginning of a definite attempt on the part of the Government to create the so-called rural party in the Punjab Council. The appointment of Ch. Chhotu Ram as Minister could not be justified on any constitutional principle and I contend that the real object was to divide the Hindus and the Sikhs on caste lines, as these communities were not in the good books of the Government at that time. Ch. Chhotu Ram and his followers tried their utmost to play the part marked out for them. Debates which were carried on in the Council by the so-called Zamindars and the resolutions which were moved by these Hindu "Rurals" failed, however, to change the established division of the Council on communal lines. The Administration Report for the years 1924-25 recognises this fact in these words—"*communal differences were more strongly emphasised and formed the basis of the most of the questions asked in the Council.*"

In the third elections, Rai Sahib Chaudhri Chhotu Ram's party suffered heavy defeats. He lost the rural constituencies of Gurgaon and Rohtak; and had the melancholy satisfaction of leading a single follower, Ch. Duli Chand (representing rural Karnal) who won his election by a very narrow majority of 77 votes. Rai Sahib Chaudhri Chhotu Ram's pro-Muslim policy as a Minister was largely responsible for his reverses. This also shows that the mass of voters is not influenced by this division of people into "Rural" and "Urban" which it is the earnest desire of the Government to see flourishing. The ex-Hindu Minister, however, became an ally and a leader of the Muslim party and has since been nominated by the Mahomedans to the Simon Committee. R. S. Chaudhri Chhotu Ram and his followers retain the goodwill of the Muslim party, because they are engaged in the "happy" pastime of dividing the Hindus on the basis of caste.

As an instance I quote the following from Ch. Duli Chand's speech in the Punjab Council delivered on March, 1928: "I therefore take this opportunity to propose that the lands reserved for sale should be divided into parts to be sold separately to Muslims, Sikhs, Christians and Hindus. The proposed division should be made on the basis of population of the different communities mentioned above. The portion set apart for the Hindus should be further divided into two parts to be sold separately to the agriculturists comprising Gujars, Ahirs, Jats, Rors and Rajputs, etc., and non-agriculturists comprising Banias, Aroras, Khatries and such other tribes of moneylenders."

Conclusion.

Comment on this is superfluous. I most emphatically state that there is no party division which may be styled as Urban and Rural, and agriculturists and non-agriculturists or zamindars and non-zamindars are terms which have been wrongly applied to describe the conflicts of privileged with non-privileged castes created under the Land Alienation Act. While admitting that these conflicts are not so frequent as conflicts between Muslims and non-Muslims, *I dare say that if the British Parliament is sincere in its desire to put India on the path to National Democratic rule it must by legislation make the granting of privileges on the basis of a person's caste or birth impossible.*

CHAPTER IV.

Communal Representation in Services and its Attendant Evils.

The policy pursued by the Punjab Government in making appointments to the public services has been the subject of debates in the Punjab Legislative Council. The Mahomedan demand now is that all posts under the Government should be filled according to the population of the communities and further that the zamindars, i.e., the agricultural privileged castes, should be recruited to the extent of 80 or 90 per cent. Thus posts are sought to be filled not only on religious basis but on caste basis as well.

The Punjab Government, even before the introduction of the present Reforms, had given indications of its desire to make concessions to the Muslims. With the introduction of the Reforms the communal principle has been applied to an extent which cannot be justified on any ground.

The part played by Sir Fazl-i-Hussain (the first Education Minister) in this matter has already been referred to. The protests against his policy proved of no avail. The Government, too, has been giving way to the demands made by the Muslim members and the Muslim press. In the Punjab a regular campaign is being carried on against those departments where the number of Muslims is less than 55 per cent. The High Court and the University have become the regular subject of debates in the Council and outside the Council. A most unwholesome and dangerous propaganda has been and is being carried on.

In departments where the Muslims are in a majority they continue to be in a majority, and in other departments efforts are being made by the Government to give them the preponderance for which they clamour.

The Government has further accepted the principle of filling up posts on caste basis and the so-called zamindar castes are loud and insistent that they should get a lion's share of the public posts. Government has been giving way steadily. These concessions instead, of allaying the thirst of the favoured communities, have made them still more vociferous, and a state of things has been created which is most deplorable.

Efficiency being Sacrificed.

(*i*) Efficiency and merit have been sacrificed and corruption and incapacity in the public services are on the increase. In new departments the Hindus, especially the non-agriculturist castes, are excluded. Their exclusion from the department of Co-operative Societies has resulted in the employment of dishonest and inexperienced men of the privileged castes. Even the Government has been obliged to point out this danger to the efficiency of services. Extracts from the recent report of Co-operative Societies were given by Rai Bahadur Lala Dhanpat Rai in his speech in the Council in February, 1928, which may well be reproduced here. Rai Bahadur Lala Dhanpat Rai said: "As regards the causes of dishonesty, I will draw your attention to page 12 of this Report, where the Registrar, Co-operative Societies, says:—

"He will, of course, endeavour to persuade, but argument may fail, especially where a bank defends an incompetent employee on communal grounds. Directors are deplorably unwilling to employ non-agriculturists, though the *bania* is the best of all bank managers."

The Honorable Minister Sardar Jegindar Singh endorses these remarks in the following words:—

"The prejudice of certain directors against the employment of non-agriculturists as

manager and accountants is unfortunate and has doubtless been one of the chief causes of the frauds and irregularities noticed in the Report."

(ii) *Communal Bias in the Administration is Increasing.*

It has been repeatedly asserted that the subordinate police in times of riots sympathise with their co-religionists and instances could be quoted where distinctions of religion have been made in the levying of the Punitive Police Tax by the administration.

Communal Bias Invading the Judiciary.

(iii) Communal bias is invading the administration of justice in the subordinate judiciary. Complaints have been made more than once that this evil is raising its head. In a debate held in the Punjab Council on the motion of a Muslim member for the recruitment of subordinate judges on the population basis, protests were made by the Hindus and the Sikhs against such a policy. The Government member who spoke on behalf of the Government admitted the force of the protests and made some very pertinent remarks. He said: "Sir, I venture to remind the House that the Government is a government for all, not for a class (hear, hear), if we recruit according to communal percentages by communities, an idea, a very terrible idea, will get about, in the service—(A Voice: It has got there already)—that a man is in the service not primarily to serve the Government but because he belongs to a community and that in his actions in the service his chief occupation should be service to that particular community."

But the deplorable results are already there. Government servants have started considering themselves the servants of their particular communities. It is the beginning of a state of affairs too terrible to contemplate.

Riots Instigated by Educated Men.

(iv) Riots, murders and murderous assaults are instigated by the dissatisfied educated men in order to make the Hindus agree to Muslim demands. Sh. Faiz Mohamed (representing the Mahomedan rural constituency of Dera Ghazi Khan) very frankly and candidly stated that educated men were the instigators of these diabolical crimes. He said in his speech in the Punjab Council, made in March, 1928: "If the Government is anxious to do away with the present communal tension, as I am sure the Government is, the only way to achieve this object is to give each community its share in the administration of the Province, including the administration of justice. Nothing short of it will give the country and the Province permanent peace * * * I can say on the strength of my personal experience that these riots and disturbances are fomented by the dissatisfied educated men. Ignorant masses do not commit riots of their own accord. As a matter of fact they are incited to these riots by the educated. I mean the dissatisfied educated."

It has been stated in the Council more than once, and in the Mohamedan Press very often, that riots will continue so long as Muslim demands are not accepted.

There can be no limits to these demands. Communal appetite when once awakened can never be satisfied. The desire for domination is loud, insistent and keen. Government's weak policy has been responsible for increase in communal crime.

The members—representatives of minority communities—have more than once begged the Government to change its policy and rule out religious and caste considerations altogether while making appointments. But all to no avail. The desire to conciliate the Mohamedans persists and no matter whether the Mohamedans are in a minority in any province or in a majority, they must be propitiated at the cost of efficiency and fitness and also at the cost of the lives of the innocent people killed in communal disturbances.

The problem presented to the Commission for solution requires a real remedy. *The minorities, whether Hindu or Mohamedan can only be protected if public posts, especially of trust and responsibility, are filled strictly on the basis of merit and efficiency, and by ruling out considerations of caste and religion.*

CHAPTER V.

The Punjab Alienation of Land Act and the Constitutional Problem.

This Act was passed in 1900 by the Imperial Legislative Council, which was not then an elected body. The only Punjab nominated member, Raja Sir Harnam Singh, opposed this measure, but the officials were anxious to see the Act placed on the Statute book. This Act is peculiar to the Punjab It divides the Punjab population into two groups—the agriculturists and the non-agriculturists—the division is not based on occupation but on birth. There are certain tribes or castes, mostly Mahomedans, who are declared as agricultural castes, while the remaining castes are non-agricultural. The agricultural castes are the privileged castes, that is to say, the members of these castes are given certain privileges on account of their birth in a particular caste, while for the mere crime of birth in a particular caste other persons are laid under civic disabilities in regard to the purchase of land. The members of the non-agricultural castes thus find that certain disabilities which this Act imposes upon them stick to them throughout their lives and descend even to their children and grandchildren. These castes are not permitted to purchase land from the so-called agriculturists. To be an agriculturist under the Act it is not necessary that a person should be the tiller of the soil. He may not even own an inch of land, yet he will will be regarded as an agriculturist if he happens to be borne in a tribe which has been notified under the Act as an agricultural tribe by the Local Government.

Restrictions on Franchise.

1. I have already explained that, under the Punjab Alienation of Land Act, certain castes are prohibited from purchasing land from the members of agricultural castes or tribes. These agricultural castes or tribes are, in majority of cases, the owners of land, and when the constitution definitely lays down that for the exercise of franchise certain property qualification is necessary, it becomes important to note the effect of this restrictive legislation on the constitutional question. On the one hand, people are to exercise the right of vote if they possess agricultural land paying land revenue to the extent of Rs. 25 per annum. On the other hand, it is definitely laid down that people who are called non-agriculturists are not to purchase land under the law from the agriculturists. Thus what is given with one hand is taken away with the other. The sufferers in the majority of cases are Hindus, specially those belonging to the depressed classes with whose case I will presently deal. This exclusion of whole classes of people from the exercise of a political privilege granted under the present reforms works the greatest possible hardship and is the negation of the elementary principle of democracy which recognises and ought to recognise the equality of all men before the law and which should afford equal opportunities to all citizens to

acquire such qualifications as are needed for the exercise of the right of vote and thus participate in the Government of their country.

Impediment in the Path of Unity.

2. The second important bearing of this problem on the constitutional question is that *it has greatly intensified the rigours of caste and has thus placed another impediment in the path of the fusion of various sections into one united nation.* For privileged people will always be loth to part with power which the legislation under reference gives them. These privileges, based upon birth, have given the agricultural classes a preponderating influence in the Government of the country, as is evident from the fact that, out of 71 elected members in the Punjab Legislative Council, 48 belong to these statutory castes, although, according to the calculation made by Raja Narendra Nath, the agriculturist castes are in a minority in the Punjab. The minority, therefore, rules the majority.

Precedent for other Restrictive Acts.

3. The Act, as it stands, *forms a precedent for other Acts of a similar nature which may be passed by the Punjab Council when it is granted further powers under the new Reforms.*

When full powers are granted to the Punjab Council, what is there to prevent it from passing a law that a particular caste or tribe, *e.g.*, the Banias or the Mahajans should not be allowed to compete for Government posts or to bid at auction for the sale of Government lands. I can well imagine the Punjab Council passing without much opposition a law of this kind. The veto of the Governor is a very doubtful safeguard. The Governor may not like to exercise his extraordinary powers in cases of this kind. In the new scheme of self-government, which would grant practically full powers to the Council, the Governor might hesitate to exercise his prerogative. According to the political leaders who are framing constitutions at the present moment, if three-fourths of the members of the Hindu community are opposed to a measure of this kind, then the Bill will have to be dropped. This provision ignores the fact that the Hindus themselves are further divided into various sections and castes. It is absolutely clear that a non-Mahajan or a non-Bania will not join with the Mahajan or Bania in opposing a Bill of this kind, such is the disintegrating effect of the Land Alienation Act. The attitude hitherto adopted by Rs. S. Ch. Chhotu Ram and his follower Ch. Duli Chand—both of whom are Hindu members—would show that they will be only too pleased to support a measure of the type just discussed. I would respectfully, yet strongly, ask the members of the Simon Commission whether the Punjab Council will not have the power of enacting laws of such outrageous nature, if it were inclined to do so.

Privileged Castes seek Further Privileges on the Basis of Birth.

4. The Council debates bear ample testimony to the fact that if you once create privileged classes, they ask for further privileges based upon birth. The great desire of these privileged classes now is to shift the burden of taxation on to the shoulders of the non-agricultural communities. The efforts to make income tax a provincial subject are the result of this tendency. The fact that income tax mainly comes out of the pockets of non-agricultural classes is responsible for this move. It is, therefore, important for us to consider whether the new Government of India Act should not make provision for the regulation of taxation on a just and equitable basis.

5. Turning now to the public services, we find these statutory castes insisting that 80 or 90 per cent. of the total appointments should go to them. The sectional differences in the Punjab have been encouraged, and perpetuated by the Government's willingness in acceding to the demand for recruitment on caste basis. The various circulars issued by the Government from time to time have compelled heads of departments to adopt this policy in filling up Government posts. Apart from the communal heartburning and unrest that these measures have caused, they are also responsible for the fact that an element of inefficiency has crept into these services, which cannot but prejudically affect the administration of the Province.

CHAPTER VI.

The Depressed Classes and the Reforms.

The importance of the problem of the depressed classes has been attracting public attention for some years. The question came to the forefront during the days of the non-co-operation movement (1920-21). There are in the Punjab 2,893,000 members of the depressed classes. The depressed castes are known to everybody. The Chamars, the Sweepers, the Meghs, the Dooms and various other similar castes are called the depressed castes. They are sufficiently well defined and well known.

Causes of their Depression.

There are various causes which are responsible for keeping these castes down.

1. These various castes became untouchables because they followed unclean trades or professions, and therefore the men of other castes ceased to have any social intercourse with them.
2. In the second place, these castes continued to hold the lowest place in society because of certain customary rules which are enforceable in Courts of law debarring them from purchasing lands in village communities. Attention was drawn to this matter by the writer in his speech in the Legislative Council on 3rd March, 1928. The result of these customary rules which have the force of law is that the depressed classes are unable to purchase agricultural lands or even residential sites in villages.
3. The third cause is the Land Alienation Act, which prevents the members of the depressed classes from purchasing lands from the privileged castes notified under the act as agriculturists. These castes, some of whom are agricultural labourers, cannot, under the Land Alienation Act, purchase land from agriculturists.

So far as the high caste Hindus are concerned they have been making earnest efforts to raise the status of these people long before Mahatma Ghandi started his campaign against untouchability. Various Hindu and non-Muslim societies in the Punjab had started the uplift work. To-day there is no such social antagonism as existed a generation ago. In Lahore the Brahmins and the Chamars are often seen dining at the same place and drawing water from the same well.

Punjab Government Hostile to the Depressed Classes.

The claim made on behalf of the Government by Lord Birkenhead is, however, without foundation, so far as the Punjab Government is concerned. The Punjab Government's attitude is distinctly hostile to the claims of these castes even for a fair treatment, as is evidenced by the following facts:—

(*a*) It may be stated here that persons belonging to these castes are not as a rule permitted to draw water from public wells. In March, 1925, L. Mohan Lal Bhatnagar, a Hindu member, brought forward the following resolution in the Punjab Legislative Council: 'This Council recommends to the Government to take necessary steps to ensure that

the people of the untouchable classes are not prevented from drawing water from public wells in charge of local bodies." It will perhaps surprise the Honourable Members of the Commission to note that the resolution was resisted by the Government, and on the resolution being put to vote, was lost, as the Government and Mahomedan members voted against the resolution, while all the Hindus and all the Sikhs voted for it. The Council divided as follows:—

Ayes, 20; Noes, 29.

The division list is given on pages 197 and 198 of Vol. VIII., Part A, Punjab Council Debates, 1925.

(b) The second incident to which I draw the attention of the Commission is the debate which took place in March, 1928, regarding the grant of Crown lands. The Punjab Government is the fortunate possessor of many lacs of acres of land, out of which grants are made to various classes of people in the Punjab. The claims of the depressed classes were pressed for favourable treatment by the writer in a speech, the report of which is given on pages 360-361 of Vol. I. of the Punjab Council Debates, 1928. The reply on behalf of Government was given by Mr. H. D. Craik (see pages 364-365). He asserted that there was difficulty in finding a satisfactory definition of the depressed class. This is obviously incorrect. However, the Government member proceeded: "After all it is not necessary to be a grantee to benefit by the colony. Anyone can go there as a tenant, the Chamar, the Sweeper, and so on. They are all welcome and they can all find a living as tenants. Is not that the proper line for their advance rather than to allot a great portion of the huge undeveloped area on which the prosperity of the province for generations to come depends to these rather vague and undefined purposes? If the honourable member says that the Government keeps them in a depressed economic position, I might retort by asking him who is responsible for their low social position?"

That is the attitude of the Punjab Government towards the depressed classes. It is prepared to grant land to members of criminal tribes and to Mahomedan Janglies, many of whom are cattle lifters, but not to the depressed castes! The reply given by the Financial Commissioner for Development ought to open the eyes of those who claim that the Government stands between the depressed classes and the higher castes.

3. As regards facilities in education the Punjab Government's record is blank. It offers special scholarships to Mahomedans and to members of agricultural castes; but so far as these people are concerned it has not afforded any such facilities.

4. I have already stated that under the Land Alienation Act these castes are deprived of the elementary rights of citizenship, namely, to freely enter into contracts of purchase and sale for aquiring agricultural lands. The Act was professedly passed in the interests of the agriculturist classes in order to protect them from the rapacity of the money-lenders. How the people of the depressed classes could have exploited the agriculturists or the privileged castes of the Act passes the comprehension of men of ordinary intelligence.

Conclusion.

It is, therefore, safe to assert that the attitude of the Punjab Government to the claims of these people to any special treatment has been most indifferent and in most cases actively hostile. *In the interests of sound constitutional advance it is absolutely essential that no restrictive laws or customary rules be permitted to stand in the way of the advancement of the depressed classes.* It should be enacted that all public institutions, including the wells and tanks owned by Government, Municipalities, District Boards and village communities, be thrown open to all persons irrespective of their caste, religion or race. If objection is taken to the free exercise of these elementary rights of citizenship by any section of the Punjab public then it is a matter of serious consideration whether any further step towards constitutional advance should be taken or not.

CHAPTER VII.

The Government and the Hindus.

The Hindus in the Punjab are a minority community. This fact is often lost sight of by outsiders. The treatment accorded to them by the Government has created a widespread feeling among them that the Government has entered upon a policy the result of which is to reduce them to the position of political and economic serfs. In support of this they point to the various acts of the Government which are leading to the political and economic downfall of the Hindus in the Punjab. I will very briefly lay before the Commission some of these outstanding grievances of the minority Hindu community.

(1) The first grievance is the existence of the Punjab Alienation of Land Act. It is contended that this Act disqualifies large classes of Punjab citizens from exercising civic rights on the ground of caste. The civic disability thus imposed on account of a person's birth in a particular caste pursues him till death. This Act was not passed by the Punjab Council, but by the Imperial Council in Lord Curzon's time, where there was no representative of the castes, who were deprived of valuable rights of citizenship.

(2) The second grievance is with regard to the working of this Act. Many Hindu agricultural tribes are not declared as "agriculturists" under this Act. The Act is worked for the benefit of the Mahomedans to the detriment of the Hindus. This Act has strengthened the caste system, has divided the people, has deprived the non-privileged castes from acquiring lands and has been the cause of their humiliation and real suffering.

(3) In the matter of military service the distinction of martial and non-martial races has been created for keeping out the high-caste Hindus. The Khatris, the descendants of the old martial races, have, by a strange irony of fate, been declared to be a non-military race. The policy of the Government in this respect has led to the emasculation of the Hindus and the deterioration of their physique.

(4) In the matter of the civil services as well, the attitude of the Government and the Muslim Ministers has been deplorable. Merit and efficiency are being sacrificed in order to please the dominant community and the privileged castes. The Hindu candidates, especially those belonging to the so-called higher castes, are being arbitrarily excluded in spite of their superior qualifications.

(5) This principle has been carried forward even even in the sphere of education. Admissions to the Government College at Lahore are made on the communal basis. Similarly, in professional colleges, namely, the Medical, Training, Agricultural and Engineering colleges the pernicious rule of admitting candidates on communal or caste considerations has been enforced.

(6) Efforts have been made to pass Bills like the Moneylenders Bill in order to destroy the trade and commerce of the Hindus. The fear of the Hindus, therefore, is well-founded that their economic ruin is only a question of time

if things are permitted to go on in this manner. *The Hindus seek no favour or concession, but what they ask for is that a person should not be made to suffer because he is born a Hindu or because he belongs to a particular caste.*

(7) Another grievance of the Hindus is that in times of communal troubles and tension a strictly impartial treatment is not accorded by the Executive Government in the matter of criminal prosecutions. The recent incidents may be cited as instances to show the discrimination made between the offenders of the various communities.

(8) Lastly, as regards the medium of instruction. Urdu has usurped the place of the mother-tongue, namely, the Punjabee. Schoolboys of very tender years are made to receive education through Urdu.

The system of communal representation has, therefore, failed to protect the interests of the Hindu minority and other minorities. In place of the old British Government now there exists British-*cum*-Muslim rule. The minorities have been sacrificed to satisfy the desire for domination of both the British and the Mahomedans. The Hindus have not been treated with fairness and justice. There has been no question of their getting any special favour or concession which they could have claimed on the ground of their being in a minority in this Province. The problem, therefore, for the Hindus is how they can reconcile the claim of the people of the Punjab for full responsible Government with their own safety.

CHAPTER VIII.

The Protection of Minorities.

The chief problem which the Statutory Commission has to tackle is how to protect the minorities while conceding full responsible government to the people of India. We have seen that in the Punjab, the interests of the minorities have been sacrificed to please the majority community and that the system of communal representation has failed to afford any protection to minorities in general and the Hindus in particular. It is clear that this system must be abandoned and other safeguards adopted. Democratic national responsible government can only be established if no concession is made to communal demands; and privileges based upon caste or birth are abolished. Therefore, I venture to make the following suggestions, which will, I hope meet with the approval of the Commission. These principles have mainly been taken from the constitutions of other advanced countries. So long as the power of the British Parliament is supreme, it should not be open to the Legislatures and Executive Governments in India to pass any law or issue any regulation which infringes the spirit of these principles. And if British power is weakened, the minorities will themselves look after their own safety. There is no justification for the British Government to recognise the divisions based upon religion or caste or birth, and it should not give way to the clamour of the communalists or privileged castes, but should boldly place India and the Punjab on the path of democratic rule.

The following suggestions are made for the consideration of those who are entrusted with the work of settling the question of responsible Government.

1. In the Punjab the principle of communal representation by religious communities should be completely abolished, because the minorities, *i.e.*, the Hindus, the Sikhs and the Christians, do not want it, and the Mahomedans being in a majority in the Punjab cannot claim it.
2. That equality of all men before law should be established by Statute; caste and religious distinctions in the exercise of civil rights should, by a Statute of Parliament, be abolished.
3. That as regards the filling up of posts under the Government or the local bodies the considerations of birth, caste and religion should be wholly ruled out. The posts of trust and responsibility should be filled by open competition giving equal opportunities to all the citizens of the Punjab.
4. In the Police, Military, Naval and Air Forces, all supposed or real distinctions of martial and non-martial races, tribes or castes should be abolished and all persons who come up to the required test of physical and intellectual fitness should be taken in the Services.
5. That all judicial posts should be filled absolutely on the ground of merit and efficiency, ruling out all other considerations, and the action of the judiciary should not be made the subject of debate or discussion in the local legislatures. The independence of the High Court should by Statute be guaranteed.
6. That elementary primary education should be given in the mother-tongue of the people, and Urdu in the Punjab should not be forced on the primary schools and should cease to be the medium of instruction to the exclusion of the Punjabee and Hindi (the language of the districts of Ambala, Hissar, Gurgaon, Rohtak and Kangra).

(7) That primary education, free and compulsory, should at once be established and funds raised by new taxation, if necessary.

(8) That freedom of worship and right of citizens for assembling for religious purposes, and freedom of propaganda for the purposes of uplift or conversion should be guaranteed to all communities alike, provided the communities behave in an orderly and lawful manner. The offenders breaking the law of the land should be dealt with impartially and in accordance with law.

(9) That persons belonging to depressed castes should enjoy full privileges as regards civic rights, which are enjoyed by Mahomedans and higher caste Hindus.

(10) That the citizens should have equal opportunities for qualifying themselves for the right of vote. All restrictions recognised by invidious law in acquiring property and other qualifications should be abolished. This should be guaranteed by Parliamentary Statute.

(11) That it should be open to the citizens to test the legality of any Government order in a court of law if any regulation, order, or circular infringes these principles.

I submit that if the suggestions offered above are carried out and suitable legislation by the Parliament is passed, the question of the protection of the minorities and giving them special concessions and showing them favours will not arise. It is the desire to establish communal rule and communal domination that is at the back of the demands for communal concessions and favours. Government, by not accepting the principles acted upon by other civilised countries, lays itself open to the charge of partiality for one community and for perpetuating caste and religious distinctions for gaining its own selfish ends.

It was forcibly pointed out by Mr. Montagu and Lord Chelmsford that by making concessions to communalism you cannot bring about national spirit. If India, and specially the Punjab, is to be placed on the path of responsible government, then communalism must be destroyed. The country is not placed on the path of responsible rule as yet. We have the beginning of the rule of religious majorities —a wholly undesirable state of affairs. There is a challenge to British statesmanship and British ideals of freedom and democracy. Shall the people of India march on the path of freedom peacefully and constitutionally or shall they be forced to march towards freedom, liberty and responsible government through revolution, revolt and bloodshed? Let British statesmen give their reply in a clear and unequivocal manner.

Part II.—Constructive Proposals.

CHAPTER I.

The Goal.—It is the declared policy of the British Parliament to establish responsible Government in India. The advance is to be on national democratic lines.

Impediments in the Way of Nationality and Democracy.—There are, however, three great impediments which stand in the way of the people of the Punjab in the development of a spirit of nationalism and democracy. They are:—

(1) *Divisions on Religious Lines.*—The communal tension in the Punjab is very acute, and the cleavage between the Muslims, the Hindus, and the Sikhs is very marked. Communal bitterness, as I have already pointed out in my Memorandum (Part I), is intensified by the Reforms.

(2) *Divisions Based on Caste.*—The caste divisions are greatly strengthened by the Government not only by maintaining the divisions already existing, but also by the creation of privileged castes by Statutory Law.

(3) *The Existence of Primitive Village Communities.*—It is absolutely essential for the Honourable Members of the Commission to understand the constitution of the Punjab village communities and the privileges and powers exercised by the landed proprietors, which are feudal in character and wholly opposed to the fundamental ideas of democracy. There exists a sharp cleavage between the proprietors and the non-proprietors. The proprietors exercise feudal privileges and refuse the extension of even the elementary rights of citizenship to other classes, such as the depressed castes, the tenants, the kamins, artisans and the tradesmen.

Government Accentuates the Existing Divisions and Creates Other Divisions.—These impediments in the way of national solidarity and democracy would have been removed in course of time with the growth of education and the spread of modern ideas, but the policy of the Government of India in general, and the Punjab Government in particular, has strengthened these caste, tribal and religious divisions. The various enactments which are on the Statute Book and numerous Government circulars and executive orders and instructions regarding the recruitment of services have intensified communal, class and caste bitterness. The schools and colleges have been instrumental in further accentuating these divisions. The situation, therefore, presents problems and difficulties created, not only by the old social order, but by the Government themselves.

The Government seem determined to follow a policy of granting concessions and favours mainly on the basis of birth, religion and race, and it seems almost a hopeless task to persuade the Government to take a different line of action. The policy of favouring the Mahomedans at the cost of the Hindus is being ruthlessly followed under the guise of protecting the minority community; and Government grants privileges to Mussalmans as such, while it ignores the existence of the other minority communities, such as the Hindus and the Sikhs, of the Punjab and Christians everywhere.

Indian Politician's Error.—The Indian politician, on the other hand, anxious to break down the existing system of Government at all costs, has not unnaturally followed the example set by the Government and has accepted the communal principle in order to win the favour of the Mahomedan community and also conceded to it certain privileges which he refuses to other minorities. The existence of other minorities in India [such as Christians, the Sikhs, and the Hindus in Bengal and the Punjab] has been especially ignored by the Indian statesmen. An attempt has been made in the Nehru Report to rectify some of the errors of the past and to place India on the road to national democratic responsible Government, but the desire to win the favour of the Muslim community has been responsible for some very serious errors in this otherwise valuable document.

Essentials of Advance.—To those who are prepared to think and act nationally it must be clear that we shall have to retrace our steps. The line of advance so far adopted is opposed to nationalistic and democratic ideals. The first step in responsible Government must be preceded by the total abolition of the communal principle and of privileges based upon birth, caste, and religion. The feudal privileges of the landed proprietors living in the villages must be abolished and a really democratic outlook created. Equality of all citizens of the State before the law must be established *qua* civic or civil rights. Freedom of religious worship must be guaranteed to all Indians alike, and elementary education in the language of the people must at once be introduced.

The Scheme of Fundamental Rights.—The authors of the Nehru Report deserve credit for having drawn up a scheme of fundamental rights which is likely to achieve most of the essentials of political advance mentioned above. This scheme of fundamental rights is absolutely essential for the protection of the minorities, be they Hindus, Mahomedans, or Sikhs. The scheme is bound to ameliorate the condition of the depressed classes and menials (kamins) in the villages. Such a scheme finds a place in the constitutions of the advanced countries of the world, and must be accepted by the British Parliament. Similar recommendations have been made by the Mussalmans of U.P. in a book published by Dr. Shafaat Ahmad, M.L.C. of the U.P. In the Memorandum which I have already submitted (Part I) I ventured to place similar suggestions before the Commission. It is expected that the Honourable Members of the Commission, true to the ideals of democracy, will recommend the acceptance of this scheme to the British Parliament.

I now pass on to make constructive proposals regarding various topics contained in the questionnaire.

CHAPTER II.

1. *The Representative System as Applied to India.*

The Nehru Report advocates adult suffrage. So far as legislatures are concerned adult suffrage seems to be impracticable and unworkable. There is every likelihood that the Constitution will break down if adult suffrage is introduced for election to the legislatures without the proper political education of the masses. On the other hand, adult suffrage must be extended for the purposes of local boards, municipalities and also the village Panchayats. People must be trained to exercise the rights of vote in the institutions mentioned above.

The property qualifications, so far as legislatures are concerned, must therefore be retained. It must, however, be made clear that no kind of restrictions should be imposed on any individual or class regarding the acquisition of property or any other qualifications which are necessary for the exercise of the right to vote.

Method of Election—(i) The electorate should be joint. Separate representation by means of religious electorates must be given up.

(ii) Special interests, such as trade, commerce, industries and the universities must secure representation in the legislatures by means of special electorates. Unfortunately the Government's unsympathetic attitude towards the urban and educated classes is

responsible for their inadequate representation on the local legislatures.

(iii) I see no justification for retaining the constituency of big landholders on the legislative bodies, but if their representation is to be retained those people who pay large sums of income tax should also have similar representation on these bodies.

(iv) The representation of the Tamandars in the Punjab Legislative Council is an anachronism and should be abolished.

(v) The right of voting must be extended to retired civil officials on the same basis as it is granted to the retired soldiers who served during the Great War.

The Minorities and Separate Electorates.—Let us now consider whether separate electorates in the Punjab should be retained or not. I have already submitted that the Reforms have intensified communal bitterness and hatred. The spirit of violence has been engendered and riots and disturbances have disfigured the history of this province. The communities, instead of living in peace and friendship, are to-day ranged against one another. If a national spirit is to be created then communal representation by means of separate electorates must be given up. The Mussalmans in the Punjab, though in a majority, advocate the retention of this form of representation, because they wish to establish the domination of their own community over the other two communities. Not only do they want the retention of separate electorates for the purposes of election to the legislatures, but they also favour the extension of the communal principle to other spheres of life, such as seats of learning, services and to local bodies (wherever it is to their advantage). They are not, however, prepared to grant the same concessions to other minorities which they seek for themselves. That is the reason why the principle of communal representation has not been extended to the district boards in the Punjab. The Muslims as a rule are opposed to caste, but the Mahomedans of the Punjab favour the perpetuation of caste cleavage in order to retain the distinction of agriculturist and non-agriculturist, the basis of which is a person's birth in a particular caste. The Muslims outside this province are not in favour of keeping down the Hindu depressed classes; in the Punjab they oppose the Hindu depressed classes; but in the Punjab they oppose their amelioration as they lose a fruitful soil for carrying on their religious propaganda, for the purposes of conversion. Therefore the conflict between the various communities living in the Punjab has assumed a magnitude the parallel of which it is difficult to find in other provinces. Unless the majorities are prepared to show proper concern for the welfare and protection of the minorities it is clear that the advance can neither be sound nor rapid, and it lies with the majorities to make their choice. If they refuse to grant equal opportunities for progress to other citizens of the State, then the necessary result will be that the advance in this province will be restricted. Let us therefore consider some of the safeguards which are absolutely essential for the protection of the minorities in the Punjab.

Safeguards for Minorities.—In view of the increase in communal bitterness and the tension prevailing in the Punjab the following safeguards must be adopted before any advance is made.

(i) The scheme of fundamental rights must be adopted and statutory provision made for it.

(ii) Law, order and justice should be made Central subjects.

(iii) Minorities should be effectively represented in the Cabinet as is done at present. The ministers should be elected by means of single transferable vote, thus giving a chance to various groups of councillors to put in their best men in the Cabinet. It is clear that if the choice is given to the Chief Minister to appoint the members of the Cabinet he will choose such persons out of the minority communities as will be absolutely subservient to his will. The system of electing ministers by means of single transferable vote while giving protection to the minorities is in no way communal in its nature.

(iv) The ministers should be helped in the work of their departments by the Standing Committees of the Council, the election of which should be by single transferable vote as at present. These committees should not be merely advisory, but they should determine the policy of the ministers, who should be held bound by the decisions of the Standing Committees, unless in any particular matter the decision of the Committee is overruled by the Governor on an appeal by the minister.

(v) The power of making appointments should be taken away from the ministers and should vest in the Public Service Commission.

(vi) Joint responsibility of the Cabinet must be enforced.

(vii) Income tax should continue to be a Central subject and financial safeguards for protecting the interests of the minorities must be adopted. Therefore the power of taxation of the Provincial Governments should be well and carefully defined. The Provincial Governments should not be given the powers of imposing any new tax or readjust its imposition without the previous sanction of the Central Government.

(viii) There should be effective representation of the urban, educated and trading classes, which is not the case at present.

(ix) All bills passed by the provincial legislatures shall require the assent of the Governor-General-in-Council.

(x) Residuary powers shall vest in the Central Government, which should have the power to suspend the Provincial Constitutions in case the Provincial Governments act against the principles of fairplay and justice or violate the fundamental rights of the citizens.

CHAPTER III.

The Punjab Council.

The Punjab Council should be substantially enlarged. The constituencies should be made smaller so that the representatives of the people may be able to come into closer touch with their constituents. The Council should be representative of all interests about which mention has already been made.

The British Services—Europeans and the Anglo-Indians.—The classes mentioned above should have their representatives in the Council. These classes have got great stake in the Province and therefore it is necessary that they should have representation in the Council by means of special constituencies.

Cabinet.—The Cabinet must consist of the members of all communities and all interests should also be represented. Each Minister should be in charge of one or more departments. He should be helped in his work by a board or a standing committee composed of the elected members of the Council. Election to this board should take place by means of single transferable vote as is done in the case of the election to the Standing Committees of the Punjab Legislative Council. Members of this board should have a powerful voice in determining the policy of the Minister. This scheme will lead to the harmonious working between the various members of the different communities. It will pave the way for mutual co-operation and goodwill between the different communities and will considerably allay the communal tension existing in the Punjab.

The District Boards, Municipalities and Village Councils.—In order to make democracy a really efficient instrument of Government it is necessary to build it up on solid foundations. People living in the villages of the Punjab and towns should therefore be given real and effective political education. Responsibility should be introduced in the village panchayats, town committees and district boards.

The village Panchayat and Council.—There should be an elected panchayat in every village which should deal with and administer certain specified subjects such as primary education of the village, and right in and enjoyment of the common property, village sanitation, poor relief and petty disputes. In this council all communities living in the village and all interests should be represented. The kamins, the artisans and traders should have a voice in the administration of the village.

Adult suffrage should be at once introduced and the people saved from the oppression caused by the Panchayat Act of the Punjab.

Town Councils.—The town councils should exist in every town, big or small, and all interests in the town councils should be represented. There should be special representation of those people who pay large amount of taxes whether municipal or provincial.

District Boards.—The district boards should be enlarged and should be representative of the people living in the district as a whole. They should not merely be rural boards. Every adult should have the right to vote. Those who pay most for the running of the machinery of the Government may be given special representation for a specified period of time. The cumbersome machinery of governing the district with highly paid officials should be substantially modified. One District Officer, for co-ordinating different departments should take the place of the Deputy-Commissioner and the Deputy-Superintendent of Police, and the District Council should be responsible for—

(*a*) Secondary education.
(*b*) Medical relief and sanitation of the district.
(*c*) Maintenance of district roads and other means of communication.

CHAPTER IV.

Federation in India and Relation between the Central and Provincial Governments.

The Government in India should be a unitary Government. The Central Government should have the power of superintendence, direction, and control over the Provincial Governments. The power of suspending the constitution of any Provincial Government should also vest in the Central Government. If the Central Government is convinced that any Provincial Government behaves in a manner which is opposed to the principle of fair play and justice, it should suspend the constitution.

Residuary powers should vest in the Central Government and not in the Provincial Governments. Sources of revenue already made over to the provinces are sufficient for the proper administration of the provinces. In case it is found that any province requires any financial help the Central Government may, on the case being made out, make a contribution for the purposes of the Provincial Government out of its funds. The Central Government should have the right in times of emergency to levy contribution from the Provincial Governments.

Central Government.—Much has already been said about the Central Government. So far as the constitution, position and powers of the Governor-General and his relationship to the Cabinet or to the Legislative Assembly and the Council of State is concerned the scheme propounded in the Nehru Report has met with general acceptance in the Punjab. It is once more necessary here to emphasise that any weakness of the Central Government is likely to have disastrous results.

CHAPTER V.

Justice in India, Judiciary and the High Court.

All the three subjects are inter-connected. Justice should be a central subject, and the High Court should be freed from the influence of the local councils. The following suggestions are submitted for the consideration of the Commissioners:—

(1) Judges should be appointed by the Crown and should hold office during good behaviour. They should not be removed except by the Crown on the advice of the Governor-General.
(2) The Judges of the High Court must be advocates of at least 10 years' standing. No communal or caste considerations should be permitted to prevail while making appointments of the High Court Judges, as is done at the present time. Efficiency and merit alone should be taken into consideration while making appointments to the high posts.

Subordinate Judiciary.—The subordinate judiciary must also be recruited from the members of the Bar. Appointments should be in the hands of the High Court Judges, who should hold competitive examinations for filling the posts. Communal or caste considerations should be wholly ruled out for making appointments in the judiciary. The present system of making appointments should, therefore, be abandoned, as it has lowered efficiency and imported communal bias in the administration.

Separation of Executive and Judicial Functions.—The executive officers should not be permitted to exercise judicial powers. All magistrates should be placed under the High Court.

Revenue Courts should be Abolished.—The revenue courts generally perform the same function as the civil courts. These revenue courts should be abolished. All revenue cases should be tried by the civil courts. They should be tried as civil cases. Distinctions between the civil and revenue courts have often led to miscarriage of justice due to conflict of jurisdiction.

Bribery, Corruption and Communal Bias.—The clients seeking justice and the lawyers practising in the courts should have the free right of bringing cases of bribery, corruption and communal bias in the administration of justice to the notice of the High Court. The people bringing these petitions should be given proper facilities for supporting these charges, and the High Court, after having satisfied itself there being a *prima facie* case against a person, should, by means of a commission consisting of two or more High Court Judges, make an enquiry into the conduct of the subordinate judiciary, and should remove the accused from office if the charges against him are proved.

CHAPTER VI.

Services.

The question of services is one of the most important subjects with which we have to deal. The policy of the Punjab Government and the Government of India in making appointments on religious and caste basis must be strongly condemned. All higher appointments should be made by open competitive examinations, and, where it is not possible, the appointment should go to the best qualified person.

All ideas of communal or caste considerations should be wholly ruled out. The power of making appointments should vest in the All India Public Service Commission and in the Provincial Public Service Commission. The members of the Commission should be appointed by His Majesty the King-Emperor and should be of the same status as the High Court Judges. It should be open to all subjects of His Majesty the King-Emperor, whether born or naturalised in India, to compete for all Government posts in India.

Pay and Salary of the Services.—It is submitted that the pay and salary of many of the services is very high, and a poor country like India cannot afford to

pay such heavy salaries. There should be no reservation of posts for any tribe or caste or religion in the services, nor should any percentage of Indian Civil Services be the monopoly for the British subjects. Equality of opportunity should be afforded to all. This is the best way of getting the best persons for services of the State.

CHAPTER VII.

Status and position of India in the British Empire.

India should enjoy Dominion status in the British Empire and should be a partner in the British Commonwealth of Free Nations on equal terms. The declaration of peace and war should vest in the Imperial Parliament. All the citizens of the Dominions which allow equal treatment to citizens of India in their territory should have reciprocal rights in India. The citizens of Great Britain and other Dominions which allow Indians to compete for their posts should be permitted to compete for posts in the Indian Commonwealth. By mutual arrangement and agreement India and Great Britain should contribute towards the expenses of all military, air, and naval forces.

CHAPTER VIII.

Defence of India.

The problem of the defence of India is extremely important. The Punjab occupies a unique position in this respect. The politicians and the Government of India fail to appreciate the feelings of the minorities living in the Punjab while dealing with this question. These minorities are not insignificant, but have the greatest possible stake in the Punjab. They have, so far, been sacrificed either to satisfy the whims of the politicians or to pacify the anger of the Government, which is obsessed with the idea that it is the Hindus and the Sikhs who seek the destruction of the British Government. The minorities, however, cannot ignore the hard realities of life and attach the greatest possible importance to the question of defence.

(1) The Punjab is almost a frontier Province, and its geographical position makes it open to attacks from the Frontier. Afghanistan, Persia, Turkey, Baluchistan, Turkistan and other Mahomedan independent countries being carried away by the wave of pan-Islamism can attack India at any time through the N.W. Frontier. I would, in this connection, request the Members of the Commission to study the article of Sir Zulfiqar Ali Khan, which appeared in the *Civil and Military Gazette*, dated 20th July, 1928. It graphically describes how the Afghan King holds the key of "Peace and War." (See *C. & M. G.* of 20th July, 1928.)

(2) The majority community in the Punjab consists of virile but mostly ignorant people who are easily inflamed to action and violence by fanatical leaders. The riots which occurred in Kohat, Rawalpindi, Multan and Lahore cannot be forgotten by the Hindus and the Sikhs of the Punjab. Reference may also be made here to the Hijrat Movement of 1921-22, which shows how these people can sacrifice everything at the altar of a religious idea.

(3) The Press in the Punjab especially, controlled by the majority community, is an index to the mentality of the people living in this Province. The threat that the Muslims will not be slow to use their power (when they get it) against their enemies has more than once been held out. And it is not a mere idle threat. The passions even of the educated men have been inflamed to a pitch which is dangerous in the extreme to the peace of the Punjab. Under these circumstances it is essential:—

(i) That the Central Government should exercise complete control over the Air, Naval and Military Forces; and Law, Order and Justice must be in its keeping.

(ii) The distinction between the martial and non-martial races and tribes should be completely abolished because this distinction has been responsible for the emasculation of the Hindus of the Punjab. All persons who fulfil the required test of physical and intellectual fitness should be permitted to enter the military services of the State. The minorities should not be hampered by unjust and unfair conventions by which the Government has sought to deprive them of their share in the military force.

(iii) On the other hand the minority communities should have special facilities for being trained in the offensive and defensive methods of warfare. Statesmanship and foresight require that the course suggested above be adopted and lessons from past experience should not be forgotten.

(iv) The administration of the Frontier should remain in the hands of the Central Government which should be the sole authority for determining whether reforms should be extended to the Frontier or not. Military and strategic considerations should be given the greatest possible weight for a decision on this point.

(v) And the advance in the Punjab must also be guided by similar considerations. Security of life and property must be guaranteed to His Majesty's subjects in this Province by adopting the suggestions mentioned above.

LAHORE.

Dated 5th November, 1928.

MORNING.

PRESENT:

ALL MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Deputation from the NATIONAL REFORM PARTY.

1. *Chairman:* I think the leader of this deputation is Pandit Nanak Chand, a member of the Legislative Council, and advocate, and secretary and whip of the party?—(*Pandit Nanak Chand*): Yes.

2. And we know it is a deputation from the National Reform Party. The document is at pp. 86-97. We have before us a very large and very considerable deputation. I will just read the names, if I may, for convenience; it consists of: Rai Bahadur Moti Sagar, ex-judge of High Court and vice-chancellor of Delhi University; Rai Bahadur Durga Dass, advocate, High Court, and director of the Punjab National Bank; Rai Bahadur Ram Saran Dass; Lala Juggannath Agarwall, an advocate; Pandit Bishan Narain, a barrister; Rai Bahadur Sewak Ram, a member of the legislative council and a barrister; M. L. Puri, a barrister; Honorary Captain Dr. Maharaj Kishan Kapur; Mr. J. R. Agnihotri, a barrister and then I see the name of Lala Joti Pershad, a member of the legislative council and an advocate, is he here?—No.

3. Then there is Lala Gulshan Rai, a Fellow of the Punjab University, who, in some respects, has a few special points to raise?—Yes.

4. *Dr. Narang:* The time of our disposal is extremely short, and I would like you to make your answers as brief as you possibly can. If you have any documents to which you wish to refer, please give the references and do not trouble to read anything. The references will be carefully noted. The first question I want to put to you is this: What is your ideal as to the further instalment of constitutional advance in this country?—We are all in favour of Dominion Status, provided (1) there is complete abolition of the communal principle in all spheres, *i.e.*, in the legislatures, the local bodies, and the services, and (2) there is no discrimination of any caste or religion in the matter of the distribution of civic rights or imposition of civic disabilities. These two propositions being granted, we are in favour of an advance towards Dominion Status. If communalism or communal representation is retained in any shape or form in any province of India, we are not in favour of any reform or any advance.

5. Is not that rather a broad proposition? Is this your deliberate opinion?—This is our deliberate opinion.

6. In what way has communal representation in the council, for instance, stood in the way of political advance in this country? Will you kindly briefly explain it?—Yes; in the first place communal representation has intensified communal hatred and bitterness. In the second place, it is responsible for frequent communal riots, murders and bloodshed, which have been taking place in the Punjab ever since the introduction of the Reforms.

7. *Chairman:* Do you think that is due to communal electorates?—Yes, and I have the authority of various members of this council to support this proposition. I will briefly give those authorities, because I am asked not to read the passages.

8. *Dr. Narang:* You mean quotations from the proceedings of the council?—Yes.

* * * * *

10. *Dr. Narang:* You mean to say even Hindus and Mahomedans, and all kinds of members, have condemned this?—All parties, whether Hindus, Muslims or Sikhs, have said that the state of communal tension which prevails in the Punjab has become worse ever since the introduction of the Reforms.

11. Have the Reforms that you have already obtained been utilised on communal lines?—Yes.

12. In what way, do you say?—Ever since the introduction of the Reforms there has been the giving of posts on a communal basis, and latterly on a caste basis as well. This principle has been extended to the municipalities in order to give the majority community here an advantage over the other minority communities. It is the deliberate opinion of the Hindus of the Punjab that this principle of communal representation has not been introduced into the district board because the Hindus would have gained by this and the Mahomedans would have lost by the introduction of this principle.

13. There is a party in your council which is called the National Unionist Party, is there not? What is the composition of it?—This party consists of all the Mahomedans, minus a few Khilafat gentlemen, and two Hindus. This party is in a different form a Muslim party, and I can give quotations from the speeches of the council, from these very members, to show that these agriculturists or rural names that have been given to it are mere camouflage.

14. So you mean to say that the distinction of rural and urban which is sought to be made out by this party, and which is the fundamental principle of this party, is merely a misnomer?—Absolutely. This party consists of Mahomedan gentlemen who belong to urban centres, and other gentlemen representing urban interests.

15. How has this principle affected the services? Has it led to any inefficiency in the services?—Yes.

16. You have heard what Mr. Emerson said. Do you agree with him?—Not at all. I will take that very department to which a reference was made, namely the Co-operative department.

17. *Chairman:* What is the particular thing that Mr. Emerson said?—I saw it reported in the papers that he said that it has not led to lowering of efficiency in the services, and I understood——

18. Whether he said it or not, your view is that the other view is the right one?—That efficiency has been lowered? That is the correct view.

19. *Dr. Narang:* What effect has it had on the probity of Government servants, this communal principle?—There were recently prosecutions for bribery, and always a communal defence was put up. If it was a Mahomedan who was being prosecuted it was always stated that that was due to the machinations of the Hindus, and if it was a Hindu who was prosecuted it

was stated that it was due to the wickedness of the Mussalmans that he had been prosecuted.

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21. *Dr. Narang:* I should like to know whether you agree with me in this view. Does not this communal principle make people nervous as to the coming of Swaraj?—Yes. That is what has been said more than once by the Hindus, that the power given to the members of any community on the basis of caste or religion is utilised simply for the purpose of dominating other communities.

22. Are you aware that there is a section in the Government of India Act (I refer to section 96) in which it has been definitely laid down: "No native of British India nor any subject of His Majesty resident therein shall, by reason of his religion, place of birth, descent, colour, or any of them be disabled from holding any office under the Crown in India." Has this provision of the Government of India Act been acted upon in practice in various departments?—No.

23. Are you satisfied with the wording of the section, or would you like to modify it in any way, particularly the word "disabled"? Would you like to substitute the word "prejudiced"?—Prejudiced, or disqualified—prejudiced and disqualified.

24. You would like to have this section amended?—Yes.

Dr. Narang: Now, you have made a great deal, in your Memorandum, of the evils of the Land Alienation Act. There are certain words used in your Memorandum which may not be quite familiar to some members of the Conference.

28. I see you put there agriculturists and non-agriculturists, Zamindar and non-Zamindar, privileged class and non-privileged class. Will you kindly explain what these expressions mean? What do you mean by an agriculturist for instance?—Agriculturist in the Punjab has not got the same meaning which this word carries elsewhere. "Agriculturist" here means a member of a particular caste or tribe, notified as an agricultural tribe under the Land Alienation Act. It is not necessary that a person should be a cultivator of the land or owner of the soil or subsisting on agriculture. Even if a person is following a learned profession, without owning an inch of land, he would be an agriculturist under this Act.

29. *Chairman:* If we speak accurately, he would be a member of an agricultural tribe. I do not think the Act uses the word "agriculturist" at all?—Agricultural tribe, yes.

30. Member of an agricultural tribe. We are very familiar with this, I may tell you. I think I could pass an examination on the Statute.

Dr. Narang: Yes, certainly you would, Sir.

Witness: Then there are non-agriculturists who (in spite of the fact they are agricultural tribes in the same sense as the notified agricultural tribes) are not declared or notified to be agriculturists.

31. *Dr. Narang:* You mean a person may be an agriculturist by profession and he may also be a landholder, and yet, for the purposes of this Act, he will not be regarded as an agriculturist?

Chairman: Let us be clear on this. He will not be regarded as a member of an agricultural tribe.

Witness: Or agricultural caste.

32. *Dr. Narang:* You have referred to this as an example of caste legislation?—Yes.

33. Have there been any other instances in the council of caste legislation of this kind? Was a Bill brought forward by Mr. Harkishen Lal when Minister that the Land Alienation Act should not apply to the acquisition of land for industrial purposes and so on?—Yes, and that was defeated by the votes of the so-called members of the agricultural tribes.

34. Are you aware that that Bill was based on the recommendations of the Industrial Commission, but none the less it was defeated?—I am not aware of it, but I take it that it was so.

35. Would you also class the Moneylenders Bill which was passed by the Punjab Legislative Council, as a measure of that kind, and actuated by the same feelings?—I regard the Moneylenders Bill as an effort made by the Mahomedans and a few members of the agricultural tribes to aim a blow at the trade and commerce of the Hindus and Sikhs of the Punjab. I said so in the debate, and this is the general view of Hindus of all shades of opinion.

36. It is only the Hindus who object to this Act, or do Mahomedans, who are not members of agricultural tribes, also object to it? Have you looked at *this*? (*indicating document*)—Yes. A representation was made by a number of Mahomedan gentlemen who have served in the Army and who want the abolition of this Act.

37. Twenty-six Mahomedan military officers who do not belong to agricultural tribes?—Yes.

38. Are you also aware there is a very important community among the Sikhs, called the Ramgariyas, who have also raised their voices against the Act?—In 1927 I attended a conference where the Ramgariyas and other Sikhs not belonging to agricultural tribes passed a resolution condemning this Act. Many of them made speeches saying they had been living on agriculture for generations and that that was their occupation, but that, in spite of that, they are not regarded as members of agricultural tribes.

39. *Chairman:* I wonder if you would help me about this, Dr. Narang? I appreciate the importance of this, I think, quite fully, but I feel a little confusion of mind as to what it is which it is suggested the Statutory Commission should recommend about it. You will, I am sure, at once appreciate, and so will the Pandit, that it would be a very strong order to say that what is asked for is a limitation of the powers of the local legislature, or that the Imperial Parliament should repeal some Act which has been passed by the local legislature.

Dr. Narang: That is not the object at all.

40. *Chairman:* Tell me in a sentence how far, having made the point absolutely prominent and clear, you think the details of the objections taken by different classes of people are relevant to this constitutional inquiry.

Dr. Narang: In order to show there is dissatisfaction, not only among Hindus, but also among Mahomedans and Sikhs who do not belong to the agricultural tribes, in regard to this caste legislation, of which the Land Alienation Act is only an example.

41. *Chairman:* I appreciate that you are using it as such. Does this lead up to a suggestion that there ought to be, in an amendment of the Government of India Act, some section or other . . . .

Dr. Narang: Yes, exactly. The object is that it should be made impossible for legislatures in India to frame any law based on caste distinctions or on a distinction which depends on birth in a certain community or caste.

42. *Chairman:* Have you, or those of you who think along those lines, got as far as drafting a suggested clause?

Dr. Narang: Yes.

Raja Narendra Nath: The memorandum* has suggested a draft clause.

Dr. Narang: It would conform to the desire of the Hindu community that the Government of India Act which will be passed by Parliament should make a declaration of certain fundamental principles, and one of the fundamental principles should be that nobody would be deprived of civic rights or of acquisition of property or the exercise of other rights by virtue of his creed, colour or caste or birth.

43. *Chairman:* Can you give me the page reference?

Raja Narendra Nath: Page 179.* An analogous clause is quoted from the Czechoslovak Constitution which has been cited with approval in the Swaraj Constitution framed by Mr. Iyengar.

44. *Lord Burnham:* It is said not to operate.

Dr. Narang: We are at a great distance and we do not know.

Raja Narendra Nath: Pages 179-181* deal with the point.

* Memorandum submitted by Raja Narendra Nath, *vide* pp. 163-190.

Chairman: I know the passage, but I like to see the thing in black and white. We have the draft clause here. If I may say so, I am trying, in your interest and that of everybody here, to help to conduct matters so as to get the work done expeditiously and within the time-table. I think the British Commissioners (if it is to them you are addressing yourself) are fully seized of this point, which is a very big one, and the illustration of the Land Alienation Act is certainly a very forcible illustration. The Raja Sahib, on page 179 of his memorandum, has gone to the very proper detail of drafting a clause; he has put in black and white for us the sort of suggestion he and his party would make. I myself think (though it is entirely for you) that that point is very clearly before us.

The Witness: I should like to draw your attention to the Nehru Committee's Report, where this is mentioned at page 102, Clauses (vi) and (xiii).

45. *Dr. Narang:* That is the All-Parties Conference. Now you have mentioned that, would you adopt all the fundamental principles which are laid down in the Report of the All-Parties Conference, and would you recommend them, or most of them, for inclusion in the Government of India Act?—Most of them. I have in my memorandum referred to some in Chapter VIII.

46. We need not go into those details, then. Coming to the depressed classes, they are also dissatisfied with this caste legislation and have raised their voices against it?—Yes.

47. There are eight lakhs of Chamars and six lakhs of Chuhras, together with Meghs, Dooms and others belonging to the depressed classes in the Punjab. They are all expropriated people who own no land and are under other disabilities?—Yes.

48. What do you say about them? You want those disabilities absolutely removed?—Yes, I want them placed on a level of equality with the high-caste Hindus and Mohamedans of the Punjab.

49. Do you want any separate representation for them?—No.

50. You are against separate representation?—Yes.

51. You believe if they were given separate representation their depressed state would become stereotyped?—They would be exploited by people who wanted to have some importance and who would not like to raise them to the status which they deserve.

52. I draw attention to page 92 of your memorandum, where you refer to how the Chief Secretary flung a taunt at you, saying, "If the honourable member says that the Government keeps them in a depressed economic position I might retort by asking him who is responsible for their low social position." You understand the meaning of this taunt, that the high-caste Hindus have kept them in this position. Do you agree with this?—I do not agree.

53. Have the high-caste Hindus done anything for the uplift of these people?—Yes. There are four societies which are definitely working for the uplift of these classes, and in Lahore, Brahmins and members of these depressed classes are often seen dining together. In the D. A. V. College, Lahore, which is one of the premier institutions of this province, the depressed class boys are admitted freely, and recently, when the Brahmin cooks objected to cooking meals for them, the authorities dismissed all the cooks. So far as other civic rights are concerned, the higher-caste Hindus and the Hindus in the Punjab Legislative Council have often drawn attention to their bad condition. Opposition has come, I am sorry to say, from the Mahomedans and from the Government.

54. That is given in your Memorandum?—There is one particular reference to which I wish to direct attention.

55. *Chairman:* Is it in the Memorandum?

Dr. Narang: Yes, page 91.

56. *Dr. Narang:* Would you like to raise the number of members of the Legislative Council?—Yes.

57. What number do you suggest?—I think there should be 150.

58. And you would have joint electorates?—Yes.

59. The Hindus in the Punjab are in a minority: Will not they be swept away by joint elections?—The Hindus in the Punjab are prepared to be made a sacrifice in the interests of national and democratic advance.

60. Without this you think there cannot be any real nationalism in the country?—And no democracy. We want these things to be absolutely abolished in all provinces, and especially in the United Provinces; the politics of that Province are always reacting on the politics of the Punjab.

61. You want it to be established as a convention that all communities should be represented in the Cabinet? You refer to this on page 95. Do you want that to be a rigid rule or a convention?—With regard to that passage, I may say that is my personal opinion, but the opinion of the Hindus is that a convention should be established that whenever a minister out of the Hindus is to be appointed, he should be someone who commands the confidence of the majority of the Hindus in the Punjab Legislative Council, and not a mere dummy in the hands of other ministers.

62. *Chairman:* How do you propose, as a matter of practical statesmanship, to establish that convention?—I would suggest that the Hindus who are members of the Punjab Legislative Council might be asked to propose two or three names of people who command the confidence of the majority, and the Governor should appoint one of them. This was the convention followed by Sir Malcolm Hailey in the present council of 1926.

63. You suggest the same with regard to the Mahomedan minister and the Sikh minister?—Yes.

64. And you think there ought to be in any given government a member from each community?—So far as the conditions of the Punjab are concerned I am of opinion this principle will have to be retained for some time at least, because now there is much communal bitterness and there is insecurity of life and property.

65. It seems that what you are proposing is to reintroduce an element of communalism?—No.

Chairman: You think not?

66. *Dr. Narang:* You want the ministry to be responsible to the council?—Yes.

67. Absolutely?—Yes.

68. And all subjects to be transferred?—Except law and order and justice, as I have stated in my memorandum.

69. And these you want to be centralised?—Yes.

70. Do you want the Central Government to have the power of superintendence, guidance and control over the provincial governments, or do you want the provincial governments (except in regard to certain matters which must rest with the Central Government) to be entirely independent, and federated only for certain purposes?—(*Lala Juggannath Agarwall*): So far as this is concerned, we do not believe in the principle of federal government for this country, for the reason that federalism is an expedient tried in countries where there are separate States and they want a kind of union between them. Here in India we have always had a Central Government, and to cut it into fragments and have independent provinces is an unheard-of thing. We therefore advocate the unitary government of India, the provinces being given certain powers.

71. You mean that India has never been a federated country; there has always been a strong Central Government, and the provinces are merely creatures of administrative convenience?—The history of India shows that whenever the country has been strong, the Central Government has been powerful; while whenever the Central Government becomes weak, India has been the prey of foreign invasion. We do not want that experiment to be tried again.

72. *Chairman:* Do you mean your desire is (taught by the lesson of history) that the Central Government should be strong?—Yes.

73. That would apparently involve the Central Government retaining in its own hands the power of interference in certain matters in all parts of India?—Yes, the power of superintendence, direction and control.

74. *Dr. Narang:* I want to put to you one question, and that will be my last. You have headed chapter VIII. of your Memorandum "Defence of India"?—(*Pandit Nanak Chand*): Yes.

75. What do you think are the peculiar features of this Province which have made you so anxious about the defence of India?—In the first place, the Punjab is almost a frontier province, and, therefore, the first attack will naturally be on the Punjab—excluding, of course, the North-West Frontier Province. Then, in the second place, in this Province the communities, especially the majority community, consists of ignorant people who are easily inflamed to violence by people whose interest it is to inflame these people to violence. In the third place, we have got evidence in the Press that at times when there is commotion of any kind these people have even sacrificed their property and other things, and have looked towards Afghanistan and other Mahomedan countries for protection. I would particularly refer, in this connection, to the Hijrat Movement, which took place in (I think) 1922-23. And, next to that, the Hindus in this Province have got great stakes; they are owners of land; in trade, industry and commerce their stakes are very great indeed, and they are nervous on account of the treatment that has been meted out to them by shutting the military appointments against various Hindu castes. They do not possess at this time the same martial spirit which ought to be there. That is due to the various conventions in the military department for keeping out the Hindus from those departments. Therefore, the question of defence of India is very important for the Hindus, especially the Punjab Hindus, and I would like to make some suggestions.

* * * * * * * * * * *

78. *Chaudhri Zafrullah Khan:* Now, your view is that the introduction of the communal system of elections in this Province has directly led to communal dissension and communal riots?—Yes.

79. I presume you attribute this result not merely to the introduction of communal representation in the council, but also to the introduction of communal representation in the local bodies?—Yes, everywhere.

80. Are you aware that in all district boards in the Punjab the system of election is joint; also that in a very large majority of small town committees it is joint; and that in some municipal boards it is joint?—That is so.

81. One of the worst communal riots that has recently taken place in this Province took place in the town of Rawalpindi?—Yes.

82. Are you aware that the election to the municipal committee there is joint?—I want to make my position absolutely clear on this point. The system of communal representation in the local legislatures has led to the prominence of communal leaders, and communal newspapers have sprung up whose function it is to excite communal feeling, and that throughout the Punjab feeling among the Hindus is that it is impossible for Hindus and Mahomedans to live in peace whenever a commotion takes place.

83. Now, I put it to you in this way: That in the Legislative Council, in a very small number of town committees and in some municipal committees, there is separate representation; in all district boards, in a good many municipal committees, and in a very large majority of town committees there is the joint system, and both systems have been tried together in this Province. Your contention is that, nevertheless, the system of separate representation in this very small number of electorates has led to communal rioting, and that that is the direct cause of it. Is that your position?—No, my position is this: That in order to get proper men in the Legislative Council from the communal point of view, and in order to secure those men who would inflame communal passions, the newspapers and the leaders that have come to the forefront have created an atmosphere of distrust, which ultimately, on various occasions, even on the slightest pretext, bursts out in riots, in arson, in loot.

84. On page 87 of the first part of your Memorandum you state that, at the time of the three elections held so far, there has always been a strong desire on the part of the candidates and their supporters to give communal colour to their speeches and election manifestoes?—Yes.

85. You are referring there, I presume, to the council elections?—Yes.

86. And in the council there is a system of separate elections?—Yes.

87. That is to say, candidates of only one community have to contest the seat among themselves?—Quite so.

88. Why should there be an occasion for manifestoes of a communal nature when A, who is a Mahomedan, is contesting the seat with B, who is also a Mahomedan?—I will explain. People go to the voters and say, "Here we are to protect Mussalman rights," and, in order to appeal to the Mahomedan sentiments, the person who makes the strongest appeal to the Mahomedan fanaticism against the Hindus gets the largest number of votes, and *vice versa*.

89. And so among the Hindus also?—Yes. If a candidate knows that he has to rely on the Hindu votes as well he will take very good care that he does not appeal to the religious fanaticism of the voters.

90. I put this position to you. In a system of joint electorates, if in any particular constituency there was a majority of the Hindus and a minority of Mahomedans, and a Hindu and a Mahomedan candidate were contesting the seat for that constituency, would not the Hindu candidate make appeals to his Hindu electors that, because he is a Hindu, and will protect Hindu rights, therefore they ought to vote for him?—He might do it to-day on account of the communal atmosphere that has been created by these Reforms, but with the passing of time these communal colours are bound to disappear.

91. As the result of the introduction of joint electorates the immediate result may be to intensify all these passions?—No. I am very sorry, I did not make myself clear. I said it is possible for a candidate to make an appeal, if he is Mahomedan, to Mahomedan passions, but there would be other Mahomedans who would be contesting, and would be trying to rely upon Hindu votes, and thus there would be an atmosphere of better goodwill, mutual co-operation, than exists at present. You are thinking of one candidate against another candidate, but there might be several Hindu candidates and several Mahomedan candidates.

92. In the instance I have given you, is it your opinion that, with a single Hindu opposing a single Mohamedan in such a constituency, such a thing would occur?—It would not be intensified. That I have already stated.

93. Now, under the Morley-Minto Reforms you are aware that in this Province there was joint representation?—Yes.

94. Can you cite instances of elections held under those Reforms where ultimately, when the real contest came at the polling time, there were more members of one community left on the one side and more on the other? I suggest that, under those elections, what happened almost invariably was this, that in each constituency eventually the thing boiled down at the polls to a contest between one Mahomedan and one non-Mahomedan. Can you give other instances?—I have no knowledge of those elections.

95. *Dr. Narang:* You will remember that there were indirect elections, not direct elections?

Chairman: I was just going to ask that.

Witness: I am told by the Honourable Rai Bahadur Lala Ram Saran Dass that one, Mr. Yusuf Shah, stood against him, and he got the seat by one vote against him.

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96. *Chairman:* * * * In the pre-Montford days (I think we say, do we not?)—the days when the Morley-Minto scheme held the field—the election was an indirect election?

Chaudhri Zafrullah Khan: For members of district boards and municipal boards.

Dr. Narang: That argument does not hold good for all.

97. *Chaudri Zafrullah Khan:* Do I understand that the view which you give to the Conference is that in case your provisos are not accepted, you do not want any reforms?—Yes.

98. Do I understand that that represents not only your personal opinion, but the opinion of the whole deputation?—Yes, absolutely.

99. And all the recommendations, consequently, which you have made either orally to-day or in your written Memorandum, Part II., are based on that assumption?—Largely they are influenced by that consideration.

100. No, they are based upon that previous condition, that that will be the state of affairs in which those recommendations have to be introduced?—Most of them, yes. There might be one or two here and there which might have been influenced by communal considerations. Nobody can escape communalism in these days here.

101. I mean, all those recommendations are based on the consideration that a constitution of the kind indicated by you would be introduced?—Yes.

102. *Chairman:* Would you mind making quite clear to me as we go exactly what the condition is? I follow the condition about no disability in regard to civil rights, if any. The difficulty there, I think think, is largely a difficulty of definition, of drafting, and we have dealt with that; but I want to be quite clear as to what the other condition is. I should like to write it down. What I had written down was, "If a communal status is reserved in any part of British India, we ask for no advance." Is that correct?—I would state it in this way, that there should be a total abolition of the communal principle in the legislatures, local bodies, services and other spheres of civil rights.

103. *Chairman:* Shall I substitute "Communal principle"? I suppose the communal principle is the principle that the choice lies among certain people because they are members of a particular community?—Yes.

104. Is this what I am to understand from your party; that, if the communal principle, so defined, is retained in any part of British India — —?—I would add "in any shape or form."

105. Is it this, that if the communal principle, so defined, is retained in any shape or form in any part of British India, your party wishes for no constitutional advance?—Yes.

106. *Chaudhri Zafrullah Khan:* Having said that, may I draw your attention to this difficulty? You would abolish all separate electorates and introduce joint electorates, but you would nevertheless insist on the representation of minorities (by which I understand you to mean the Sikhs and Hindus) in the Cabinet, and you would also enforce the joint responsibility of the ministers towards the Legislative Council?—I will make it clear. My party does not support my view given in the Memorandum

107. Does your party hold the view put forward in your Memorandum that a minister should have a sort of advisory board?—No. This is not the party's opinion. I reserve my personal opinion.

108. I am not asking for your personal opinion at all at this stage. In the services you give as an illustration of the working of the communal principle that efficiency and honesty have gone down in the co-operative department because in the co-operative sphere *banias* are not employed as bank managers.—That is the language of the registrar of co-operative societies. It do not refer to one particular class; *banias* are not the only candidates. But I do say that efficiency has definitely gone down.

109. Yes, I take that to be your position—that in the services efficiency has gone done because agriculturists have been employed, so far as the co-operative department is concerned, in large numbers. I have before me page 89 of the first part of your Memorandum. Is not it a fact, that these persons with regard to whose employment complaint has arisen are not employed by Government, but by the directors of those particular banks, and the employment lies with them?—I do not know by whom they are employed, but I am definitely referring to the report of the co-operative department.

110. The report says: "Directors are deplorably unwilling to employ non-agriculturists, though the *bania* is the best of all bank managers," and again: "The prejudice of certain directors against the employment of non-agriculturists as managers and accountants is unfortunate".—Whether it is the directors or the Government, the point is there.

111. With regard to the Land Alienation Act, I know that is brought in as an instance of class legislation, but is it a fact that the local Government can, if it likes, declare any particular tribe to be an agricultural tribe?—I am opposed to that. A tribe should not be declared to be an agricultural tribe at the sweet will of the local Government.

112. You may be opposed to it, but the local Government has that power?—Yes, and I am opposed to that. This power is exercised to the prejudice of the Hindus.

113. Yes, that is your point. With regard to the Moneylenders' Bill, which you cited as another example of this sort of legislation, I understand the principle of the Bill was that the keeping of accounts should be regulated?—No, not at all. We differ entirely from this. A Bill on those very lines was brought in in the Legislative Assembly, and the Government opposed the introduction of the Bill; it was opposed by the Government there in the Assembly.

114. What was the principle of the Bill to which you object?—This very principle of the regulation of accounts. Government did not agree to its introduction. It was introduced in the Punjab Council simply with the object of destroying the trade and commerce of the Hindus, and ultimately assent was not given to this Bill by His Excellency the Governor in the Punjab, though it passed the Legislative Council.

115. Your Memorandum states there are 2,800,000 depressed classes in the Punjab, or about an eighth of the total population of this Province. You make two complaints with regard to them, that they are not allowed to purchase village sites and that they are not allowed to purchase land; and on the constitutional question your complaint is that they cannot qualify for a vote. Would not your wishes be met if the tenant qualification in the urban areas, or even in rural areas (the payment of so much rent per mensem) was considerably lowered? Those classes could then qualify for the vote. Would not that be easier?—Not at all.

116. Let me put it in this way. Would not it be easier for a man to rent a house at Rs. 3 a month, rather than buy land paying a land revenue of Rs. 25?—In villages practically no houses fetch a rent of Rs. 3 a month.

117. What is the value of land in your district which pays land revenue to the extent of Rs. 25?—I am sorry, I cannot answer that. It might be Rs. 3,000 or Rs. 4,000.

118. I accept your figure; I do not want to contest it. You think it is easier for a member of the depressed classes to buy land of that value in order to qualify for the vote than to discover a house in a village which might carry a rent of Rs. 3?—My objection is based on a fundamental principle: I object to people being forbidden to purchase property which they would like to purchase. Why should a man have to purchase a house when what he wants is land?

119. Is there any statutory or other legal bar which prohibits a landlord in a village from selling a site if he so chooses to a non-proprietor?—There is no statutory prohibition, but customary law applies, and there is prohibition by customary law which is en-

forced in courts of law. A *kamin* cannot purchase property.

120. If a landlord chooses to sell a site to a *kamin*, the *kamin* is unable under the law to purchase it?—Yes, because the other landholders can pre-empt him out. I have stated that these village communities are feudal in character.

121. Do not you think it is a question of ownership rather than status? If a person owns a site in the village, he may choose to sell to one and not another?—These village communities are really feudal bodies which exercise certain feudal rights. When non-proprietors marry their daughters they have to pay certain dues to their proprietors; and when they have to perform certain other ceremonies they have to make a payment of certain dues to the proprietors. These are things which are opposed to the very fundamental idea of democracy, the elementary principle of which is the equality of all citizens of the State before the law.

122. So far as the franchise is concerned, would not it be better if a system of adult franchise was introduced, and thus all the depressed classes allowed to influence the elections?—I am not opposed to adult franchise, but I think the situation at the present time is such that it would be unworkable and would break down, because people have not got the political education necessary for exercising the vote.

123. Yet you recommend it in the case of elections for district boards, municipalities and town councils?—Yes, so that people may be educated and prepared for the extension of this principle in the larger sphere of the Legislature in time to come.

124. For the present, what further reduction in the franchise do you recommend?—Personally, do you mean?

125. No, as the representative of your party?—That is a question of detail. We will accept the present property qualification, or it may be slightly lowered.

126. So that at present you would not give to a larger class, so far as the Legislative Council is concerned, the opportunity to train themselves for the exercise of the vote?—I would give the franchise to those who are literate; and any test may be accepted to define a literate.

127. With regard to these specific matters in chapter II., you say trade, commerce, industries and universities should be represented, but landowners and tumandars should not?—Yes.

128. Industry has always been represented by a Hindu in this Province?—In the reformed councils, yes.

129. And the tumandars always by a Mahomedan?—Yes.

130. Take the case of the landholders, who return one Sikh, one Hindu and one Mahomedan?—That is the present situation. If those constituencies of big landholders are retained I wish there to be a special constituency for those who pay the same amount of income tax.

131. With regard to the question of majority and minority communities, are you aware that on the present franchise qualification the voting strength of the Mahomedans is only 42 per cent.?—44 per cent.

132. Say 44 per cent. Consequently, as against the non-Mahomedan communities combined, the Mahomedans are in a minority so far as voting strength is concerned?—I do not accept that statement at all. There are 19 districts which are predominantly Mahomedan.

133. My question is only this, that the voting strength of all the non-Mahomedans combined is in excess of the voting strength of the Mahomedans?—Yes.

134. *Chairman:* Still, what the Pandit was saying is an important point. I have noticed the appendix to the Nehru Report. There is an interesting analysis there. There is an interesting map, and it appears from that map as though there was a zone or portion of the Punjab which can clearly be described as overwhelmingly Moslem (broadly speaking, the western side of the Punjab), and there is a zone, or at least a series of districts, on the east; I will not say they are overwhelmingly Hindu, but they are overwhelmingly not Mahomedan (Hindu and Sikh together), and there is a certain number in the middle which are more of a mixed character. I think the Pandit is entitled to make the point that you cannot judge the thing simply by taking the general average.

Witness: That is exactly what I was submitting.

135. *Chaudhri Zafrullah Khan:* Would it not meet with your wishes, so far as defence is concerned, if defence was made a central subject and the Central Government was given all the powers and the money necessary to provide for adequate defence?—I want the whole thing in the hands of the Central Government.

136. On page 97 of your constructive proposals—proposal No. 3—I find that the minority communities should have special facilities for being trained in the offensive and defensive methods of warfare. Would you not, on the same principle, give to the backward communities, whoever they may be, special facilities for education and training to take a larger share in the administration of the Province?—By a certain convention invented by the British Government these so-called non-martial races have been kept out of their training ground, and, in order to make up for that, I have made that suggestion. So far as the so-called backward communities are concerned, there has been no prohibition either by law or by convention keeping them out of educational facilities. But I am ready to accede to this, that, so far as education is concerned, so far as grants of money are concerned, they may be given in a larger measure to those communities who are backward—be they Hindu, Musalman or Sikh. I believe that education is the real thing which prepares people for democracy, and, therefore, if any money is given I cannot object to it at all.

137. *Rai Sahib Chaudhri Chhotu Ram:* Does this Memorandum represent your personal views or the views of your party in the council?—Except with regard to the Land Alienation Act the whole of this Memorandum represents the views of my party. With regard to the Land Alienation Act, there are three persons in my party who would like to see the definition of "agriculturist" as a person who cultivates with his own hand to be substituted for the definition which exists to-day.

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138. *Rai Sahib Chaudhri Chhotu Ram:* Did you circulate your memorandum to the members of your party?—Yes, to most of them.

139. Did you circulate them also to those members of your party belonging to the notified agricultural tribes?—There might be one or two who might have been left out because I knew their views on these subjects.

140. You are personally in favour of the Land Alienation Act being repealed altogether?—Totally in its present form.

141. Do you think any of the members of your party who belong to the notified agricultural tribes would subscribe to that view?—I have not ascertained that particular question from them.

142. You represent a rural constituency?—Yes.

143. You advocate that rural representation should be curtailed and urban representation should be increased?—I have never said that it should be curtailed. I have said that there should be proper representation of the urban population who pay taxes to a larger extent than they are given now. The words used by me are that "they should be effectively represented."

144. Will you do it by increasing the number of constituencies for urban areas?—No. I am opposed to the distinction of urban and rural constituencies also. What I would say is this, that these people who have special interests—for example, commerce, trade and industry—should be given larger representation than they enjoy at present. Instead of there being one seat, there might be four or ten seats. That, of course, is a question of detail.

145. Will you allow a proportionate increase in rural representation?—Now, I would like to know what you mean by "rural."

146. You have used the word "urban"?—In the sense of town *versus* country.

147. And "rural" in the sense of country *versus* town. Would you allow a proportionate increase to rural representation?—No.

148. Do you think that, if this distinction of rural and urban constituencies were to be abolished, urban elements would be more largely represented in the council?—There is in my mind absolutely no distinction between urban and rural They are so interconnected with what one may regard as rural I may regard as urban. Let me illustrate my point. I belong to a village. All my life I have lived there and I have now settled in Lahore for the purpose of practising here. Am I rural or urban? In the same way Dr. Narang comes from a village.

149. *Chairman:* I understand your point to be this, that you think that the towns as at present constituted are not adequately represented as against the countryside?—Yes.

150. *Rai Sahib Chaudhri Chhotu Ram:* Suppose the present distinction between rural and urban constituencies is abolished, do you not think that towns will be represented to a much greater extent than at present?—I have not gone through this in detail

151. *Rai Sahib Chaudhri Chhotu Ram:* You have no information on this?—As regards the actual number that will be put in the constituencies.

152. What is the number of members of your party in the council?—Eighteen or nineteen, I think.

153. How many of them belong to agricultural tribes?—Four.

154. Is any of these four persons present in this deputation?—No.

155. Is there any member belonging to a notified agricultural tribe present in your deputation?—No.

156. *Mr. Owen Roberts:* You suggested the transfer of law and order to the Central Government?—Yes.

157. Did you consider the transfer of commerce also?—I have not considered.

158. Would you be prepared to accept it?—It requires thinking over.

159. Because in another part of your Memorandum you definitely ask for having safeguards protecting the interests of minorities?—That is with regard to taxation. I have made that clear by stating that income tax and other such taxes should not be made over to the Punjab Council. I think I have explained my point there.

160. *Sardar Ujjal Singh:* You said, in reply to one question, that communal electorates do not exist in local boards. But are you aware of the fact that a formula of population and voting strength was created by the Ministry of Local Self-Government, and instructions were issued that constituencies in local boards are to be so framed as to give a certain proportion to various interests?—That is so.

161. And does not that keep alive a spirit of communalism in those bodies too?—Yes.

162. The second question is, if communalism or a spirit of communal representation is kept alive in this Province and done away with in other provinces, do you think you can drive out the spirit of communalism from the country?—Never.

163. *Captain Sikandar Hayat Khan:* You are very anxious to see that the depressed classes get representation. May I ask if you would not give them separate representation if they have no chance otherwise?—I am totally opposed to separate representation. I have said that I do not want any reforms if that is a condition.

164. Even if the depressed classes remain unrepresented?—Because from my experience I find that the dominant community, the Mahomedans, are not anxious to raise the status of the depressed classes.

165. *Sardar Shivdev Singh Uberoi:* You have expressed your opinion that communalism should be entirely abolished. May I know your views as to whether a reservation of seats for the minority communities and joint electorates will suit your purpose. That is one step in advance of the present one?—We are totally opposed to this also. We do not want communalism in any shape or form. I have made it emphatically clear.

166. *Chairman:* If the communal principle was reserved in any shape or form in any part of India you would rather have no constitutional advance; and when you speak of communal principle being reserved in any shape or form you include the provision of reserved seats in any part of India?—Yes.

167. *Sardar Shivdev Singh Uberoi:* You have expressed your opinion that law, justice and order should be made entirely central subjects and transferred to the Government of India?—Yes.

168. The general trend of feeling is that these subjects should be made transferred subjects in the local Government. May I know, for my information and for the information of the Conference, what advantage you or your party think will be effected by having these subjects transferred to the Central Government?—I am very glad you have put this question. The question of justice or the High Court has been constantly coming up before the Legislative Council and attacks have been made on High Court Judges and the constitution of the High Court, and that has led really to lowering of efficiency in the judicial service; and, with regard to the recruitment of the services, all these considerations, communal considerations have been imported into recruitment to the judiciary. If the subject were made a central subject it would be away from local influence and people would not be so ready to level attacks on the judges who have to deal out justice between man and man.

169. Are you sure that the influence of communalism will not prevail in the Assembly or the Central Legislature?—If my scheme is accepted there will be absolutely no communalism.

170. As regards the services, you have expressed your opinion that efficiency has suffered on account of communalism having been given consideration to in appointments. Of course, I am personally of the opinion that efficiency must be kept in the services. But may I know if there is any safeguard for keeping up the efficiency, taking into consideration the fact that every community should be represented in the service of the Province?—I have suggested some safeguards in my speech. Supposing a community feels that it can produce better men physically there might be a physical test. I have no objection to that. Supposing a community feels that they can produce fat men, there may be a test for that. The one thing I wish to rule out absolutely is the consideration of caste and religion in the recruitment to the services. In my speech in the Council, made in July, 1927, I made it clear.

171. *Dr. Narang:* Uniform standard?—Yes, a uniform standard, leaving out caste and religion, because then there would be no favouritism.

172. *Sardar Shivdev Singh Uberoi:* So, your view, or the view of your party, is that if communalism is not to be abolished the present form of government should be maintained and no further reform should be given?—A conference was held some time ago, the Hindu conference which was held at Lahore when this Honourable Commission visited this country previously, and that conference was of opinion that the present reforms should also be withdrawn if this system is kept on. They were so emphatic.

173. *Sir Zulfiqar Ali Khan:* You have stated, Pandit Nanak Chand, that, in your view, if communal representation or communal electorates are maintained, you do not want any constitutional advance. Could you please tell the Conference whether you will guarantee this attitude on the part of the Hindu community all over India?—It is for other people to say what they feel. This is our opinion. I do not hold a brief for the Hindus all over India.

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174. *Sir Zulfiqar Ali Khan:* You have said that communal representation and communal electorates are responsible for hatred and bitterness among the communities. Would you please tell me if the formation of parties in the Legislative Council here has been on communal lines?—Yes, on communal lines. The cleavage of party is communal.

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176. *Sir Zulfiqar Ali Khan:* With regard to the services you think that efficiency must be maintained at any cost?—Yes.

177. For that reason you would have any efficient man, irrespective of his being a Hindu, Mahomedan, or Sikh?—Certainly. I made a declaration on behalf of my party in the Punjab Legislative Council that even if cent. per cent. posts go to Mahomedans, we do not mind.

178. Supposing you get for the different services very efficient men belonging to the European community, would you rather not give up the principle of Indianisation of services?—I do not recognise the principle at all. I say all citizens of the State are equal in the eyes of the law. If he is a British citizen who has been naturalised here, he will have equal opportunities along with others. I make no reservation in favour of Europeans.

179. Then you would advocate Indianisation of services on those lines?—No, no. That is not my point. I do not recognise that Europeans are in any way superior to Indians in the matter of administration.

180. If you find more efficient men among Europeans then you would not stick to the principle of Indianisation of services?—If they are Indian citizens, then only they can come in.

181. *Dr. Suhrawardy:* You said you are opposed to Indianisation in any shape or form and the application of that principle to the services. Do you not consider Indianisation of services a form of communalism?—I have given a definite reply to this question. I do not reserve any seat for any community. I do not admit the principle of reserving so many seats for Indians and so many for Europeans.

182. You are opposed to the reservation of seats for Europeans?—For Europeans or for any particular community.

183. You have said that communal electorate is responsible for communal tension. Have you considered that the caste system is also regarded by some prominent Hindu leaders as being responsible for communal tension and an obstacle to political advancement and a great enemy of Hinduism?—No, but so far as caste is concerned I certainly regard it as an impediment in the way of nationality. We are trying our best to remove that.

184. Do you not think that caste system is a greater obstacle to advancement because the system has been going on from the time of Vikramaditya and Asoka?

Dr. Narang: There was no caste system in the time of Asoka.

185. *Dr. Suhrawardy:* You said you are opposed to political advance if communal electorate is granted in any shape or form in any province?—Yes.

186. You had the communal electorate introduced for the first time under the Montagu-Chelmsford Reforms; but so far as my Province, Bengal, is concerned, we had the communal electorate introduced since 1903, that is the Minto-Morley Reforms?—Yes.

187. And no objection was ever raised by any Hindu leader. In 1915 Mr. Gokhale, in his political speeches, also spoke in favour of communal representation?—He was wrong.

188. In 1916 the Congress League Scheme recognised communal representation and allocated the number of seats to the Mussalmans, in the Punjab, Bengal, and so on?—That was the greatest blunder ever made.

189. Let me remind you of another greatest blunder that Sir Surendra Nath Banerjea, the great tribune of the people, introduced for the first time, the element of communal representation in the Calcutta Corporation, although I opposed him tooth and nail in the Bengal Legislative Council?—I am very glad you did it. I have given a reply to your question at page 94 * * *.

190. I only want facts to be placed before the Conference. And Mr. C. R. Das, in the Bengal Pact, accepted the principle of communal representation for Bengal?—I want to read my reply to this. In Part II of the Memorandum I have stated at page 94:—"The Indian politician, on the other hand, anxious to break down the existing system of government at all costs, has not unnaturally followed the example set by the Government and has accepted the communal principle in order to win the favour of the Mahomedan community and also conceded to it certain privileges which he refused to other minorities."

191. You say that the Moneylenders Bill, which was vetoed by the Government, is a blow aimed at the Hindus?—I repeated it many a time and my opinion was endorsed by many others.

192. You consider it a blow aimed at the Hindus because Hindus are moneylenders, and that Mahomedans are shackled by chance to the Hindus in that way. That is why you say it was a blow?—No. It was a communal blow aimed at the non-Muslim by Muslims.

193. But is it not a fact that moneylenders are Hindus?—I do not agree with that.

194. Are you in favour of joint responsibility in the Cabinet?—Yes.

Dr. Suhrawardy having finished his examination, the witness said: "I want to make clear one answer that I gave with regard to the caste system. As regards the abolition of the caste system, I meant it to apply only so far as political and civic privileges are concerned; but, so far as social privileges are concerned between man and man, anybody may retain it or may not retain it."

195. *Chairman:* You do not propose, for example, that a member of the depressed class should have a right to enter the Hindu temple?—I do not say that. I exclude that point from consideration at the present time. We are not concerned with this question at present. We are concerned with the question of civil or political rights.

196. *Sir Arthur Froom:* I would just like to invite your attention to the draft in the Memorandum of Raja Narendra Nath in connection with the proposal to protect various communities. The draft is at page 179, with which you have announced your thorough agreement?—Yes.

197. Would you tell the Conference whether you see any difference between that draft clause and paragraph VII., sub-clause (3), of the Instrument of Instructions to Governors? * * * My question is this: Is there any material difference between the proposed draft clause which you want embodied in any future Government of India Act and sub-clause (3) of paragraph VII. of the Instrument of Instructions to Governors?—I want it to be statutory.

198. No, no; I am not on that yet. Do you see any material difference?—I see that caste and birth have not been mentioned in that. I am very particular about caste and birth.

199. *Chairman:* I think we had better read it. In the Instrument of Instructions to Governors, sub-clause (3) of paragraph VII., says: "To see that no order of your Government and no Act of your Legislative Council shall be so framed that any of the diverse interests of or arising from race, religion, education, social condition, wealth or any other circumstance, may receive unfair advantage, or may unfairly be deprived of privileges or advantages which they have heretofore enjoyed, or be excluded from the enjoyment of benefits which may hereafter be conferred on the people at large." Probably you regard it as insufficient?—Yes.

200. *Sir Arthur Froom:* It is stated here: "No Act of your Legislative Council shall be so framed that any of the diverse interests of or arising from race, religion, education, social condition, wealth or any other circumstance, may receive unfair advantage"?

—That is not sufficient. There must be a clause in the constitution itself.

201. *Chairman:* May I put the question in this way? Do you consider that these instructions to Governors are not sufficiently effective?—They are not.

202. And therefore for that reason you want a somewhat similar clause inserted in the Government of India Act to make it statutory?—Yes.

203. If I may say so, I have a certain amount of familiarity with this question in connection with constitutions of different kinds. I think the Pandit's real point is this. He would like to have the provision of the safeguard of this sort enacted in such a way that it will be open to anybody who felt aggrieved and who thought that what has been done was in conflict with it to challenge in the law courts what is being done as being beyond the powers of the Legislature or the Executive? That is your real point?—Yes.

204. There are instances of that sort—they are not numerous—in some of the constitutions under the British system, but they are by no means always found to work very effectively. If it is desired to limit the power of a legislature it is necessary to use very clear words, and there must be a challenge in the law courts if the limit is exceeded. That is your point?—Yes, quite so.

205. Pandit, let me repeat what I have got down as your view, which you say is the view of your party. Is this right, that if the communal principle is retained in any shape or form in any part of British India, your party wishes for no constitutional advance?—Yes, it is our view.

206. And I understand that, when you speak of objecting to the communal principle in any shape or form, you object to the reservation of seats on the ground of religion or race?—Yes.

207. Have you looked at the very interesting document supplied for the Commission by one of my colleagues, Raja Narendra Nath, who is the president of the party for which you are speaking?—Yes.

Raja Narendra Nath: That document must be read with the supplementary note which I issued. It contains answers to my queries.

208. *Chairman:* Subject to anything in the nature of a supplementary note, you are aware that his proposal is that there should be joint electorates in principle, but that separate electorates should be provided wherever the community which is in a minority in the Province desires it. That, of course, is not your present proposal at all?—It is not.

209. Somewhere on page 164 Raja Sahib says that it is unjust to force joint electorate if the minority is unwilling. I understand your view is, whether they are willing or unwilling, you would insist on joint electorate?—Yes.

210. You know that this matter was very carefully considered, to all appearances, in what is called the Nehru Report. You are aware that what you are proposing is quite inconsistent with that?—Yes, they are in error; that is our opinion.

211. Even the most perfect document may have a flaw. On page 54 we read: "The principle we have adopted is that wherever such reservation has to be made for the Muslim minority it must be in strict proportion to its population." You are opposed to that?—Yes. We are opposed to the principle of communal representation.

212. Your party is opposed?—Yes.

213. In the same way this document under the chapter which is called "Recommendations" actually has a heading "Communal Representation." Your view would be that the communal representation should be dealt with by saying there shall not be any?—Yes.

214. But this document provides, "there shall be no reservation of seats for any community in the Punjab and Bengal; in provinces other than the Punjab and Bengal there will be reservation of seats for Muslim minorities on population basis with the right to contest additional seats," a provision that should last for the next ten years?—They want to please the Muslims and therefore they have arrived at a sort of compromise; otherwise they are opposed to the principle.

215. You think that this document is really drawn up in a effort to please the Muslims?—This particular portion.

216. The provision of communal representation is really drawn up in an effort to please the Muslims?—Yes; they were following the Government in this matter.

217. Are you in favour of appointments to official positions in the Punjab administration being regulated by a Public Services Commission?—Yes, I am.

218. You are opposed to the matter being left in the hands of the Minister?—Yes, I am opposed.

219. With regard to law and order and justice, your view is that they ought not to be transferred to provincial Ministers but they ought to be centralised?—Yes.

220. Of course you realise that it is very easy to say that they ought to be centralised and it is much more difficult to construct a workable scheme. Have you in your document—I do not think you have—given any suggestions?—I have not, but Mr. Gulshan Rai has something to say on it.

(*Mr. Gulshan Rai*) : I propose the transfer of police to the Central Government on the ground that we want Indian solidarity, and also in the interests of military strategy and in the interests of public peace and tranquillity being maintained on uniform principles. I have also given a scheme in the memorandum which is in the hands of the Conference to the effect that it can easily be done by taking away the revenue-collecting functions from the deputy commissioner and retaining him as the head of the police, as he is at present, and keeping him also as the district magistrate as at present, and so long as the judicial and executive functions are not separated, he can also be given such All-India subjects as income tax, post office, etc. In that case the deputy commissioner will become practically an officer of the Central Government. He will work under the supervision of the Governor, and he will act as Agent to the Governor-General so far as the police is concerned.

221. I was only asking you whether you had realised the practical difficulties. I do not say it is an impossibility. You realise of course that under the present conditions of this country police assistance is sometimes needed very suddenly, and may also be needed in connection with the administration of some department on the transferred side. A most innocent-looking act may sometimes produce some trouble?—Yes, and sometimes the assistance of military is also necessary.

222. Fortunately I understand that is not very often. But do you think your scheme really provides for the effective business of getting police on the spot for all possible support?—I think so, because the deputy commissioner and the superintendent of police will still remain in the locality concerned.

223. Did I hear you say that Hindus are not enlisted in the Indian Army?—(*Pandit Nanak Chand*) : What I meant to say was that there are certain Hindu tribes and castes which by convention are regarded as non-martial classes, for example, the Khatris, who provided men for Ranjit Singh's army.

224. *Sir Hari Singh Gour:* Panditji, you have stated that the state of communalism in this country is intensely bitter. I presume you mean that it could not be more bitter than it is?—It can be made worse.

225. How will the fact that there is no constitutional advance improve the situation?—I have stated that if constitutional advance is to be made with separate electorates the situation will become worse. If constitutional advance is made with the abolition of these communal electorates, things will improve.

226. Even if there is a reservation of seats?—Reservation of seats will always help to embitter the feelings, though they will not be so bitter as they would be if there were separate electorates. That will be a

better system than the present one, but it is not a democratic or a national system.

227. I am sure you are using the word "democratic" in its widest sense. The Nehru Committee provides for the reservation of seats only for ten years?—Yes.

228. You say that in your Province the difference between the urban and the rural classes and the agricultural and non-agricultural classes has led to bitterness. Now supposing the distinction between the urban and rural classes is removed, then you will get a larger number of urban representatives into the Legislative Council. Would that bring a better class and a more intellectual class of men into the Legislative Council?—Certainly.

229. And thus improve its efficiency?—Yes.

230. *Chairman:* I do not know whether I may just ask this one question. Of course you know that a main objection which is taken by, I think, a great majority of the Mahomedan community to the idea of abolishing separate electorates, is that if you have a joint electorate there would be a serious risk that the Mahomedan who was returned would not be what they will regard as a good representative of their community. We have heard that argument many times. I am not asking you to say whether it is a good argument or not. But have you yourself, as a practical constitutional student, thought of any method by which that might possibly be got over? I may mention a suggestion which has been made to us at Poona. It involves the reservation of seats which you do not like. But the suggestion is that the Mahomedans should, in the first instance, choose a panel, a list, of candidates, whom they would regard as satisfactory representatives of the Mahomedan view —what I think the Americans sometimes call "a primary"—and then the general constituency, the joint electorate, should elect its members, and if there was a seat for the Mahomedans the choice would be between the different Mahomedans who have been nominated to stand by the Mahomedan community. I am not saying anything at all of the merits of the scheme, and I have not at present any views and I would like to know if you have any views on it. The argument in its favour is said to be that, while on the one hand you might secure that the Mahomedan member was a man who was satisfactory to the Mahomedan feeling (which is a very natural wish on the part of the Mahomedans) and not a turncoat or a sham Mahomedan and a man who is simply there pretending to represent the Mahomedan view but really in the hands of other interests, at the same time the man who is actually elected would feel that he is responsible to a constituency which is not purely Mahomedan, and therefore would be disposed to take a view when he took his seat that he should give fair consideration to communities other than his own?—I personally have not considered this suggestion and I cannot give any answer off hand.

231. You have exercised a wise discretion, if I may say so, because this is not a matter on which anyone can give an opinion in haste. This is one of the many ways in which it is proposed to solve the question. I am not saying that is a suggestion which will meet the Mahomedan view. It must receive adequate and proper consideration. I have not the slightest glimpse of Mahomedan opinion on this point?—We will give the matter our best consideration.

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Memorandum submitted by the All-India Muslim League.

1. *Preliminary.*—The number of individuals who actually authorise the representation made herein is an overwhelming majority of the Musalman community of India, numbering over seventy millions, whose political, economic, social, religious and general interests are the care of the All-India Muslim League with its Council and its provincial, district and local organisations.

In this memorandum the All-India Muslim League represents the view and sentiments of the Muslims of India as a whole, touching only such matters as come within the purview of a central body. It reserves to provincial bodies or other Muslim organisations the right to supplement the demands made herein, by means of memoranda which may be submitted separately by them. This is in recognition of the principle of decentralisation, as each province is the best judge of the peculiar conditions prevailing therein. The demands which have been set forth are based on the needs of the next stage of the Reforms in the light of the present situation in the country, and without prejudice to any further constitutional developments at any future time which may be consonant with the pledge of "responsible government within the British Empire," which has been given by the British Parliament in laying down the goal of its policy in India, as well as with the legitimate aim of the people of India to reconcile that pledge ultimately with a constitution framed on democratic lines.

2. *Working of the System of Government.*—At the outset the League desires to stress forcibly the danger of framing any new constitution which, by not paying full regard to the actually existing conditions, tends to create an oligarchy. In a vast continent like India, as large as Europe minus Russia, divided into a large number of provinces, many of which are larger than some of the countries of Europe, inhabited by 318 millions differing in race, creed, language, social customs, traditions and material interests, it is most essential that the constitution should be founded on the needs and rights of all. For this purpose the representation of the principal communities in the legislatures, local bodies, educational institutions and public services should be so regulated that no injustice is done to any, and at the same time as a sure foundation has been laid for a government which will be thoroughly representative of the most important communities and interests the uplift of the backward classes and weaker sections should be provided for by reasonable concessions. The chief defect of the present system of government has been that although safeguards have been embodied in the present constitution, such as special representation in the case of the Muslim community, they have not served to counteract monopolisation by the community which is treated as the largest majority. The League believes that the artificial census division of the population, as a result of which all Indians who are neither Christians nor Muslims are termed Hindus, has resulted in the over-representation of caste-Hindus to the detriment of the interests of the pre-Aryan or depressed classes, as well as of other large or important communities. It is, therefore, necessary that (*a*) a new classification be made early and authoritatively, (*b*) a more equitable basis of Muslim representation be fixed by statute and that meanwhile the average increase of population be added to the figures of the 1921 census in order to obtain the basis for the present representation of their communities, and (*c*) such readjustment be devised with an eye to associating at the earliest possible time both British India and the Indian States as a homogeneous nation in working out the salvation of the country on the lines of a federal government.

3. *Basis of Franchise.*—As the franchise and electorates are the very foundation of a constitutional structure the League proposes a very careful examination of these two subjects. The existing franchise for our legislative bodies, central as well as provincial, is too high, with the result that these bodies cannot be said to be truly representative of the people. There is more to be gained by a voter being required to be a sufficiently literate person than by his possessing a property qualification. Moreover, it is unfair that all Indians who belong to such minorities as have not been given the right of separate communal representation should be included in one generic term, *e.g.*, "non-Mahomedan," in the Punjab. Indeed, the consequence of the classification has already been to promote an oligarchy in the country. If, therefore, the franchise is lowered and widened and if communities are justly represented, our legislative bodies will be more truly representative of the people and will prove more effective in furthering the common interests. The League in these circumstances suggests:—

(*a*) That the franchise for the Council of State (if an upper house of the Central Legislature is to be maintained in the new constitution) should be widened so that all persons who now possess a vote for the Legislative Assembly should in future have a vote for the Council of State.

(*b*) All those who have at present the right to vote for the provincial legislative councils should have a vote for the Central Legislature;

(*c*) For the elections of the provincial legislatures, there should be universal adult suffrage. This, of course, implies the suffrage for election to the local bodies will also be universal.

(*d*) There should be a difference between the qualifications of voters and candidates in all electoral procedure.

4. *Electorates.*—In the matter of the electorates the League holds that a system of separate electorates for the Musalmans is to-day as much a fundamental principle of the constitution as it was when first introduced by the Minto-Morley Reforms and since confirmed by the Montagu-Chelmsford Reforms, when it was stated that "so far as the Musalmans at all events were concerned *the present system must be maintained* until conditions alter, even at the cost of a lower progress towards the realisation of a common citizenship." It may be pointed out that the results of the introduction of separate communal electorates, which were also extended to the Punjab and Bengal, were from every point of view so beneficial that even a Hindu majority in the U.P. Legislative Council agreed to extend the system to local bodies. In this connection the League would invite the attention of the Commission to the evidence given by Mr. C. Y. Chintamani, late Minister in the United Provinces, before the Muddiman Committee, to the effect that the separate electorates of the Muslims *lessened friction* between them and the Hindu community—*vide Reforms Enquiry Committee's Report, Appendix* 16, *Vol. I., pages* 316-319. The League may indeed claim that the separate electorates, by preventing recurring causes of friction, have actually tended to promote mutual co-operation and goodwill between the two communities. The causes of the communal tension which has existed are to be found in other directions; and certainly the cry raised by a certain section of the Hindu politicians and of the Hindu Press that the separate electorates are responsible for riots and bloodshed is entirely artificial and unjustified. An analysis of the real causes of such disorders and tragedies is given in an article appended to this memorandum. The entire Muslim community of India, as represented by the League, is *most emphatically opposed to any scheme of a joint electorate with or without reservation of seats;* and the separate electorate of the Musalmans may be regarded as the cornerstone of the Reforms.

MEMORANDUM BY THE ALL-INDIA MUSLIM LEAGUE. [*Continued.*

5. *Size of Legislative Bodies and Constituencies.*—Connected with the two questions of franchise and electorates is that of the size of our legislative bodies. Compared with the legislatures of all democratic Governments in the West, the size of our legislative bodies is extremely inadequate to secure effective representation of the Indian population. With the lowering and widening of the franchise, the existing disproportion between the communities will be further accentuated. The League, therefore, suggests that in future the number of the members of the Upper House of the Central Legislature (if maintained) should be raised to 150 and that of the Lower House to 400. The League further desires to state that, in the matter of Muslim representation on the Central Legislature, the Musalmans feel, in view of the vital issues involved, that in no case should they be given less than 33 per cent. of the seats filled by election in each of these two houses. In the case of the various Provincial Legislative bodies, the seats should be increased so as to provide one representative for each unit of 100,000 of the population.

The League is further of the opinion that most of the existing constituencies, both rural and urban, are too large and should be reduced in size to manageable proportions.

6. *Muslim Representation in the Provinces.*—There is an important grievance of the Muslim communities of the Punjab and Bengal in connection with the existing scheme of representation for the Provincial Legislative bodies to which the League desires to draw attention in this place. Among the nine provinces in which the Montagu-Chelmsford Reforms have been introduced, the Punjab and Bengal are the only two Provinces in which the Musalmans are in a majority of the population. Nevertheless they have, in the existing circumstances, been deprived of their majority position, since against the nominal award of 50 per cent. representation in the Punjab, there are, as a matter of fact, in the Provincial Legislature, only 34 Muslims out of 71 elected members. In Bengal, in spite of the fact that 50 per cent. representation was recommended for the Muslim community (*vide* the Fifth Reforms Despatch of the Government of India dated April 23, 1919), the Joint Parliamentary Committee awarded the Musalmans of that province only 40 per cent. representation in the Provincial Council. The League submits that this state of things is entirely opposed to all democratic principles, and it urges the Commission to take this opportunity of redressing the grievious wrongs of the Muslims in these two provinces in these respects. The demand of the Muslim community which the League desires to submit with particular emphasis is for the full Muslim representation in these two provinces according to the population of the Musalmans and the practical enforcement of the principle that a majority community shall in no case be reduced to a minority or even to an equality.

In the provinces where the Muslims are in a minority their representation should, in future, bear the same proportion to the elected members of the Legislature as that of the Muslims to the number of elected members in the Montagu-Chelmsford scheme and be also fixed by statute at a figure in each province which is adequate to meet the considerations of their political and historical importance, their inferiority in numbers and their backwardness both economically and educationally, owing to the handicaps of the past. The League has no objection to the non-Muslims being given the same concession in Provinces when they are in a small minority, subject, of course, to the principle enunciated above.

7. *North-West Frontier Province.*—For years past an overwhelming majority of the population in the settled districts of the North-West Frontier Province have been demanding the introduction of constitutional and administrative reforms calculated to bring their Province in line with the rest of India. This demand has been supported unanimously by the whole of Muslim India. It has also the support of the Indian National Congress as well as of a majority of what is known as the Brey Committee appointed by the Government of India some six years ago, who have virtually admitted that the peace of India depends on the tranquility of the border, which can only be assured by the contentment of the people of the North-West Frontier Province and Baluchistan. Had the North-West Frontier Province not been separated from the Punjab, the settled districts would have enjoyed the benefits of both the Minto-Morley and the Montagu-Chelmsford Reforms. Education has, in fact, made even greater strides in these districts than in many parts of India. The only ground which, according to what was said in the debate in the Legislative Assembly during the session which has just concluded, stands in the way of Government is the alleged opposition of the Hindu minority in that Province. Recent events connected with the visit of a delegation of the Central Legislature to the North-West Frontier Province have made it clear that the alleged opposition is artificial and confined to a comparatively small section. Moreover, it only shows that this particular school of Hindu politicians does not want reforms in any Province where its co-religionists are in a minority, and advocates their introduction only in the Provinces where the Hindu community constitutes a majority of the population. Were the Muslim community in the various provinces in India also to adopt such an unreasonable attitude all constitutional advance in this country would become absolutely impossible. The delay which has taken place in this connection is already a source of serious discontent among the Muslim community, and the League is very much afraid that, unless the present investigation by the Royal Commission results in satisfying this legitimate aspiration of the people of the North-West Frontier Province, there will not only be widespread resentment throughout Muslim India, but also material change in the viewpoint from which the Indian Mussalmans have hitherto regarded the Indian political problem. The League, therefore, earnestly hopes that the Royal Commission will recommend this much-needed reform to the British Parliament.

The need for introducing reforms in British Baluchistan is equally imperative.

8. *Separation of Sindh.*—The League is unable to see any reason why the Province of Sindh should continue to be tied to the apron-strings of the Bombay Presidency. Neither on an ethnological, geographical and linguistic basis, nor on any other ground whatever, is the present arrangement justifiable. The mere accident that it was the Bombay Army which conquered Sindh has led to the incorporation into that Presidency of a Province which has no consanguinity whatever with it. Indeed, its absorption into that Presidency has resulted in its educational, material and civil progress being greatly retarded. This unnatural state of things has hitherto deprived Sindh of its own university as well as of a high court. Owing to the jealousy of Bombay hardly anything has been done towards further developing the Port of Karachi, one of the biggest grain export centres in India. While Bombay proper thrives mainly on its commerce and trade, Sindh is mainly agricultural, and, in the past, agricultural development in the Province has been utterly neglected. The League, therefore, strongly urges that the Province of Sindh should be separated from the Bombay Presidency and should have its own separate executive and legislative machinery.

9. *Muslim Minority Provinces.*—With the redistribution of legislative and administrative areas above outlined, there will be in future five Provinces with a Muslim majority of the population out of a total of eleven. But just as the minority position of the Muslims in the whole of India is one of the greatest concern for the community, which is historically, politically and numerically no less important than any other and more important than most, their position in six other Provinces is one of so considerable a minority that, unless proper, adequate and effective safeguards are provided in the constitution, by a clear statute fixing their representation definitely and only leaving

it to the Central or Provincial Legislature or local bodies and educational institutions or departments to carry out the details of such provision, the main problem of the constitution will continue to remain unsettled. The League, therefore, submits such a preliminary statute should guarantee such safeguards as will give Muslim interests in India as a whole—that is, both in the Provinces in which they are in a majority and in those in which they are in a minority of the population—sure or special protection, especially in the following domains:—

(*a*) In the exercise of their religious rights, particularly by legislation for allowing cow-slaughter and preventing music before mosques;

(*b*) In all elected bodies, including municipal and district boards, universities, intermediate education boards, etc., by adequate and effective representation by means of separate electorates;

(*c*) In the Central and Provincial Cabinets;

(*d*) In the public services, that is, the services maintained by the Government or local bodies or educational and other civic institutions;

(*e*) In admission of students to all educational institutions maintained or aided by the State and in the provision of Muslim teachers;

(*f*) In the use of the Urdu language in all institutions maintained or aided by the Government; and

(*g*) By a fair and reasonable distribution of grants-in-aid for education and other public objects.

10. *Residuary Powers.*—Before dealing with the questions connected with the Executive and Legislative machinery, the League considers it necessary to invite attention to a question of vital importance in relation to the constitution as a whole. India, as has already been pointed out, being in reality a vast sub-continent divided into presidencies and provinces inhabited by peoples speaking different languages, possessing diverse characteristics of their own, influenced in their activities and aspirations by territorial patriotism and for at least three-quarters of a century, and in some cases even for over a century, living under their own respective provincial governments, it seems to the League to be inevitable that the constitution of the country must develop on the lines of a Federal government, each territorial unit forming a state in itself and all being governed, in matters of common concern, by a central federal authority. In other words, the constitutional reforms in this country should at this stage aim at the ultimate creation of a United States of India within the British Commonwealth. For such a constitutional goal, the first important question for consideration naturally is in whom should what are called "Residuary Powers" be vested. This, in the opinion of the League, is a constitutional problem of the first magnitude, upon the right solution of which depends the future stability and welfare of the State itself. In view of the varying conditions obtaining in the different provinces of India, it seems to the League to be essential that the future Federal constitution of India should, among other things, provide the Central Government with only such powers as may be expressly vested in it by the constitution and all "Residuary Powers" be left to the individual states. A Federal government, constituted on this basis, would not only give provincial autonomy to the various states constituting the federation, but would also prevent the coming into existence in India of an oligarchy which would be disastrous to the vital interests of the minority communities in this country and would be entirely inconsistent with true democratic principles.

11. *Secretary of State for India and India Council.*—Even a casual glance at the various sub-sections of Section 2 of the Government of India Act (1919) will serve to show that the constitutional position of the Secretary of State, with his extraordinary powers of superintendence and control, is of an all-embracing character. Apart from the fact that this sweeping provision is inconsistent with the grant even of partial self-government to India and with the spirit of the declaration of 20th August, 1917, it is, the League submits, obvious that exercise of the vast control thus vested in the Secretary of State over the Government of India, even in affairs relating to the internal administration of the country, is opposed to the principles of sound administration. A British politician sitting in his office 6,000 miles away, with little or no experience of the complicated Indian position and affairs, exercising unlimited control over the internal administration of the country, is a constitutional conundrum somewhat difficult to solve. Moderate opinion in India is agreed that the time has not yet arrived when the administration of Foreign Affairs, the Army, the Navy, and the Air Force can be safely transferred to popular control. The ultimate control in the case of these Departments of State may, therefore, be still left in the hands of the Secretary of State as representing the British Parliament. But the League finds it difficult to conceive any sound reason for subjecting the Government of India to the control of the Secretary of State in so far as purely internal administration is concerned. Such state of things is, the League is sincerely convinced, not conducive to the best interests of the administration. The time has now arrived when the Government of India should be relieved of the irksome chains with which it is at present bound in this respect.

With the introduction of this reform the costly machinery of the India Council would become unnecessary. Should the Secretary of State be in need of any advice with regard to vital questions concerning the administration of Foreign Political Affairs, the Army, the Navy and the Air Force, he would have at his disposal the advice of experts who deal with these very subjects in the various departments of State in England. It is an open secret that he enjoys these facilities even at the present moment. In any case, in view of the curtailment in the extent of his own responsibilities, as advocated above, the existing personnel and staff of India Council can be largely reduced.

12. *Central Government and Legislature.*—On a careful consideration of the past constitutional changes, of the existing conditions and of the necessity of further constitutional advance towards responsible government within the Empire the League would suggest the following changes in the existing machinery of the Central Executive Government:—

(*a*) As in all civilised Governments, the Commander-in-Chief should be the head of the Army, performing the duties and exercising the powers which are legitimately connected with that responsible position. He should not be a member of the Executive Council or of the Central Legislature, whose meetings tend to increase in number with the expansion of our constitutional and administrative machinery and, in consequence, necessitate his constant presence at the headquarters of the Government of India. A civilian member for the army should take his place within the Indian Cabinet and in the Central Legislature, as is the case in England.

(*b*) The number of members in the Viceroy's Cabinet should be increased to not less than eight, at least four of whom should be Indians, with the Governor-General at the head of them all, adequate representation being given to the Muslims.

The Viceroy's Executive Council should not exercise any control over the administration of subjects which are transferred in the Provinces.

(*c*) In addition to the reforms already suggested in connection with the Central Legislature, this League urges the widening of the control of the Central Legislature over the country's budget by increasing the number of votable items, particularly in regard to the All-India Services other than those dealing with the Army, the Navy, the Air Force and Foreign Affairs. The decisions of the Legislative Assembly should be final. Only if all subjects are transferred should the Viceroy have the veto.

13. *Provincial Governments and Legislatures.*—In regard to the provincial governments and legislatures the League would advocate the following reforms:—

(*a*) However excellent the conception which resulted in the introduction of dyarchy in the provinces, in actual working it has revealed difficulties and complications, which have led to its condemnation by important sections of the politically-minded Indians as well as able and experienced administrators, European and Indian. The League is, on the whole, of opinion that this experiment should now be scrapped and a unitary form of government should be inaugurated in the provinces.

(*b*) The provinces having gained sufficient experience of the administration of provincial subjects, the time has arrived when provincial autonomy should be introduced as the next step in constitutional advance. In other words, responsible government should be conceded to the provinces by placing all provincial subjects in charge of Ministers fully responsible for their administration to the Provincial Legislature, the Governor being the constitutional head of the Provincial Government. It is further essential that the principle of joint responsibility of Ministers should be introduced and the Cabinet system should thus be adopted in the provinces.

(*c*) Income tax should be a provincial subject and the Government of India may fix contributions from the provinces.

(*d*) In addition to the reforms already proposed in connection with the provincial legislature regarding the franchise, electorates, constituencies, etc., here also the line of advance with regard to increased control of the legislature over the provincial budget will necessarily be the same as that which has already been suggested in regard to the Central Legislature.

(*e*) The League considers the following provision essential:—

> "No Bill or resolution or any part thereof affecting any community (which question is to be determined by the community in the elected body concerned) shall be passed in any legislature or any other elected body if three-fourths of the members of that community in that particular body oppose such Bill or resolution or part thereof."

14. *Public Services.*—The unanimous demand of the Muslim community in India for their proportionate share in the administrative machinery extends, with perfect justice and equity, to the public services. The very grounds hitherto urged by the Indian politicians for the Indianisation of the services apply equally to an equitable adjustment of the claims of the various communities to a proper share in the administration of the various departments which manage the affairs of the country for the welfare and happiness of the people. Because these departments come into more direct contact with the masses than even the legislative or local bodies, the contentment and progress of a large portion of the country depend on their just and proper working. It must, therefore, constitute both an anomaly and a grave political danger if the services which administer the various departments become the monopoly of a class. There is no possible justification for the fact that, with the exception of our fighting forces and the police, all other branches of our public services are staffed by an overwhelming majority of caste-Hindus. That the Muslim community, in spite of its having produced as qualified persons as any other community for suitable and even efficient service in any capacity, from the top to the bottom, in any service, should have been so glaringly and so long neglected and suppressed in almost every department of the administrative machinery, is a ground for the hope that means will now be devised to give Musalmans their due share in the services of which they have been deprived by the over-representation of the caste-Hindus on the false plea of their greater numbers and higher efficiency. In this matter also the League submits that a general statutory provision requires to be made and its principles applied in each province with legislative sanction for its particular requirements. It may be suggested in this connection that the Muslim share in the provincial services should be at least the same as its representation in the legislative bodies and in the All-India services not less than one-third. In view of the serious economic disabilities of the Musalmans their adequate representation in the services is a very vital matter to their general progress, more especially as their unemployment in such large numbers not only makes it more difficult and often impossible for them to educate their children even for a trade or profession, but also creates unrest. It is a sad record for a century and a half that there should be less than three per cent. Muslim officers in the All-India services to-day, while in the subordinate services the position is so deplorable that the Railway Board, the largest employer of subordinates, has barely three per cent. Muslim employees drawing Rs. 250 and over.

15. *Separation of Judicial and Executive Functions.*—The confidence of the people in the administration of justice being the corner stone of all constitutional progress, it is essential that a system by which judicial and executive functions are combined in certain authorities, and thereby tend to impair that confidence, ought to be done away with. The promises which the Government of India and the Provincial Governments have made in the past in the matter of this reform have remained unfulfilled till now; and the League earnestly hopes that much harm will be prevented by a change being made in this important matter at this stage.

Memorandum on Behalf of the Ahmadiyya Community.

We, the representatives of the Ahmadiyya Community, which has its headquarters at Qadian, in the district of Gurdaspur, Punjab, India, beg leave to submit the following Memorandum for the further development and extension of the system of self-government in India.

The representative system as applied to British India:—

(a) *The Basis of Franchise.*—We believe that the broadening of the present system of franchise is in the interests of the Government as well as the governed. We are, however, of the opinion that this extension should for the present be restricted to those who are in one way or other a support to the Government. In view of the above we would suggest that the franchise be extended to (*a*) everyone who pays to the Government land revenue or income tax or any other tax, however small the sum may be. (*b*) Everyone who pays a rental of Rs. 100 or more a year on agricultural land held as tenant, other than occupancy tenant, who has already been enfranchised or pays five rupees per month as house rent or owns immovable property other than agricultural land of the value of Rs. 1,000 or more.

(b) *Methods of Election.*—This needs to be considered in two ways: First, whether it is advisable to retain the present voting system or it is desirable to devise a new one. As regards this we would suggest that, in consideration of the simplicity of the system in vogue, the present system may be retained. Secondly, whether to retain the system of separate electorates or to discard it in favour of that of joint electorates. We strongly hold the view that the system of joint electorates, whatever its advantages, is at present very much against the interests of the country. We do concede that if India is to advance politically it shall ultimately have to adopt this system, for there can hardly be any cultivation of political or civic sense nor any political education without it, but as things stand at present we could not commit a greater mistake than if we discarded the system of *separate* in favour of that of *joint* electorates. India is at present in the grip of communal and sectarian bias. No community reposes faith in the other. The majority is not prepared to concede even its bare rights to the minority. Government offices, universities, commercial and industrial markets, chambers of commerce, and even judicial awards afford instances of the communal bias that reigns rampant throughout the length and breadth of India. If under these circumstances the system of joint electorates were thrust on the people, there would be no room for the uplift and advancement of the Moslems, the depressed classes and other minority communities in India, with the exception, perhaps, of one or two favoured ones. Rather than bring on the desired evolution such a step would be a prelude to a deplorable revolution. Hence we believe that, until that happy era when the minorities can safely trust and confide in the majorities is ushered in, the system of separate electorates should continue, the number of seats for each community being fixed in accordance with its numerical proportion to the whole population. Provision may, however, be made to safeguard the particular interests of a special community by giving it a higher representation than its numbers warrant, provided always that the majority of any other community is not reduced to a minority in any case.

(c) *Methods Whereby Particular Interests, Communal, Local, Social and Economical may Obtain Adequate Representation on Local Self-Governing, Provincial and Central Representative Bodies.*—We hold fast to the view that, with the exception of Government interests, no other interests should be represented by nomination. It is not only wrong in principle, but is a fruitful source of misunderstandings and other evils. It is commonly held that nomination is but a cloak to strengthen the hands of the Government, and, curiously enough, this view is shared, along with the Government critics, by those in whose favour the nomination is made. The best means of giving representation to an interest is to give it a direct voting power. It may entail some difficulty in certain cases, but it is certainly not impossible of achievement. University and industrial seats are already open to election, which entails no great difficulty. Similarly, the seats reserved for the minorities or the depressed classes may be made open to election.

In this connection we beg leave to further suggest that, in view of the importance of the question, it must be definitely laid down as part of the constitution that the system of separate electorates shall not be abolished until the mutual confidence of the different communities is fully restored and until at least 75 per cent. of the elected members of a minority in the Central Legislature vote in favour of its abolition in three successive assemblies, and also that this system shall not be replaced by that of joint electorates in any Province until three-fourths of the elected members of the Provincial Council vote in favour of the change.

If the system of election is not introduced among the backward communities, they shall never be able to develop a sense of self-respect nor shall they receive political education. Nomination can never create a sense of political responsibility or even a due appreciation of one's own rights, nor can a people who are given a nominated seat feel satisfied that their rights have in this way been properly safeguarded. If the elective system be introduced among the backward communities and the depressed classes the various candidates will have to approach the voters of such communities and classes in their own interests, and this cannot fail to gradually awaken in such communities a sense of their rights and responsibilities.

Another advantage of the introduction of the elective system among the backward communities will be that other communities will feel the necessity of coming to an understanding with them and seeking their co-operation. A nominated member is not in a position to be much sought after for he does not really represent his community owing to his not having been returned by them by election. Another beneficial result of this policy will be that when the other communities will stand in need of co-operation with the backward classes, they will also seek to ameliorate their condition. Moreover it is an admitted fact that the Government, despite their desire to promote the happiness of the backward communities, cannot fully understand their requirements which in the case of nomination generally go uncared for.

We advocate the system of election as opposed to that of nomination not only in the case of communal interests but in other interests as well, and we suggest that this system should be accepted as a matter of principle.

In addition to the agricultural, industrial, commercial and educational interests, we think there is need for elective representation in the matter of self-governing institutions as well, which are as yet in a stage of evolutionary infancy with much scope for improvement as is evidenced by various rules and regulations which the Government have to issue from time to time. We think then that municipal committees should have the right to send their representatives to the Legislature so that the municipalities may be in a position to criticise Government policy and to watch and safeguard their interests in the councils of the country. Municipal committees in every province should elect one or more representative to the Legislative Council of the province to safeguard and advance their interests. But even here we would advise the same caution, that in no case should a majority be turned into a minority by the representation of special interests. Majority rights must be protected with the due safeguards for the minority rights. For instance, in the Punjab the margin between majority and minority is so small that a little change upsets the balance of power and a majority is turned into a minority. University, industry and commerce seats are already held by the Hindus.

Agriculture, too, has been so manipulated as to adversely affect Moslem interests and representation. The best solution out of this difficulty would be the reservation of these seats for particular communities on the system of Joint Electorates. For instance, if reserved seats for special interests when held by non-Moslems adversely affect the proportional representation of the Muslims it should be laid down that these seats be reserved for the Moslems on the basis of the system of Joint Electorates. The university and industry seats may, for instance, be reserved for Muslim candidates, and that of commerce for a non-Muslim. This shall not only bring about right communal representation in special interests, but shall also maintain the balance of power between the various communities inhabiting the province or the country. Without some such arrangement we shall have to give up either the representation of special interests or sacrifice the majority rights, both of which would be dangerous.

Moreover, in our opinion, it will be advisable that the Provincial Councils should also be represented in the Central Legislature which will contribute to the true development of a Federal Constitution. It is true that in this case the rule that the same man is not eligible for the membership of both the Houses shall have to be amended, but if an exception be made in this respect, it will certainly bring the Central Assembly and the Provincial Councils much closer to each other, to the advantage of both.

(d) It should not be held as necessary that a candidate should belong to the district or the territory for which he proposes to stand. In our opinion whatever his residence, any candidate should be eligible to stand for his community so long as he is a British subject. The choice of representative should be left to the voters who should be free to elect their representative from their own circle or from outside it.

(e) *Growth of Parties.*—In principle we are opposed to the party system, for under this system one is not unoften debarred from speaking the truth, and until other members of one's party agree to one's view-point and make it a part of their programme, one is constrained to withhold a motion which one personally believes to be advantageous to the country. But as the present political system of the country has been so constituted that the party system has become an indispensable factor thereof, we, in view of the present form of the Government, think it necessary that the party system should be reformed and strengthened.

We are of opinion that the form of the existing political constitution of India is such that the party system cannot properly thrive under it. This system can thrive only where the Government is liable to be changed. The truth is that parties cannot be formed on right lines where the Government cannot be changed, for there the interest which is essential to the growth of parties is absent. There is no doubt that the councils have been vested with a good deal of power, in the transferred subjects, but there is equally no doubt that there is an element in the councils which is wholly unaffected by the party system and which is totally independent of public voice and public opinion. This element, though numerically weak, is sufficiently strong to make government possible by winning over to its side one or more of the minorities; nay, it can manage to have its own way even with the co-operation of certain individual members. Hence when the majorities cannot succeed in carrying out their policy, notwithstanding their superiority in numbers as a single party and this failure of theirs is not due to any lack of public support, but to the existence of the Government block which does not represent the country, but is merely a representative of the Government, the people have no incentive to organise and consolidate the party system; and owing to the absence of such incentive the parties formed are not powerful. And when the individual members know that in order to display their personal talents, they do not stand in need of any co-operation with the elected parties, but that they can do so by identifying themselves with the Government block, they do not care much for the discipline of the party, and hence the strong organisation which is so essential to the growth of the party system cannot be achieved. Hence under the present system neither the public has any interest in the organisation of the party system, for it feels that the strength of the system cannot affect the Government to any considerable extent, nor is there any likelihood of the elected members themselves being much attracted by it.

Moreover, as the Government itself forms an unelected block, and it has power to interfere in the transferred subjects, no party can seriously advocate any particular policy, for they know that they will not be able to achieve anything without the help of the Government, and will not have a free hand in carrying out their policy or in coming to an understanding with other parties.

Hence, under the existing circumstances, it is absolutely impossible for the party system to make any headway in India, and this is particularly the case in the Punjab.

In our opinion, for the growth of the party system, nay, in fact for the growth of the whole political system, it is highly essential that the Government should have no concern with the transferred subjects. They should not vote on matters relating to these departments, nor should they take part in any discussion bearing on the work of the Ministers. As the Governor has been vested with special powers with regard to the transferred subjects, he can in case of necessity achieve his purpose by making use of those powers. But there is no need to defeat the very purpose of the Reforms by controlling the House by means of Government votes.

(f) *Growth of Informed Public Opinion.*—The answer to question (e) does in fact comprise the answer to this question also. The growth of informed public opinion, under the present system, depends on the growth of the party system. As there is no party system now, it is not the parties that elect members, but it is the members who, when elected, form the parties. Hence these parties are like a mushroom growth and do in no way influence the future elections. As every candidate stands in his individual capacity, and is conscious of his inability to do anything single-handed, he cannot enunciate any policy for the future which may create an interest in the various classes of the country with regard to his election. His personal connections and personal influence form the only factors on which he counts for his success. The result is that there is no cultivation of public opinion. If there be party system and it be possible for the strong party to have its way in certain departments of public administration, such party will certainly draw up a statement of policy and a programme, and its members will do their best to advertise it among the people. In that case only that person will venture to make a stand against them who will be able to offer a better policy and programme to the public, and at the same time assure them that he has a party at his back with whose help he will be able to carry out his programme. Then it will not be that there should stand up candidates who, though holding identical political views, should trust for their success to their personal connections and who should be supported on that account.

In short, neither the party system can be strengthened nor public opinion educated until the Reforms are made a reality, and until the transferred subjects are placed beyond the pale of Government votes. What happens now in the Councils is that some clever members enter into an understanding with the Government, saying, "Come, let us govern jointly; you should help us and we will help you." There is no such thing as political advancement or any preparation for real representative Government.

(g) *Nomination of Officials and Non-Officials as Additional Members of Elected Bodies.*—We think

that in view of the reserved subjects, the presence of Government officials in the Legislative Councils is highly essential, but in view of the transferred subjects their presence is injurious. Hence the proper course will be that Government officials should be nominated members, but (1) their number should in no case exceed 10 per cent. of the whole strength, and (2) they should have nothing to do with the transferred subjects, all decisions concerning them being left to the elected members.

The nomination of non-official members is, in our opinion, highly injurious. If such members are meant to safeguard the interests of any minority, that minority should be allowed the right to elect its own representatives. But if they are included for their personal qualification, we deem their admission into the Councils inconsistent with the real spirit of the Reforms. We cannot think of a man whose presence in the Councils is essential to voice true public opinion but who cannot be returned to the Council through election. Such a man will really represent the Government point of view, and we think the Government officials are enough for this purpose.

With regard to such Indian gentlemen whose opinion the Government thinks it essential to consult, but who will not or cannot be elected to the Councils, the best course, we think, will be that every Governor should have with him an advisory committee, like the Privy Council, and such men whose counsel the Government thinks it advisable to seek in matters of moment should be members of that committee. When the Governor has to make some important decision, for instance, when he thinks it desirable to veto a decision of the council, he may summon such persons and take their advice. In this way, the Government shall be able to avail itself of the advice of such gentlemen without sending them to the Councils, where their presence serves only as a clog to the working of those bodies.

2. The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions.

(a) *Local Self-Government.*—So long as the posts of Collectors or Deputy Commissioners exist in India, it is necessary that the District Boards should also exist, in addition to the Provincial Councils. The posts of collectors and Deputy-Commissioners were created in view of the fact that the Government in India was not representative but bureaucratic. But now when the form of Government is being changed into a representative one, these posts appear to be incongruous. The Governor is not free to administer his province, but has with him a body of men to advise him; while the Deputy-Commissioner who rules his district has been left quite free and that notwithstanding the fact that within the limits of his district all the Government departments are under him and are subject to his authority. Hence if the post of the Deputy-Commissioner is indispensable, and to our mind it is so under the present circumstances, he must have with him an advisory committee, so that he too may be impressed by public opinion and may be compelled to remain in touch with it. In our opinion it will be best to reform the district boards and invest them with greater powers so that the district administration may in this way be reformed; otherwise, the post of the Deputy-Commissioner will look more and more incongruous side by side with the growing development of representative local institutions in the country.

It will also be proper to start sub-district or local boards, along with the district boards, as is the practice in certain provinces, so that by dividing the districts into sub-divisions, the work should become more effective and progressive.

(b) Provincial, including the discussion of proposals for extension of self-governing institutions to other areas than the nine provinces and of proposals for division of existing provinces.

We think this to be a most important question on which hinges, to a large extent, the question of the future progress or decline of India, and the sooner this question is solved, the better will it be for the advancement of the country and for the growth of self-governing institutions.

The existence in India of a number of small territories where representative government has not been introduced is, in our opinion, highly prejudicial to the future progress of the country. No sensible man will endorse the idea that although the whole of India is advancing politically, yet of all its territories, Ajmere and Marwara, for instance, is such that the people thereof are not qualified for representative government. Similarly, to suppose that Delhi, which has the distinction of being the capital of India, is not fit for representative government, or that Coorg, in spite of its being situated in the centre of an advanced territory, is not fit for it, or that the North-Western Frontier Province is not qualified to participate in representative government, or that Baluchistan is not deserving of it, is an insult to human intellect. This sort of discrimination is sure to lead to discontent, and even tends to create a spirit of rebellion, and should therefore be removed as soon as possible.

Again, this kind of discrimination is not only calculated to create discontent but is also unjust. If Delhi happens to be the metropolis of India, it is no reason why the people of Delhi should be deprived of the privileges which are enjoyed by their fellow subjects of adjoining territories. Similarly, if at one time and owing to some temporary considerations, Ajmere was made a political agency, the inhabitants thereof who had no hand in the matter should not suffer on that account.

Another injurious effect of this discrimination will be that in this way India will never become one country. To maintain two sorts of territories under the same government will mean the perpetuation of a false comparison and the creation of a false impression in the country by a comparison of the administrations of the two sets of territories, whereas it is an admitted fact that representative Government is better than even a good bureaucratic government, for the former is a step to the establishment of an excellent government. (We do not mean that a tyrannical representative government is better than a good government, for a good government, though bureaucratic, is decidedly better than a tyrannical government, though it may be representative.) Hence, in order that true political sense may grow in India, it is necessary that such territories should be abolished as soon as possible.

Another harm which is sure to ensue from the maintenance of such territories is that while with the political advancement of India, the elected councils will be vested with greater and greater powers of government, the administration of these semi-representative provinces must continue in the hands of the Governor-General, which means that a ponderous machinery will have to be retained merely to supervise the administration of a few petty provinces, and the many departments which are now established for the government of the whole of India will have to be kept open merely for the sake of these small territories. And if, as an alternative, these territories are placed under the supervision of the Central Legislature, that will be an unwarrantable act, for in this case the representatives of a few provinces will unduly be put in authority over other provinces as well qualified as themselves. For these and similar other reasons, it is utterly inconsistent with the growth of representative government in India to deny to some of its provinces the right to self-government.

Hence, we propose that in the absence of a better arrangement the Andamans be annexed to the Madras province. In the first place, the use which is now made of these islands is strongly disapproved

of, not only by the Indians, but also by many right-minded Europeans and therefore it should be put an end to. But if the Andamans are still to be used for this purpose, that may be done under the supervision of the Madras Government. Similarly, Coorg may also be annexed to the Madras province and Ajmere and Marwara may be included in the United Provinces. Again one district of the United Provinces and a portion of the Punjab territory may be detached to extend the boundaries of the Delhi province, the Chief Commissioner of which may be given an elected council for the administration of his province. Similarly, Baluchistan may be conceded the right of representative Government, but of this we will speak later on.

We, however, lay the greatest emphasis on the North-West Frontier Province being given the right of self-government. The argument that the North-West Frontier Province, being a frontier Province, should not be given a representative government for the benefit of the rest of India is a stale argument which cannot stand the test of criticism. No Province can be deprived of its due rights for the imaginary benefit of other people. Nor is it right to think that the Afghan, who being nearer independent countries, is better able to understand some of the political problems than the inhabitants of the other Indian provinces, is not fit for representative government. Such an idea is not only opposed to reason, but is calculated to stir up the blood of independence. For, when the frontier people will realise (and it appears that they have already begun to realise) that they are to be deprived of self-government for the imaginary benefit of the rest of India, their sympathies will certainly turn to the other side of the frontier rather than to the Indian Government. They will begin to feel that they can attain to independence only through Russia or Afghanistan. Thus the whole Province from end to end will be filled with feelings of hatred and ill-will against the Indian Government, and will become a serious menace to the peace of the country. But if, on the other hand, the frontier people are also given the right of representative government along with the rest of the country, they will look upon the Indian Government as their own Government, and any harm to it as a harm to their own cause, and will not tolerate even for a moment that any foreign Government should take possession of India.

With equal strength we advocate the separation of Sindh from Bombay, and its formation into a separate Province, with a full-fledged reform scheme. As a matter of fact, Sindh and its people have little in common with the far more educated and advanced territory of Bombay, and, truly speaking, the connection is proving injurious to both. It is a matter of regret, and, indeed, of national loss, that Sindh, with its natural and by no means mean potentialities for growth, has so far been allowed to remain in a state of stagnation and denied the road to progress by its being linked to Bombay, which overshadows it in all respects. The connection is highly unnatural and unjust, and must be broken off as early as possible. We take special interest in this question because Sindh is a pre-eminently Muslim territory, and our brethren of this part of the country have most heavily suffered owing to their having no separate existence of their own and owing to their being linked to a people who have nothing in common with them.

3. The Local Self-Governing Bodies and their relationship with the Provincial Government:—

(a) *Constitution.*—In our view the district boards and municipal committees should be autonomous in their particular spheres, barring, of course, the communal affairs, where some restrictions are necessary. For instance, municipal committees with Hindu majorities are daily devising new methods of stopping the slaughter of cows. Age limits in some places and obstructive plans in others are imposed to harass non-Hindus who eat beef. It is not self-government, but a travesty of it, which can never place a country on the road to progress. If the Moslem majorities, with similar motives, began to impose restrictions on pulses or greens, and forced their vendors to keep them out of towns or prohibited the entry of cattle and bulls into the town areas under the plea of sanitation or general nuisance would they not arouse a hornets' nest about their ears. But the fact is that the Hindu majorities are doing all these things without let or hindrance. Hence in such affairs, where certain particular communities are affected, it should be laid down as a matter of principle that no such law or regulation will be valid unless three-quarters of the members of the community affected vote in favour of it, with the further proviso that the general order so passed shall be null and void if on some future occasion three-quarters of the members of the same community vote against it. This sort of elasticity is very necessary in the present state of things.

(*b*) We do not like to say anything about the municipal committees, but we must affirm very strongly in favour of the extension of district boards' jurisdiction. For example, sanitation, education, the provision of grazing grounds and their maintenance, control over the construction of buildings in rural areas, road construction, and traffic control, co-operative societies, drainage, cattle breeding, agricultural farms, adult education, rural recreation, and all other things pertaining to local development, should be entrusted to district boards, who should be empowered to legislate and levy proper taxes for these purposes within their own spheres. We are sure this step will rapidly foster the progress of our country. Moreover, if the district boards, or select committees out of their members, be also formed into advisory committees to advise the Deputy-Commissioners, that will go a long way in remedying the defects we have already mentioned concerning the arbitrary nature of the administration carried on by the Deputy-Commissioners under the present system.

(c) *Relationship with Officials of Provincial Governments.*—We think this relationship should be confined to mere general supervision. The district boards should be under the direct supervision of the Minister for Local Self-Government. It is further necessary that, in the work of the district board, provincial councils should, as far as possible, restrict their supervision to matters of principle or where the question assumes a provincial aspect; otherwise local affairs must be severely left alone.

4. *The Provincial Governments.*—(a) *Constitution*:—

It is necessary, in our opinion, to make some changes in the constitution. The Home Government has declared responsible government to be the goal in India, and, in order to achieve this goal, it is but necessary that the number of reserved subjects be gradually reduced, and that of transferred subjects increased correspondingly. Steps should be taken in this direction immediately, and the best course to this end would be to limit the Governor's authority in reserved departments. At present, in spite of the council, the Governor is all-powerful. He can do what he pleases. A beginning in the responsible form of government should, in our opinion, be made by restricting the Governor's authority even in the case of reserved subjects with the consequent widening of the power of his councillors both individually and as a whole, so as to make them responsible to some extent even as regards reserved departments. If such a change be effected it shall not only create a spirit of responsibility, but will assign to the Governor the position of disinterested third party which would strengthen his position both as regards reserved and the transferred departments. At present the Governor is supposed to be an arbitrary ruler, an embodiment of bureaucratic sway, and such an impression stands very much in the way of responsible government.

The Constitution needs amending in another way also, and that is that like the three Presidencies all

provinces should have their governors appointed direct from among the public men of England and not selected from the members of the Indian Civil Service. The system in vogue at present, even if defensible from the administrative point of view, is very defective from the political point of view. In the first place the Governor chosen from among the members of the Indian Civil Service cannot and does not sympathise with the political aspirations of the people. Secondly, it is not only anomalous, but derogatory that a civil servant who but a few years ago worked as a subordinate to a Minister should be thrust upon him as the head of the province to lead him instead of being led by him. Thirdly, as a Governor appointed from among the ranks of the civil servants has already had dealings with the people and the parties of the country he can never take a disinterested view, but invariably becomes involved in party politics, and rather than be above parties becomes partisan himself.

(b) *Working of Dyarchy.*—Though Dyarchy is being condemned on every side, yet we think that under the principle and policy by which India is to gradually attain to responsible form of government there could be no other possible practical plan, and now that it has been in force for about a decade it would be a grave mistake to give it up without giving it a real trial. To give it up now would, in our opinion, be a prelude to anarchy. Accordingly, we do not think a case has been made out to uproot dyarchy altogether, though we think it needs considerable pruning. As a matter of fact the dyarchy that we see about us is no dyarchy at all. It is a mere skeleton form without the soul. Real dyarchy means that a part of the government must be truly representative. But the fact is that the method of selecting ministers as well as the block of official votes in the council are practically keeping even the transferred departments in the reserved groove. Dyarchy will have its real trial when the official votes are kept off the transferred subjects or, at least, they are so reduced as to leave the elected vote unaffected, though the latter procedure is certainly not as safe or effective as the former.

We have from the very beginning of the reforms been of the opinion that if a real trial is to be given to self-government then in the transferred subjects, full and unhindered control should be given to the representatives of the people without any interference on the part of the Government, excepting, of course, the right to veto on the part of the Governor, who should use it as sparingly as is done in the self-governing dominions. We cannot conceive that a fair trial could be given without giving full powers. And where is the need for this experiment if the Government cannot confidently transfer to the people the full control of even such departments as education, local self-government, medicine, public health and sanitation? Unless there is a complete transference of powers we could neither call this experiment a fair trial, nor the system a dyarchy in its true sense. But if a true form of dyarchy is established then the Governor will truly be in part a responsible ruler, deriving his power from the people and in part an executive head deriving his power not from the people, but from a superior authority.

(c) *Position and Power of Governor.*—We have already answered this point (*vide* our answers to sections (*a*) and (*b*) of this question).

(d) *Position of Ministers in relation to Governor and Members of Executive Councils.*—We think the relation between ministers and members of the executive should continue as it is at present, that is to say they may consult each other in an informal manner without any one interfering with the other's work. As to their relation with the Governor we have already touched on this point, that is, it should be as is the relation of the ministers to the governors in the self-governing colonies, but as a further precaution, everything being in an experimental stage here, we would have it recommended that the ministers should talk over a measure with the Governor informally before they bring it before the Council, though, of course, we must lay it down that the Governor should not override the wishes of the ministers, which power even now, in theory, he does not possess, though the Government with the official block at its back practically enjoys it.

(e) *Relationship of Ministers to each other and Question of Collective Responsibility.*—Representative Government means collective responsibility. But owing to the absence of any clear instruction, we find a sort of chaotic state of things in the various provinces. For instance, three ministers belonging to three different creeds have been put in charge of three different portfolios in the Punjab, who sometimes go so far even as to criticise each other's policy. Now this undesirable state of things has arisen from the absence of any clear injunction on this point, and from the fact that the Government has lost sight of the fact that in the representative form of government, collective responsibility is the object. We think the selection of ministers must be carried out in the same way as is done in some of the advanced countries of the West where a capable person is invited to form a Government, the choice of his colleagues being left to him. If he fails another is invited. This not only brings about a state of collective responsibility but also leads to that mutual consultation and confidence which are a happy prelude to the strengthening and consolidating of party ties. Moreover it will prevent the Governor from entrusting ministerships to those who have no party backing of their own. We think this principle must in the clearest terms be embodied in the constitution, otherwise dyarchy will continue to be a failure or it will be a dyarchy only in name.

(f) *Growth of Party System in Provincial Councils.*—We have already dealt with this point (*vide answers* to questions 1 (e) and 4 (e). In order to develop and strengthen the party system in India we think the Government ought to supply all those facilities which are enjoyed by the various parties in the British Parliament, that is, the allotment of seats to members and leaders of parties, setting apart separate rooms where the leaders can conduct their own party business, etc., etc. Moreover, the party in power should be financed by the Treasury to pay its chief whip. These are mere details, but they will help greatly in shaping and consolidating parties.

(g) *Desirability of Second Chambers.*—We do not think the introduction of second chambers in the provinces will serve any useful purpose. It will, on the other hand, only delay and obstruct business.

(j) *Question of Autonomy.*—It is a very important question, and the future progress of India depends very largely on it. We are indeed indebted to the authors of the Montford Reforms Scheme for the right lead they have given to the country in this matter and for beginning reforms with the Provinces. India is a country as well as a continent. It is a land of different tongues, different customs and habits, and different creeds. To put them all in the same administrative group would be courting anarchy, disorder, and even rebellion. India can only be governed on a federal system, and it should be clearly laid down that the goal of the reforms in India is a system of federated States. The Central Government shall retain control of only such matters as concern India as a whole and about which the provinces, or on their behalf the Imperial Government, may decide that in the interest of peace and good government their control should rest in the Central Government. Barring this, all other affairs must be settled by the Provincial Councils, which shall be held responsible for the internal administration, peace and security of their respective provinces. This arrangement necessarily raises the question of provincial autonomy. In our opinion the federal system necessitates complete provincial autonomy. Exceptions may be made

only in those matters which the provinces cannot control or where combined administration is necessary. Provincial autonomy will also solve the communal problem of India.

(k) *Finances of Provincial Governments and Financial Control.*—We are in complete accord with the Montford Scheme on this point, and a further discussion of it we leave over till we take up the question of Central Government. But we must mention here that in our opinion the legislatures should have a greater control over the finances than they enjoy at present, for the chief object of the representative government is the control of the revenue and the taxes and to see that no undue financial burden is imposed on the country.

(l) Financial relations between reserved and transferred sides of the Government, including the question of the joint or separate purse.

It is a very complicated question which has practically defied all solutions so far. The Montford scheme proposes that the Governor may apportion the revenues to the reserved and transferred subjects. It seems it was supposed at the time that the provincial governors would be like the governors of the colonies, and that the Government and the elected representatives of the people will look upon them as quite disinterested. But the facts have belied all this. The people's representatives regard the Governors as not only a part of the Government, but the most important part thereof. The Governor is fully responsible for the reserved side of his Government, and as regards the transferred departments he has only supervisory authority over it. Hence his decision can never be disinterested, and even if it were so, the elected representatives of the country in the present state of things can never regard them as such. Again, to say that being disinterested now they will continue to be so always would be expecting too much. And none of these defects can be remedied unless the provinces are granted complete autonomy. Every other solution falls short one way or the other. Taking all these things into consideration, we would suggest that the present procedure may be amended so as to make it necessary that the Government should settle the Budget both for the reserved and the transferred departments after consultation with the Finance Committee, and it should be laid down that the Government should, as far as possible, try to satisfy the demands of the elected members with regard to the Budget of the transferred departments. No better arrangement can be suggested under the present state of things.

5. *The Central Government.*

(a) *Constitution.*—(1) The question of the constitution of Central Government is bound up with the provincial form of government. If federation of States and Provinces is the ultimate goal of India, then the central constitution must correspond with this ideal, and any change therein must conform to the change in the Provincial Government, and the Central Legislature should not be empowered in such a way as would be detrimental to the future federation of India. That is why we think that the Central Legislature should be given control over those very departments of the Government of India over which the provincial councils supervise, and it should be clearly laid down that the Central Government is vested only with delegated authority. If no such clear statement is made there is danger of the Central and the Provincial Governments arriving at the parting of ways over the questions of rights and duties, the former always trying to usurp and the latter to wrest and extend its authority. So to avoid this danger of struggle the Central Government should have authority delegated to them in those departments only over which the Provincial Governments have full authority, and this delegated authority should be limited to mere supervision, so that at no future date should the Central Government regard its authority as being inherent in itself.

(2) We do not think it is desirable for the Commander-in-Chief to sit in the legislature as a member. His presence there is not only subversive of discipline in his own department, but is also hindrance in the full and frank expression of views. We therefore suggest that in place of the Commander-in-Chief, there should be nominated to the Assembly a "Member for the Defence," who should represent the Army, Navy and Air Departments. In England, no doubt, these three departments are represented in Parliament by three different Ministers, but it is not necessary for India to follow England in every detail. In some of the advanced Western countries this English system is not followed. Moreover, Indian Departments of Navy and Air are both in a state of infancy. Hence, there is no need at present for three full-fledged departments, and for the present one would suffice.

There are some who hold that the political department should be in charge of a member of the Executive Council. We think such a course is needless, and will create complications, and so it should be postponed till the question of the future relations of the Indian States with the Government of India has been fully thrashed out.

(3) The present constitution needs another amendment, viz., that the Secretary of State for India should not at all interfere in a matter wherein the Governor-General in Council and the Legislative Assembly are in complete accord. Foreign and military matters should, however, be regarded as exceptions, for they deeply affect Imperial interests.

(b) *Position and Powers of Governor-General.*—Until the federal system is fully established in India and the authority of the Central Government definitely fixed under the Federated States of India, the position of the Governor-General should also be of a dual nature. That is, he should be a responsible ruler in certain departments and an executive head in others.

(c) *Relationship of Governor-General to his Executive Council.*

As we have already stated in the case of the Governors, it is in the fitness of things that the authority of the Governor-General should be curtailed while those of executive councillors extended, so that when a complete responsible government comes to be established, there should be no difficulty in transforming the Central Government on the lines of representative government.

(d) *Relationship of the Governor-General to Legistive Assembly and the Council of State.*—We think the powers enjoyed by the Governor-General at present are very necessary for the carrying on of an efficient administration, but we think also that a frequent use of those extraordinary powers is far from desirable. No Governor-General in any civilised country or dominion would think of interfering in matters like the Salt Tax. But such things have happened very often in India during the last few years. Hence, there must be some such direction in the manual of instructions, whereby the power of veto or certification may be made exceptional even at the risk of difficulties.

(e) The Governor-General should also be instructed to hold informal meetings of members of the Assembly and the Council of State to discuss important matters of State. Being no longer the President of the Assembly or the Council, he is losing contact with the people's representatives. Dinners and tea parties cannot be so useful as informal meetings of the Legislature, where political views may be frankly exchanged.

(f) As the federal system must be preceded by Provincial autonomy, it is natural that, in the absence of the latter, the Executive Council of the Governor-General must receive its powers and authority from the Home Government. To put this Executive Government under the supervision of the Central Legislature would be productive of more harm than good. The best course in such circumstances is to create separate departments in the Government of India for those

subjects which have been wholly placed in the control of the Ministers in the Provinces, and such departments of the Central Government should be given in charge of one or more ministers. These transferred subjects might, as delegated powers, be placed under the full control of the Central Legislature.

(g) *Relationship between the Two Houses.*—We have never agreed in principle to the establishment of the Council of State. We believe it is one of the glaring mistakes of the Montford Scheme. Whatever rights and powers have been bestowed upon the Assembly they have been taken away by the establishment of the Council of State. We would, therefore, recommend its total abrogation from the constitution. But if it be proposed to retain it, we would advise that at least 70 per cent. of its members should be elected and the Government majority should be abolished. No question of relationship arises if the first part of our suggestion in this behalf is agreed to. In the latter case there is no need for change in the existing relationship, but if the existing majority be retained or if official-cum-nominated majority be adhered to then, of course, we would propose that the Council of State should function merely as a consultative body without any powers to revise or reject the Assembly's decisions.

6. Relationship between the Central Government and the Provincial Governments.

(a) The extent of the power of superintendence, direction and control to be exercised by the Central Government:—There is a fundamental principle concerning this question which should never be overlooked. It is that there can be only two forms of Government. First, those that owe their powers to ownership, such as the representative form of government; and, secondly, those that owe their authority to possession, such as the autocratic or bureaucratic forms of government. Any other form of government is not a responsible government, and, therefore, it needs supervision at the hands of the people or the Central Government, or else the administration is sure to suffer. Now, it is an admitted fact that the Provincial Governments neither belong to the one category nor to the other. In one part they represent the people and in the other they owe their authority to the Central Government, so in both respects they are in need of supervision. Now the department wherein the provincial governments are given autonomous powers should be put under the direct supervision and direction of the legislative councils, while in those departments which are outside the control of the legislative councils or where the officials are not under the supervision of the provincial councils such departments or officers must remain under the direct superintendence, direction and control of the Central Government.

Secondly, as the various communities inhabiting India have not had friendly relations among themselves for the time past, and as each one of them is afraid of the other, therefore, in the absence of a Supreme Court that should settle these communal differences and questions, these various communities should be entitled to appeal to Central Government through their elected representatives, especially in those matters where some other community or communities under the cloak of political or economic necessity have unduly infringed their special communal or religious rights.

(b) The classification of subjects as central and provincial.

Central subjects, we think, should include foreign, defence, railways, posts, and all-India legislation. To these may be added those of the provincial subjects which need a unifying control throughout the country, but this should, of course, depend upon the willing delegation of powers on the part of the provinces. We think, however, that a part of the Department of Defence, Army and Air Force, can also be provincialised side by side with its federation, as is the case in the U.S.A. It is very necessary, too, owing to the peculiar conditions obtaining in India, where owing to the numerical preponderance of one community there is danger in the exclusive centralisation of defence, inasmuch as the majority depending upon its voting strength may out of ill-will or other causes legislate in a discriminative way so as to stamp martial spirit out of a special class of people who are in minority. So partial provincialising of defence is necessary even in the interests of free and unhindered development of minorities. The parallel is not only confined to U.S.A. as we have mentioned above, but extends also to Germany, where there exist in addition to the Federal Army what are called the State Armies.

(*c*) The financial relationship between the Central and provincial governments, including the Meston Settlement:—There is much room for improvement in the relations between the provincial and Central governments in the matter of finance, but as the basis for the above cannot be stated definitely, therefore it cannot be discussed here in detail. This much can be advanced as a matter of principle that as all revenue-producing subjects would be under the provincial government therefore it is our duty to see that the provinces do not suffer in any way. We regret to notice that in the Meston Award the financial condition of the provinces was unduly weakened. The difficulties at the time were of a temporary nature, but the award crippled the provinces for a long time to come with the undue emphasising of the central needs. Although the Central Government has taken certain steps to undo the wrong by totally remitting or postponing the contributions to the Central Government, we are of the opinion that it should be laid down that in future not a single pie should be levied from the provinces in the form of a fixed contribution. As to the other revenue-producing departments, such as customs, mints, posts and telegraphs, railways, ruling states' contributions, salt (provided the Salt Department is to be retained), all these should be retained as Imperial. To treat income tax as a purely Imperial subject we regard as a great mistake, for the development of this source of income depends upon the efforts put forth by the provincial governments on this behalf. If there is no incentive or interest in the form of a suitable share in the income the provincial government cannot be supposed to work enthusiastically, and in the absence of income which could be fruitfully employed in the development of industry or commerce, the provincial governments are sure to show indifference or slackness in voting demands for these departments. Or if they did materially help commerce or industry the agricultural classes would be justified in saying that certain other departments are developing at the expense of theirs, without contributing anything to the provincial purse. Such a policy is untenable on principle, too, for that would mean that a certain portion of the provinces under the federated states system would still be beyond the control of provinces. To remove this defect two suggestions may be put forward; first, that income tax should be provincialised, and, in lieu of this change, certain other sources of revenue be centralised, though this, too, is not without glaring defects. For instance, stamps, land revenue, and excise are the only other departments which may be handed over to the Central Government. Now the handing over of the land revenue will be open to the same objection as the income tax. As regards stamps, it is a source of income from a particular department, and this income is at present spent on judicial employees, and it would sound ridiculous to hand over the income to the Central Government and to make payments out of the provincial sources. Excise, too, cannot be handed over, as the Indian voice is in favour of prohibition, while legislation in this behalf is purely a provincial matter. Now as the general trend is

towards prohibition, and in view of the fact that the provincial governments will have left no incentive to retain it, they would be sure to legislate in this respect at the expense of Imperial interests. The result would be that in a few years the Central Treasury will run short and their budgets will begin to show a deficit. If, on the other hand, all legislation regarding excise and its control be entrusted to the Central Government, it is sure to conflict with the principle of provincial autonomy. And, moreover, the evil of drink would never be tackled and the curse will hang round the people's necks for ever.

Considering all this, we advocate that in addition to the abolition of provincial contributions, it should be laid down that treating the income of 1929 as the basis of income from income tax, any future excess over it should be divided equally between the Provincial and the Central Governments, so as to retain the interests of all parties and to avoid the very reasonable objection of the agriculturists, whose main ground of objection rested on the exploitation of their interests in the interest of the monied classes.

7. The courts and Judiciary:—

We must confess it with shame that the increase of the Indian element in the judiciary of the country has greatly damaged its fair name and reputation that it formerly commanded. We do not mean to say that an Indian judge has less probity than an English judge. What we mean to say is that communal bias and prejudice is so much to the fore that it has become a sort of second nature with the Indians and even judges are not free from its taint. The Indian judges have to deal with their own countrymen whether of one community or the other. While an English judge has very rarely to deal between an Englishman and an Indian, and has often only to decide between an Indian and an Indian, so he has less opportunity to show his communal bias. But the Indian judges have to frequently deal between the members of their community and those of others so the temptation for him is greater, and it is a sad fact that very few Indians have risen above this communal bias.

In addition to their judicial duties, the judges possess executive powers too, and it has not infrequently happened that, as a result of the exercise of such powers a particular judge's community has gained at the expense of the other communities. Therefore, as it has been deemed expedient to appoint Royal Commissions at stated intervals to report on political progress, we think it advisable that to properly guard against the undue usurpation by one community, both in the judicial as well as the executive department of the judiciary, there should be provision in the law to appoint Royal Commissions at stated intervals, for this purpose also, say, after every seven years, a commission should be appointed which should report how far progress has been made in the elimination of this communal bias, after making thorough inquiries, and whether the various communities are enjoying their full rights. For instance, we take the Punjab judiciary. Here we find the Moslems very badly represented in view of their proportion in the population of the province. The High Court has one Moslem barrister judge as against three Hindu barrister judges, and even this Moslem judge has been imported from outside, and so he cannot be fully cognisant of the grievances of the local Muslims. The Small Cause Courts judges are generally Hindus. Most of the senior and junior posts in the judicial departments are held by the Hindus with only a nominal inclusion of Moslems. Why, in spite of the great strides education has recently made in the Moslem ranks, we find them represented in such a disproportionate manner in the judiciary, is a point worth going into. A High Court judge cannot be removed without the sanction of Parliament and His Majesty. Now if communal bias were to find its way into the ranks of the High Court judges, the peace of the country cannot but be jeopardised. Therefore, until such time as this communal bias makes room for something fair and impartial, there is need for the institution of septennial Royal Commissions who should minutely go into all these points and report on the general progress made and make recommendations in connection thereof. Again, it should be settled once for all that the number of judges according to communities will be in direct proportion to the population of the communities. This principle is at present treated very lightly and has not yet been accepted as a working principle in India, whereas the League of Nations has admitted it as a part of the constitution for every government. The minority clause has been specially inserted in the constitution of the League with this end in view, so that the minorities may be represented on the judiciary of their country according to their numbers. If in Europe, where the people are so far ahead of India in education, this principle could not be dispensed with, but on the other hand has been given its due place in the various constitutions, why should India, which is at present the arena of communal fights and struggles, be deprived of it.

8. The Constitutional problem in relation to some vital matters.

(c) *Defence of India.*

We are of the opinion that in the matter of the defence of India the Indians must bear the greatest possible share. To say that the Indians cannot defend themselves is not right, for the Indians have not had an opportunity to show their capacity for it. The Skeen Committee's recommendations should be given effect to as soon as possible. We would like to point out that, unlike our other countrymen, we are heartily in agreement with the amendments of Skeen Committee's report which the Government of India have effected.

(d) *Social Progress in India.*

It is, of course, the duty of every government to help in the social progress of the country, but it is also very necessary to bear in mind that under no circumstances should the religion of the people be interfered with.

(e) *Federation in India.*

We have already dealt with this question and we have declared it as our definite opinion that the future progress of this country is closely and indissolubly bound up with the policy of the Federated States of India.

(f) *The Status and Position of India in British Empire.*

As far as we understand, one of the root causes of all agitation in British India is the indifference of the governing powers to this question. An Indian does not like to be discriminated against or otherwise unfairly treated in foreign lands, much less can he stand any insult to his own nationality within the British Empire. Unless the Indians attain the same status and the same treatment as is enjoyed by the Free Dominions, it is idle to expect of the Indians to take any pride in the fact of their being the citizens of the British Empire. This is quite natural and the demand quite legitimate. When an Indian feels that he is treated worse than an alien in the British Dominions of Australia, South Africa, and Canada, that he is regarded there as something like an inferior being and at the same time when he comes to know that even enemy aliens of white complexion are treated like brothers, he cannot but regard the British Empire as a meaningless phrase so far as India is concerned. Rather than take any pride in it he regards the Empire as a sort of shackle or restraint upon his nationality, for he knows that being free a small country like Japan can retaliate on the smallest provocation, whereas India, in spite of its being a much bigger land, and containing better resources, cannot move her finger in spite of insults being heaped upon her, and this in spite of her being called a member of the British Empire.

The plea of difference in civilisations is a mere myth. If an Indian can be deprived of the rights of British citizenship on the score of such a plea, then one may naturally ask why should England with all her difference in civilisation and culture interefere in the internal affairs of India? If the Russians, in spite of this cultural difference, can live side by side with the Asiatics, why cannot the peoples of the Dominions? If in the British Dominions the Russians can enjoy equal rights, why should the Indians be deprived of this status? In short, this unfair and unjust treatment of the Indians has been cutting deep into the Indian sensitiveness, and we honestly think that if at any time in the future there happens such a thing as the dissolution of the British Empire, its greatest cause would be none other than this unfair and unjust treatment of the Indians.

10. *The Position of the Services.*

(d) The question of the recruitment of Public Service Commission.

This Commission is certainly a good thing, provided due care is taken to recruit Muslims in all grades of services in the Provinces. They should be recruited according to their proportion in the population, while in the Central Government they should get one-third of the posts. Capable and efficient Muslims can be easily found for all grades of services.

(e) *Indianisation.*—In our opinion the time has arrived when all the posts and grades should be thrown open to the Indians. Excepting the Army, Navy and Air Force, where, too, the process of Indianisation should be accelerated at a quicker rate than it is at present in all other departments, provisions must be made to give from sixty to eighty per cent. of the posts to Indians. There can be no peace in the land until there is suitable accommodation for educated Indians of worth and capacity. It is apparent that there are no chances for an Indian in Canada, Australia, South Africa, or England, and if he be debarred from his own country, too, on the flimsy plea of efficiency, there is no wonder that he should swell the ranks of the disaffected.

Before closing this memorandum, we beg leave to respectfully submit that under the peculiar circumstances of India, where communal prejudices are so rampant, it is absolutely necessary that the right of minorities should be properly safeguarded, and just as in Greece, Czechoslovakia, Poland, America, Austria, Hungary, etc., safeguards have been provided for the rights of minorities in the constitutions of these countries. Similarly, the future constitution of India should definitely contain proper safeguards for the rights of the Moslems, particularly with respect to separate representation, proportionate share in the services, non-interference in religious matters, language and education. Without such safeguards the reforms would be no reforms for the Moslems, and the representative form of Government will merely exist in name.

It may not be out of place to mention here that certain representatives of the Ahmadiyya Community would also appear as witnesses before the Commission, and the names of the following gentlement may kindly be noted in this connection :—

(1) *Maulvi* Abdur Rhaim *Dard*, M.A., late *Imam* of the London Mosque.

(2) Doctor *Mufti* Mohammad Sadiq, late of the Ahmadiyya Muslim Mission in Chicago, U.S.A.

(3) *Mirza* Bashir Ahmad, M.A.

LAHORE.

Dated 5th November, 1928.

Afternoon

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Deputation from the ALL-INDIA MUSLIM LEAGUE (Mian Sir MUHAMMAD SHAFI and 23 Members forming the Deputation).

The deputation consisted of:—

1. **Mian Sir Muhammad Shafi Khan Bahadur, K.C.S.I., C.I.E., Barrister-at-Law; President, All-India and Punjab Provincial Muslim Leagues; President, Anjuman-i-Hamayat-i-Islam; Late Education and Law Member and Vice-President of H.E. the Viceroy's Executive Council and Leader of the Council of State.**

2. **Khan Bahadur Sheikh Sir Abdul Qadir, Barrister-at-Law; Vice-President All-India and Punjab Provincial Muslim Leagues; Chairman, Islamia College Committee (Anjuman Hamayat Islam); Member, Punjab Legislative Council, Late President, Punjab Legislative Council, Minister and Member, Executive Council, Punjab.**

3. **Dr. Sir Muhammad Iqbal, Kt., Barrister-at-Law, Honorary General Secretary, All-India and Punjab Provincial Muslim Leagues, Member, Punjab Legislative Council.**

4. **A. H. Ghaznavi, Esquire, Member, Indian Legislative Assembly, Secretary, All-India Muslim Legislators' Association (Bengal).**

5. **Sheikh Muhammad Abdulla, B.A., LL.B., President, District Muslim League, Aligarh, Member, United Provinces Legislative Council.**

6. **Major Nawab Ahmad Nawaz Khan, O.B.E., Muin-ul-daula feroz Jang Bahadur, Nawab of Dera Ismail Khan (N.W.F.P.).**

7. **Khan Bahadur, Nawab Muhammad Ali Khan Kazilbash, C.S.I., President, Anjuman Islamia, Lahore.**

8. **Khan Saadat Ali Khan, Honorary General Secretary, Anjuman-i-Islamia, Punjab, Lahore.**

9. **Syed Mohsin Shah, Advocate, Honorary Secretary, Anjuman-Islamia, Punjab, Lahore.**

10. **The Honourable Col. Nawab Sir Umar Hayat Khan, K.C.I.E., M.V.O., etc., Member, Council of State (Shahpur).**

11. **Sardar Habib Ullah Khan, Barrister-at-Law, deputy President, Punjab Legislative Council; Member, Council All-India and Punjab Provincial Muslim Leagues.**

12. **Maulvi Ghulam Muhyud Din, Advocate, Honorary Secretary, Anjuman-i-Hamayat Islam and Member, Council All-India and Punjab Provincial Muslim League (Lahore).**

13. **Sheikh Azim Ullah, Advocate, Honorary Secretary, Anjuman-i-Hamayit Islam and Member, Council Punjab Provincial Muslim League, Lahore.**

14. **Dr. Khalifa Shujaud Din, Barrister-at-Law, Joint Secretary, All-India Muslim League, Secretary, Islamia College Committee (Anjuman-i-Hamayit Islam), Honorary General Secretary, Provincial Muslim Education Conference (Lahore).**

15. **Sheikh Din Muhammad, Advocate, Member, Punjab Legislative Council, President, District Muslim League, Gujranwala.**

16. **Khan Bahadur Seth Adamji Mamoonji, Honorary Magistrate and President, Anjuman Islamia, Rawalpindi.**

17. **Maulvi Muhammad Ali, President, Anjuman-i-Ahmadya, Lahore.**

18. **Dr. Mirza Yaqub Beg, Secretary, Anjuman-i-Ahmadya, Lahore.**

19. **A. R. Dard, M.A., Secretary (Propaganda) Ahmadya Community, Qadian.**

20. **Mirza Bashir Ahmad, Secretary (Education), Ahmadya Community, Qadian.**

21. **Mufti Muhammad Sadiq, Secretary (Foreign), Ahmadya Community, Qadian.**

22. **Sh. Hafizullah, Advocate, President, District Muslim League and Municipal Commissioner, Amritsar.**

23. Chaudhri Abdul Ghani, Barrister-at-Law, Member, Council All-India and Provincial Muslim League, Lahore.

24. Maulvi Mahbub Alam, Member, Council All-India and Provincial Muslim League, Proprietor and Editor of Paisa Akhbar, Lahore.

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Chaudhri Zafrullah Khan: * * * I would like you to clear up certain points which I wish to put to you. I do not want to conceal from you that one of the principal controversies which range round the matter of election throughout is the question of communal or joint electorates. Would you very kindly tell the Conference when this principle was first introduced in India?—During the pre-Minto-Morley days Indian representation on the various legislatures in this country, Imperial and provincial, was by means of nomination. The principle of election was first introduced in the Minto-Morley Reforms.

3. *Chairman:* You mean to say it came into operation in the year 1909?—Elections were held towards the end of 1909, and on the 1st January, 1910, the Reforms came into operation. Simultaneously with the introduction of the principle of elections, communal electorates were introduced in this country.

4. *Chaudhri Zafrullah Khan:* At that time was any dissatisfaction expressed by any of the principal political parties in India with regard to these electorates?—As a matter of fact it so happens that I played a humble part in the negotiations which took place between the Government on the one hand and the various parties on the other. I was one of the six Muslim representatives summoned to Simla to discuss the whole matter with a sub-committee of the Executive Council, and I know that the arrangements finally arrived at and actually introduced were with the concurrence of the late Mr. Gopala Krishna Gokhale, who was the leader of the Indian National Congress at the time.

5. Of course you are aware that under these Reforms the principle of separate electorates was not introduced in the Punjab?—No, it was not introduced.

6. You were at that time—were you not—the honorary general secretary of the Punjab Provincial Muslim League?—I was.

7. I presume that in the elections held under those Reforms you certainly took some part and might be aware of the details of those elections. Can you tell the Conference how that system worked in the Punjab?—As general secretary of the Punjab Provincial Muslim League I had a great deal to do with all the three elections which took place under the Minto-Morley Reforms scheme until the introduction of the Chelmsford-Montagu scheme, and as a matter of fact the so-called joint electorate then introduced resulted in this that at every election while in the beginning four or five Hindu and four or five Mahomedan candidates were proposed and seconded, at the final stage of the actual elections in each constituency there was only one Hindu candidate against one Mahomedan, and the fight thus became a fight not between individuals but between communities, and furnished a periodical recurring cause of friction between the two communities.

8. Was the system found or accepted as satisfactory by the Muslims in the Punjab?—No; they continued to ask for the introduction of separate communal electorates in this province as well.

9. Were their demands in any form or shape accepted?—There was a meeting of the Congress and the Muslim League leaders at Lucknow in December, 1916, and with the full concurrence of the National Congress leaders, who were mainly our Hindu brethren, and the then leaders of the Muslim League, a scheme was evolved, as a result of which separate communal electorates were introduced both in Bengal and the Punjab as a result of mutual agreement, and this scheme was accepted by the Joint Select Committee of the two Houses of Parliament, in spite of the fact that the Government of India recommended that the Muslims in Bengal should be given 50 per cent. representation instead of 40 per cent. as agreed to in that pact.

10. I understand that in other provinces also this principle was accepted and had already been in force?—Yes.

11. Can you say if this principle was accepted by all parties at that time or whether it was accepted only by some and objections were raised by others?—I can give the Commission positive facts in support of the statement that, right until the end of 1922 and even later, no objection was raised against separate communal electorates by any responsible person or organisation. On the contrary, in the United Provinces, during the period of office of my friend Mr. Chintamani, one of the leading Hindu politicians in this country, separate communal electorates were extended, with the concurrence of the Hindu majority in that council, to municipalities and district boards. In 1922 Pandit Madan Mohan Malaviya started the All-India Hindu Mahasabha. The first anniversary of that Mahasabha took place at Gaya under the Presidency of Pandit Malaviya on 30th December, 1922. At that anniversary what are known as the *Shuddhi* and *Sangathan* movements were started, and nothing was said against communal electorates. On the 19th August, 1923, the All-India Hindu Sabha met again at Benares under the Presidency again of Pandit Madan Mohan Malaviya. Again stress was laid on the *Shuddhi* and *Sangathan* movements, but nothing was said even then against separate communal electorates. For the first time at Belgaum, at the annual meeting held on the 27th December, 1924, again under the presidency of Pandit Madan Mohan Malaviya, a voice was raised against separate communal electorates. That was the first occasion on which this new agitation was started.

12. *Chairman:* I am afraid I have not quite followed you. I am anxious to keep the dates right. I think you said that no objection to separate electorates was raised in any responsible quarter till 1922. Now you are going into details and it looks as though you are saying that no objection was raised to communal representation till 1924?—I divided this period. The first stage was the one ending with 1922. Until then the National Congress and the Muslim League were the two political bodies in India representing the political intelligentsia of the country. Towards the end of 1922 the All-India Hindu Mahasabha came into existence. Objection for the first time was raised in December, 1924.

13. *Chaudhri Zafrullah Khan:* Since then there has been, as you are aware, organised agitation against separate electorates?—Yes.

14. Do we understand that it started in 1924 and subsequently gathered force?—To the best of my recollection it started in the beginning of 1925 after the passing of those resolutions at the meeting I have already referred to, and, as far as I remember, this agitation in its acute form was started after Mr. Lajpat Rai's return from England and the publication in the *Times* of a letter by Lord Olivier attacking separate communal electorates. Mr. Lajpat Rai, on his return from England, resigned the vice-chairmanship of the Swaraj Party and joined the Hindu Mahasabha.

15. Can you give the Conference your own view as to the object which made them unloose the agitation against separate communal electorates?—As the spokesman of this deputation, bearing in mind the principle of joint responsibility, I am giving the views of the deputation or of the association that this deputation represents.

16. When I said "you," I must explain I meant you on behalf of the deputation?—Yes. We are of opinion that the *Shuddhi* and *Sangathan* movements, and the agitation against separate communal elec-

torates, are part and parcel of the same programme and the same policy.

17. And in your view the object is?—The object is to bring into existence in India an oligarchy rather than a really representative government.

18. Do you think that the replacement of the present system of separate communal electorates by joint electorates in this province would lead to better intercommunal relations than at present exist?—No. In our view joint electorates are certain to furnish periodically recurring cases of friction between the two communities, and, as true patriots and nationalists, we are on that ground, as well as on other grounds, opposed to it.

19. You, Sir Muhammad Shafi, explained to the Conference why you think that communal bitterness might be intensified. Why should there be worse communal feeling in a joint electorate?—Because in a separate communal electorate we have a Hindu candidate fighting another Hindu candidate at the election, and a Mahomedan candidate fighting another Mahomedan candidate. If any feeling of irritation is generated thereby it does not last long, and it is confined to the community itself, while in the case of joint electorates, bearing in mind the actually existing conditions in the country, the fight will be between the two communities and it will be a periodically recurring fight. Joint electorates, instead of helping the cause of Indian nationalism, will thus be in the highest degree detrimental to that cause.

20. *Sir Muhammad Shafi*, you must be aware that one of the systems which in some quarters has been suggested as a sort of compromise between the joint system of election and the separate electorates is the system which briefly is called the joint electorates with reservation of seats for particular communities. Do you not think that that might provide you with a suitable system?—In our opinion the introduction of joint electorates with reservation of seats will make matters still worse, and that for this reason. We are in intimate and close touch with the actually existing conditions and therefore we know that what will happen will be this: The majority of Mahomedans will support the Mahomedan candidate who really represents the Mahomedan community. The majority belonging to the opposite community will set up a dummy Mahomedan to oppose him and might, by casting the influence which the moneylenders and others exercise, succeed in securing a minority of Moslem votes in support of that dummy candidate. Similarly the Mahomedans will counter the efforts of the Hindus by setting up dummy Hindu candidates and supporting them by their own votes. The result will be that, instead of a dual contest, there will be a quadruple contest in circumstances which will give rise to results far worse than even the ordinary joint electorates. There will be another consequence, sir, if I may invite the attention of the Commission to it. Every effort will be made by each community to defeat the best candidate of the other community and to try and put nonentities in the council. They will succeed in many cases; they will not succeed in all, and the result will be that the legislative councils, as a result of this joint electorates and reservation of seats system, will become the laughing stock of the country and will grow, from the point of view of the good of the country, worse than even the legislative councils we have now.

21. You are aware of the enormous amount of rural indebtedness in this province? Do you think that this indebtedness plays a part in the result of elections?—Undoubtedly it does. My long experience and intimate knowledge of the conditions of this province leads me to the conclusion that it does, and all the members of this deputation are in entire agreement with me with regard to this statement.

22. Are you of opinion that separate electorates under the Montford scheme of reforms have fostered communal dissensions and communal disturbances?—Far from it. Mr. Chintamani, the Minister already referred to, in his statement before the Reforms Enquiry Committee, of which I was a member, in reply to my question, admitted that the introduction of separate electorates had fostered better understanding and mutual co-operation and goodwill between the two communities in the United Provinces, and that was the reason why he had been instrumental in extending separate electorates to district boards and municipalities.

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26. *Chaudhri Zafrullah Khan:* With regard to this Province, is it your view that separate electorates here have in any way fostered communal dissensions?—No, what has fostered communal bitterness and communal disunity are the *Shuddhi* and *Sangathan* movements on the one hand and the *Tanzim* and *Tabligh* on the other. Sir, this question of the responsibility for the existing Hindu-Moslem situation was discussed by me in an article in the June number of the *Indian Review* of last year, which, I believe, is referred to in this Memorandum.

27. *Chairman:* In any case it reached my hands 48 hours ago.—That is our analysis of the existing situation.

28. *Chaudhri Zafrullah Khan:* Can you say how many elections have been held from the university constituency since the Morley-Minto reforms?—I think six.

29. How many Mahomedan members have been returned and how many non-Mahomedans?—In five elections my Hindu brethren have been returned to the Council by the university and on one occasion Mr. (now Sir) Fazl-i-Husain was returned.

30. Was it before the introduction of the reforms or after?—That was before the introduction of the Chelmsford-Montagu reforms, when graduates were enfranchised. Before that only the Fellows of the university voted at the elections.

31. In the case of Sir Fazl-i-Husain, was there a contest, or was he elected unopposed?—I was Mr. Fazl-i-Husain's counsel at that election. There was a legal question involved. The Mussalmans put forward Mr. Fazl-i-Husain as their strongest candidate. My Hindu brethren thought that the candidate who was likely to defeat Mr. Fazl-i-Husain at the election, their best candidlate, was Raja Sir Harnam Singh, and he was proposed and seconded. I appeared before the returning officer as counsel for Mr. Fazl-i-Husain and took the objection that Raja Sir Harnam Singh, not being a British subject, could not stand for election. The result was that my objection prevailed and Raja Sir Harnam Singh was disqualified and Mr. Fazl-i-Husain was elected unopposed.

32. *Chaudhri Zafrullah Khan:* Are you aware that there are some Fellows of the university who are elected by the graduates?—Yes. Under what is known as Lord Curzon's University Act two members of the Senate are elected every year by the graduates of the university.

33. And their total number is eight?—Yes.

34. Since the introduction of that system has any Mahomedan ever been elected?—No, not a single Mahomedan has been elected ever since the passing of Lord Curzon's Act.

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36. *Chaudhri Zafrullah Khan:* From your vast experience as a lawyer in this Province perhaps you will be able to tell the Conference whether there is any statutory or customary rule of law which prevents a non-proprietor from obtaining a village site for building a house if the proprietor chooses to sell it?—There is nothing to prevent it.

37. Without going into details perhaps you will be able to tell us whether the present representation of the Muslims in this Province on local bodies, district boards and municipalities and town committees is according to the population strength?—So far as I have been able to collect statistics I can, in a few words, explain the position——

38. If you tell us whether it is below their strength or not, that will serve my purpose.—It is below their strength.

39. Now, so far as the Legislative Council is concerned, you accept the principle of universal adult franchise?—Yes. The League advocates that.

40. Now I want your opinion, as the leading Mahomedan in this Province, whether there will not be a considerable amount of reluctance on the part of Mahomedan women to go to the polling booth?—In my opinion, for the next 20 or 25 years at least only a very small minority of Mahomedan women will go to the poll.

41. Now perhaps you would inform the Conference whether in your opinion the Punjab Land Alienation Act was designed as an economic measure or as a class measure, and whether it has operated as a class measure or as an economic measure, and whether you consider its continuance is necessary in the interest of the Province or not?—I had something to do with the passing of the Punjab Land Alienation Act, and the genesis of that Act was that, during the period of the settlement alone, such a mass of lands had passed into the hands of the moneylenders that the result was dacoities and disturbances, and, from a political point of view, the position became so dangerous that Mr. Thorburn, who was the Commissioner of Rawalpindi, recommended to the Government that some measure of this kind should be passed in order to prevent the expropriation of the landowning class in the Punjab in this manner; for it was developing into a grave political danger, both for the Government and for the country. That was the genesis of the passing of this Act.

42. *Chairman:* May I interrupt you? The Conference and the Statutory Commission are not going into the detailed merits of such an Act at all, because I do not suppose that anybody suggests that we should go into details of any particular Act. Its relevance is merely as a piece of legislation, referred to by one side as illustrating the importance of making more effective some express statutory provision which they suggest would make it impossible for the legislature to pass any legislation which conferred rights or opportunities on members of one community when it did not confer them on another. It was referred to on the other side and by you at this moment as an illustration of what you think is the necessity for such legislation. But the only relevant point is this, whether or not you think that there ought to be any statutory provision, something that either permits or prevents it?—I think the circumstances here are such that there ought to be a statute to prevent expropriation of the landed classes in this Province.

43. That is, of course, in regard to the Punjab. But it was suggested this morning, in the view which was put forward by a very large number of Hindus in this Province, that in any future constitution of India such a piece of legislation ought to be rendered impossible; it would be *ultra vires*. But I gather your view to be you do not think that there ought to be such a restriction put upon the local legislature?—I fail to see entirely why it is *ultra vires*.

44. And nobody suggests it is. We are talking now of the possible changes in the constitution. It may be very difficult for the Imperial Parliament to devise a rule that such things should not be done?—I think Parliament ought not to lay down any such rule. May I in this connection mention one thing—I think the Commission is probably already aware of it—that the Punjab Land Alienation Act protects all the agricultural tribes alike, whether they be Sikh, Hindu, or Mahomedan.

45. *Raja Narendra Nath:* * * * On page 108 you propose to sub-divide the Hindu community into caste Hindus and non-caste Hindus?—I do not sub-divide the Hindu community into those two sections. My view of the Indian situation is this. There are the pre-Aryan aborigines of India, numbering somewhere over sixty millions. There are then the caste Hindus, and there are the Mahomedans, I do not sub-divide the Hindus themselves into those two sections.

46. Would you also include aborigines who have embraced Islam as a separate class?—If the pre-Aryan aborigines of India themselves, any one of them, or any section of them, say that they are part and parcel of the Hindu community having embraced the Hindu religion, I am willing that they should be included among the Hindus, but not otherwise.

47. Do they call themselves Hindus, and have they got Hindu names?—Names do not signify anything at all.

48. Would you allow that sort of classification to be made in respect of other religions whether Mahomedans or Christians?—I say that all those who profess the Mahomedan religion are members of the Mussalman community; all those who profess the Christian religion are Christians.

49. You want the census superintendent or the enumerator to make a philological inquiry with regard to the origin of a man?—It is not a matter of inquiry as my honourable friend has put it. Everybody knows who are the pre-Aryan aborigines of India and who are the Aryan Hindu invaders. It does not need any investigation.

50. With regard to separate electorates, Sir Muhammad. I would invite your attention to the deputation which waited on Lord Morley, and to the reasons which were advanced for claiming separate electorates. The principal reason suggested was that the Mahomedans were a minority community. Would you not discriminate between a province where the Mussalmans are in a minority and where they are in a majority in the population?—Whatever may have been the reason given by that particular deputation to Lord Minto, whether that be the only reason or was one of the main reasons for which Mussalmans claimed separate electorates, the foremost reasons for which I say that no change ought to be introduced in regard to separate communal electorates are two; firstly, I think that joint electorates will furnish a periodical recurring cause of friction and thus do an immense amount of harm to Indian nationalism; secondly, the only way to secure a thoroughly representative legislature in this country, as in the Kenya Colony, is through communal electorates and not otherwise.

51. Could you suggest any instance from the constitutions of the world in which separate electorates are retained at the request of a majority community? —I am afraid I have had no time to study it. I have seen the Constitutions all collected together by the Irish Parliament in one volume. I have seen all those, but I have had neither the time nor the leisure to study the history of the agitation in various countries in the world which resulted in one form or the other form of the electorates being adopted.

52. My question is this. The Constitutions which allow separate electorates are few. And do you know whether in the case of one such Constitution separate electorates had been retained at the request of the majority community? I have put it " from the Constitutions of the world," but, as a matter of fact, there are only about four or five instances in which separate electorates are allowed?—I know of no country in the world, in which modern parliamentary systems have been introduced, of which the political and social conditions are so complicated as those of India, and I think that really it is not a question of analogy of this country or that country. It is a question of deciding things for this country in view of the actually existing conditions.

53. In paragraph 6 of the Memorandum before me you have asked for representation of the Mussalman community on the Provincial Council on the basis of population. Do you do away altogether with the principle of weightage for minorities, and do you allow that principle to be carried out everywhere?—Personally, and I think the Memorandum also has given expression to that feeling, I am willing to concede to my Hindu countrymen in those provinces where they are in a small minority the same concessions as they would be willing to concede to my community in those provinces in which they in their turn are in an overwhelming majority.

54. In the United Provinces the weightage allowed to the Mussalman minority is this. There they form 14 per cent. of the population, and the representation allowed to them is 30 per cent. In the Assembly they are given a weightage of 33 per cent. How would you manage the representation of Mussalmans on the basis of population if you followed the same principle with regard to the Sikh minority in the provincial council?—The reply to that, if I may venture to say so, is simple. We consider that the distinction which of late has been drawn for political purposes between Sikhs and Hindus is non-existent. The Sikhs are a sub-section of the Hindu community. I know a number of cases in which the father is a Hindu, the elder son a Sikh, and the younger son a Hindu. The Sikhs and the Hindus inter-marry among themselves. Their *gotras* are the same, their castes are the same, and, as was held by their Lordships of the Privy Council in the well-known case of Sardar Dayal Singh's will, the Sikhs are Hindus and are bound by Hindu law. So that in reality this distinction is artificial and is intended, by means of appealing to certain sentiments, to render the 5 per cent. majority of the Mahomedans practically useless. We, Mahomedans are perfectly willing that our Hindu brethren give to our Sikh brethren as much representation as they like out of their 45 per cent. If our Sikh brethren are entitled only to 11 per cent., and the Hindus agree to give them 25 per cent., we have no objection so long as this excess comes out of the 45 per cent.

55. You say that this distinction has been made on political reasons. Who is responsible for those political reasons?—I am not concerned with whoever is responsible for this condition, nor, if I may venture to say so, do I think that it is a matter into which this Commission will enter. There is the actual state of things.

56. I mean to say that the difference between Hindus and Mahomedans and the separate electorates given to Mahomedans may be also due to political reasons, or perhaps they owe their origin to the same source?—The origin of those is the desire of the Mahomedans as true democrats to make the legislative councils of this country really representative of the people, so that all interests should be represented in the Legislative Council.

57. But the Sikhs also wanted separate electorates. When the Reforms were introduced, it was at their request that the Government introduced separate electorates. There was no collusion between Hindus and Sikhs?—Supposing the Shias were to insist upon separate electorates being conceded to them because in many respects the *Shias* and the *Sunnis* differ with each other, I do not know how my friend the Raja Sahib will look upon such a demand. Personally, I think the two cases are analogous.

58. But you would maintain the principle of weightage to minorities?—Where the minorities are such that without giving them effective representation their interests cannot be properly protected. I am willing to give that to my Hindu brethren where the Hindus, for instance, in the North-West Frontier Province and other places, are in a small minority.

59. *Chairman:* I think you said that in the North-West Frontier Province, taking that as an example, you would be prepared to see a Hindu minority given something more than its strict mathematical proportion. Is that so?—Yes, just as the Mahomedans in Madras, for instance, under the pact of 1916 have received a slightly larger representation than their proportion in the population entitled them to. I am, in fact, willing that my Hindu brethren in the North-West Frontier Province may have even larger representation than the Mahomedans in Madras.

60. I would like to know what your view is in reference to the undoubted fact that the Hindus are in a minority in this province?—But may I point out, sir, that in Bengal and the Punjab also the Mahomedan majority is only 5 per cent., and the Hindu minority is already an effective minority? I am only referring to provinces where the minorities are something like 10 or 15 per cent. of the entire population. There special measures of protection are needed, not in provinces where they constitute 45 per cent. of the population.

61. *Raja Narendra Nath:* With regard to public services I find that you advocate the representation of Mahomedans on the basis of population. Here, again, would you allow the rule of weightage to operate for minorities? Would you allow to minorities greater representation than their numerical strength justifies? That point has not been considered by the League, and, therefore, I am entitled to express my own personal opinion on that. I think that their proper proportion of the population is a fair basis. No weightage is necessary in that case.

62. In some provinces, in Assam and the United Provinces, for instance, although the population of Mahomedans is 14 per cent., the proportion of Mahomedans employed in public service is 47. Would you reduce that percentage?—If I may venture to say so, the premise will not lead to that conclusion. I was saying that the minimum proportion should be that. Of course, if by reason of qualifications and other considerations more persons are appointed, that is a different matter altogether.

63. You see that in the United Provinces and in the Central Provinces educationally the Mahomedans are on the same level with the Hindus both in English and in Oriental languages. And the reason is that a larger proportion of the Mahomedan population in both these provinces live in towns, and there are better facilities for education in towns. Would you impose any obstacles in the way of Mahomedans for service?—No.

64. You would not put any obstacles on the minority here in the Punjab for that reason, assuming that the two are identical?—Why? Mahomedans in the Punjab have made rapid advance in education. There are thoroughly well qualified Mahomedans for any post in Government service. That being so, without putting any obstacle in the way of any other community we claim that the Mahomedans ought to have their fair proportion.

65. Would you make appointments of Mahomedans purely on merit then?—I would lay down a standard of efficiency for a particular class of posts. Having laid down that standard of efficiency, I would consider the case of only those who fulfil the requisite condition, and out of those who fulfil the requisite condition, when actually appointing I would bear that proportion in mind.

66. Do you object to the principle that recruitment to the public service should be made by an independent board, two-thirds on pure merit and one-third to remove communal inequalities?—No. I have actually had a voice in that decision, and I approve of it.

67. And you have no objection to its application to provincial and subordinate services?—The case of provincial and subordinate services perhaps stands on a different footing.

68. What distinction would you draw?—The qualifications for what have hitherto been called the Imperial services and the considerations which must influence the minds of the authorities in making the appointment to these posts are somewhat different from those which one has to bear in mind in regard to the provincial and subordinate services.

69. What are those considerations?—It is quite unnecessary to enter into those now, and I think the matter is self-evident. The responsibilities involved and the qualifications and other considerations are quite different. For instance, they would be different from what they are for mere clerical and other posts.

70. *Mr. Owen Roberts:* You have said that you will be prepared to extend special considerations to small minorities. May I take it that you will be prepared to extend those considerations to Europeans?—Yes.

71. *Chairman:* Before we pass on I should just like to understand clearly one matter of historical fact. You began, Sir Muhammad, I thought, by laying

stress on this point, that the method of election was not used before the Morley-Minto Reforms? That is right, I suppose?—Yes, the general elections.

72. And that as soon as the method of election was adopted under the Morley-Minto Reforms, communal electorates were adopted?—Yes.

73. Is that correct as regards the Punjab?—I have already stated that Punjab was the only exception. The question in a general way was, when were communal electorates first introduced, and my reply was generally that they were introduced simultaneously with the introduction of the principle of election.

74. I only want to get the thing right in my mind. The correct statement of historical fact is this: that in the Punjab under the Morley-Minto scheme, that is to say, from the 1st of January, 1910, down to the Montford Reforms, there were no communal electorates at all?—That is true. Do you, Sir, when you put it so generally, refer only to the Punjab Provincial Legislative Council?

75. I mean, of course, the Punjab Legislative Council?—Yes, in certain of the local boards, for instance, communal electorates had been introduced long before that.

76. There were a certain number of nominated members and a certain number of experts and there were a certain number of elected members, elected, for example, by the Punjab Chamber of Commerce and various other bodies. So far as the elective members were concerned, they were elected by the district boards, and there were three of them. Now tell me if the district boards had a communally-elected element?—No; municipal boards had.

77. It follows, then, that there was not a single person under the Morley-Minto Reforms, so far as the Punjab Council was concerned, who was elected by a communal electorate?—No, there was not. I might mention that I myself was a member on all those three councils.

78. In some other provinces it would be equally untrue, would it not, to say that the whole system was based on communal electorates, but it would be correct to say that, for good reasons or for bad, there was added to the body a limited number of members that were elected by the Mahomedans of the province. For example, in Bombay there were four additional members elected by the Mahomedans of the province? —You will remember, if I may venture to say so, the question was merely this: when were communal electorates first introduced in India?

79. I am only anxious to get the facts. The fact seems to be that it would be untrue to say that in all the provinces the whole thing was based on communal electorates?—Mixed in parts and separate in others.

80. The separate parts were small, and in the case of Bombay only four members were elected by means of a communal electorate of some kind?—That is because they are in a minority.

81. I see the same thing, for example, in other provinces where the Mahomedans were in a minority, and I suppose that the real reason—I do not say it is an adequate one—the explanation why they did not do it in the Punjab was because when the scheme was drawn up they regarded the Punjab as a province in which the majority were Mahomedans. That must be the reason?—All I can say with reference to that observation is that if you will kindly refer to the speech delivered by His Excellency Lord Minto, in reply to the address presented to him by the All-India Mahomedan deputation on the 1st October, 1906, you will find in it the reason why separate communal electorates were conceded to the Mussalmans. You will find there what was in the mind of the framers with regard to each particular province.

82. What is stated is this: They point out that "in many cases electoral bodies as now constituted cannot be expected to return a Muslim candidate, and if by chance they do so it would only be at the sacrifice of such a candidate's views to those of the majority opposed to his own community." Therefore what strikes as one reads it, as a mere matter of history, is that Lord Minto might very well have thought that in a province where the majority was Muslim that proposition would not lead to a separate representation of Mahomedans?—With all deference I may say that the proposition as we understood it—I was also a member of that deputation at that time—was this, that any Mahomedan returned by a joint electorate cannot be said to be a real representative of the Mahomedan community.

Dr. Suhrawardy: I may say, sir, that in Bengal the Muslims form the majority of the population, and yet in Bengal, under the Minto-Morley Reforms, five seats were given to us in excess of our population. Lord Minto in his speech said to the following effect: The Muslims demand three things; first, communal representation; second, a few seats in excess of their numerical strength on the ground of their political and historical importance. The third demand was for the appointment of a Mahomedan Member to the Executive Council of the Viceroy along with the Hindu Member. The last he said he could not do. The word excess is very misleading, because as a matter of fact we have not got any excess, but, as you have pointed out, we had the joint electorate and the Muslim could offer himself for election by the joint electorate, though in practice, in Bombay, not a single Muslim was ever returned.

83. *Chairman:* It was a curious arrangement, but it is a thing which is only of historic importance. You have cleared my mind about a mere historical point. If the Commission has to write a report which includes an account of what happened under the Minto-Morley Reforms I must be quite sure that I understood correctly what it was, and you were speaking of the history?—Yes; but I submit that, in spite of all that is brought out now, the position remains as I stated in the beginning, that communal electorates as a system of election were first introduced in India along with the introduction of the system of election by the Minto-Morley Reforms.

84. It is plain. If you assume that there were no elections before 1909, and that the Morley-Minto scheme may be treated as the beginning of what I call the electoral period, it is true that from the very beginning this method of separate or communal electorate was to be found in India in all the provinces, except in the Punjab?—Yes.

85. *Dr. Narang:* On page 108 of your memorandum you say that the League represents the views and sentiments of the Muslims of India as a whole. Is it not a fact that there is another All-India Muslim League in the country and yours is only schism or an offshoot or a descent of that League?—I am afraid my friend Dr. Narang's question is based on an entire misapprehension of the real state of things. It is a well-known fact that the All-Indian Muslim League split upon the question of the boycott of this Commission and that question alone, and that because of that split the League is divided into two sections at present and probably will be so long as this Commission remains here. So far as the policy of the League, apart from the question of the boycott of the Commission, is concerned, there is no material difference, and before long the two Leagues will unite.

Chairman: We had already heard there were two bodies, and I do not suppose questions and answers will decide finally and definitely the exact amount of authority of either. At any rate, it is admitted we have a very important and representative deputation before us.

86. *Dr. Narang:* That is a different matter. With regard to another matter, you rely a great deal on your experience of elections, but, if I am not mistaken, you have never stood for election under the Reforms scheme?—To what scheme do you refer?

87. The Montford Scheme, either for the Assembly or the Legislative Council?—My friend knows very well (or he ought to, if he does not) that when the Montagu-Chelmsford Reforms were introduced I was a Member of the Viceroy's Executive Council and had no opportunity of standing for election.

88. I only wanted an answer, yes or no; that is all. Whatever the reasons may be, you have no personal

experience of elections?—I stood for election twice under the Morley-Minto Reforms.

89. On page 108, referring to the basis of the franchise, have you gone through the memorandum of the Ahmadiyya community (pp. 112-120), which is also represented, I understand, in this deputation?—It is represented; both sections are represented.

90. If you will turn to page 112 of that memorandum, I should like to read a passage to you:—" We are, however, of the opinion that this extension should for the present be restricted to those who are in one way or other a support to the Government." The memorandum goes on to say, " we would suggest that the franchise be extended to (*a*) every one who pays to the Government land revenue or income tax or any other tax, however small the sum may be." Do you agree with this view?—So far as the position of the League is concerned, the League agrees with anything any other body may have said in so far as that body's memorandum is in agreement with what the League has said in its memorandum: as regards the rest, I am not in a position to express any opinion. You can ask them about it.

91. I should like to ask you what your ideal of constitutional advance is. If you had the power today, what further instalment of constitutional reform would you give to this country? What is your ideal?—The ideal is one thing and what measure of reforms I would at this moment give to the country is something quite different. My friend should confine his question either to the one or to the other. So far as the latter portion of the question is concerned, this memorandum embodies what I am prepared to give to the country at this revision. As to the ideal, it is what the Government of India Act says—responsible government; in other words, Dominion Status is my ideal.

92. You have said that the Indian question is not a national but an international question. Is that consistent with the aspiration for Dominion Status for this country?—Entirely consistent; I see no inconsistency between the two. For, if my friend will bear it in mind, Canada is now having its own ambassadors everywhere, and is yet within the British Empire. India has already got the necessary International status by being a member of the League of Nations in her own right.

93. You advocate provincial autonomy?—Yes.

94. Not only for the Punjab, but I hope for every province?—Our views are not confined to the Punjab. We do not say, " If such-and-such a thing is not done or is done we will not have any advance in the Punjab "; we want advance all over India equally, because we are true democrats and nationalists.

95. Do you think that in any province which enjoys provincial autonomy (and there are at least 11 provinces in India) two nations can subsist side by side under one system of government. If your idea of internationalism in India is kept in view, what will be the position?—It is not two nations, but two communities inhabiting the same country. There is a difference between nations and communities.

96. You have called this question an international question, not an inter-communal question, have not you? You have used the word " international," not " inter-communal." Is not it a fact that you have called it international?—International in the sense that you have so many communities here to deal with, and not one community.

Dr. Narang: In the sense of inter-communal, then.

Chairman: What is the question?

97. *Dr. Narang:* The question is this. (To the witness.) You have referred to three meetings; one in 1922, presided over by Pandit Malaviya, in which you say joint electorates were not mentioned; then to one in 1923, again presided over by Pandit Malaviya, at Benares, in which joint electorates were not mentioned. May I ask whether the Hindu Sabha is predominantly a social body?—The Hindu Mahasabha is social and political, and also a body which protects the religious rights of the Hindus. It comprises all three aims.

98. Can you point to one political resolution bearing on joint or separate electorates or any other political question such as those now before the Conference at either of those two meetings?—If the Commission would like me to do so, to-morrow I will send in copies of the resolutions actually passed by the All-India Hindu Mahasabha bearing on constitutional reforms and other political matters. I read the proceedings year after year regularly.

99. *Chairman:* I think that would be a very useful thing.

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101. *Dr. Narang:* As for the Belgaum meeting held in September, 1924 (some four months after the last annual meeting of the Hindu Sabha), was not this a meeting held in connection with the Congress? The Congress was held at Belgaum?—It was a meeting of the All-India Hindu Mahasabha and not of the Congress, and therefore I cannot understand how it can be characterised as a meeting held in connection with the Congress.

102. Are you sure that your article in the *Indian Review* was not severely criticised in the Hindu press as containing some absolutely baseless statements?—Even the *Tribune* did not deny the facts I stated. The only criticism was that I did not refer to Sir Abdur Rahim's speech at Aligarh. They had to admit the facts, because the facts were undeniable—every one of them.

103. There was no criticism in any paper?—Yes, there was criticism.

104. All I wanted to know was whether your views were accepted by the Hindus as correct or not?—I can give you the article; I have it here.

105. *Dr. Narang:* On page 108 of your memorandum you say in paragraph 3 (c) " For the elections of the Provincial Legislatures, there should be universal adult suffrage." Why not also for the elections for the Legislative Assembly, if adult suffrage is your ideal?—Because we consider that the stage for that has not yet been reached.

106. But you think the stage for it for the councils has been reached?—Yes.

107. There is an essential difference between the Provincial Council and the Legislative Assembly?—Yes.

108. You say on page 109, " The League submits that this state of things is entirely opposed to all democratic principles and it urges the Commission to take this opportunity of redressing the grievous wrongs of the Muslims in these two provinces in these respects," and give the Muslims representation according to their population. Do you think it consistent with democracy that any community should demand separate electorates?—Yes, certainly.

109. You do?—Yes, because the basic principles of democracy are two: that the executive of a country should be responsible to its legislature, and that the legislature should be truly representative of the people. In order to make the legislatures in India truly representative of the people you must have communal electorates, otherwise your legislatures will not be truly representative of the people, and in the end the result will be the creation of an oligarchy which is entirely opposed to the principle of democracy.

110. You want democracy before the various elements of the people have been welded together to form one nation; does it not come to that?—They are welded together, and but for this present game of leader-*bazi* the present position would never have arisen; that is my sincere conviction.

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117. *Dr. Narang:* Only two questions more. You say the Central Government should not have residu-

ary powers, which should vest in the Provincial Government, and you want federation on the American model?—Yes.

118. Is it not a fact that before this federal system sprang up in America each American State was an independent sovereign body?—That is the reason why we want provincial autonomy to be introduced first, and then reform in the Central Government thereafter, so that each province may constitute a State before the central federation comes into existence.

119. You want to break the nation into pieces and then bring them together?—Not a bit. India is not a country, it is a continent; it is a continent as large as the whole of Europe minus Russia, and its population is greater than that of the whole of Europe minus Russia. In a country like India there can only be a federation and nothing else.

120. On page 111 you say that in All-India services you want one-third. Are you prepared to concede to the Hindus also that proportion where they are in a minority?—Yes, certainly; if their minority in a province amounts to 25 per cent., as does that of the Muslims in the whole of India, I am willing to concede them 33⅓ per cent.

121. In Assam the Mahomedans are 29 per cent.?—We ask that the Mahomedans, who constitute 25 per cent. of the population, should have 33 per cent. of representation in the services. I am willing to concede to my Hindu brethren 33 per cent. of the services in every province where they constitute 25 per cent. minority.

122. *Sardar Ujjal Singh*: Separate electorates in 1916 were set up for Mahomedans, backed up, I believe, by the Muslim League; is that a fact?—They were first set up in 1921. The elections were held in 1920, not 1916.

123. *Chairman:* I understand you are speaking of the Lucknow Pact?

Sardar Ujjal Singh: Exactly.—That was an agreement respecting all provinces, not setting up of separate electorates.

124. *Chairman:* You appear to be perfectly right, if I may say so, in saying that the Lucknow Pact was in 1916.

Witness: That is right.

125. *Sardar Ujjal Singh:* And that was a part of the bargain to bring the Mahomedans under the Congress fold?—Congress fold?

126. Yes.—It was an agreement between two independent bodies, one representing one community, the other representing another community, two independent bodies, quite separate from each other. Neither Congress came into the fold of the League, nor the League came into the fold of Congress.

127. The spirit of bargain was there; is not that correct?—Yes, compromise, not bargain.

128. Is it your opinion that the system of separate elections is a permanent feature of the Constitution, or can you ever imagine a time when separate electorates might be dispensed with?—I am afraid I am not a speculator, and I refuse to speculate as to what may happen many years ahead.

129. *Chairman:* If you will excuse me, I was interested in the same point as that put by Sardar Ujjal Singh. I quite agree that none of us can foresee the future, not even the wisest of us; but at the same time I have often seen the statement made that the Mahomedan community wish to retain the separate electorate on the ground that it will be necessary to keep it for a time until, as they hope, there is a change in the situation. And without, of course, in the least seeking to commit you to fixing a year, it would be useful, I think, to me and to the Commission to know whether you, with your great knowledge of the situation, think that your proposal is likely to be a temporary measure, or whether you think you see signs which would lead one to expect that what you now propose is likely to have to go on for a very long time?—The only way I can put it is this, that in the existing conditions I consider that the only way to secure representative legislatures in this country—and that is the primary consideration—is to maintain separate communal electorates. When the communities have learned to respect each other's legitimate rights, the time may come—I do not know when it will arrive, or how soon—when the experiment of joint electorates with reserved seats might be tried; and later on, if the nation is welded together, and from a political point of view all communal distinctions disappear, then possibly it might be——

130. Do not think I am in the least indicating any view, or even any bias.—I quite see that, sir.

131. I must be quite frank about my difficulties. You have just said, and I think, if I may say so, very wisely said that nobody could fix a date; but I see that you do hope that the time may come, and you define it as the time when the people of this country cease to attach any political importance to these communal distinctions. Do you think you will cultivate that spirit in this country by maintaining or by removing communal electorates?—By maintaining them.

132. You think if you maintain them long enough the political opinion of the country will attach no importance to them?—Yes, and, on the contrary, I hold as the result of my experience that if joint electorates were to be introduced, this ideal that we as sincere well-wishers of the country as looking forward to, and ought to look forward to, will be postponed, because joint electorates will accentuate the communal difficulties, and will provide periodical recurrent causes of friction, and therefore, will keep up communal irritation and friction.

133. I do not know that those reasons were given, but in order that I might not be supposed to have any sort of bias in the matter, let me add one other thing. I should have said that it was an extremely strong practical consideration that although the authors of the Montagu-Chelmsford report expressed, I think very forcibly, the arguments which appealed to them against communal representation, they none the less came to the conclusion that it was quite impossible to dispense with it, and I think it may be said again—no doubt it is a less striking fact, but it is an important fact, and one which you have every reason to know, and so has Sir Arthur Froom—that the Majority Report of the Muddiman Committee,* which deals with this same matter, again did not indicate any enthusiasm for the idea in the abstract, but none the less said that they regarded it as practically quite impossible to get rid of the system now. The reason I asked the question, therefore, was that I wondered whether you, with your very wide experience in this matter, visualised in some reasonably near future such a change in the situation as would lead us to hope that the change might some day be made?—I hope and pray that this era which is contemplated in the question may come as soon as possible—I hope and pray, but I see no prospect of that in the near future.

134. *Sardar Ujjal Singh:* You said that by joint electorates with a reservation of seats the danger is that nonentities will be returned—those were the words used by you. May I know what you meant by nonentities?—Dummies—political dummies.

135. Does it not mean that the man returned will not represent the views of one community, but the views of all the communities he will represent?—Well, I have myself seen in the Legislative Assembly, when I occupied a certain position there, men returned who slept all the time that the discussions were going on, and never took the slightest intelligent interest in the discussions, and then, when it came to division, they looked at certain individuals, to see which lobby these individuals went into. I mean men of that type.

136. *Chairman:* But there is communal representation, is there not, in the Central Legislature?—Yes.

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139. *Sardar Ujjal Singh:* Do you say that in constituencies where there is a joint electorate the man

* Reforms Enquiry Committee, 1925.

returned is a nonentity, and always will be a nonentity?—Perhaps my friend has forgotten my answer. I said no doubt, from some of the constituencies good men would be returned.

140. As for adult franchise, you accept it, probably, as a democratic principle—you suggested it for that reason, I believe?—I suppose the members of the League who constitute the Committee had those considerations in mind.

141. And I find that some members of your deputation are also members of the Punjab Unionist Party, too, and in their memorandum they have suggested not adult franchise, but lowering of the franchise to Rs. 10 for landowners and Rs. 25 for tenants?—I think the best thing would be, as I am not aware of all the circumstances, to put the question to my friends, who are here.

142. *Sardar Ujjal Singh:* What I mean is that adult franchise is not the view of all the members of the deputation?—(*Sir Muhammad Iqbal*): It is.

143. How far, in your opinion, does the educational advancement in the province prevent the extension of the franchise to universal suffrage?—(*Sir Muhammad Shafi*): A very large number of voters in the Punjab have already been exercising their right to vote in municipal and district board elections, and therefore they have had sufficient education, direct education so far as voting is concerned, and the strong commonsense of the virile races of the Punjab, even in the case of those who have not yet actually exercised the vote, I think, fits them for the possession of the vote.

144. I said educational advancement?—Education is not the only test for the exercise of vote. I know lots of people who manage vast estates, and yet they are, from an educational point of view, almost illiterate. That is nothing.

145. So that is not the test in your opinion?—No.

Captain Sikandar Hayat Khan: Not the only test.

146. *Sardar Ujjal Singh:* You say the distinction between the Hindus and the Sikhs is of recent origin?—The political distinction.

147. Have you never heard of the Sikh community as a distinct community before?—Oh, yes. So have I heard of the Arya Samaj community as a distinct community ever since it was founded.

148. Not as a distinct political constituency in Ranjit Singh's time?—I do not quite understand the question. I have heard of the Sikhs, certainly.

149. As apart from the Hindus?—As apart, no.

150. Would you call that a Sikh rule or a Hindu rule? I put a plain question to you. Would you call that a Sikh rule or a Hindu rule or a Mahomedan rule?—In essentials it was Hindu rule, although it was called a Sikh rule, because the sub-section of the Hindus who ruled over the province were denominated Sikhs—just as you hear of Mahratta rule, Rajput rule, and so on.

151. Do you know that at the Nagpur Congress also, Sikhs were admitted as a distinct community?—I am not concerned with what the Congress did or did not do.

152. I ask whether you know or not?—I think they might have done so, in so far as it has become convenient for political purposes to make this distinction.

153. *Captain Sikandar Hayat Khan:* You said you would be prepared to give away the majority; but would you say that is a danger of turning a majority into a minority?—No, I say it is a condition precedent that no majority should be reduced to a minority, and that is the true democratic principle.

154. One more question about the Lucknow Pact. Do you think the Lucknow Pact of 1916 was fair to Muslims as a whole?—It is a well-known fact that the Lucknow Pact of 1916 was protested against by a very large section of the Mahomedan community, and that there was then, as unfortunately now over the boycott of this Commission, a split in 1916 amongst the Mahomedans over that Pact.

155. *Raja Narendra Nath:* If the importance of Mahomedans for representation in councils and for representation in the services is to be considered in the light of the fact that they were rulers in the past, how much more important do you think it would be to assign places, with regard to representation in the services and in councils, to Christians who are the co-religionists of the present rulers?—Well, Sir, I personally am willing, and I think my friends of the deputation are willing and ready to attach due importance to all members of the British, Scottish and Irish races living in India.

Raja Narendra Nath: I am speaking of Indians.

156. *Chairman:* I think the question is with reference to the Indian Christian community?—I do not think Indian Christians rule over this country, or have ever ruled over it.

157. That was not the question; that was merely the introductory phrase used. The practical question is this, without any sort of introductory matter: Is it your view that the Indian Christian community in the Punjab is at the same time sufficiently important and sufficiently in a minority to require some special protection?—So far as the services are concerned—that was the question—I would willingly show every legitimate consideration to them.

158. *Raja Narendra Nath:* The fact of their being co-religionists—that is my question?—No.

159. *Raja Nawab Ali Khan:* In view of the opinion you have just expressed about joint electorates with reservation of seats, will you kindly tell us, in the district boards of your province how is it that I find out of 26 districts where you have joint electorates without reservation of seats, Muslims have secured seats much in excess of their voting strength?—So far as the district boards are concerned, the position is this, that in a number of district boards Mahomedans have secured much less than their due proportion of seats; in some they have secured more, but, on the whole, the number of members of district boards in the Punjab—Muslim members—is less than their proportion in the population.

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171. *Chairman:* There are two considerations with regard to what my friend has put to me which I ask him and the Commission to bear in mind. The election in these districts is on the basis of the Government formula, not on the basis of mere proportion of voters and so on; that is to say, a mean is struck between the voting strength and the population, and that makes a difference. Further (and, if my friend is not aware of it, I think he ought to be, for he himself occupies the position to which I am about to refer) these elections in these joint electorates (and this is my main objection to them) become matters of contest between communities and not only between the individuals concerned, with the result that the Mahomedan candidate is backed up by all the influential Mahomedan residents and the Hindu by the Hindus. Take Dera Ghazi Khan. The whole district is divided into so many *tumans* and the tumandars are Mahomedans. It is obvious, therefore, the political influence in that district will be on the side of the Mahomedans, and in consequence, the Mahomedans have there secured a larger number of seats than is their due on the voting basis. The result, which is perfectly natural, gives rise to heart-burning among the Hindus.

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172. *Raja Nawab Ali Khan:* You said that in your view the members returned by joint electorates were mere dummies?—Not all of them; I did not say all of them.

173. You have asked for representation according to the population basis in Bengal and the Punjab, but you want the retention of the Lucknow Pact as regards the other provinces. What is the principle on which you make this suggestion?—I am very willing to make the same concession in favour of my Hindu brethren in the North-West Frontier Province, Baluchistan and Sind. That is a mere matter of reciprocity.

174. For the Mohamedans you want proportional representation on a population basis?—Because their majority is only nominal—5 per cent.

175. That is for the Punjab and Bengal, but you want to stick to the Lucknow Pact for the other provinces?—Yes, because there the Mohamedans are in a very small minority. Where they form 10 per cent. or 15 per cent. of the population it is immaterial to our Hindu brethren if they have 15 per cent. instead of 10 per cent. and 20 per cent. instead of 15 per cent., but it would strengthen the minority to a certain extent.

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187. *Sir Hari Singh Gour:* You recognise, I take it, that so far as you are concerned your object is to safeguard the interests of your community, the Mohamedans?—My object is to bring into existence in India a truly representative government.

188. That is your object?—That is my object.

189. All else is subservient to that main object?—There are other things, but this is the main object.

190. If this main object is served, everything else is subservient to this main object?—I would not call it subservient, but additional. There may be other things which are of almost equal importance.

191. Tell me what else is of equal importance to the fact that you want to establish in this country a thoroughly representative institution. What else is of equal importance?—The prevention of the coming into existence of an oligarchy.

192. But then it would not be representative government?—That may be, but I consider that as of equal importance.

193. Also you wish, Nationalist as you are, to see India is nationalised as soon as possible?—Yes.

194. You are anxious about it?—I am.

195. Consequently you would be prepared to use such means as may bring about a speedy consolidation of the people of India?—Such means as would bring that about. Certainly.

196. If, therefore, during the transitional period we devise some means of safeguarding the interests of your community sufficiently, and, while seeing that the fundamental principle of representative institutions is not violated, bring about a progressive realisation of the nationalisation of the country, you would be in favour of it?—Yes, as a hypothetical proposition.

197. Have you considered all the various alternatives that may occur to one for the purpose of safeguarding the interests of minority communities, including your own?—It is possible some may have occurred to me, but I am not in a position to know what considerations may have occurred to other people.

198. May I give you one?—Yes.

199. You are naturally anxious that your representative should not be, as you have called it, a "dummy" of the Hindus?—Of the non-Mohamedans. Do not use the word Hindus : I do not like it.

200. Very well. Suppose your community elected three candidates for one seat, and then there was a joint electorate and one man was elected out of those three, would not that fear be eliminated?—Do you mean there should first of all be an election amongst the Mohamedans, and they should elect a panel of three, and then there should be another election?

201. A joint election; yes.—It would be much too cumbersome a machinery, and I do not know it would result in any real benefit at all.

202. Is that your suspicion or your considered opinion?—You have just put it to me and I have given you an opinion offhand. A considered opinion means having had time to consider it.

203. Before I put it to you this alternative had not presented itself to you for consideration; is that so?—Yes.

204. *Sardar Shivdev Singh Uberoi:* You have tried to show the Conference that the Sikhs form a sect of the Hindus, and that therefore the seats in the Council should be divided between the Mohamedans and the Hindus?—Yes.

205. You have also said that the principle of communal representation was introduced when the present reformed councils were started, and that before that it did not exist in the Punjab. Can you tell the Conference whether any member of the Sikh community, which you believe to be a sect of the Hindus, was ever elected to the Punjab Council before separate communal representation was allowed for the Sikhs? Can you say whether before that any Sikh was elected on the Punjab Council?—I am afraid I do not remember. If the lists were in front of me now I might be able to tell you.

206. Will you accept my statement that as far as I remember no Sikh was elected during that period?—I do not remember. I do recollect this, that Sardar Gajjan Singh, a Sikh, was my colleague on the Punjab Council, and there may have been others.

207. One Sikh was elected for the whole of the Punjab?—That may be, I forget now.

208. May I know your term of office as member of the Executive Council of the Governor-General?—From July, 1919, to 31st December, 1924.

209. Was that when the Government of India Act was under consideration?—No, the Government of India Act was passed in 1919. We received intimation of the Act having been passed in England shortly after—two or three months after—I joined the Government of India.

210. Do you know from Government records that the Punjab Government emphasised that they recommended a separate electorate for the Sikhs, who formed a separate community in the Punjab, and therefore deserved a separate electorate?—I have no recollection of that. That must have been before I joined the Government. All the despatches had been sent before I joined the Government of India.

211. Of course, there is no gainsaying that this principle has been adopted by the Government, and that it is being acted on. I do not wish to enter into an academic discussion as to whether Sikhs are Hindus or whether they are not, but two glaring facts I would like to get from your statement. You stated that *Sunnis* and *Shias* formed two different sects of Mohamedans, did you not?—Yes.

212. But that analogy does not apply to Sikhs and Hindus, because, as you know, the Sikhs have got their separate scriptures, while the Hindus have got their separate scriptures?—That is a matter of argument.

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215. *Dr. Suhrawardy:* Is it not a fact that the Mussalmans of the Punjab were given an amount of representation less than their numerical strength under the Lucknow Pact?—Yes, that is so.

216. What was the amount of representation given to them under the Montagu-Chelmsford Reforms?—Was it the same amount of representation as was agreed upon?—They did not even get that which the Lucknow Pact conceded to them.

217. As a matter of fact, in the Punjab council, as the result of elections from the special electorate, are you in the enjoyment of even the amount of representation which the Mussalmans of the Punjab thought they would get under the Reforms?—No, we are not.

218. A question was put to you about the historic and political importance of Mussalmans?—Yes.

219. In the Punjab you have got not even the amount of representation on your population strength, leave alone your historic and political importance and your war services during the Great War. Is not that a fact?—Yes, that is the fact.

220. Have you any objection to the Sikhs being given a number of seats in excess of their numerical strength on the ground of their political and historic importance and their services during the Great War if the Mussalmans are given the same consideration in the matter of representation on the strength of their population and their historic and political import-

ance?—I have no objection whatever to my Sikh brethren being given that concession, provided my 55 per cent. is in no way affected.

221. In other words, you are willing to give up that historic and political importance, and all those considerations, if you get only the amount of your population strength?—On a population basis, yes.

222. You have laid a good deal of stress on the adult franchise—that the League advocates adult franchise?—Yes.

223. Before I come to that, may I ask this: We have heard a lot about the Muslims being in the majority in the Punjab. Is it not the fact that Muslims form about 56 per cent. of the population in the Punjab, and that they are heavily in debt?—That is a fact.

224. In view of the fact that they are heavily shackled in the way of debt, is not your majority a mere illusory majority?—That is one of the unfortunate features of the situation, but we Mahomedans, being democrats and being sincere well-wishers of the country's constitutional advance, are willing to bear the consequences. We do not want to stand in the way of the country's advancement.

225. I do not want your reasons, and I am not in love with democracy or nationalism, because I am a humanitarian. I simply wanted to know this. In view of these facts, of the heavy indebtedness of the Punjab Muslims to non-Muslim moneylenders, is not your majority a mere illusory majority, and for all practical purposes, for purposes of election, they are as helpless as a minority?—There is that disadvantage.

226. *Sir Zulfiqar Ali Khan:* I should like to know whether you think that the present relations of bitterness and hatred between the communities is due to separate electorates being formed?—No, certainly not.

227. To what do you think it is due?—It is due, as I said, to *Shuddhi* and *Sangathan* on the one hand and *Tanzim* and *Tabligh* on the other.

228. You know that the Mahomedans here in this province form a very narrow majority. Can you tell me what are your fears with regard to this majority being reduced to a minority?—If joint electorates are introduced.

229. I want to know as you claim only five or six per cent. more than the other communities joined together, under what circumstances do you think this majority would be reduced to a minority?—If franchise is kept high the majority disappears.

Sir Zulfiqar Ali Khan: In the case of joint electorates what community will rule in the Punjab?

230. *Chairman:* It is rather an estimate, is it not?—I do not know how to answer that.

Chairman: I think, Sir Zulfiqar, that that is one of those questions which conveys all you wish to convey without it being answered.

231. *Sir Zulfiqar Ali Khan:* During the recent riots have the Sikhs remained neutral, or have they taken sides?—They have sided with the Hindus in almost every riot. I know that Sikhs and Hindus have been on one side and Mahomedans on the other in the Lahore riots, in the Rawalpindi riots, in all the Punjab riots Hindus and Sikhs have been on one side and Mahomedans on the other.

232. What is your notion about the Central Government being kept strong enough for the purpose of controlling any irregularities of majorities or minorities in the province?—In the existing conditions?

233. In the future conditions.—During the transitional period certainly Government ought to be kept strong enough, but when full responsible government is conceded, and we have provincial autonomy, the residuary powers should be vested in the provinces and the Central Government should have only such powers as are expressly given to them in the Constitution for the purpose of management of common affairs.

234. You know that in all the provinces of India there are majorities and minorities. You admit that fact, do you not?—Yes.

235. Then what do you think is the safeguard against the minorities being oppressed?—In my opinion, when the time arrives when India is fit for full self-government, it connotes that by that time this communal friction and these differences will have disappeared, and, in consequence, all these considerations will disappear.

236. This idea, I dare say, is your happy dream, but what I want to know is this——?—Then do not put to me this question—when full Dominion status is granted.

237. In the meantime I should like to know what will be the position of the minorities?—Meanwhile, during the transitional period, a strong central government is necessary—during the transitional period. I have said so already.

238. Could you please tell me if there are any untouchables amongst the Mahomedans?—What Mahomedans are untouchables?

239. Can you reply to my question, Sir Muhammad Iqbal?—(*Sir Muhammad Iqbal*): There is a class of people amongst the Muslims who are known as Musallis, but they have free access to mosques and everybody accepts food from their hands. To the Mahomedans both they and their votes are touchable, unlike the Hindus, to whom their votes are touchable, but themselves untouchable.

240. Could you tell me whether you would have *Kazis* appointed in the provinces for regulating Mahomedan family laws?—This is not mentioned in the Memorandum of the League, but the opinion of the Mussalmans of the Punjab, as far as I know, is that they demand *Kazis* in order to decide cases relating to Mahomedan family law.

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242. *Sir Zulfiqar Ali Khan:* Perhaps I may refresh your memory, because you were asked whether a Sikh was ever elected to the council before the days of communal representation. Do you remember if the late Sardar Partab Singh was elected a member of the Legislative Council?—Yes, and, after him, his brother, Sardar Daljib Singh, was elected from the Legislative Council to the Imperial Legislative Council.

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245. *Captain Sikandar Hayat Khan:* In the pre-Reform council you elected a member to the Imperial Council, as it was then called?—Yes.

246. Could you tell us if the Mahomedans voted for the Sikh nominee who was elected?—The voting was by ballot, so we do not know.

247. Was there a pact between the Sikhs and the Mahomedans at that time in that council?—As both were interested in safeguarding agricultural interest they followed the same policy.

248. With regard to separate representation, you would give separate representation also to the Christians and the depressed classes in the Punjab?—I think they ought to have it, yes.

249. *Chairman:* I should like to use the opportunity of your being here to gather together three or four important pronouncements on the main subject you have been helping us about. They are, of course, very familiar, but it is convenient to have them together. First of all let us take the Montagu-Chelmsford Report itself. In paragraph 231, after some passages in which the authors said that separate electorates were opposed to the teaching of history and that they perpetuated class divisions and tended to stereotype existing relations, they dealt with the case of the Mahomedans, and they said this: "At the same time we must face the hard facts. The Mahomedans were given special representation with separate electorates in 1909." That, as we saw earlier in the afternoon, really means that in a number of provinces, though not in the Punjab, there was the addition to the

Morley-Minto provincial councils of a limited number of members elected on a simple Mahomedan vote. Then they go on to say: "The Hindus' acquiescence is embodied in the present agreement between the political leaders of the two communities." That, no doubt, refers to the Lucknow Pact. "The Mahomedans regard these as settled facts, and any attempt to go back on them would rouse a storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular government. The Mahomedans regard separate representation and communal electorates as their only adequate safeguards." I want to ask you, Sir Muhammad, to tell me and the Conference (and specially the British Commissioners) in a sentence whether it is your view, with the experience that you have, and speaking in your representative character, that that remains true still, that the Mahomedans regard separate representation and communal electorates as their only adequate safeguards?—It does.

250. You think so?—Yes.

251. Then the authors of this Report go on to say: "Much as we regret the necessity, we are convinced that, so far as the Mahomedans at all events are concerned, the present system must be maintained until conditions alter, even at the price of slower progress towards the realisation of a common citizenship." I have asked you whether you could help me to some view or estimate of the probability of a change in the situation, and you have rather said you cannot speak of the future, though you hope for a change?—I hope.

252. Then comes this striking sentence: "But we can see no reason to set up communal representation for Mahomedans in any Province where they form a majority of the voters." You observe it does not say "where they form a majority of the population," but "where they form a majority of the voters." Then that being the view expressed in the Montagu-Chelmsford Report the next thing one likes to look at is the Southborough Committee's Report, again using you as a means of getting these things together. I have got here the Report of Lord Southborough's Committee, Volume I., Command Paper 141, 1919?—There were two Southborough Committees, one on electorates and one on subjects.

253. Quite. This is on electorates, and on page 7 of the Report comes the passage on communal representation. It contains a very important sentence. I think the Committee sat in the year 1919?—I was a member of the Subjects Committee.

254. I know, but what is important for the moment is this one.—They both sat simultaneously.

255. As a matter of fact, the Report was in 1919. Let us get the actual date. It is dated 22nd February, 1919?—Yes.

256. Sir Malcolm Hailey was a member?—Yes.

257. I see on page 7 what Lord Southborough's Committee says is this. They refer to the passage in the Montagu-Chelmsford Report which I have just summarised. "The Joint Report," they say, "recognised the necessity for the communal representation of Mahomedans in Provinces where they do not form a majority of the electors." Then they say this: "The evidence received by us and the opinions of local Governments concerned were almost unanimously in favour of this course. In all Provinces except Bengal and the Punjab Mahomedans are in a minority as regards both population and electorates. In Bengal and the Punjab, where Mahomedans form a majority of the population, our rough estimates show that they form a minority of electors," which they were anticipating in trying to make the calculation. Then this strikes me very much: "There was very general agreement in favour of communal representation for Mahomedans in those Provinces as well as in the rest of India, and the local Governments urged the same step." Then the authors of the Report say: "Both Hindus and Mahomedans are thus in substantial agreement that the latter should everywhere enjoy communal electorates."—Exactly. That is my position.

258. This was a document drawn up immediately after this Committee had been in the Punjab, and "Both Hindus and Mahomedans," they say, "are thus in substantial agreement that the latter should everywhere" (that is, in the Punjab, too) "enjoy communal electorates and," they go on, "we have no hesitation in recommending that effect should be given to this common desire."—Yes.

259. I am going to ask you a question about that; but it certainly would appear that the authors of this Report of Lord Southborough in 1919 were then under the clear impression, on the material before them, that not only Mahomedans but Hindus were in substantial agreement on the matter. That, I think, is the interesting point?—There is one thing I hope you will permit me to observe here. The late Mr. Gokhale, in a document which is known as his will and testament, recognised the right of the Mussalmans to special representation.

260. My friend Dr. Suhrawardy referred to it this morning?—Yes.

Dr. Suhrawardy: Yes, that was in 1919.

261. *Chairman:* Let us go a little further. The next thing which I think the Conference might well consider is this, that if we take the official book, page 14, we see that, whereas by way of population the Mahomedans are 55 per cent. of the Punjab, taking the present general electorates and the present franchise rules the Mahomedans are not a majority of the electorate?—They are not.

262. But, on the contrary, are 43.77 per cent?—That is so.

263. Does not that seem to show that Lord Southborough's Committee was at any rate right in this. They were right when they said that their estimate went to show that, though the Mahomedans were a majority in population, they would turn out to be a minority in the electorate?—That is quite right.

264. Then it seems to me at present to follow that, if that is so, it was not a departure from the Montagu-Chelmsford Report to provide for communal representation in the Punjab for the Mahomedans, but it was an application of the Report?—Exactly.

265. That seems to me to be the direct position in historical fact; I say nothing about whether it is right or wrong?—Exactly.

Major Attlee: Does that show that it is possible that, though they might be in a minority of voters in the whole Province, yet, owing to the formation of a constituency, they might be able to return a majority to the Punjab Legislative Council?

266. *Chairman:* I cannot find that either in the Montagu-Chelmsford Report or in the Southborough Report that aspect of the matter was brought out, but, as we had occasion to observe this morning, there is no doubt at all that the distribution of the Mahomedan population, and, indeed, of the Mahomedan electorate, in this Province is not uniform over the whole area, but, on the contrary, you get a very considerable preponderance, not merely of population, but of voters in what we may call the western parts?—Yes.

267. And, on the other hand, in some urban districts you get a very different situation; and that, of course, has to be borne in mind?—Yes.

Raja Narendra Nath: I have considered this point which Major Attlee is raising in my Memorandum.

Chairman: I recognise that you have; indeed, I have it in mind. It is a very interesting analysis. But it is a fact, as far as it goes. Of course, we are not deciding anything; we are trying to get the facts right.

268. One other thing. I have had worked out for me some figures which I think may be useful to the Conference and perhaps also to you. The Lucknow Pact—if you can call that sort of arrangement a pact; lawyers might argue whether or not it has any contractual force—or the Lucknow scheme arranged for the Punjab, provided that Mahomedans in the Punjab

should have one-half of the elected Indian members?—That is right. As a matter of fact, we have not got that.

269. I just want to see. Let us look at the figures as they in fact are to-day. If you take the general elected seats, by which I mean if you exclude the landowners' constituencies, exclude the university, industry, commerce—if you simply take the general electorate there are 64, and of those 64, 32 are Mahomedan. That is exactly 50 per cent.?—Yes.

270. The next thing is this. There are four landowner seats, and it is fair, I think, to say that of those four, two may be safely supposed to be Mahomedan, one by express definition and the other in practice, because it is Baluch Tumandars, and two others, one Hindu and one Sikh. So you now get the total of 64 turned to 68, but you get the 32 turned into 34, and it is still half?—That is right.

271. And the only sense in which it can be said to-day that the Mahomedan elected members are not half of the total elected members is this. There is a member elected for the university, where (except in one case when, owing to your astuteness, there was no contest) a Hindu in fact has always got in. There has been one occasion where there was not a contest; I do not care who the other candidate was, but it is one of my distinguished friend's forensic triumphs that he took the objection at the right moment, and therefore there was no contest. That is the one exception. The Industry Member in practice has turned out to be a Hindu; the Commerce Member—that is what Sir Hari Singh Gour was referring to—has been a Christian. That means that you are adding three members without adding anyone to the Mahomedan list, and that is really the state of the poll, is it not?—Yes.

272. There is one other thing which rather puzzles me. I know you do not mind my speaking quite frankly. I am a little puzzled by the statement that no serious challenge to this communal representation arose, as you think, till December, 1924. I will tell you why I am puzzled. I quite see the strength of the point that it was not prominent at the time of the Southborough Committee, because I have just read the passage; but, you see, the Muddiman Committee was appointed and made a report, and, as we all know, you were on the Muddiman Committee, and you yourself signed the majority report, and I see, when I look at paragraph 69 of the Muddiman Committee's Report, a very important passage on communal representation, beginning: "A question of much greater importance is undoubtedly that of communal representation." I miss a few words out. "We have received conflicting evidence on this question from the witnesses before us, which we consider it is unnecessary for us to summarise in full. On the one hand it is urged that the election of members on a communal basis is a very serious obstacle in the way of constitutional advance"—and so on. Then lower down on the page, in the same paragraph, "it must be admitted that, in principle, these provisions are open to constitutional objection, and most of us look upon them as an obstacle to political advance." You observe it says "most of us"?—I remember that.

273. "But we consider that the abolition of any communal electorates (and in this we include reserved seats) is quite impracticable at the present time." Now, it is obvious, is it not, that the Muddiman Committee evidently had this matter before them as a matter of contest and dispute?—Well, the reply to that, if I may respectfully say so, takes us back really only to three months earlier than December, 1924. We sat in Committee to take the evidence, as far as I remember, in August and September. Until then no resolution had been passed by any representative non-Muslim organisation taking any exception to this. No doubt among the witnesses who appeared before the Muddiman Committee, some had taken exception to this. But they were individual opinions expressed by those witnesses. On the other hand, I have pointed out that a Hindu representative of the position of Mr. Chintamani, who is the editor of *Leader*, has approved of it. So, it is really a matter of more or less three months. But if you feel inclined to think that exception was taken three months earlier

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274. *Chairman:* I am only trying to get at the fact merely because it is very important to see when this strong criticism emerged. You see the report of the Muddiman Committee was signed in December, 1924, and you yourself were one of the signatories to it. So I think it must have been rather before?—May-be three or four months before, say, in the summer of 1924. My point is simply this, that the objection against communal representation is a matter of comparatively recent origin and came to the surface after the foundation of the All-India Hindu Mahasabha in 1922.

275. *Chairman:* I wish to be entirely fair. We must remember that it may be urged, and urged with some force, that at the time when the objections began to be strongly taken, actual experience had been gained as to how the system worked, but when Lord Southborough was sitting or when the Montagu-Chelmsford Report was being drawn up, the full effects of working of the system were largely matters of surmise. That is an argument that will have to be met.

Witness: With all due deference, I might say that communal electorates had been in actual practice for a period of 12 years in many provinces in India when the Southborough Committee wrote their report.

Chairman: I do not attach so much importance to that now. I understand what you are referring to is that the Minto-Morley system, though on the whole it was not based on communal representation, made a small addition of Mahomedans by separate electorates in the case of certain provinces. So, for my own part, I do not attach so much importance to that as I should have done earlier in the afternoon before I heard you.

Dr. Narang: I have one explanation to make, sir. Why the idea of communal electorates came to the fore about 1924 or just about that time was this that if you would look at this official document "Communal Disorders," the first riot reported here is on 11th April, 1923. Then the story goes on as to the causes that led to the riot, how people joined hands and so on; and it is very likely that they thought that this was one of the reasons which went to swell it.

Chairman: I think it is very important to be clear, and we could not have a more authoritative evidence to help us about the history of this question than Mian Sahib's.

276. *Lord Burnham:* Sir Muhammad, may I put you one question on a different matter, but one of great importance, in which I should like to have your considered opinion. Do you think, from the Mahomedan point of view, that so far in the political arrangements of this Province dyarchy has worked smoothly and to the public advantage?—I think, taking the whole history of the working of dyarchy in all the Provinces of India, this is the one Province in which it has been more successful than in any other Province in India.

277. In Bombay also we had evidence to the same effect; but, of course, you are not speaking for Bombay Presidency, but only in regard to this Province?—Lord Burnham, you know that dyarchy was introduced in India on 1st January, 1921. Until 31st December, 1924, I was a member of the Government of India; so that for those years I had intimate and direct opportunities of studying the situation so far as the working of the Reforms scheme in all the Provinces was concerned. After that, on reversion to private life, as I take keen interest in public affairs, I have watched carefully the working of this system almost everywhere in India, and I can only express my own personal opinion, and that is that in my opinion dyarchy has been worked more successfully in the Punjab than in any other Province in India. Next to the Punjab, come Bombay and Madras, where this has been worked successfully.

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278. *Lord Strathcona:* In your document from the All-India Muslim League, Mian Sahib, you say, in paragraph 13, sub-section (*a*): "The League is, on the whole, of opinion that this experiment should now be scrapped and a unitary form of Government should be inaugurated in the Provinces." Does the expression "on the whole" indicate that some of your members consider that the time for the scrapping of dyarchy has not yet arisen, and, if so, is that body of opinion what you call an influential one?—No, I do not think it is. You see, Lord Strathcona, we were weighing the pros and cons; something is to be said for and something is to be said against.

279. *Chairman:* I think, Sir Muhammad, you wanted to say something at the end.

Witness: Yes, Sir. While expressing my gratitude to the Commission for the very patient hearing they have given us this afternoon, I wish to say, on behalf of the deputation, that we have heard with the deepest regret and pain that a certain deputation this morning stated that, if separate electorates are not abolished, they would rather not have any reforms in the Punjab. (*Sir Muhammad Iqbal:* In the whole of India.) Did they say in the Punjab or in the whole of India?

280. *Chairman:* The opinion expressed this morning by the spokesman of the deputation was that, unless certain conditions were fulfilled, the view of his party was that they would prefer no constitution advance.

Witness: Without any reference to the Punjab or India? Well then, we have received, if I may venture to say so with all deference to my learned friend, the statement which sounds to me like the statements sometimes made by children——

281. *Chairman:* Please do not criticise; if you want, you can express dissent.

Witness: What I wish to say is this: If we were not sincere well-wishers of constitutional advance in our country, we might have countered that statement by saying that if communal electorates are abolished we would rather that even Montford Reforms were taken away. But, being sincere well-wishers of the country, we want constitutional advance, and at the same time we insist upon the retention of separate electorates because we believe that that is the only way of bringing into existence in this country really representative government and to avoid the creation of an oligarchy.

282. *Chairman:* Mr. Muhammad Ali, I take it, is the spokesman of the deputation which represents the Ahmadiyya community. We have all got your memorandum, but would you like to say anything either in support of, or to draw a distinction from, what has been said by the rest of the deputation?—*Maulvi Muhammad Ali:* I agree in principle to what has been said, but I want to add this, that in the future constitution, religious freedom and the freedom of profession of faith as well as adoption should be included as an integral part of the scheme.

283. *Chairman:* You would like some provision made in the statutory constitutional structure to that effect?—Yes.

284. *Chaudhri Zafrullah Khan:* What do you mean by "religious adoption"?—Everybody should be free to declare to which ever religion he belongs.

285. *Chairman:* Does the other gentleman, Mr. Bashir Ahmad, wish to add anything?—(*Mr. Bashir Ahmad*): I would just like to say, Sir, that we are in favour of Dominion Status if the rights of the Mahomedans are protected.

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Memorandum on Sikh Representation submitted by the CHIEF KHALSA DIWAN, Amritsar.

This memorandum is submitted, on behalf of the Sikh community, in accordance with the invitation, issued by the Royal Indian Statutory Commission in their notification No. F-143/28, dated 8th March, 1928. It is not intended to be a complete review of the system of Government which at present prevails in this country, nor does it purport to deal with all the questions which fall within the scope of the enquiry on which the Commission are now engaged. It is proposed to set out in this memorandum the views of the Sikh community on such matters as particularly concern them or which are closely connected with such matters.

2. Before, however, dealing with these matters, it seems necessary to make a retrospective review of the treatment accorded to the Sikh community in the past. Without this, it is feared, the grievances of the community will not be fully appreciated, and the case of the community is likely to be seriously prejudiced. It is needless to say that the Sikhs are a virile, young community who have, in the past, cared more for shouldering the burdens and responsibilities of the Empire than for political agitation for reforms. They have been profusely spilling their blood in defence of their country against foreign aggression and internal turmoil, and fighting for the Empire in all quarters of the globe. It is not necessary to amplify upon this subject. The Sikhs have received a rude shock by having had to realise that, when time came for the extension of reforms in the administration of the country, those who talked loudest and manœuvred agitation could alone be listened to only if they could put up an appearance of a "United demand." It seems to be exactly in this latter spirit that the Lucknow Compact of the Congress and Muslim League was approached by the authors of the Montford Scheme of Reforms in the winter of 1917-18. It is not proposed to deal exhaustively here with all the efforts which the Sikh community put up to have their case considered on its merits, but it is necessary to state that in all stages of the enquiries, whether in India or finally in England, they were often met with the reply that the Congress League Compact of Lucknow stood in the way of the just recognition of their claims, in spite of the fact that the Sikhs were neither parties to it nor were they even consulted by those who were responsible for drawing it up. Copies of the memoranda, which were then submitted on behalf of the Sikh community, attached hereunto (annexures A, B, C and D),* would sufficiently explain the position which then existed. It is now a matter of some relief that both Hindus and Mahomedans, who were then responsible for such an inequitable division of power among themselves, purely on the basis of negotiation, as remarked in the Montford Report, have found the Compact faulty, and have now repudiated it, though from their different standpoints and for reasons of their own. Certain further schemes are now being drawn up, again by negotiation. In these schemes also Sikh interests are being ignored. It is therefore necessary to strike a note of warning at the outset against any such plausible schemes of division of power being now accepted unless these make due provision for all interests and parties.

3. Sikhs are a young community, with a strong dynamic force running through their nerves, which fortifies them to suffer and die for a just cause, but they are also of a most democratic frame. Of the three main communities inhabiting the Punjab they are the most literate and were its rulers before the advent of the British. They occupy the highest economic status in the Punjab, to whose revenues they contribute the most. They have the highest stake in the country, and cannot entertain the idea of having to live at the mercy of the two sister communities in the province. Their political and economic importance cannot be exaggerated. It is therefore necessary not only in the interests of the success of the scheme which the Parliament may eventually evolve for the governance of this country, but also for the harmonious development and advance of this country towards responsible government, that all these aspects are scrupulously kept in view when the scheme is prepared and matured.

4. When saying all this, the Sikhs do not wish to make any proposals in a spirit of narrowmindedness. They are fully aware of the essentials of a healthy national growth in the country. While anxious to maintain their individuality as a separate community, they are always ready to co-operate with their sister communities for the development of a united nation. They would therefore be the first to welcome a declaration that no considerations of caste or religion shall affect the matter of organisation of a national government in the country. They are prepared to stand on merit alone, provided they, in common with others, are permitted to grow, unhampered by any impediments, in the way of reservations for any other community. Some other communities, however, still seem to persist in one form or other for the recognition of religious factions in the constitution of the country, and, if their claims are recognised and creed forms an integral part of the basis of representation in the administration of the country, the Sikhs apprehend danger to their very existence, unless adequate safeguards are provided for them. The tyranny of majority is an expression not wholly unknown in the political history of the world, and when such majority is based on religion, the extent to which such tyranny might go is unlimited. A simple case may perhaps be quoted how that has taken place in the Punjab Legislative Council under the existing constitution.

5. The Mahomedan community forms majority of the population of this province, and Hindus and Sikhs are minorities, being only about 32 and 11 per cent. of the population. Although as a majority community, Mahomedans were not under the necessity of any safeguards for their protection, yet they succeeded, by clever manœuvring and in the absence of Sikhs, to secure for themselves separate electorates in the Punjab, with half the elected seats, amongst the Indian population, to be reserved for them, in the Lucknow Compact, which surprised even the authors of the Montford Report (page 105). In spite of strong protests against this proposal, more particularly on behalf of the Sikhs, whose existence was absolutely ignored in this Pact, and warnings addressed to the authorities against the creation of a standing religious majority, against not only each of the other two communities in the province, but even against a combination of both, this proportion was secured to the Mahomedans in the province under the constitution framed. The result has been most disastrous, not only to the natural growth of national feeling in the province, but in many other ways. Secure against any defeat by the other communities, or even against their combined strength, the Mahomedan minister, backed by his co-religionists in the Council and often by Government, which had to depend upon this Mahomedan majority for its own maintenance, trampled the cherished rights of the other communities under his feet. Even Government was defied at times by this majority, and was insolently told that its very existence could be made impossible by the Mahomedans, upon whose vote it had to rely so much for its continuance.

6. The passing of the Sikh Gurdwaras and Shrines Act of 1922 is a case in point. It is not intended to give a history of the struggle that the Sikhs had to make to rescue their holy places from the clutches of immoral and extravagant Mahants and priests. Despairing of all legal efforts that they had made for over half a century under the existing laws, the Sikhs

* Not printed.

organised themselves to assert the force of public opinion, and, opposed by the selfish priests and Mahants, they had even to suffer massacres, which opened the eyes of Government to the necessity for special legislation. The Mahomedan Minister of the Punjab Government happened to be in charge of the portfolio, and he whittled down all reasonable proposals for a healthy provision being made whenever such an attempt appeared to be nearing success. He brought out a Bill of his own to deal with the situation, which was, to say the least about it, a useless piece of legislation. It was unanimously opposed by the Sikhs whom it concerned. It was also opposed by the overwhelming majority of the Hindus. And yet the Mahomedan Minister was able to pass it in the Council, backed by his standing Mahomedan majority and the official block, and it was placed on the Statute Book as Act VI. of 1922. It is, however, interesting to add that the Act remained an absolutely dead letter till it was repealed, about three years later, by Act VIII. of 1925, though after considerable further sacrifices and sufferings which the Sikhs had to make and undergo. Another point worthy of note in this connection is the manner in which the Mahomedan Minister set up a curious formula by which different communities were given representation on Municipal Boards, and his formation of new constituencies for District Boards, by which the interests of his own community were furthered and those of the Sikhs were prejudiced.

7. So far as the Punjab Legislative Council is concerned, instances like this, though, perhaps, not so glaring, can be multiplied to prove the mischief of allowing a standing religious majority to trample upon the feelings and interests of the two minority communities. The argument is often advanced that a majority of population cannot be permitted to be reduced to a minority in the legislature, in any provinces and that as the Hindus, where they form a majority of the population in other provinces, are allowed to retain that majority in them, why should not the Mahomedans have the same majority here? The analogy, however, is not correct. In other provinces there are two important communiteis, Hindus and Mahomedans, to be considered; while in the Punjab we have three distinct communities. Hindus, Mahomedans and Sikhs, whose respective interests have to be safeguarded. The Mahomedans in the Punjab may be allowed a majority against each community, but in the interests of fair play they cannot claim a majority against any combination. Needless to add that it is against the fundamental principle of democracy to provide safeguards by a statute in favour of a majority community. It may also be pointed out that Hindus, in other provinces, such as Madras and Bombay Presidencies, where they form majority of the population, are themselves divided into two well-defined sections, Brahmins and non-Brahmins, differences between whom are as keen as between any other two entirely different religious communities. The tyranny of one majority community over another is thus minimised there. But such is not the case in the Punjab. The mischief of allowing a majority to a community over any combination of minority communities is too obvious to require further comment.

8. It has already been mentioned that the Sikhs, in spite of being the smallest of the three communities in the Punjab, are prepared to forego all communal representation if this can be knocked out of the constitution of the country. Mahomedans, depending upon their majority, should welcome such a proposal, but if they do not, it is but reasonable that the division of seats should be made in the province on other than numerical considerations, and the existing proportion of Sikh seats in the province should be considerably increased. It is subject to these reservations that the Sikhs beg to offer the following criticism regarding the present constitution and make their proposals about its future development. In making these proposals, it will be necessary to briefly refer to past experience, based so far as this Memorandum is concerned, on the working of the system in the Punjab.

9. It seems that in the Punjab it is somewhat difficult to say that dyarchy has either succeeded or failed. While heads of Government have generally been pleased, it is said, to hold joint meetings of both wings of Government, and while the responsibilities to administer the departments were distinct, the ministers have all along been controlled by the Finance Department, which was a reserved subject. The ministers, thus, could not act independently when they were hampered in their actions, not only by the moral influence exercised by the Head of Government, inspired often by the Secretariat, but also by the standing constitutional check of the Finance Member, who has also been a member of the Indian Civil Service, to which service and its cognate services the Secretaries have always belonged. It is also an open secret in the province that the ministers have not always had complete and loyal support from the heads of departments under them. Bureaucracy still holds the powers it had, and the Governor, as their head, is still as autocratic, if not more, as he used to be. Ministers have been unable, in spite of their earnestness, to carry out their schemes of development, partly for want of funds and partly on account of the unsympathetic attitude of the bureaucracy. In addition to these facts, another impediment in the efficient and impartial discharge of responsibility by the ministers in this province has been the communal bias. The constitution had, itself, recognised the principle of communal representation, and it appears that some ministers, at any rate, have considered that they could feel secure in their seats only if they could hold their own community at their back, and for this purpose they have had to take measures and initiate policies which were designed to placate their community alone. Such measures and policies have naturally evoked considerable resentment and consequent ill-will, which have very often prevented the full fruition of those measures. It is thus clear that the existing system has been inherently defective, and if the partially responsible Government, as the present administration under the Reform Scheme is called, has not hitherto led to the greatest happiness of the people, the fault lies mainly in the system itself, and not so much in the men who were selected to work it out. The ministers were not always selected on account of their capacity or popularity, but many other considerations seem to have prevailed in their appointment. Under these adverse circumstances, the surprise is not that the system has failed, but that it has worked at all and has achieved an amount of success. The experiment has, anyhow, proved that Indians have got the capacity to govern themselves, and would be able to work their country's salvation, if the impediments in their way were removed.

10. As regard the growth of parties, the existence of watertight communal compartments, both in the electorates and in the Council and Assembly has naturally prevented their formation and development in the proper sense, and the same cause has adversely influenced and, in fact, retarded the growth of public opinion in the province. Every one has had to consider the system in terms of communal gains and losses, and no one has had his vision taken beyond such limits. Subject to this, it is impossible to say that, in spite of the low level of education and the illiteracy of the masses, the electorates have not taken intelligent interest in the working of the constitution. They have formed reasonable opinions upon public matters of interest and have insisted upon their representatives to press their views in the councils. Education has advanced and people have begun to realise that the power of vote is not to be entirely thrown away. No doubt such votes have often gone on sectional considerations, but this is the fault of the constitution and not of the electors. The latter

have not had occasion to think otherwise. The Sikhs, therefore, while they welcome an extension of the system of responsible Government, feel that any extension that may be decided upon should be accompanied by the removal of circumscribing adverse conditions, and if these latter cannot be removed, they feel that no radical extension of the present system will be useful to the country. It would merely extend the area of mischief.

11. The first Reform that is needed in the body politic, therefore, is to remove the drawbacks of the present system by

(*a*) Removing communal representation altogether.

(*b*) Defining the Governor as a purely constitutional head, without any direct hand in the administration, except power of veto.

(*c*) Allowing the legislature full control over the finances; and

(*d*) Subordinating the executive and bureaucracy to the will of the legislature.

12. A scheme of communal reservation of seats with joint electorates has recently been put forward in the country and has been freely discussed to take the place of the present separate communal electorates. Although this is an improvement upon the present system, of which the evil effects will be removed, to some extent, it will afford no remedy for the ailments of the body politic, which have been described above. Should, however, this be decided upon, or the present system were allowed to continue, the Sikhs would earnestly pray for relief from the tyranny of the majority, by the amendment of the present constitution, so as to increase the proportion of Sikh seats in the Council, as well as in the Assembly and the Council of State and a similar representation in the administration of the country.

13. The case of the Sikh community has been stated fully in the communications and memoranda, which were presented to Government when the Montford Scheme was on the anvil both in India and in England, copies of which are hereunto attached.* The Sikh community desires that the Commission may be pleased to refer to the Records on this subject in the offices of the Government of India and the Secretary of State for India in Council, for, as mentioned in the Report of the Sikh Deputation that had been sent to England in 1920 (copy attached hereunto as annexure E),* the Sikhs believe that the justice of the claim of the Sikh community was acknowledged in England, but effect was not given to it mainly because of the iniquitous division of power as proposed in the Congress League Compact of Lucknow, to which Sikhs were no party. But for this injustice done to the claims of the Sikhs, the history of the relations between the Sikh community and Government might, perhaps have been different in many respects than it has been during the last eight years.

14. The Sikhs claim that the proportion of seats in the Punjab Legislature, as between the three main communities — Mahomedans, Hindus and Sikhs — should be 40, 30 and 30 per cent. respectively, and the same should be the proportion of their representation from the Punjab in the Central Legislature. This will give a clear majority to the majority community against each of the other communities, but not a standing tyrannous majority against a combination of the others. That the Mahomedans can apprehend no such combination against them in the Punjab will be evident from the fact that the Sikhs have hitherto thrown in their lot more often with Mohamedans than with Hindus, especially as their interests, as a rural and agricultural community, have coincided with those of the Mahomedans.

15. In Sind, Delhi, and in the North-West Frontier Province we have a fairly large Sikh population and of persons believing in the Sikh Gurus. We would request that the claims of Sikhs in Sind be specially recognised. Demand has, however, been made in certain quarters for the separation of Sind from the Bombay Presidency. We are not in favour of such a proposal. But if such a step is to be taken then Sikh claims for adequate representation in the newly formed Province should be fully recognised. In Delhi and the North-West Frontier Province similar representation should be conceded to the Sikhs in the new constitution that may be formulated for these Provinces.

16. Subject to the above reservations, under which no one single community can oppress members of another, the Sikhs would recommend a system of Federal Government being established in the country, under which each Province will have full independence in all internal affairs, but will be subject to the control of the Central Government in matters pertaining to the defence of the country and constitution against both foreign aggression and internal commotion, other than ordinary breaches of the peace. The foreign relations and the questions relating to tariff, external trade, and other cognate subjects, such as communications, post, telegraph, etc., must remain within the entire control of the Central Government.

17. No member of the permanent services of the country should ever be appointed as Governor, and Ministers should always be chosen so as to represent the various elements constituting the Legislature, and should exercise joint responsibility in all matters, subject to the vote of the Legislature. The heads of departments and secretaries to Government should under no circumstances be allowed to go to the Governor direct.

18. There should be a complete separation of the executive and judicial functions in the administration of the country. The judiciary should be entirely under the control of the High Courts.

19. Franchise should continue on the same basis as it is at present. Provision, however, should be made in the constitution itself for gradual extension of franchise with the spread of education and crystalisation of informed public opinion.

20. Under no circumstances should system of communal representation, whether through communal or joint electorates, be allowed to exist in local bodies, but minorities should have adequate representation on these bodies.

21. Governors in the Provinces and the Governor-General in the Central Government should have exactly the same position and powers as they possess in self-governing Domnions, like Canada, Australia and South Africa.

22. Crown, through the Governor-General and a Commander-in-Chief, as the case may be, must continue to control the Army, Navy and Air Force, as well as relations with foreign and Indian States, but all other subjects, both in the Provincial and Central Government, should be subject to the vote of the Legislature.

23. All constitutions, both Central and Provincial, should be bicameral, *i.e.*, there should be a Chamber of Senators where the Acts of the representative body should be subject to revision, and the constitution of such revisional chamber should be based on higher electoral qualifications, with the addition of a limited number of members appointed by nomination to represent classes and interests which might otherwise remain unrepresented.

24. Services should all be recruited through a Public Service Commission, set up in each Province, and one at the Central Government, and endeavour should be made to increase the representation of Indians to 75 per cent. of the total vacancies. The Public Service Commission shall, in each Province, see that all classes of the population are fairly represented in the services, but the criterion of appointment in all cases shall be merit and efficiency for the work expected to be done.

* Not printed.

LAHORE.

Dated 6th November, 1928.

MORNING.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Deputation from the CHIEF KHALSA DIWAN, Amritsar.

The Deputation consisted of:—

1. Sardar Bahadur Sir Sardar Sundar Singh Majithia, Kt., C.I.E., Amritsar.
2. Sardar Mohan Singh Ji, Rais and Landlord, Rawalpindi.
3. Sardar Teja Singh Ji, B.A., LL.B., Advocate, Rawalpindi.
4. Sardar Sant Singh Ji, B.A., LL.B., Advocate, Lyallpore.
5. Sardar Man Singh Ji, B.A., LL.B., Advocate, Lahore.
6. Lieut. Sardar Raghbir Singh, O.B.E., Sandhawalia, Raasassi.
7. Sardar Mangal Singh Man, Rais Kot Shera, Vice President.
8. Sardar Jodh Singh, M.A.
9. Capt. Lakka Singh.

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189. *Sardar Ujjal Singh:* Time is very short, and I hope you will give your replies as briefly as possible. It was said yesterday that the Sikhs were not a distinct community, but were part and parcel of the Hindus. Do you agree with this view?—(*Sardar Sundar Singh Majithia*): Sikhs have been a distinct community. From the times of the Gurus they have been a distinct community, and I cannot accept the statement from a rival community that we are not a distinct community; I cannot accept it at all. Facts are facts, and we have to recognise facts as such. We, as Sikhs, are interested in safeguarding the rights of the Sikh community, and it could not be expected that in doing so we should allow ourselves to be merged into A, B or C. I will not name them, but simply say A, B or C. With the communal outlook as we have got it here it is very difficult for our community to safeguard its interests. Religiously and socially we are a distinct community, and as such our interests are not identical with those of any other community at all.

190. Can you give me an instance (part from what you have already said) in the pre-Reform or post-Reform Councils where the Sikhs have sided with the Muslims as opposed to the Hindus?—If instances are required I can give you a number.

191. Yes, briefly?—Take the debates, for example, in 1922. On the resolution regarding the amalgamation of the North-West Frontier Province with the Punjab and the grant of Reforms in the North-West Frontier Province (Debates, Volume IV., page 195) they sided with the Mahomedans. On the resolution regarding holding summer sessions in Simla (Volume II., pages 355 and 356) they sided with the Mahomedans.

Chairman: That last illustration does not sound an important one!

Witness (*Sardar Sundar Singh Majithia*): Then in another question, about the emoluments of the zaildars and lambardars they sided with the Mahomedans. Another important question which was dealt with in my department was the resolution regarding schedules of occupiers' rates on the canals in the Punjab. There also they sided with the Mahomedans. These instances could be multiplied if you like, Sir.

192. *Sardar Ujjal Singh:* In the pre-Reform council?—In the pre-Reform councils. Perhaps I may not be disclosing anything which is not right, but I, as one of the representatives of the Punjab, was returned with the help of the Mahomedan members, and the idea used to be that once a Sikh should go and another time a Mahomedan should go. In fact, there was a great complaint on behalf of our Hindu friends that this was not right at all, as they had not a chance of being returned.

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193. *Sardar Ujjal Singh:* Can you tell me whether a party system on political lines can be evolved with the system of communal electorates?—I am afraid not. Under the present separate communal electorates no such party system can be evolved unless there is a change in the outlook.

194. You think the parties in the council are based on communal lines?—They have been in the past.

195. Supposing separate communal electorates are maintained, do you want them to be confined to the legislatures or would you extend them to local bodies?—I would certainly not extend them to the council, but I shall have objection to their extension to the local bodies. You mean making an experiment there as well?

196. You mean that you would confine them to the legislatures?—No, not at all. What I meant was that I would not extend separate electorates to local bodies.

197. Would you then make an experiment of the system of proportional representation in local bodies in place of separate electorates?—Perhaps that will be the best method. That experiment might be tried in the local bodies first, and if it proves successful there it might be extended later on.

198. Under a system of communal electorates would you have a chief Minister in the Council forming his own Ministry?—Well, as I have said before, if communalism were to remain you cannot possibly expect that a chief Minister would carry the confidence of all the members of the Legislative Council. At any rate, he will have to be supported by his own members, and there may be members representing the other communities in the Cabinet, so to speak, and they would be supported by their own members. If communal

feelings have to remain, naturally this would not work.

199. The demand has been made that separate electorates should be maintained, and that seats should be reserved for all communities on the population basis, even for a majority community. May I know your views on this point?—Well, it would lead to this, that the majority community would practically have the whole show. It gives the majority community the statutory right to govern the country independently of the wishes of the people as a whole. This could not possibly be done, I am afraid. Then the next point is, would the Sikhs like this? The Sikhs were the rulers of the Punjab and they fought with the British for their country. They did not give up the Punjab without a struggle. Do you expect that we shall like ourselves to be subordinated to another community to rule over us?

200. *Chaudhri Zafrullah Khan:* Would you like to rule?—Like to rule? All the communities should join together and rule. Unless they do join together they cannot rule.

201. *Sardar Ujjal Singh:* Would the rule of one community be communal raj or swaraj?—The answer is evident. I need not reply. That will be a peculiar sort of swaraj.

202. You have been in the Council for three years, I believe, Sardar Jodh Singh? Do you think the Sikh minority has been able to protect their interests? (*Sardar Jodh Singh*): I am afraid it has not been able to do so. I can give you some glaring instances. The dearest rights of the Indian people are the religious rights. In 1923 a Minister with the block of votes of his own community forced the Gurdwara Bill on the Sikhs in the teeth of their united opposition. The Bill was so much disliked by the community that it could not be brought into force even after its passage. Then another thing was done to reduce the importance of the Sikhs in the local bodies. You know perhaps that, compared to their numbers, their voting strength is very large; to reduce that voting strength a formula was invented, that on the local bodies the representation should be according to the mean of the voters and of the population. Separate electorates were not introduced, but orders were issued on behalf of the Ministry of Education to the effect that the constituency should be cooked in such a way as to produce that result, and the Sikhs suffered in consequence. These are the two glaring instances. If you want minor instances I can quote more.

203. You will be prepared to make a sacrifice if communal representation in any form is not given? But if it is to be kept alive in any shape or form you would have your representation weighted in excess of your number. What are your grounds for this weighting?—(*Sardar Sundar Singh Majithia*): First of all we do not want communal representation to be removed simply for the sake of show and to show a sort of unity which is really not there. But if it is possible to remove it throughout the country as a whole—I do not want to be understood by the use of the word "country" simply the Punjab, but I mean the country as a whole, India as a whole—then Sikhs would be prepared to sacrifice themselves for the sake of nationalism. But if this communal representation is concealed or exists in any peculiar way all round, and it is only shown to have been removed in the Punjab, very cleverly removed in the Punjab, I am afraid I cannot accept that. Nobody expects that would be kept out of the Punjab.

204. *Chairman:* I would like to be entirely clear about this. I understand you to say on behalf of your deputation that if the principal of communal representation is entirely removed from the constitutional structure of British India, in all its parts, then the Sikh community, so far as you are able to speak for it, would be prepared to abandon the separate Sikh electorate in the Punjab?—They will be prepared to sacrifice for the sake of nationalism.

205. That is to say, they will abandon the separate electorate. But, on the other hand, I understand you to say that unless there is a complete removal of communal representation everywhere the Sikhs are not prepared, as far as their own request goes, to abandon separate representation?—Yes, sir. That we have said.

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206. *Sardar Ujjal Singh:* You want representation in excess of your number?—You know in our representation we have provided 40 per cent. for the Mohamedans, 30 per cent. for the Hindus, and 30 per cent. for the Sikhs. My grounds are these. First of all we are only in the Punjab to any appreciable extent. Outside we are only a very small community, and as such we have everything, our hearths and homes and everything in the Punjab. So in this province we could not be expected to be placed in any position which will be detrimental to the interests of the community as a whole. In other provinces the other communities can bargain for the sake of majority in one or minority in the others, but we have not any such considerations outside the Punjab. That is the first reason. Then we have besides that very large gurdwaras with endowments attached to these gurdwaras which are not only existing in the Punjab. These gurdwaras exist outside the Punjab as well, even in some of the native states. For example, the last resting place of the 10th Guru is at Nander (Hyderabad, Deccan). Then we, as a military community, have fought the battles of the Empire and sacrificed for the upkeep of the Government. We have shed our blood not only on the frontiers of the Punjab, but even outside at great distances. In the last war in the frontiers of different countries where the war was raging. Then our military strength in the past has been nearly one-sixth of the whole army. As regards the revenue, we pay in the province, I believe, something like 40 per cent. of the total land revenue. The Hindus and Mahomedans are in the majority in some of the provinces. In some provinces the Hindus are in the majority and in some the Mahomedans are in the majority. In that way they can keep the balance of power in different places, but we, being simply in the Punjab, unless we are given special weightage for our representation, we cannot keep the influence of the community, or we cannot exert any real influence in the debates, or we cannot make ourselves properly felt. Then no minority community should be at the mercy of a majority community and no majority community should be in a position to tyrannise any minority community, and, against such contingency, there should be a combination which should be able to defeat that contingency should it arise. Coming to our services in the war, I think we have given nearly one out of every four men that went from the Punjab. And as regards the rewards we have won I think one-third of the rewards as a whole.

207. Do you think, Sardar Sahib, that one of the causes of this late agitation was the disappointment felt by the Sikh community on account of the inadequacy of representation given by Government?—Naturally. I think we were promised in the Joint Report of the Right Honourable Mr. Montagu and Lord Chelmsford that this community will be represented on the same basis as the Mahomedan community, but when the actual time came the promise made was not fulfilled.

208. You mean according to the calculation based on the representation given to the Mahomedans?—That average was whittled down.

209. Do I understand that the proportion of representation given to the Mussalman minorities in other provinces was far in excess of their number? Was it 30 per cent. proportion calculated on that basis?—I will give you the figures. Take the example of Bihar and Orissa. The Mahomedans in Bihar and Orissa are 10 per cent. of the population and they have been

given 27.5 per cent. in the compact, and I think the Government gave them 29 per cent.

210. Do you think that the constituencies in the Punjab are unmanageable?—They are; yes.

211. What measures would you suggest to decrease the size of the constituencies?—There are two things. I would suggest the increasing of the number of members in the council. The other thing is we can do away with urban and rural distinction. That distinction, I understand, is not seen anywhere except in Bengal, and perhaps this has been removed in Bengal also.

212. *Chairman:* What do you mean by removing the "urban and rural distinction," Sardar Sahib?—We have got rural constituencies and urban constituencies. I would certainly like that this distinction might be done away with.

213. But, of course, obviously the towns must have representation. You would not suggest that Lahore should have no representation?—They will come in. You can form a constituency.

214. I think what you mean, perhaps, is this, that you do not like towns up to 10,000 inhabitants being thrown into a rural constituency. Is that so?—Not exactly that. What I mean is that it introduces a sort of distinction. We have already got many distinctions.

215. You say then that there must be members of the legislature who represent great towns like Lahore. And there must be members of the legislature who represent districts like Lyallpur. What do you mean by saying that you want to get rid of the distinction between urban and rural?—We have got some special constituencies as well, and we can form other constituencies if need be and group them together.

Sardar Ujjal Singh: I think what he means is that different towns are grouped together, one town here and another town at a distance of 20, 30 or 40 miles. What he means to say is to do away with that distinction. If you take Lyallpur district, include Lyallpur town also in it and make two constituencies instead of one.

Witness: I will give you another example. Take the Sikh urban constituency. The whole of the Punjab is lumped together for this one seat. How can you expect a man to go about from place to place for long distances to canvass votes during elections?

216. What would you do in that particular case?—I would do away with the distinction between urban and rural constituencies.

217. Would you do that for all communities?—My idea is for all communities. I do away with all those distinctions. The less of these distinctions, the better.

218. Are you in favour of retaining the special constituencies, such as the universities constituency, industries, etc.?—Yes.

219. The landholders' constituency?—Yes, excepting one here which I myself have not been able to understand—the Tumandars' constituency with ten voters.

220. Do you want provinces to be set up as independent sovereign states?—You mean that all the residuary powers should be taken away from the Central Government and given to the provinces?

221. Exactly?—I am afraid I am not in favour of that.

222. Could you give the Conference some idea as to how diarchy has been working in the province? You were in the Government for some time, for five years, I believe?—

Chairman: I should like to make that point clear. When were you in office?—I was Executive Council Member, sir, from the 3rd of January, 1921, to the 2nd of January, 1926, that is, five years.

223. *Sardar Ujjal Singh:* Could you give the Conference some idea of the working of dyarchy?—I said that diarchy has worked fairly satisfactorily. But in some respects you cannot say it has worked all right. I should be committing myself too much, and may be divulging certain things, and so I should rather say nothing further.

224. How did you like the idea of departmental heads or secretaries approaching the Governor over the heads of Members like yourself, or the Ministers?—I did not like it at all.

225. *Chaudhri Zafrullah Khan:* Are we clear, Sardar Sahib, that that happened?—It always happened.

226. *Sardar Ujjal Singh:* Are you in favour of entrusting the question of recruitment to the services to an independent body like the Public Service Commission?—Yes; I think we have said that in our Memorandum.

227. *Chaudhri Zafrullah Khan:* Sardar Sahib, I should draw your attention to page 137, paragraph 16, of your Memorandum, which is signed by you, of course, and you must know the recommendations which have been made by you. You say: "Subject to the above reservations, under which no one single community can oppress members of another, the Sikhs would recommend a system of Federal Government being established in the country, under which each Province will have full independence in all internal affairs. * * *" Since when have you changed that view?—Of course, full independence in certain subjects, but not in all.

228. Am I to understand that in your answer with regard to residuary powers given to Sardar Ujjal Singh what you really meant was what is given in this paragraph? Do you want to amend it?—I think we have said something about residuary power when we considered the question in connection with the Nehru Committee's Report. I think we said that residuary powers should not be taken away from the Central Government.

229. Since you signed this Memorandum, your view has undergone a change?—Not a change. In some cases certain power should remain with the provincial Government, but there are certain other powers which should remain with the Central Government.

230. Does paragraph 16 continue to represent accurately your view on that point, or does it require modification?—It is subject to what I have said just now.

231. It is modified to that extent?—You take that interpretation in the wrong way. But from my point of view there are only certain powers which should be exercised by the Provincial Government, but the residuary powers should remain with the Central Government.

232. At page 135 of your Memorandum, in the last sentence of paragraph 5, you said: "Even Government was defied at times by this majority, and was insolently told that its very existence could be made impossible by the Mahomedans upon whose vote it had to rely so much for its continuance." Will you cite either some document or some declaration where that was said?—In the open council, one of the Mahomedan members said so.

233. Will you give me a reference? That is a very serious allegation?—I could not do it at the moment, but it could be given.

234. I will be very glad if you will. You say that Government was defied by this majority. Do you mean to say that the Mahomedans were in a majority?—You can see that from the number of Mahomedans.

235. I will put it in this way. Out of the elected and nominated members, apart from the official *bloc*, the Mahomedans were 36 out of 79, including nomination. Do you call that a majority?—As I said, with the communal bias which has been rampant throughout the Punjab Council, they were nothing else but a majority.

236. You call 36 out of 79 a majority?—You are lumping together the Hindus and the Sikhs. I do not take it in that way.

237. In order that a majority should have its own way it has to be an absolute majority. Other people combined together can defeat any *bloc* which is less than half. What is your meaning with regard to this

majority? I understand that, so far as absolute majority was concerned, the Mahomedans were in a minority?—I am doubtful if they were.

238. You think these figures are not correct?—I do not think that these figures are correct. But I say that when you lump together the Hindus and the Sikhs into one *bloc* and take the Mahomedans separately, they are in a minority.

239. Can you tell me as to whether during the latter part of the second council there was no Mahomedan Minister?—I cannot give you any reply to that because I was not in the council.

240. But do you know as a matter of fact, as an outsider, after you had resigned?—You might put that question to my friend Sardar Jodh Singh, who was in the council.

Sardar Jodh Singh (*witness*): Yes, I could inform the Conference about that and give the reasons for that also.

241. I am not asking reasons. I am merely eliciting facts?—(*Sardar Jodh Singh*): The fact is known to everybody that there was no Mahomedan.

242. During that short time did the Mahomedan *bloc* support the non-Mahomedan ministers?—(*Sardar Jodh Singh*): The Mahomedan *bloc* tried its best not to support, but the Hindus and Sikhs joined together and because Government wanted to keep that Ministry in power with the help of the official *bloc* it remained in power in spite of the Mahomedans.

243. Can you refer to any important divisions (one or two will do) in which the non-Mahomedan ministers were opposed by the Mahomedan *bloc* during that period?—(*Sardar Jodh Singh*): I told you that the Mahomedans did not have that combination. To begin with, the circumstances were these, that the Sikhs were under the influence of the Akali agitation, and they did not support the Government, and the Hindus had among them some Congress members who were pledged to non-co-operation. So those who wanted to co-operate with the Sikh and the Hindu *bloc* were in a minority. Hence the Mahomedans were the only party who supported the Government as a *bloc*. But after the Gurdwara Bill the situation changed. The Sikhs also began to support the Government on occasions, and the official *bloc* had the majority. Therefore the Mahomedans did raise that question once or twice. When Sardar Jogendra Singh was appointed Minister they attacked his Excise policy, but to their surprise they found that the Sikhs, on whose help they counted, would not support them, and they failed. There is one thing more. Chaudhri Chhotu Ram had the support of the Mahomedans. He had no support of the Hindu *bloc*. The Mahomedans supported him on principle because that *bloc* contained the majority of Mahomedans.

244. Sardar Sahib, to resume the questions addressed to you, under the principle which you have postulated, that in no legislative council should one community have a majority as against all others combined, how would you distribute the seats in the Legislative Council of this province where there is only one minority and one majority? Would you turn the majority into a minority and a minority into a majority?—(*Sardar Sundar Singh Majithia*): It is not possible

245. What would you do in these councils?—A question like that does not arise in other councils like the Punjab.

246. So that it is only in the Punjab that you would follow that principle and not in any other province?—Because we have got three important communities here. Take the case of Madras * * *

247. The Mahomedans are, of course, only one party?—The remedy is with the Mahomedan community.

248. I am not asking about the remedy.—In the balance of power they have got the remedy. In some provinces they have a majority.

249. In Madras, you know, again there are three communities—the Indian Christians, the Mahomedans and the Hindus. Would you in Madras give to the Indian Christians and the Mahomedans combined 51 per cent. of the seats in the council?—Do you not count in Madras the non-Brahmins, who are an important community?

250. They are Hindus.—All the same, there is an important division among the Hindus, the Brahmins and the non-Brahmins. You shall have to count them. You cannot possibly avoid counting them.

251. And what would be your situation?—There the Mahomedans, the depressed classes and all others could combine and form a majority.

252. In the United Provinces?—In the United Provinces it is practically the same thing. You have got about 40 per cent., if I am not mistaken.

253. The next question I would like to ask you is this: You say in your Memorandum at page 137, at the end of paragraph 14: "That the Mahomedans can apprehend no such combination against them in the Punjab will be evident from the fact that the Sikhs have hitherto thrown their lot more often with Mahomedans than with Hindus, especially as their interests, as a rural and agricultural community, have coincided with those of the Mahomedans." Would not that show that you have less to fear from the Mahomedans with whom your interests coincide than from the Hindus with whom your interests do not coincide?—What about the special Gurdwara Bill which was forced upon us?

254. If you give me an answer I will tell you that.—A thing might happen like that in certain cases. In the important case that I have suggested here the Sikhs sided with the Mahomedans, but in other cases it may be quite the reverse. Take the case of the Gurdwara Bill. There, of course, the Hindus and the Sikhs made a stand against the official and Mahomedan majority. In spite of that, they were defeated and the Gurdwara Bill was passed.

255. But ordinarily you think your interests will coincide with those of the Mahomedans?—The interests are different. In rural interests we may go with Mahomedans, but there may be other interests as well.

256. I should draw your attention to paragraph 19 of your Memorandum at page 137. You say that the franchise should continue on the same basis as at present?—Yes.

257. You recommend no extension of the franchise?—No; already it is low.

258. The voting strength of the Sikhs, as compared with their population, is very high and should be reduced?—Is that a reason why it should be reduced? It is not a reason at all.

259. Which do you think, universal franchise or a much lower franchise?—What I feel is that at present the people are not taking as much interest in the elections as they should.

260. You are aware that in the elections to the Gurdwara Prabhandak Committee there is universal suffrage for the Sikh community?—(*Sardar Jodh Singh*): Universal suffrage has been given to the Sikhs under the Gurdwara Act, but the result is that in spite of the fact that there were two rival parties engaged in a very keen contest in the last election with an Akali agitation, in spite of the fact that the agitation was there for the last 40 years, and in spite of the fact that the issues were made as live as possible and the franchise simple, it is found that the polling of the votes was only 14 per cent. This shows that when they take so much interest in an issue, even when universal suffrage is not appreciated by the people, and in this case the issue was religious, which every Sikh understands; but to understand complicated political issues it requires a higher standard of education, and we think that that standard has not been reached yet.

261. So that the point, I understand, is this: that for the political education of the people you would seek to exclude the majority of the people from the

franchise, waiting for the general advance in education of the people?—Nothing like that. What I feel is that in the Punjab, if the cream of the society and the best educated cannot yet understand that it is digging at the root of nationalism, and hence at the root of democracy, to insist on special electorates and along with them a fixed majority by law and that majority a communal one, I cannot be very optimistic of the general outlook of the general masses, and hence I say that until the educated people who are leading the masses have got the right spirit, I do not think there is any use of this pumping of communal virus into the masses who are now living peacefully.

262. I wish to draw your attention to paragraph 20 of your Memorandum on page 137. You say: "Under no circumstances should system of communal representation, whether through communal or joint electorates, be allowed to exist in local bodies, but minorities should have adequate representation on these bodies." How would you achieve that?—*Sardar Sundar Singh Majithia*): By proportional representation by single voting system.

263. You are aware that the franchise in the local bodies is much lower than in the legislatures?—Yes.

264. Do you think that these people with a much lower franchise would be able to understand the working of the proportional representation by single transferable vote?—Not transferable vote, but proportional representation by single voting.

265. You put forward the proposition that persons with a much lower qualification than is required for the Legislative Council would be able to properly appreciate the working of the proportional system of single voting, but the same people are not at present fit to exercise the ordinary franchise for the Council?—They are two separate things. The area in the one case is not the same as in the other, and the problems are not the same.

266. Will you explain what you mean by proportional system by single vote? (*Sardar Jodh Singh*): There are books on the subject, and there is no use of my wasting the time of the Conference on it now.

267. I wish to draw your attention to paragraph 22. You say: "All other subjects, both in the Provincial and Central Governments should be subject to the vote of the Legislature." Do I understand that whatever the division of the subjects may be, they should all be transferred in the provincial legislature? That is your meaning?—(*Sardar Sundar Singh Majithia*): Yes.

268. You recommend a second chamber in the provinces?—(*Sardar Sundar Singh Majithia*): Yes. But if that is going to be very costly, we may not press for it.

269. That is an important qualification. Then towards the end of your Memorandum you suggest that the "Public Service Commission shall, in each province, see that all classes of the population are fairly represented in the services, but the criterion of appointment in all cases shall be merit and efficiency for the work expected to be done." Do you recommend that there should be a certain minimum qualification, and provided that is possessed by the candidates the Public Service Commission shall proceed to make the appointments with regard to communal considerations?—Yes.

270. One of the considerations put forward—I do not want to go into that at any great detail now—one of the considerations put forward by you to which you say special importance should be attached with regard to the Sikh claim, is that the Sikhs were the rulers of the Punjab immediately before the British. Now, would you give special representation on those lines to the British element in the Punjab as soon as you get responsible self-government, on the ground that they have also been and still are the rulers of the country?—I have no objection if you want it and if you think it will work better.

271. *Rai Sahib Chaudhri Chhotu Ram:* Can you give any instances, besides the case of the Gurdwara Act, which came up for discussion before the Punjab Legislative Council in which religious interests of the Sikhs were concerned?—I do not know if I can give you any such instances without hunting up the records.

272. You cannot recall any instances from memory at present?—There was the Kirpan question and the release of the Gurdwara prisoners.

273. You have stated that the Sikhs have thrown in their lot with the Mohamedans more often than with Hindus. Is this not due to the fact that most of the questions that come up for discussion before the Council are of a secular and economic nature, and so far as secular and economic interests are concerned the Sikhs have the same interests as the Mahomedans, generally speaking?—Not always.

274. But generally speaking?—The reply is already there. How can you make a differentiation and draw a line. You cannot do so. I do not know what will happen in the future.

275. There is no question of the future. What is the reason which has accounted for the Sikhs making common cause with the Mohamedans more often than with the Hindus in the past?—Do you think the Sikhs are so devoid of sense as not to know how to protect their interests and which way their interests lie?

276. Do you mean to say that their interests have coincided more often with those of the Mahomedans than those of the Hindus?—Not very often. It may happen at any time. It has happened like that in the instances I have given.

277. Are not the Sikhs essentially and pre-eminently an agricultural community?—Mostly they are.

278. And so are Mahomedans?—Yes.

279. Therefore, so far as the agricultural interests are concerned, they are in the same boat?—They have been like that, there is no doubt about that.

280. You have stated that the present distinction between the rural and urban constituencies should be abolished in order that the size of the constituencies might be decreased?—Yes, so that they might become manageable.

281. It comes to the same thing. Do you think that that represents the view of the rural Sikhs?—Do you think that the rural Sikhs would not get their representation?

282. That is not the question.—The rural population amongst the Sikhs is there no doubt, and when these constituencies are formed they would have their representation.

283. You cannot say that the rural Sikhs would dislike these constituencies being removed?—These are the instructions.

284. Instructions by whom?—From the Diwan, which is a representative body of the Sikhs.

285. Will you kindly tell me whether it is the Central League which represents the Sikhs better or the Chief Khalsa Diwan?—I cannot give a reply to that. The Central Sikh League has also put forward the same demands that we are putting forward.

286. In respect of the abolition of this distinction?—Yes.

287. They have not made any representations whatsoever?—Not to you.

288. You said that, very soon after Sardar Jogendra Singh had been appointed Minister for Agriculture, the Mahomedan members brought a motion in order to censure him on the question of excise policy. Do you remember whether those Mahomedan members made it quite plain in their speeches that they did not mean that motion to be a censure motion on the Minister at all, but that they simply wanted to discuss the policy?—(*Sardar Jodh Singh*): They did that when they knew they could not censure.

289. When did they come to know of it?—In the lobby discussions the whole thing was plain to them.

290. Was not the very first speech on the motion indicative of the fact that the motion was not meant to be a censure motion against the Minister?—The

honourable member knows that lobby discussions take place long before the resolutions are moved and before the speeches are made.

291. *Raja Narendra Nath:* The Sikhs are, I presume, one consolidated, well-organised body? They are not divided into different castes?—(*Sardar Sunder Singh Majithia*): We do not believe in castes.

292. *Dr. Narang:* The Central Sikh League is also represented on this deputation by Sardar Sant Singh, who is a member of that body?—Yes.

293. And he is present here?—Yes.

Sardar Sant Singh: I do not come here on behalf of that body.

294. *Dr. Narang:* It has been stated in the Conference that the Mahomedans will have no objection if the Sikhs wanted weightage, and they may take it from the share of the Hindus. You say, on page 135, that you want to get rid of the tyranny of religious majority. Will that tyranny of religious majority be removed by a partition *inter se* between the Hindus and the Sikhs?—(*Sardar Sunder Singh Majithia*): No.

295. It is also stated that joint electorates, if introduced in this Province, will lead to fights, riots, bloodshed and the dissolution of the whole system of this Province. Do you agree with this view?—That has been the case even in provinces where there is separate electorate.

296. You think the joint electorates will contribute to smooth working?—At any rate we can have a trial in the local bodies and if it succeeds there we can extend it later on.

297. I want to put one question, on which a great deal of emphasis has been laid. I just want to know from you, Sardar Jodh Singh, what is the effective majority in the Punjab Legislative Council. Is it the Muslim representation or any other combination, in spite of their being in the majority in point of numbers?—(*Sardar Jodh Singh*): They are the most united single block numerically. Hence, whichever side they cast their votes that side wins.

298. So they are in an effective majority?—Yes.

299. The Hindus are divided into groups?—Yes, the Congress men and the non-Congress men.

300. And also the Rohtakwalas?—Yes.

301. So there are three distinct groups of Hindus?—Yes.

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304. *Captain Sikandar Hayat Khan:* Do you include Ramgarhia and Ramdasi Sikhs as Sikhs?—(*Sardar Sunder Singh Majithia*): Yes, we do.

305. *Sardar Shivdev Singh Uberoi:* Much of the ground has been covered by the questions put by my friends opposite. I would like you to say something—and I think the members of the Conference would like to know—of the representative character of the Chief Khalsa Diwan, how the Memorandum which is submitted was prepared and so on?—We called a representative meeting of the Sikhs from the different parts of the province and they met together on the 27th of May and discussed the draft Memorandum in that meeting and passed it.

306. So it is the general demand of the Sikh community that is embodied in this Memorandum?—Yes. It has support of the Sikhs Association and also the support of the Sikh League as well.

307. *Sardar Shivdev Singh:* I think it would be interesting for the members of the Commission to know the Diwan's position, when it was constituted and what interest it has been taking in the political and educational advancement of this province.

Chairman: I should like to know.

Witness: The Chief Khalsa Diwan, which is a registered body under Act 21 of 1869, was established in 1902. It has nearly 100 associations (Singh Sabhas) attached to it which are scattered over in different parts of the country. The Diwan has an educational committee of its own to which the majority of the members are sent by the Diwan, but there are other interests also represented on that educational committee. That educational committee controls nearly 275 educational institutions. Those 275 educational institutions comprise 93 secondary schools, 43 high and 50 middle schools, including eight schools for the girls. The schools are managed and run by the local efforts of the Sihks and they receive grants-in-aid from the educational committee of the Diwan. We have up to this time given nearly Rs. 3,32,366 as grants-in-aid to these different schools. I should not be understood to mean that these institutions depend upon the grant-in-aid that the educational committee gives; but they give them this help besides the money that is collected by local efforts, a substantial amount is also collected in the shape of fees and Government also gives grant-in-aid.

308. *Sardar Shivdev Singh Uberoi:* You have stated about the educational activities, but I would like to know what activities the Diwan has shown in the political advancement of the community and what part it played during the investigation of the present Reforms?—When the Reforms were to be introduced by Lord Chelmsford and the Rt. Hon. Montagu, we submitted, on behalf of the Diwan, a Memorandum on the subject of Reforms, a copy of which we have annexed* to our present Memorandum to the Commission. Besides that, we took a deputation to the Rt. Hon. the Secretary of State and to the Viceroy in Delhi on behalf of the community, and we discussed the matter with those two high officials. Then we sent a deputation to England comprising, amongst others, two friends of ours here, Sardar Shivdev Singh and Sardar Ujjal Singh. They went to England and had occasion to meet Sir Sankaran Nair, who was a member on the Advisory Committee in England. The report that these gentlemen submitted also forms part of the annexure* to our present Memorandum. So you see, in the past we have done our best to represent the interests of the community in the sphere of politics so far as it lay within the province of the Diwan.

309. Do you remember that in that deputation which was sent to England there was one member who was the President of the then Sikh League?—You mean Sardar Sohan Singh?

310. Yes.—Yes.

311. Do you think that the demands which have been put from time to time in these memoranda have been met by the Government to the satisfaction of the community?—I am afraid not.

312. One of your demands, I understand, has always been to have a Sikh in the Executive Council of the Viceroy?—Yes.

313. Has that demand ever been met by the Government?—No, not at all.

314. *Dr. Suhrawardy:* You have complained of the standing tyrannous majority of the Mussalmans in the Punjab Legislative Council. Is it not a fact that the standing tyrannous majority of the Mussalmans in the Council is reduced to a helpless minority in the event of the combination of the Sikhs and the Hindus?—I have said already that many a time things have happened when Sikhs and the Mahomedans have joined together.

315. That I know. But my question is this. You have given examples where on account of community of interests, Sikhs have joined the Mahomedans in the council, but you have complained of the standing tyrannous majority of the Mussalmans. As an illustration you yourself have said that where the question of your religious interests was concerned, namely, the Gurdwara Bill, the Mussalmans stood on one side and the Hindus and the Sikhs on the other side. Is it not that numerically the Hindus and Sikhs combination was stronger than the Muslim so-called standing tyrannous majority? Is it a fact that it was with the help of the official *bloc* that you were defeated and not by the standing tyrannous majority of the Mahomedans?—If the official *bloc* also did not then agree to the measure, even then we could have been defeated.

* Not printed.

316. Even when Sikhs and Hindus were combined?—Hindus and Sikhs were not in favour of the Gurdwara Bill.

317. What I want is the numerical strength, that is, if the official *bloc* were to remain neutral, cannot the Hindus and the Sikhs combined together reduce the Muslim standing tyrannous majority into minority?—I do not think so.

318. You have said, if I have not mistaken you, that where there are only two communities in the provinces other than the Punjab, the Muslim minority have got a remedy inasmuch as they are in a majority in other provinces. Will you please inform me whether the Muslims are in a majority in any of the provincial legislatures?—Take the case of the Punjab. You are asking for Sind to be separated. We have suffered in the Punjab in our own homes and we have no appreciable interest outside the Province. The Mahomedans would have a compensating thing later on in the other provinces which are being asked to be made.

319. Let me tell you that even in Bengal we are in a minority?—I admit that.

320. You claim a number of seats for the Sikh community in excess of their numerical strength in the Punjab on the same basis as the Mahomedans in Bihar, who are about the same strength numerically as you are in the Punjab have been given representation. Is not that your point?—Yes.

321. That is on account of your historic importance and loyal service during the war?—Economic importance as well. I will give you an example * * *

322. I do not want any example. Is it a fact that, because certain amount of representation in excess of their population is given to Mahomedans in Bihar you want for the Sikh community similar representation?—What I mean is that for Mahomedans special representation was conceded by the Montford Report, and we were promised by two responsible officers of Government consideration on the same lines. We have been pressing for that consideration all this time, but it has not been conceded.

323. If you get your concession, you do not mind the Mahomedans of other provinces getting similar concession?—I will not mind at all.

324. You also will not mind if in Sind, Delhi and North-West Frontier Province similar protection is given?—No. We only want that we should have some protection.

325. What is the protection you want? You simply say you want "similar representation." Do you want separate electorate?

Sardar Shivdev Singh Uberoi: What my friend Dr. Suhrawardy wants to know is whether by separate electorate or by joint electorate you want reservation of seats?—By any method that could be devised for us. If you want that the method should be suggested by us we will do so.

326. *Sir Hari Singh Gour:* You have been five years a member of the Executive Council. What is your view, has the growth of communalism in the Punjab become more acute since the advent of the Reforms than it was before? Do you think that since the introduction of communal representation, communal tension has grown?—Naturally, it has grown. Am I to give the reply as a late Member of the Executive Council.

327. *Chairman:* No, no. I do not think the question was asked for the purpose of getting from you what may be called an ex-official view. It was merely introductory, to call attention to the fact that you have been much interested in politics in the Punjab. The question, if I may say so, is a very good one. It was really put in two forms. I would prefer the first form. What he is asking you is whether in your opinion, since the introduction of the Montford Reforms, the communal tension in this Province in the political sphere has increased?—Certainly it has.

328. *Sir Hari Singh Gour:* Is it due to the introduction of separate communal representation in your Province?—Well, at any rate I cannot say that it has smoothened the spirit.

329. The point I wish to ask you, Sardar, is how far in your opinion the introduction of separate electorates has contributed to the growing tension between the various communities?—It has accentuated to a certain extent.

330. Has the growth of communal tension been conducive to the lowering of efficiency in the services?—Certainly, there is favouritism.

331. Has it also prejudiced the determination of public questions in the local legislature?—Take the case of admission into the educational institutions; it has been done on communal lines. Whether the community requires protection or not I cannot say, but things like giving more jobs to certain communities which are not well represented has brought about this tension.

332. You mean to say that the various communities try to put in their own candidates and nobody thinks about the State or the nation?—At any rate that has been so in the Punjab.

333. You have said that if communal representation is abolished you are prepared to sacrifice the interests of your community in favour of the larger interests and nationality?—Yes, provided it is removed from the country as a whole.

334. Of course, you have said that. Are you prepared to do that not only as regards communal representation in the legislature but also communal representation in the services?—When that spirit of nationalism comes in the country as a whole these things would go, but as long as we are hidebound by these different communal considerations you cannot expect one community to sacrifice for the sake of another. If it is removed from the whole country we are prepared to stand on our merits.

335. *Mr. Hartshorn:* Including the services?—Yes.

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338. *Sir Zulfiqar Ali Khan:* I should like to know your view, Sardar Saheb, about the origin of communal riots. Whether it is due to separate electorates or whether it is due to any other causes?

Chairman: What date are you taking about the origin of communal troubles?

Sir Zulfiqar Ali Khan: Since the inception of the Reforms, i.e., 1922.

339. *Chairman:* Let me put the question myself. What is your view, Sardar Saheb? There have been, unfortunately, on occasions very serious outbreaks in this part of the world, let us say, within the last seven or eight years from time to time. The question put to you by Sir Zulfiqar is whether you think that those unfortunate outbreaks have been—I think he suggested—caused by communical representation?—Take the case of the riots that took place at Amritsar in 1919. There was no communal representation at the back of it; political teachings and all that sort of thing were there. But take the case of the riots in Multan. There was certainly Mahomedan feeling against the Hindus and the Sikhs. So I cannot say that all riots are caused by communal representation.

340. *Chairman:* Communalism and communal representation are quite different things. As I understand it communalism is a state of tension, of mutual suspicion or mutual antagonism between different communities. The question is, do you think that that situation was aggravated by the fact that there were communal electorates?—(*Sardar Sundar Singh Majithia*): I think, sir, they helped to fan them to some extent.

341. You think they helped to fan the flame?—Yes.

342. *Sir Zulfiqar Ali Khan:* Do you think a system of joint electorates will remove that tension?—It may do so. I cannot prophesy for the future.

343. For example, between two Sikh candidates standing for election, does not that very spirit of rivalry between the two Sikh candidates create bad feeling between them?—What is happening in the district boards just at present?

344. I want to know as between Hindus, Sikhs and Mahomedans.—At any rate, a Sikh candidate will have to get the support of Mahomedans and Hindus as well to get elected.

345. That is merely theoretical?—The other side is theoretical, too.

346. You say that the Sikhs made sacrifices in the cause of the Empire and therefore must get something in excess of their due share. Do you not think that Mussalmans and Hindus have also sacrified in the Great War?—Comparisons are always odious, but take what we have done, and we base our claim on that.

347. Others have also done the same thing, but they are not wanting more than their shares.—They are asking for 55 per cent.

Sir Zulfiqar Ali Khan: On the population basis.

348. *Sardar Shivdev Singh Uberoi:* Every community has rendered service in the last war, but what my friend the Nawab Sahib wanted to make clear was the extent of help given by each community.—Well, sir, if you study the speeches of Sir Michael O'Dwyer at the time that will make the point very clear. Sir Michael O'Dwyer gives the figures of the different communities recruited during the war. Please see what he says. I need not say anything more.

AFTERNOON.

Deputation from the CHIEF KHALSA DIWAN—*continued.*

1. *Chairman* (to Sardar Sunder Singh Majithia): Just a few questions I would like to put to you to concentrate attention on the view you present. As I understand your Memorandum you point out that here in the Punjab the difficulties connected with communalism are increased by the fact that you have this very important Sikh community to provide for?—Yes.

2. And what we have noticed is this, that, compared with the other two communities, the voting strength of the Sikh community in comparison with their population is very high. Is that not so?—Yes, sir.

3. The figures that we have been supplied show that the voting strength of the Sikh community is 24 per cent.?—Yes, with the present franchise.

4. Whereas on a population basis they would be 11 per cent.?—Yes.

5. So that their voting strength is more than double of what we might suppose to be their population?—Yes.

6. Will you just tell me why that is so and how that has come about?—Because we have got many landed proprietors among us and we have a large number of people who pay land revenue.

7. I suppose that the main reason must be that in the rural districts the Sikh proprietor is, on an average, a more important occupier than the average occupier of any other community?—Yes, Sir.

8. Anyhow, that is the fact; 24 per cent. voting strength to 11 per cent. population. On the other hand, you see that the Mahomedan community is an absolute majority in population?—Yes, Sir.

9. They form 55 per cent?—Yes; that is an established fact.

10. Whereas the Mahomedan voting strength I see is only 43 per cent.?—Yes, sir.

11. I have just been making some tables and the figures when put together are very impressive. I put the "population percentage" in one column, "voting strength" in the second column, and the suggestion of your deputation as to the distribution of seats in the third column. That works out like this. The Sikhs form 11 per cent. of the population; they have a voting strength of 24 per cent. and your deputation is putting forward on their behalf a proposal that they should have 30 per cent. of the seats?—Yes, sir.

12. Then take the Mahomedans. The Mahomedans are 55 per cent. of the population; they are 43 per cent. of the voting strength, and your proposal is that they should have 40 per cent. of the seats?—Yes.

13. Then if I may call the remainder Hindu—strictly speaking, it is not Hindu, but a great mass is Hindu—calling it Hindu, you get population 33 per cent., voting strength 32 per cent. and the seats you propose 30 per cent. Do you observe that if that proposal held the field, the Hindu community would have seats which are, roughly, in proportion either to their population strength or to their voting strength, and it follows really that your proposal is a proposal by which the number of seats to be allotted to the Sikhs, which is 30 per cent., is to be secured really by a reduction of the proportionate Mahomedan representation?—Also from the Hindus.

14. I do not see how that is to be done, because you see the Hindus are 33 per cent. population and their voting strength is 32 per cent. It is only two seats you get from the Hindus?—My idea was this, that they were also a distinct minority in the Punjab, and in reducing their seats I could not reduce them much.

15. I see the idea. Of course, one must face the result of this?—We are lowering the Mahomedan seats only by four.

16. One has always to remember in these things, of course, that whatever may be the force of the argument for giving a disproportionately high number to one community, the proposal can only be carried out if you are prepared to give a disproportionately low number to the other community?—There is one thing to remember. In the other provinces the Hindus and the Mahomedans are to be considered. Take Madras. In Madras the Mahomedans are about 6 per cent. and the rest are Hindus. Therefore, a greater representation of the Mohamedans is possible in Madras. But here we have got three communities to consider and, therefore, you have to take from both.

17. It is really a very elementary mathematical observation. If there are two hours of time which is divided between the Commission and the two Committees, it is manifest that if one of the bodies take more than its proportionate time it can only be at the expense of the other two?—Quite, sir, but there is no other remedy for it. On the other hand, this time is a time divided in the other provinces by only two communities. We do not come in there for sharing this time.

18. That is quite right. I appreciate entirely the special importance of the Sikh community in this province. The result of your plan is this, that although on a population basis if you added the Sikhs to the Hindus they would be less than the Mahomedans, on your proposed distribution of seats if you added the Sikhs to the Hindus, then you would have more seats than the Mahomedans?—On the other hand, let us take another case. Supposing the Sikhs as a body were transferred from the Punjab into Bihar and Orissa and a similar proportion were to be got out from Bihar and Orissa, the Mahomedans there on the one side are 10 per cent. and the Sikhs 11 per cent. The Hindus would be the remaining portion of the percentage. What would you do in that case?

19. I will reply by saying that, fortunately, we had better confine ourselves to the Sikhs in the Punjab!—

My argument is this. In Bihar and Orissa you have got only two communities to consider, whereas in the Punjab you have three communities to consider. Therefore you cannot very well lay down a formula which would apply equally in the other provinces. Our case is a special one.

20. At any rate, you do not dissent from my figures?—I do not dissent from them as they stand.

21. I shall just ask you two other things. You see this is another point which is in the mind of some of us. In the district boards of this Province there is no communal electorate. Is there?—In regard to that, of course, my friend (Sardar Jodh Singh) just told me that there the constituencies are manipulated in such a way. . . . .

22. Don't let us use question-begging words. But what you mean is that in the district boards you consider that the boundaries are so arranged as none the less to produce a particular result?—That has actually happened, sir.

23. And I think that the particular thing you were disposed to suggest was that they were so arranged as to benefit the Mahomedans?—That is my contention.

24. If I take the district boards and try to find out how many seats the Sikhs ought to have if the right number is to be got at by taking an average between their population and voting strength, I find that the number that they ought to have is 141?—Yes.

25. Do you know how many they actually have?—Not the exact number, Sir.

26. I will tell you. It is 186. I have got it here at page 142* of the Blue Book, and I see that it is rather a striking fact. Is that not so where the Sikhs have got no communal electorate?—But has it not been, Sir, mostly in the central districts?

27. Would you give me an explanation for that? If I understand the facts rightly, it seems rather a striking fact in the district boards, where there was no communal electorate and where, as a matter of fact, you are disposed to think that the boundaries of the constituencies would rather favour the Mahomedans, it looks as though the Sikhs would, in fact, get in, no doubt, on the strength of their authority and influence in the district. They are occupying 186 seats, as against 141, according to what is called the formula?—But have you seen what was the number of seats in the district board to the Sikhs before, and what was the number of seats to the Mahomedans before, and what effect this formula had on it?

28. But the formula was not applied at all?—In the district board, sir, the manipulation has been done in such a way as to give a larger number of seats to the Mahomedans now than they themselves ought to have had.

29. Notwithstanding the fact that, in your view, there has been such an artificial arrangement as to favour the Mahomedans at the expense of their rivals, none the less the Sikhs have secured 186 seats, whereas on what is called the formula basis, they ought to have had 141. That rather makes me think that at any rate in the district boards the Sikhs are able to hold their own?—Yes, they have been able to hold their own here because in the central districts they were the chief factors who were represented on the district boards before.

30. Can you tell me offhand and speaking quite generally which community is it in the district boards that has in this result had to give way, as it were, to the Sikhs? You said that the Mahomedans got a very good deal.' It must be the Hindus then?—I cannot say anything offhand. The possibility is that Hindus had not had so much landed interest to safeguard, and, therefore, they were not so much represented.

31. I have only one other question to put to you and I want to put it clearly, and then I hope we may be able, for the afternoon, to pass from the communal argument, which, after all, cannot occupy the whole of the political and public interests of a very great country. You were asked by my friend Sir Hari Singh Gour a question just before we broke up. He argued thus: He said: "Did you think that communal electorates were the cause which had increased communal tension and even riots and violence in recent years?" I understood your answer to be—but tell me if I have understood it aright—you thought that it had contributed?—That is what I thought, Sir.

32. Do you think that this has anything to do with it, that the position was that in previous times, when the prospect of a rapid advance to more self-government seemed very distant, the different communities were less prepared to try and get full political representations for their own special case, and do you think that in recent years, when the prospect was opened out of constitutional advance, the different communities are becoming increasingly eager to (what I say call) dig themselves in before the later stages are reached? Do you think there is anything in that?—Quite right, Sir. That may be due to it. But all the same previous to the pre-Reform days we had in this country no legislative council as now, and the administration in municipalities and district boards was carried on by Government officials. The people did not take so much interest in those Westernised institutions before as they are taking now.

33. I am just following out your line of thought, and it seems rather to confirm what I have suggested, that in those days communal feeling in connection with politics was less important because, even if you did not get your co-religionist returned, he had not much opportunity to influence political action?—Quite so.

34. And now he has more opportunities to influence political action?—Not only that, Sir, but even the principle now followed in regard to the representation in different services has accentuated it too.

35. Because you mean that, if you get what you regard as an adequate representation of your community in the legislature, that, in its turn, enables increased pressure to be exercised with the object of securing what you regard as adequate representation in the services?—Yes, Sir.

36. And so the wheel goes round?—Not only that, Sir. We cannot drive out from our minds what we were before in this Province.

37. Who were the last rulers of the Province before the British?—The Sikhs. The fact is we cannot afford to be relegated to the position of being dependent on other communities.

38. It is rather striking and, in all circumstances, not a very encouraging fact that, when we had the deputation from the Hindu party yesterday morning, the spokesman expressed a strong view that, unless there was a complete abolition throughout India of communal representation, they would go so far as to say that they did not want any constitutional advance. Yesterday afternoon we had a very strong expression of view from the mouth of Sir Muhammad Shafi, I do not say insisting, but at any rate very powerfully and emphatically demanding that the joint electorates should not be substituted for separate electorates. Now I see, in the Memorandum of the Sikh deputation, on page 137: "The Sikhs, therefore, while they welcome an extension of the system of responsible government, feel that any extension that may be decided upon should be accompanied by the removal of circumscribing adverse conditions, and, if these latter cannot be removed, they feel that no radical extension of the present system will be useful to the country. It would merely extend the area of mischief." Now tell me, what do you mean by that sentence, "By the removal of circumscribing adverse conditions"? Do you not think, if I may make a suggestion, that every community in this Province must really do its utmost—I do not lecture, but I merely make a suggestion with the greatest humility—to cultivate a spirit of give and take?—Certainly, that is what we want, but I do not want it at the risk of depriving the Sikh community of their legitimate rights, as has been done by the Nehru Committee.

39. *Lord Burnham:* I wish to ask you one question with regard to the report concerning the Sikh deputation which went to England in 1920. I see great disappointment is expressed at the failure of that

* Vol. X.

deputation owing to accidental circumstances to achieve its ends. They arrived late. That is all set out, and they were not satisfied with the one additional member or two. Could you tell me what else they expected?—What happened at that time was that we get practically two members and one member by nomination, making three in all, and three members were given to the Mahomedans. Our deputation demanded proper representation, that is, proportionately to our community. But our friends benefited and we do not grudge them; but still we felt that we had not been dealt with adequately and the promises held out to us by the responsible officials, that is, the Right Honourable the Secretary of State for India and the Viceroy of India, have dwindled down and they were not fulfilled.

40. It is set out here, and I have no means of testing it, and I have no doubt it is true, that Lord Selbourne, who received the deputation as chairman of the Joint Committees of both Houses of Parliament, said, I think—I am not quite certain—that it was too late to make the amendment that you asked?—Yes, that is what he said.

41. You do not think you had a fair hearing on that occasion?—We had no fair hearing, and we were told at that time that our claims would be duly considered on the next occasion. Now is that time, and it is in your hands to give us.

42. Do you mean as a community to be represented in England when the Joint Committees of both Houses considers any proposals that are made?—If a Committee is appointed there to consider this question we shall be delighted to represent our case.

43. I have no power to invite, but I ask you whether you mean to go?—Certainly, we shall be delighted to go, if occasion arises, to press our claims.

Sardar Shivdev Singh Uberoi: If I am permitted to say a little on this matter as I happened to be one of the members of the deputation, I may say it was then stated by the responsible authorities, the Right Hon. the Secretary of State and the Viceroy that the case of the Sikhs was quite just, but they feared it was not the time when the whole question should be considered.

44. *Major Attlee:* On page 137, paragraph 17, of your Memorandum you say, "No member of the permanent services of the country should ever be appointed as Governor." Where do you think the Governor should come from?—From England, and later on from this country itself.

45. In the next sentence you say, "Ministers should always be chosen so as to represent the various elements constituting the legislature." By "element" do you mean communal elements or political elements?—We are dealing particularly with our province and we cannot get rid of the idea of the different communities being represented on the Legislative Council.

46. Do you not realise that that means you cannot have in this province a parliamentary system such as we have it in England, because you do not provide for an opposition, which is quite an essential thing?—Not under the present circumstances. How can you possibly have it when the system of election is on communal basis and when even the appointment of ministers and members is on a communal basis? You can have that possible only when the majority of the House have a Prime Minister and the Prime Minister selects his colleagues. Then there will be an opposition which will take office when called upon to do so. But that could not be had here under the present circumstances. It is not possible for us to have a chief minister who will select his colleagues.

47. But the difficulty is, you want joint responsibility?—Yes.

48. That would mean a homogenous body of ministers. On the other hand, you want ministers to represent different communities?—But still ways and means could be found to make it homogeneous. What did you do in the case of the Coalition Government when Mr. Lloyd George formed the Ministry?

49. I do not cite it as a good precedent. But apart from that the point is, you are trying to adapt certain Western institutions to this country, and in this paragraph 17 you put forward two proposals that seem to my mind to kill the idea of a complete representative system. Do you not think that the time will come when the present conditions will go?—But as long as the present ideas are there we cannot have anything more than we suggest. But we welcome a suggestion of the nature you have indicated. When we get rid of this communal problem, as we hope we will, then we can think of that.

50. The interim period is a little difficult?—Yes. (*Sardar Jodh Singh*): I may say that along with that proposal we have another proposal that, if in the Constitution you do away with the communal electorates, then we agree to the principle which you have suggested. Our present proposal is only a kind of solution to meet the present difficulty. When you have got your members elected on a communal basis you cannot select a man who represents the whole community, because he has been elected by one community, and by no stretch of imagination can you call him to be a representative of all the citizens. As things stand at present, we must yoke together people of several communities and ask them to find a way out of the difficulty by way of compromise. After all, it is a question of give and take.

51. *Lord Strathcona:* Who was the first Indian member of the Executive Council of the Punjab Government after the Montford Reforms?—I happened to be the first member.

52. I only wanted to be quite certain. In paragraph 16 of your Memorandum, on page 137, you indicate your desire for full independence in the Province subject to the control of Central Government in matters pertaining to the defence of the country, etc. Then you refer to internal commotions. Does that mean that you do not favour the handing over of law and order in the Province, but you would like to devise some authority under central control for law and order?—It follows.

53. That is your desire?—Yes.

Memorandum submitted by the Punjab National Unionists Party.

1. This Memorandum represents the views of the National Unionist Party of the Punjab Council. The strength of the party is 36.

It is not intended to deal in this Memorandum with all the topics set forth in the Commission's invitation for memoranda. Nor is it intended to discuss in any great detail even the topics which have been selected for immediate treatment. The object of the present Memorandum is to convey the general views of the National Unionist Party on certain important topics as early as possible to the Commission.

It is also felt that before any specific questions are touched a brief reference may be made to a few circumstances about which it is well to have a clear conception while approaching the question of constitutional development.

India's Attitude Towards the Commission.

2. The first point which comes uppermost in one's mind in this connection is the varying attitude adopted towards the Commission by the various sections of the Indian community. This attitude has two aspects, outer and inner. The outer aspect is represented by the bitter hostility of one section and the willing co-operation of another. The inner aspect is marked only by a difference of degree, and not of kind. All those who take an intelligent interest in the subject of the Commission share a common feeling of disappointment and resentment at the exclusion of *Indian element* from the personnel of the Commission.

The reason for this resentment is obvious. All Royal Commissions appointed in the recent past to enquire into any question of importance have contained an Indian element. The exclusion of Indians from a Commission which is to conduct an enquiry into a question of the greatest moment to India's future as a whole could not fail to evoke the keenest resentment.

The time for the announcement of the Commission was not well chosen either.

Repeated earnest demands when made by the representatives of the people for hastening the appointment of the Statutory Commission had failed to evoke any response from the Secretary of State. When the demand had ceased the announcement of a Commission came and coincided with the existence of a strong wave of communal tension in the country. An announcement of this character at such a time was likely to be viewed with misgiving and distrust. The exclusion of Indians from the Commission tended still further to confirm the suspicions of the people.

The explanation for this exclusion that no Indians acceptable to the whole of India were available, and that the inclusion of Indians would have excluded the chance of a unanimous report, does not carry conviction. Human nature being what it is no one individual, even no set of individuals, would be acceptable to a whole country in any part of the world. Are there no men in England who criticise the personnel of the present Commission? Will the members of the committee which the Legislative Assembly has been invited to elect be acceptable, individually or collectively, to the whole of India? What could reasonably be insisted upon was a substantial measure of agreement among the people with regard to Indian members, and as this substantial measure of agreement is expected to be indicated by a vote of the Assembly in the election of committee the same measure of agreement could have been achieved by the adoption of a similar method in the choice of Indian members on the Commission. The part of the explanation relating to the solicitude of the Secretary of State for a unanimous report instead of explaining anything has the effect of mystifying the situation still further. In fact, it places the Commission in an embarrassing position. Has the Commission promised to produce a unanimous report? If not, what does this part of the explanation mean? The detractors of the Commission can base every plausible argument on this explanation to prejudice an average Indian against the Commission.

Communal Tension.

3. A very strong wave of communal tension has swept over the country during the last two or three years. This wave was the result of a reaction against the unity brought about in the palmy days of non-co-operation. That unity did not rest on very solid and reliable foundations. For three or four years common hatred for a third party had been preached violently from the Press and the platform and our unity was built on the foundation of that common hatred. Before the leaders of the people had had time to substitute a foundation of better material, *e.g.*, a clear perception of common citizenship and of common secular and political interests, the crash came and the pendulum swung violently to the other extreme. The communal tension, however, affected, almost exclusively, the urban section of the people, who, after all, constitute only ten per cent. of the entire population. The communal virus did not spread to rural areas, where mutual relations of Hindus and Muslims continued to be marked by toleration, good will and even cordiality. Another encouraging feature was that excesses were everywhere committed by ignorant and irresponsible individuals, the very scum of society. A further cause for gratification is that men of responsible position were not wanting who openly and strongly denounced the mad acts of their own co-religionists. The very nature and extent of excesses, deplorable as they were, serve to rouse the conscience of the people. In fact, the revulsion of feeling caused by these excesses is so genuine, so keen and so widespread, that it may be said with confidence that the tide of communal bitterness has definitely turned.

The Indian Press.

4. In all civilised countries the Press is supposed to discharge two main functions, that of reflecting public opinion and that of moulding and guiding it. The Press in India may be said to discharge, more or less, the same functions. But there are two or three factors which distinguish the Indian Press from the Press of an ordinary Western country, and as the trend of Press comments is likely to be watched by the Commission and in some measure to influence its judgment, it will not be amiss to draw attention to these distinguishing features. The English section of the Press is divided into two parts, that owned or managed by Europeans and that owned and managed by Indians. The European-managed section will, generally speaking, be found to be either luke-warm or hostile in the matter of extension of reforms. This section is a champion of the permanent service and European capitalists, and views with cautious concern or disfavour any further political advance. The Indian-managed section of the English Press is frankly communal. There are just a few papers, a mere drop in the ocean, which keep their general policy untainted by a spirit of communalism. But the whole host of the rest are either frankly and avowedly communal or communal in spirit with a thin veneer of nationalism. Another feature of the Indian Press is that it is entirely manned by men of urban extraction both among Hindus and Muslims. The net result of this is that while urban interests receive ample attention and protection rural interests remain unnoticed and uncared for.

The Real India.

5. The real India is not the India of the Press nor the India of the town. The real India is rural India, where ninety per cent. of the Indian population reside and sweat and toil to earn a precarious living. The humming streets of Calcutta and the buzzing quarters of Bombay are no indications of true Indian life. The

stately mansions of these cities give no clue to the actual economic conditions which prevail in the country-side. The cultured and well-dressed gentleman of Delhi or Allahabad is a phenomenon unknown in rural India. The well-appointed roads and gardens of Amritsar and Lucknow find no parallel in villages. The palatial public buildings in large towns are mere symbols of self-complacent human vanity which refuses to see beyond its nose. The real India is ill-fed, ill-clad and ill-looked after. It lives in miserable huts. It is served by very few good roads, schools and hospitals are few and far between, and ordinary amenities of civilised life are practically non-existent in rural India.

Bureaucracy's Stewardship.

6. The Indian bureaucracy generally claims to be the sole trustee of the masses. But it has not a very good account to give of its stewardship. The urban *intelligentsia* is frequently twitted by bureaucrats for its neglect of care of rural masses. The charge against the urban *intelligentsia* may not be incorrect substantially, but what about the charge against the bureaucracy itself? Has the bureaucracy, which receives handsome salaries for an efficient and equitable discharge of its duties, done justice to the claims of rural India? The reply is an emphatic negative. The bureaucracy has listened only to the clamorous townsman and patted and hugged him in entire oblivion of the fact that the real India, *i.e.*, rural India, is being neglected and starved in the interest of only 10 per cent. of the general population. It is true that since the inception of the Reforms popular ministers, particularly in the Punjab, have turned their attention to rural interests, but the beginning that has been made is all too moderate and, unless vigorously and consistently followed, cannot yield any very substantial and permanent results.

Separate Communal Representation.

7. One of the most important problems which has excited a great deal of heat and controversy, and which the Statutory Commission will have to decide, is the question of separate communal representation. In general, the attitude of the National Unionists towards this question may be summarised as follows: If the communities principally concerned are able to reach an amicable settlement on the main points of their difference and decide in favour of joint electorates, our party will welcome such a decision. But if these communities fail to arrive at a mutually acceptable settlement separate communal electorates will be absolutely necessary as a safeguard of the rights of minority or backward communities. It has sometimes been stated that, under the present system, the members selected are more likely to have a communal outlook and are under no particular obligation to respect the susceptibilities of the communities to which they do not belong, and that if they were to be elected by a joint electorate they would have to bear in mind the sentiments of all the sections of their voters equally. The necessity of appearing before the bar of a joint electorate at each successive election will, it is asserted, be an effective remedy for the development of any marked communal bias in individual members. But while all this may sound plausible the other side of the picture cannot be ignored. The existence of communal feeling is a stern reality and while this feeling exists in any appreciable degree elections will run on communal lines even if the electorates are joint. This being so, the communities which are better educated and have a more powerful Press will sweep the election booths. That this danger is no mere illusion but an undeniable and actual reality is borne out by the election results of district boards and those municipal committees where electorates are joint. Nominations to redress communal inequalities which result from joint elections are no remedies. Voters are entitled to have representatives of their own choice, and this privilege of voters should not be lightly disturbed by having resort to nomination. Another serious disadvantage of joint electorates under existing conditions will be increased communal bitterness as a result of election campaigns. At present the contest is between candidates of the same community and there is no occasion for appeal to common passions. Under a system of joint electorates candidates from various communities will find themselves arrayed against each other and the whole countryside will be convulsed from end to end by appeals to the worst communal passions for months together. This will mean a very serious extension of the scope and area of communal bitterness. At present there are only occasional outbursts of communal feeling in the Council Chamber or the Press on the part of persons more or less educated. Communal contests during elections will directly affect vast areas at a time and this will draw into their vortex the most ignorant and easily excitable elements of the population.

The general situation having been briefly surveyed, a few specific questions may now be taken up.

The Representative System as Applied to British India.

8. (a) *The Basis of the Franchise.*—The present basis of the franchise is very narrow. The vast bulk of the population goes unrepresented while the representatives of a microscopic minority are supposed to voice the true feelings and sentiments and safeguard the interests of India as a whole. The basis of the franchise requires to be widened very substantially and to be so adjusted as to give to rural India a representation commensurate with its stake and importance. The Assembly, as at present constituted, is a packed body, entirely dominated by urban elements. While ninety per cent. of the Indian population resides in rural areas the number of the members of rural extraction in the Assembly will be found to be in inverse proportion to the rural population. The burden of taxation also falls mainly on the rural population while the disposal of the proceeds of taxation rests with the urban people. The supreme obligation of citizenship, namely, the finding of men in the time of war is also practically exclusively discharged by the rual population, but their voice in the chief legislative body of the country is very feeble. To remove this defect it is essential that the franchise should be materially liberalised in favour of the rural population. This can be done by lowering the land revenue qualification to a greater relative degree than property qualification in towns. A further device is to enfranchise all members of village panchayats, all office bearers of co-operative credit societies in rural areas and all holders of His Majesty's and the Viceroy's commissions among retired military officers. In the case of landowners the franchise should be lowered to people who pay Rs. 10 as land revenue annually. All rural tenants who occupy land paying Rs. 25 as land revenue annually should also get the franchise. [The man occupying such land will himself be actually paying only Rs. 12-8 per annum, the other half being paid by the landlord.] In urban constituencies the rent qualification should be lowered from Rs. 96 to Rs. 72 annual rent and similarly the ownership franchise should be lowered from persons now owning property worth Rs. 4,000 to Rs. 2,000. Separate urban and rural constituencies should continue, and all towns with population of 5,000 or above to be included in the urban constituencies. The number of non-official members of the council should be increased to 125. This will decrease the size of constituencies and thereby create a closer touch between the member and his constituents. Nomination of non-official members should be altogether done away with.

(b) *Methods of Elections.*—Election by a direct vote as now should continue, but a certain proportion of the members of the Assembly should be returned by the members of provincial councils.

(c) *Methods whereby Particular Interests may obtain Adequate Representation.*—In the absence of a clear understanding reached and approved by the communities concerned separate communal electorates must continue.

The representation of special interests, such as industries, commerce, universities, landholders, labour and depressed classes through the creation of special constituencies is not desirable. These interests are sufficiently represented by members returned by general constituencies. The scope of special representation should be confined within as narrow limits as possible. The creation of special constituencies is a stumbling block to the growth of nationalism. But wherever it is found essential to give representation to any special interest the representation should be secured through election and not nomination.

(d) *The Relationship between Representatives and Constituents.*—This relationship, in the case of the members of the Assembly, is, generally speaking, very intangible. The constituencies are so large in area that it is not practicable for a representative to maintain any real touch with his constituents. But in the case of provincial councils the relationship between representatives and their constituents is real. The area of the constituencies, though large, is not altogether unmanageable in the case of most constituencies. During an election campaign the candidate has (where the contest is keen) to make a series of rounds of visits, and has to address public meetings, and distribute posters and other literature to show why he should receive the confidence of the constituency. Where, however, the rival candidates are uneducated the election campaign consists of various parties of their supporters going about in the constituency. After the election is over the touch between the representatives and their constituents is maintained. The constituents know that they have a claim on the attention and help of their representatives, and, not unoften, assert their claim by bringing forward their grievances to their representatives and asking them to take steps for redress. There is, on the whole, a real and living touch between the representatives and their constituents unless the representative hails from outside the constituency.

(e) *Nomination of Officials and non-Officials.*—Representative institutions lose their real value and significance if their decisions are influenced by officials and their proteges. The nomination of officials and non-officials as additional members of elected bodies only serves the purpose of emasculating those bodies, and, if it is intended to give full life and vigour to elected bodies the nominated element should be entirely eliminated.

The Provincial Government.

9. (a) *Working of Dyarchy.*—Dyarchy is a difficult system to work. Government should be one organic whole, imbued with the same ideals and sentiments, having a common policy, a common responsibility and a common allegiance. Under dyarchy the case is entirely different. The organic whole of Government has been cut up into two, the Reserved half and the Transferred half. The Reserved section is responsible to the Governor-General in Council and the Secretary of State for India. The Transferred section is responsible to the Governor as well as the Council, and has thus a dual allegiance. The ideals and sentiments of a popular and responsible Government cannot be expected to be the same as those of bureaucratic and irresponsible Government, and, therefore, an element of friction between the Reserved and Transferred sections is inherent in the system of dyarchy. The Ministers, being responsible to the Council, are supposed to carry out the policy that appeals to the popular house, but being also responsible to the Governor, and holding office during his pleasure, they are also expected so to frame their policy as not to come into direct and open conflict with the views of the Governor. Thus, the Ministers find themselves in an awkward position, and, in their attempt to reconcile the claims of their conflicting allegiance, are compelled to steer a middle course which may, according to the temper of the times, please both sides or displease both sides.

Difficult and delicate as the task of the Ministers is, given mutual goodwill and co-operation on either side, and given a reasonable council willing to recognise the difficulties of the situation, the system of dyarchy can be made to yield good results. But it must be conceded that these good results are not due to the merits of the system, but flow, in an attenuated degree, in spite of its defects, from the constant exercise of tact, forbearance and patience and from a determined will to work a difficult system.

Dyarchy in the Punjab has worked better than in any other Province of India, and the progress made by departments under the control of Ministers is very remarkable and gratifying. But this result is due to a rare combination of circumstances. The two Governors who have held the chief executive charge of the Province during the post-Reform period have been exceptionally far-sighted men, who seem to have decided to follow a policy and a programme which will be of direct and obvious benefit to the people. The majority of members of the council are drawn from landholding and rural classes, and are more practical, more level-headed and less noisy and less sentimental than their urban brethren. There has been a greater readiness on the part of the Governor and his Ministers to appreciate and recognise the difficulties of dyarchy, and to minimise and overcome these difficulties by exhibiting greater mutual sympathy and co-operation than have fallen to the lot of other provinces.

But the rare combination of favourable circumstances referred to in the preceding paragraph cannot be expected to occur in every province or at all times even in the Punjab. Therefore, a system like dyarchy —which is inherently defective—should be abandoned and full *provincial autonomy* should be introduced in its place.

(b) *Position and Powers of Governor.*—The position of the Governor under the Government of India Act is supreme, and his powers are very wide. He is, to all intents and purposes, a perfect autocrat. He is not responsible to the legislature, and his responsibility to the Governor-General in Council is merely nominal. He can disallow any question or any resolution. He can veto any Bill passed by his council. He can certify any expenditure disallowed by the council, and can certify any legislation rejected by the council. No private Bill can be introduced except with his consent. He can direct any Minister and dismiss him when he wills. He can direct any action to be taken by his Ministers or Executive Councillors. He is the sole arbiter in matters in which there is a difference of opinion between the Finance Department and a member of his Cabinet. He is also the final authority in matters in which the head of a department or a secretary differs from his Minister or Executive Councillor. There is no statutory obligation that the position of the Governor should be that of a constitutional head and not that of an autocratic ruler.

(c) *The Position of Ministers* in relation to the Governor is virtually that of complete dependence and subordination. In the absence of any statutory provision in this behalf the Governor is free to appoint whomsoever he likes as his Minister, and can maintain him in office with the help of the official and nominated non-official block in the council. Further, the Ministers hold office during the pleasure of the Governor. Whenever the Ministers differ with the Finance Department, their secretaries or heads of departments and commissioners serving under them the last word rests with the Governor. All these factors make the position of a Minister in relation to the Governor one of complete subordination.

The position of Ministers in relation to members of the Executive Council is, in theory, one of equality. But as members of the Executive Council are appointed under a Royal Warrant and are not removable by the Governor, they are generally considered to hold a more honourable and better-respected position.

(d) *Relationship of Ministers to each other, and Question of Collective Responsibility.*—The principle of collective responsibility has not been formally recognised in any province. The practice in Madras seems to have been in consonance with this principle. The formation of the present Ministry in the Central Provinces also appears to have proceeded on the same principle. The second Ministry of the Punjab was based on the same principle. But, speaking generally, the principle of joint responsibility has not been followed.

Each Minister is in charge of separate groups of departments, and is not required to act in consultation with his brother Minister. He is free to act independently, and follows his own policy and programme without reference to the remaining Ministers. Individual members of the Ministry need not have common views, and may even have diametrically opposite views on important questions and vital principles. The present Punjab Ministry is a case in point. One of the three Ministers belongs to no party. Another represents the Hindu-Sabha Party in the council and the third represents the National Unionist Party. These two parties hold entirely different views, and there is hardly any question of importance on which they can see eye to eye with each other. In fact, a glance at the proceedings of the Punjab Legislative Council will convince the most casual reader that the debates of this council are one unending record of the conflict of views held by these two parties. On all questions of vital importance, political or economic, the two parties hold views which are nearly irreconcilable. The Punjab Land Alienation Act, Pre-emption Act, and the Moneylenders Bill have all been the subjects of the keenest and most bitter controversy between these parties. The distribution of the burden of taxation, the distribution of patronage, the methods of recruitment to public services, the question of communal or class representation on self-governing bodies or in public services, the distribution of the beneficent activities of Government have, whenever they have formed the subject of debate in the Council in any connection, invariably found the two parties arrayed on different sides. In fact, these two parties are the nearest approach (in the Punjab) to capital and labour in the West.

That the ministers should have a collective responsibility is obviously just and essential. They should act together and should stand or fall together. They should have common views on all important matters, and should follow a common policy and programme, drawn up in consultation with one another and approved by their party. They should all be drawn from the same party and owe a common allegiance. One minister drawing his support from, and owing allegiance to, one party and another minister drawn from, and owing allegiance to, another party is a travesty of representative government.

(e) *Growth of party system in the Provincial Councils.*—How far party system has sprung up in other provinces is difficult to say. In the Punjab a genuine beginning of a party system was made when the second ministry was formed. There were three groups in the Council: (*a*) the Nationalist Group, consisting of most of the Sikh members and Khilafatists; (*b*) the Hindu Sabha Group, consisting of Hindus of urban extraction and urban sympathies, and (*c*) the National Unionists Group, consisting of men of rural extraction and rural sympathies, irrespective of caste and creed. The National Unionists Party was the strongest in numbers and included men of all faiths, Hindu, Muslim, Sikh and Christian. The outstanding feature of their policy was the advocacy of the rights of backward classes and areas.

Both the ministers were drawn from this party and acted in harmony and in consultation with each other.

The arrangement worked well and efficiently, but gave deep offence to the urban section of the population which, having grown accustomed to a monopoly of all power in the past, suddenly found that power slipping from their hands. This was more than they could tolerate, and being in possession of practically the whole provincial press they set up a tremendous howl and continued their loud wail until one of themselves was appointed a member of the present heterogeneous ministry. Government yielded to the clamour of the urban press, and, in order to silence a vociferous section of the population, appointed a minister, a gentleman who has the active support of only 17 out of a total of 71 elected members. This could only be possible in a constitution which does not insist on ministerial joint responsibility. This leads to formation of ministries where ministers cannot depend on receiving support from the friends of each other in various parties who are always free to oppose any item standing in the name of a minister other than the one belonging to their own party. Surely no ministry could be weaker than the one formed on these bases.

Party system is an essential concomitant of representative government, and if it is intended to introduce representative government in this country Government should do everything in its power to encourage the growth of a party system.

(f) *Classification into Reserved and Transferred Subjects.*—Subjects entrusted to the care of ministers are designated as transferred subjects while the rest are known as reserved subjects. To divide the field of government into two water-tight compartments is wrong in principle. All the departments administered by a local government are so bound up with each other and the administration of one department reacts on that of another so closely that the classification into transferred and reserved subjects is highly artificial and even mischievous. Another defect of this classification is that almost all the earning departments are under the control of Executive Councillors and most of the purely spending departments have fallen to the share of ministers.

(g) *Desirability of Second Chambers.*—Second Chambers are not at all desirable. They will prove a reactionary institution and will always be viewed with suspicion and distrust. They will also be expensive. In view of the power of veto possessed by the Governor no Second Chambers are needed. Moreover, in the Punjab Council most of the members come from landholding classs and these classes are conservative by instinct.

(h) *Question of Provincial Autonomy.*—Provincial autonomy should be granted to all the major provinces. Indian ministers have administered their departments with tact, patience and judgment. Efficiency has not suffered, and more progress has been made in transferred subjects that in other subjects. The pace of progress in the post-reform period has been quicker than in the pre-reform period. Where the departments of Finance and Law and Order have been made over to Indians they have been administered with equal success and efficiency. The experience of the last eight or nine years fully justifies grant of provincial autonomy. Whenever an attempt has been made to work the Reforms the Councils have shown commendable sense of responsibility and restraint. The experiment has been particularly successful in the Punjab.

We regret we cannot agree to the principles underlying the Nehru Committee's report. In that report the future constitution contemplates entire centralisation of all power. This is negation of provincial autonomy. The civil and criminal laws should be provincial subjects, otherwise the Assembly may tomorrow pass an Act abolishing the Land Alienation Act, because in the Assembly the agriculturists will possess a very poor strength and voice. The subjects on which the Central Government can legislate should be specified and the residuary powers should vest in the provincial legislatures.

(i) *Finances of Provincial Government and Financial Control.*—The remission of provincial contributions has considerably eased the situation. But the measure of control exercised by the Central Govern-

ment and the Secretary of State is very stringent. The powers of borrowing in the open market and the powers of imposing new taxes are unduly limited. New projects estimated to cost more than a certain amount cannot be undertaken except with the previous sanction of the Central Government or the Secretary of State. The restrictions should be removed or materially relaxed.

(j) *Financial relations between Reserved and Transferred Sides of the Government, including the question of the joint or separate purse.*—There is a feeling that reserved departments are treated more leniently and liberally than transferred departments. Possibly the scrutiny to which new proposals of expenditure emanating from reserved departments are subjected is less stringent. Possibly these departments are treated by Government as peculiarly their own, and proposals from these departments are less liable to delay on the part of Finance Department. But in the Punjab no serious difficulty has been experienced by transferred departments in this connection, and the Punjab will prefer a joint purse.

The Position of the Services.

10. There is a distinct feeling that all services are being pampered, particularly All-India services. The emoluments allowed to the members of the Indian Civil Service and other All-India services have been pitched too high for a poor country like India.

The measure of control which can be exercised over the services in general is too meagre to ensure good discipline. A minister or a member cannot even censure a member of an Imperial or a Provincial service without the concurrence of the Governor. It may be contended that members of the Executive Council, being in the same position, ministers have no just cause for complaint. But it is no consolation to the ministers to find the members of the Executive Council in the same position of helplessness. When public servants know that they have nothing to fear from a minister under whom they serve, the question of maintaining discipline becomes very delicate, and it is a wonder that the ministers have achieved a fair measure of success under very adverse circumstances.

(b) *The Question of Recruitment and of Public Services Commission.*—The question of recruitment should be left entirely to local governments. The Central Government may have a Public Service Commission if it feels that it requires one. Provincial governments should be left to frame their own rules and to devise their own methods of recruitment.

(c) *Indianisation.*—Indianisation should proceed at a quicker pace than it has done in the past. Indians know their countrymen better, they understand their language and appreciate their difficulties far better than Europeans. They are in a better position to get at the truth than Europeans. They are also more easily accessible. Over and all this Indians will be a cheaper agency.

But Indianisation should not mean the dominance of one class. At present the benefit of Indianisation in the Punjab goes mostly to the urban Hindus. Indianisation should be so adjusted and regulated that all classes will receive adequate representation in the public services of their country commensurate with their numbers and importance.

LAHORE.

Dated 6th November, 1928.

AFTERNOON—*continued.*

Deputation from the Punjab National Unionists Party.

The Deputation consisted of:—

1. Rai Sahib Chaudhri Chhotu Ram, M.L.C. (Member of the Punjab Provincial Committee).

2. Sheik Faiz Muhammad, M.L.C.

3. Chaudhri Duli Chand, M.L.C.

54. *Chairman:* I was going to suggest that in view of the fact that the party for which you are going to speak is a party which claims to be formed not on a strictly communal basis, but includes people from the three communities, we should try, in this part of the inquiry, as far as possible not to go over the communal dispute. It is quite relevant to ascertain to what extent a particular community is represented in the party, but I hope very much we will be able to avoid raising afresh from different angles the communal issue. Would you like to address us or would you like some questions being put to you?—(*Rai Sahib Chaudhri Chhotu Ram*) : I will just say a few words in the beginning and then questions may be put to me. You have remarked just now that the deputation which is now before you represents a party which is entirely non-communal. I base the claim of my party to be non-communal on the following grounds. There is absolutely nothing in the principles, programme or policy of this party which prevents anybody from joining the party on the ground of his creed or caste. The ranks of this party are open to everybody who subscribed to certain well-defined views. Secondly, the composition of our party will show that all the communities are represented in it. Of course, the majority now happen to be Muslims, but that is a mere accident, and there is absolutely nothing in our principles which will prevent non-Muslims from becoming a majority in our party. There are some Muslim members of the Council who do not belong to our party. They are as many as five or six. There are five Hindus who belong to our party, and there is one Sikh who belongs to our party. This is in respect of the third Council, that is, the present Council. In the last Council, *i.e.*, the second Council, there were four Hindus, thirty Mahomedans, one Sikh, one Indian Christian, and one European belonging to our party.

Apart from this, there are some among us who do not belong to agricultural tribes, *i.e.*, statutory agricultural tribes, as, for instance, Dr. Sir Mohammad Iqbal, and Shaik-Faiz Mohammad, who are sitting to my right at present.

Another ground on which I claim a non-communal character for my party is that this party lent its support consistently to a purely non-communal Ministry in 1926 throughout. The last ground which I should suggest for claiming a non-communal character for this party is that the programme of the party is to advance the interests of backward classes and backward areas wherever they exist.

55. *Chairman:* Might I interrupt you, because I would like, as far as may be, to have evidence directly on matters one has in mind, if it is not inconvenient to you. May I ask you two questions? First of all, is it possible for a man to be a member of your party and also at the same time to be a member of any of the other organised parties in the Council?—So far as Council parties are concerned, if he is a member of our party he cannot be a member of any other party.

56. The other question is this. Have you noticed —I have no doubt that you have—that in the Government Blue Book on page — there is a paragraph on the subject of the Punjab National Unionist Party running over about half a page? I think it may save a little time if I were to ask you whether you regard that to be an accurate account, so far as it goes, of the party?—I think it is fairly correct.

57. I thought you would say so. We have all read this, and I thought it would save you perhaps from having to give a description of the objects of the party or of its political history. Now, what are the points you wish to make?—The main points to which we should like to draw the attention of the Commission are the following: That the Province should be granted complete autonomy, *i.e.*, full responsible government, that residuary powers should rest with the provincial Government, that the official *bloc*, at least as a voting factor, should be removed.

Chairman: If I may say so, the first and the third of your points, to my way of thinking, at any rate at this stage, are far more important than the second. There are a great many people in this country who attach enormous importance to this question of residuary powers. Allow me to point out that if a Constitution is perfectly and completely drafted there is no need to provide for residuary powers; if you can draw up a Constitution which allocated every subject either to the Central or to the Provinces, and you are sure that you have not left out any, then there is no need for residuary powers. In my humble judgment, rather too much importance, is attached to the residuary powers. The reason why in most federations a provision is made as to residuary powers—in some cases leaving them to the centre and in some cases leaving them to the circumference—is because it is difficult to make a list of everything; and not only that but new subjects may afterwards turn up. But it is not really, if you will allow me to suggest, a fundamental question at the stage when you are considering the principles of the Constitution. It is a point that arises later on when you are trying to express your ideas in actual concrete form.

Witness: The reason why I wanted to stress the point was only this, that no element of uncertainty should be left about it. If there are any residuary powers they should rest with the Provincial Government.

Chairman: I quite follow that, and we know that it is adopted in the system of some, though by no means in all, federations.

Witness: Another point to which I should like to draw the attention of the Commission is that nomination of members to the council should, as far as practicable, be eliminated; there may be cases in which it may not be found to be practicable. The third point to which I would draw your attention is the subject of joint responsibility. The Ministers should have a collective responsibility to the House and not individual responsibility to their various parties, as has been the practice so far.

Another very important consideration from the point of view of the Punjab Province is that the distribution of subjects between the Central Government and the Provincial Government should be such as to enable the Provincial Government to redistribute the present burden of taxation in a manner which will afford reasonable relief to the landowning classes, which have to bear the brunt of taxation under the present system.

58. *Chairman:* I have not been able to follow. Are you calling attention to something in the existing constitution or are you emphasising the principle which you think ought in the future to be secured? Do you mean that this is a thing you want to be provided for in the constitution of the future?—Yes.

Raja Narendra Nath: That means there should be greater freedom of taxation by Provincial Governments.

59. *Chairman:* I understood him to say that he thought it was an important object for those who are interested in the future structure of the Indian Constitution to bear in mind that the Provincial Legislature should have such powers in financial matters as would enable them to adjust the burden and to prevent it falling too heavily, for example, on rural interests. Is that so?—Yes, Sir. Then I would also like to draw your attention to the principles under which land revenue is assessed at present. It does not take into account the ability to pay and whatever may be the extent of one's holding one has to pay a certain amount every six months to Government. If possible, there should be some provision in the constitution which would allow the Provincial Government to assess land revenue on the same principles as are applied to the assessment of income tax.

60. Do you really suggest that that ought to be in the constitution?—One of the difficulties so far has been that the Government of India would not allow the Provincial Government, even if the Provincial Government wished, to alter the present basis of taxation in respect of land revenue, and my point is that the Provincial Government should be allowed a free hand to change the basis of the assessment of land revenue if and when the Provincial Government found it practicable.

61. May I just ask you one question, though it is only, I think, incidentally relevant? I understand that your view is that in the future the Punjab Legislative Council should no doubt contain predominantly rural members and should be exclusively or almost exclusively elected, and that the Ministers should be responsible to the House. Then you add that there ought to be power in the council—I suppose you would wish the power to go to the length of refusing to increase land assessment and insisting on the land assessment being reduced or exemptions or abatements being granted. Do you think that in a council where the members are predominantly rural—and no doubt they may very properly represent the feelings of their constituents—do you think that it is likely that such a council would support the exaction of land revenue or would it be encouraging constant remissions?—If the past conduct of the rural majority or agricultural majority in the present council is any guide to its conduct in the future, I think the majority in the future councils will behave just as reasonably as it has done in the past.

62. You do not think it would make any material difference if the person who is responsible for the land revenue, instead of being a member of the Executive Council who is irremovable, was a Minister returned by a constituency and belonging to a party and directly responsible to the House?—No, it will not make any difference. Even under present circumstances, when the Ministry is not in possession of full powers, a suggestion was made by our party that the land revenue basis should be changed and brought into line with the basis of income tax in the course of the next forty years, and I expect that, if full responsibility were granted, it would in itself have a great sobering and restraining influence.

Another thing to which I would refer is that nothing should be inserted in the constitution which would make such economic measures as the Land Alienation Act *ultra vires* of the council or any other measures of economic importance which may be necessary in future to protect any section of the population, whether rural, urban, agricultural or non-agricultural. With regard to franchise, I should like that the franchise should be very considerably lowered. Now, payment of land revenue to the extent of Rs. 25 a year would enable a man to have a vote. I should like this to be reduced to Rs. 10 a year. In a general way I may state that the present franchise qualifications for rural areas should stand, except in respect of land revenue and immovable house property qualifications, and the franchise should also be extended to tenants who occupy land which will be assessible to land revenue of Rs. 10.

63. *Chairman:* If I follow you rightly, whether the land assessed at Rs. 10 is giving a vote to an owner or a vote to a tenant, in both cases you would fix at the same level?—Yes.

64. *Lord Burnham:* I should like to ask you a question with regard to the answer you have just given as to the land revenue being assimilated to income tax. Whether you mean by that that in future the land revenue should be a tax on the profits of agriculture?—Yes.

65. *Raja Narendra Nath:* You said that the local Government should have power to adjust taxation?—Yes.

66. Removing taxation of one kind under one head and imposing taxation on another head?—Yes.

67. That means that the powers of taxation of the local Government should be wider than they are at present?—Yes.

68. To what extent would you remove the control of the Central Government altogether, or would you give any power of control to the Central Government?—In respect of the subjects which are provincial I would not allow any control to the Central Government.

69. In the case of land revenue, if land revenue were made a provincial subject—you yourself advocate that it should be made a provincial subject—would you allow any powers of control to the Central Government?—No.

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73. Now, the question is this. Except with regard to the subject of the Land Alienation Act, is there anything to which any citizen can object in that programme?—I think reasonable people should not object, but the world has not an excess of reasonable people.

74. All the members of the council would subscribe to your creed if you were to strike out that controversial matter?—I wonder whether all the members of the council would subscribe to the view that the basis of taxation in respect of land revenue should be changed.

75. *Chairman:* Which Article is that? I do not see that in your Constitution?—There must be some reference to a just distribution of the burden of taxation.

76. "Placing the burden of taxation, as far as possible, in an equitable and fair manner." Everybody will say that they want to do that. The trouble is they do not agree as to what it is?—Perhaps it is expressed in general terms. But the object is plain. The present distribution is not just.

77. *Raja Narendra Nath:* The real matter that divides the party in the council in the matter of your

programme is about the Land Alienation Act and nothing else?—I will not admit that.

78. Communal goodwill, franchise, services, labour and capital—anybody will admit that?—You won't agree with me on the question of a due share being reserved for members of the agricultural tribes in the various branches of the public service.

79. All that hangs on the Land Alienation Act?—No.

80. That is the central pivot on which the programme of your party hangs. That is what I wanted to impress on the Conference. Of course, the matter has been cleared up to a certain extent by the questions of the Chairman. You object to the present ministry as not having been formed on proper lines? Quite.

81. Because all the members of the Cabinet do not belong to your party, which is the party constituting the majority?—That is not the ground of complaint. The precise ground of complaint is that they do not all belong to the same party or to the same group of various parties with a common programme, with a common policy and common views.

82. The second ministry on which you have put your seal of approval consisted of the members of your party?—Yes, it did.

83. And that you think ought to continue for ever?—Well, if our party continues to be in the majority that is the consequence which ought to follow.

84. You say in one place that, in fact, there are two parties and that these two parties are the closest approach in the Punjab to capital and labour in the West. Which party represents labour and which capital?—The urban party in the Punjab Council represents more or less capital and the National Unionist Party represents more or less labour.

85. And under the Land Alienation Act the agricultural labourer who is not a member of an agricultural tribe is permanently debarred from being a member of the agricultural tribe?—No, agricultural labourers often belong to agricultural tribes.

86. Is there any group in the agricultural tribes notification which contains a large number of agricultural labourers?—Well, all are labourers. Peasant proprietors are labourers. They work with their own hands.

87. I am referring to those men who do not depend upon their earnings from land. You do not call them labourers. They are landowners. They are owners of property.. Labourers and landless labourers who depend for their living upon their daily wages?—No, I don't agree.

88. That is not your definition?—No. I mean that actual workers, even if they own land, are labourers.

89. Barristers, clerks and subordinate judges who belong to agricultural tribes?—Certainly not, I never said that.

90. Well, then, how do you define Labour? I have not quite understood the definition although I believe the Conference has realised what you are aiming at. But the agricultural labourer, the landless labourer is excluded from the benefits of the Land Alienation Act?—In many cases, not.

91. In the majority of cases?—No.

92. You say on page 151 that "In that (Nehru) Report the future Constitution contemplates entire centralisation of all power. This is negation of provincial autonomy. The civil and criminal laws should be provincial subjects, otherwise the Assembly may to-morrow pass an Act abolishing the Land Alienation Act because in the Assembly the agriculturists will possess a very poor strength and voice." I believe you have read Section 65 of the Government of India Act?—Well, I have not got these things by heart.

93. Section 65 of the Government of India Act gives wide powers of legislation to the Legislative Assembly?—Perhaps it does.

94. And in spite of that the Land Alienation Act has been allowed to remain intact. The Assembly has not nullified it or repealed it?—I hope the Legislative Assembly will continue to retain that reasonable attitude.

95. There is sufficient guarantee even at present. What further guarantee do you want? The Legislative Assembly does not interfere with matters which are purely provincial, and the Land Alienation Act is a measure which is purely provincial?—If I have been able to form a correct estimate from what you have said in your Memorandum and from the evidence that was led by your party yesterday, you would like to have a right under the Constitution to have the Land Alienation Act repealed or declared *ultra vires*?

Raja Narendra Nath: No, I want more. This right already exists.

Chairman: Well, I think the answer is not an unfair one. Is it? Let us see whether we have got the position right with the help of Raja Narendra Nath. The view put forward by his party yesterday and by himself in his Memorandum* is this, that he wants to see enacted in the statutory structure of the future Constitution of British India a clause which says that no provincial legislature can validly pass any law which provides for differential treatment in the matter of property, of which the Land Alienation Act is said to be an example. I think that is the point.

96. *Dr. Narang:* Chaudhri Sahib, you are a member of the Committee and I have to treat you with all possible deference. With respect to the constitution of your party you say that there are five Hindus. May I know how many of them are elected?—Four are elected and one nominated.

97. Even at present?—Yes.

98. Are there any Hindu members of your party who do not belong to the notified agricultural tribes?—No.

99. And there are some who are members of notified agricultural tribes, and they are not members of your party?—Yes, that is so.

100. Notably a member from Rohtak?—Exactly.

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Now I come to the questions in the order you have mentioned, Chaudhri Sahib, with respect to the Central and Provincial Governments—the question of really residuary powers as the Chairman has pointed out—the question whether you would like the Punjab or any other province to be so independent, with the exception of some specified subjects, that the Central Government should have absolutely no right of guidance, control and direction over the Provincial Governments. This is the real crux of the whole matter?—In matters which react on the sphere of the Central Government or on the sphere of other Provincial Governments I won't mind interference by the Central Government, but in all other matters I should like the Provincial Government to be independent.

106. In other words, am I right in inferring that you would like to give to the province more autonomy than the Feudatory States, or as they are called, Native States, enjoy. For instance, than the Maharajas of Patiala, Bikaner, Hyderabad and so on enjoy?—I am afraid it is difficult for me to form a correct estimate of the measure of autonomy enjoyed by these States.

107. *Dr. Narang:* Now, Chaudhri Sahib, as regards the transfer of subjects to local Governments, won't you like to keep some power of control in the hands of the Central Government in case of maladministration, misrule, breach of the spirit of the Constitution, tyranny exercised by the most powerful group, for instance, in the Council or by the Ministry that knows that it has the support of the largest section of the Council at its back? Would you like to leave some such power with the Central Government or not?—The Governor is there to dissolve the Council if the Council is found to behave unreasonably.

108. *Chairman:* The Governor should dissolve the Council?—Yes.

* See pp. 163-190.

109. I do not think that really quite faces, if I may say so, the difficulties. May I quote an instance. Take this class of case which, unfortunately, as we know, happens from time to time in this province. There have been very sudden and serious outbreaks which meant the breach of the peace, and, it may be, created a very dangerous situation. Somebody has got to deal with that. I understand that your view is that we have reached the time when there ought to be a transfer of law and order along with everything else to a Ministry. I quite follow that. Now it is always possible, if not in this province—you must imagine the possibility, you know—that the thing is not, unfortunately, very well handled. It may be badly handled by any Government. We must assume the possibility. It is even conceivable that it may be necessary to call in the military. Now, is the military, in your view, to be under the Central Government or under the Provincial Government?—Under the Central Government obviously.

Chairman: Then it seems to me there is a difficulty if you make the province too absolutely self-contained, because that would mean that the provincial Minister, or the Provincial Ministry rather, would invite the assistance at a time of crisis of the military, although, as you just told me, your view is that the military is to be under the Central Government. That is the sort of difficulty, I think, Dr. Narang, if I may say so, it is absolutely no use at all to deal with these complicated subjects by merely general phrases. We have got to think how the thing is going to be best arranged with the strains of life and temper and passion. That is the only sort of Constitution building that is worth doing.

110. *Dr. Narang:* After the remarks which you have heard from the learned Chairman, would you like to modify your views?—Not in respect of the subjects which have been allotted to Provincial Governments, or which have not been specifically allotted to the Central Government. If there is any widespread disorder, the Provincial Government must of necessity request the Central Government to lend them the military, because the military forces have been placed under the Central Government. And when opportunity arises for the use of those forces, it is for the Central Government to come out with those forces. It necessarily follows from the distribution of subjects between the Governments—Central and Provincial.

111. Do you mean that even the Viceroy's power of vetoing a local Bill should be abolished?—Certainly.

112. You think that the Governor's power of veto is quite a sufficient safeguard?—Yes.

113. I find from a Memorandum* which has been sent to the Commission by your colleague Rao Bahadur Chaudhri Lal Chand (I am referring to it because in the preface he says his views could be very well presented by his friend Rai Sahib Chaudhri Chhotu Ram) he says, in the course of his Memorandum, that there should be joint electorates with reservation of seats. Do you agree with that view?—As we have stated in our Memorandum, if there is a substantial measure of agreement between the communities concerned, our party would welcome it. If there is no such agreement, then separate electorates have to be maintained.

114. Then you do not agree with Chaudhri Lal Chand?—No, I do not.

115. May I just put to you one question? Do not you think that now in the Punjab we have gone far beyond the purely communal question, and we have come to questions of sectional preference, caste preference, and territorial preference? Have we not come to that?—No.

116. I would explain to you what I mean by sectional preference. For instance, it is not now a question of, say, Hindus *versus* Mahomedans, but it is a question of the rural section of the Hindus *versus* the urban section of the Hindus. Is that not correct?—In certain very vital matters agricultural Hindus have interests which are distinctly different from, and in some cases even opposed to, the interests of urban Hindus.

117. So there is this further cleavage also?—Yes.

118. Then I said there is the caste cleavage. You must be familiar with a number of questions put in the council, such as, how many Jats, and how many Rajputs are there in such and such an office, and so on. Is that not a fact?—Yes.

119. Then about the territorial cleavage. Questions are asked as to how many persons belonging to such and such districts are on the cadre of sub-judges, or police inspectors, or in the co-operative department, and so on?—Yes, such questions are asked.

120. I will just ask you one question whether these further cleavages are not the result of the original main cleavage, viz., the communal cleavage?—No.

121. They are independent of that?—Yes.

122. I shall just ask another question which I consider to be a very important one. For instance, you say at page 151 of your Memorandum, under the head (c) "The National Unionist Group, consisting of men of rural extraction and rural sympathies, irrespective of caste and creed. The National Unionist Party was the strongest in numbers, and included men of all faiths." That is one thing. It is correct, is it not?—Yes.

123. And then what you have put down at page 151 is also correct—"The debates of this Council are one unending record of the conflict of views held by these two parties"?—Yes.

124. Now, keeping these two facts in view, viz., that the Unionist Party is the most numerous, and it is best organised, and there is really a crowd of cleavages, if I may so put it, in the council, and there is discord at various points between the various parties—keeping these two facts in view and the further demand that you have made that the Ministry should be joint and should have collective responsibility, and that it should be responsible to the council, does it not mean then that the Ministry, if it is made responsible, would be responsible to the Unionist Party?—In your question you have made so many assumptions that I find it rather difficult to answer. You say there are innumerable cleavages. I do not admit it. If you put your question more clearly, point by point, I shall be in a position to answer.

125. *Chairman:* I see what the question is exactly. If you are going to have a Ministry which is responsible to the majority, and the party you represent is the majority, does not that mean that the Ministry will be from your party and nobody else?—Yes, that is true.

126. *Dr. Narang:* Then you ask that all the subjects should be transferred, do you not?—Yes.

127. Then, thirdly, you ask that the Central Government should have absolutely no control over subjects which have been transferred to the Provincial Governments?—Yes.

128. Now, keeping all these facts in view, and also the fact that you also want the power of taxation and of adaptation of taxes and readjustment of taxes, what safeguards do you provide for those who do not belong to your party?—Safeguards against what?

129. Safeguards against the majority tyranny?—So far as I can form a judgment, the majority will not tyrannise over the minorities, and if it seeks to do so I think the conscience of the people will revolt against it, and that majority will not be returned to the council next time, as happened in Madras.

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130. *Dr. Narang:* This great movement in which you are also taking a part (and your Memorandum shows that you are taking a very keen interest in it) is a movement for self-government in India?—Yes.

131. And you want the power to administer your own affairs, do you not?—Yes.

132. Is it due to the tyranny of those people who are in charge of it now, or is it in consonance with the natural principles of justice and self-determination that you are asking for these rights?

* Not printed.

Chairman: Even so rhetorical a question as that, I suppose, is intended to be answered. What is the answer?—(*Rai Sahib Chaudhri Chhotu Ram*): I have not followed exactly the significance of the question.

133. *Dr. Narang:* You say your party will not tyrannise?—Yes.

134. And therefore no safeguards are necessary?—Yes.

135. Then why do you want power?—What power?

136. Why do the Indians want power? Why do the Punjabis want power? It is going on all right. You can depend upon the conscience and the sense of duty of the people who have the power now?—But the analogy does not hold good.

Dr. Narang: He did not really give an answer to my question, what safeguards are provided. The answer is, no safeguards are necessary because we are very good people.

137. You say you are very solicitous for this, that there should be no provision in the Constitution which might interfere with such legislation as the Land Alienation Act. You said that, if I followed you?—Yes.

138. Because, you said, it was an economic measure?—Yes.

139. Can any measure be called economic the application of which depends upon caste, and to the exigencies of which no one by his own free will can adjust himself? I can become a Mahomedan if I like, I can become a Christian if I like, but I cannot become a member of an agricultural tribe?—No, because your tribe does not, as a class, follow the profession of agriculture.

140. Then do you call it an economic measure?—Yes, it is an economic measure, because it seeks to safeguard the interests of those sections of the population which are, as a class, economically very backward, educationally very backward, are ignorant, in debt, and cannot really look after their interests themselves without the help of some such measure.

141. I have only one more question. At page 149 you say about the question being settled by amicable arrangement, and so on, "but if these communities fail to arrive at a mutually acceptable settlement, communal electorates will be absolutely necessary as a safeguard of the rights of minority or backward communities." That is what you say?

Chairman: What is the question?

142. *Dr. Narang:* The question is, would you include the Hindus in your definition of "minority" as used here, or not?—Yes; why not?

143. And the Sikhs also?—Yes.

Chaudhri Zafrullah Khan: On page 149 of your Memorandum you say: "In the case of landowners the franchise should be lowered to people who pay Rs. 10 as land revenue annually"?—Yes.

144. And you say, "All rural tenants who occupy land paying Rs. 25 as land revenue annually should also get the franchise"? I want to be quite clear that your view is definite that this should be lowered to Rs. 10?

Chairman: He said Rs. 10 in each case.

145. *Chaudhri Zafrullah Khan:* A little lower down on page 4 you say: "The number of non-official members of the (legislative) council should be increased to 125." Have you any particular objection if it is larger than 125?—No. As a matter of fact I should like it to be larger, say about 150.

146. Then in the summary given by you before the cross-examination started, you put down certain things which you wanted?—Yes.

147. With regard to the paragraph beginning "The representation of special interests," do you want any special constituencies to continue?—No.

148. Of course, you know that in recent years there has been an enhancement of taxation in the form of land revenue and rural taxation, and so on. Did your party, as the rural party, give support to these enhancements or did they oppose it in the legislative council?—Our party lent its support to the proposals for enhancements.

149. You have suggested that there should be power in the Provinces to readjust taxation so as to grant relief to landed interests. Would you be opposed to such power being given to the Provincial Council to grant relief to any section of the people whenever such relief became necessary, or only to landed interests?—Certainly not; I have no objection if the Government possesses the same powers in order to give relief to other sections of the population if they happen to be overtaxed.

150. With regard to agricultural labourers, certain questions were put to you. Is it not a fact that the vast majority of these labourers belong to the notified agricultural tribes themselves, but in the course of time their holdings have either been lost altogether or reduced to such an extent that they cannot make a living out of agriculture themselves?—Exactly.

151. And consequently those people are still members of agricultural tribes?—Yes.

152. A suggestion has been made in one of the memoranda received here—and no doubt you have gone through that also—that the Central Government should have power to suspend the Constitution of any Province which behaves unfairly. What is your view with regard to such a power being in the Central Legislature?—I would object to it strongly.

153. The Chairman of the Commission has very clearly defined the various forms that might be adopted with regard to the distribution of subjects between the central and provincial governments, and you have generally given your view with regard to the residuary powers; but I should like to put to you this question: In any distribution of powers between the Central Government and the Provincial Government, could you tell the Commission generally, without naming any specific subjects, what class of subjects you would like to be reserved for the Central Government, and what class of subjects to be allotted to the Provincial Governments?—Class of subjects without specifying any of them?

154. I do not want you to name all the list of subjects, but what class of subjects would you leave to the Central Government?—The Army, Navy, Foreign Relations, Relations with Indian States, Customs, Railways, Posts and Telegraphs, and other matters which should naturally fall within the scope of the Central Government.

155. All-India subjects?—Yes.

156. And with regard to taxation—perhaps the residuary powers may not be important anywhere else—what would be your policy? Would you not prefer that certain taxes be allotted to the Central Government, and the residuary power of taxation with regard to all other subjects to remain with the provinces?—Yes.

157. And in case the Central Government was in need of larger funds than were supplied by the taxation allotted to them, how would you make up that deficiency?—By levying contributions from provinces more or less on the basis of their population.

158. With regard to the question of the transfer of law and order, is it not a fact that the Army is a Central subject at present?—Yes.

159. Is it not a fact that law and order is a provincial subject?—Yes.

160. Do you think there has been any difficulty in dealing with many difficult situations that have arisen in the Punjab owing to the fact that law and order are provincial and the Army is central?—No difficulty has been experienced so far.

161. Now with regard to your party's majority. Are you sure that in all provincial legislatures henceforth your party is bound to be in the majority?—Certainly not.

162. Is there not, apart from the National Reform Party and the National Unionist Party, a sort of cross-bench composed of what I might call Nationalist members, including Hindus, Mahomedans and Sikhs?

—Yes, and there are more than half a dozen members of agricultural tribes who do not belong to our party.

163. Is there anything to prevent the growth of that bench so that they might form a majority in the Council?—None.

164. Is there anything to prevent members from your party, say urban Mohamedan members, finding that their interests are identical with the National Reform Party or the Nationalist Party joining them? —There is nothing to prevent them joining any other parties.

165. *Sardar Ujjal Singh:* Chaudhri Sahib, you have suggested that land revenue should be assessed on the same principle as income tax, and possibly that means also that land revenue assessment has to be made annually; but there is a further demand on behalf of the zamindars that the period of assessment should be enlarged to be 40 years, and sometimes a demand for a permanent setlement. How do you reconcile that demand with the annual assessment, if it is brought on the basis of income tax?—I am putting this forward as an ideal towards which we should work, so that in the course of time land revenue should be brought on the same basis as income tax.

166. *Sir Hari Singh Gour:* I have very few questions. You have said that so far as the Central Government is concerned, it should not interfere at all with the good or bad government of the autonomous provinces, but nevertheless it should provide armed forces to quell any disturbances in the provinces?—Yes.

167. That is your position?—Yes.

168. The Central Government, though it has no controlling voice and no power of ensuring good government in the provinces, still remains liable for the purpose of quelling any internal rebellion that may occur in the provinces?—Yes.

169. You recognise that conflicts with the principle of constitutional law, that he who is responsible for quelling a rebellion is equally responsible for seeing that good government is carried out, so that there may be no cause for rebellion?

Chairman: That may be a maxim of good government, but it is certainly not properly described as a principle of constitutional law.

170. *Sir Hari Singh Gour:* Is it a principle of good government? I will put it in that way.—The duty of keeping the peace in general and preventing any rebellion, or suppressing it when it occurs, has been definitely assigned to the Central Government, whose business it should be to suppress any rebellion.

171. It is to be the bludgeon of the provinces and no more? Is that your position?—Yes. In this particular respect.

172. You say the Land Alienation Act has been placed permanently on the Statute Book?—Yes.

173. Do you not foresee the possibility in the remote future of the time arriving when the agricultural tribes who have been protected under this Act will no longer require any protection?—Yes, quite.

174. In that case you would give the province which has enacted the Act, power to repeal it?—I would give that right to the provincial Government.

175. But you said it should be made part of the Constitution, and the provincial Government should not have the right to interfere?—I meant the Central Government; it may have been a slip of the tongue on my part. The Central Government should not have the right to interfere.

176. But the Act is an Act of the Central Government; it can be repealed only by the Central Government. One question about assessment. You said that land revenue should be assessed on the profits; that is to say, on the basis of income tax, on the profits which a man makes?—Yes.

177. Would not that make all assessed land in reality freehold? That is to say, any ordinary non-agriculturist man pays income tax on his profits, and an agriculturist will equally pay tax on his profits, so that he will pay nothing at all for the holding of the land?—Why should he pay?

178. I do not wish to argue that; the fact is he will not?—He will not.

179. The position would then be that all holdings here would be freeholds?—I am not quite sure as to the exact significance of "freehold."

180. Freehold means free of rent, of revenue and everything else; it will be freehold, that is the position?—Yes.

181. Your party therefore stands for the establishment of the principle of free holdings throughout the Punjab?—Yes.

182. It comes to that?—Yes.

183. You have said that the Central Government should have no power whatever to suspend the local Acts. If the Central Government has to go to war with a foreign power to defend the provinces and to defend its own existence, and money is required, and the provincial contribution is not paid, how is the Central Government to carry on?—I am suggesting that, if need arose, the provinces ought to be called on to contribute.

184. But where is the sanction behind it?—In the constitution.

185. No; you said just now it would be a voluntary payment by the provinces. You have said the Central Government has got no directing power in the provinces?—No, no.

186. It is to have no such power of superintendence, direction and control, such as it possesses now over the Provincial Governments?—I stated that, if need arose, then the Provincial Governments should be called on to pay their quota.

187. *Sir Hari Singh Gour:* Yes, they may be called on, but suppose they refuse to pay?

Chairman: I do not think that is what he meant. We are dealing only with a sketch; he does not profess to produce a complete scheme. I think we understand his sketch. I think his idea was, on this particular point, that the constitution should contain a provision that in certain events (which would have to be carefully defined) then, as part of the whole structure, the provinces would not have the privilege of contributing if they liked, but would be compelled to contribute.

188. *Sir Zulfiqar Ali Khan:* I want to be very definite on one point. Do you or do not you want the Central Government to be strong enough to control affairs in the provinces if need be?—Let it be strong enough to manage its own affairs, and let the Provincial Governments be strong enough to manage theirs.

189. Suppose there is anything on which the opinion in the provinces differs in regard to administration, who would adjust matters?—The provinces.

190. The provinces cannot?—Why?

191. Even in the United States of America there is a Central Government to regulate the administration in the States.—In respect of matters which are outside its scope, do you mean? Has the central authority in the United States of America the right to interfere in matters which have not specifically been allotted to it?

192. I am taking into consideration the situation of different communities all over India. I am not here taking a communal view at all, but suppose there is anything which hurts any particular community, and any community feels hurt or aggrieved, what action can the Central Government take to protect it?—Why should the Central Government take any action?

193. Which is the Government which should take it? —The Governor.

194. If you transfer law and order, the Governor will not have charge. You have said in your statement you would like law and order to be transferred? —Yes.

195. You would like to have unitary government?—Yes.

196. And there would be no reserved subjects at all. Under those conditions the Governor cannot interfere? —I have never stated that the Governor should from to-morrow be divested of his powers of veto or interference.

197. You think the Central Government should only be strong enough to manage its own affairs?—Yes.

198. If any situation arises you will not mind what happens?—I assume that the Provincial Government and the Governor will deal with it.

199. You have stated that at present your National Unionist Party is the strongest in the House?—Yes.

200. And it is likely to remain so as long as the present constitution, or the future one which you have proposed, subsists?—No. I never made any such statement.

201. If members are drawn from the rural areas (and most of them will come from the rural areas), and your party is mostly composed of members from rural areas, that follows?—Only those members who share our views join our party. Even now there are some rural members who do not share our views and do not join us.

202. There may be one or two?—There are more.

203. The majority from rural areas belong to your party?—Quite a number do not belong to it.

Lord Burnham: He has stated that.

204. *Sir Zulfiqar Ali Khan:* That is what I want to confirm now. It follows that, since your party will remain in power, the Ministry will be formed out of that party. Do not you think so?—So long as it commands a majority there is no reason why it should not.

205. It follows also the Ministry will be assured of continuity?—So long as it continues to have a majority it certainly will.

206. Will that Ministry, when it is assured of continuity, become rather despotic in its behaviour?—I do not assume it will continue to command a majority for an indefinite length of time. If the party makes wrong use of its power it will probably be reduced to a minority at the next election and thus thrown out of office.

207. If you have a majority on your side it will not?—Not if the majority continues, no.

208. Do not you think that here intrigues have sometimes been started in the Ministry which the public have resented?—I am not aware of any intrigues.

209. You are not aware of them?—No.

210. You are not aware of the comments in the Press either?—It happens very frequently that comments in the Press are groundless.

211. Not always. Is it your party's intention to defend the Land Alienation Act. Is that part of their faith?—Yes, that is one of our chief planks at present.

212. You will fight for it through thick and thin?—Yes, so long as present conditions last.

213. You advocate a readjustment of taxation as between rural and urban areas?—Yes.

214. You want that because you think the rural classes are unfairly taxed?—Yes.

215. Can you tell me the incidence of taxation in rural areas?—I could not say that.

216. You cannot speak either as to its incidence in urban areas?—No.

217. There is one thing you can tell me in any case. Life in urban areas is become very expensive?—Yes, and in rural areas also.

218. That counterbalances the levying of taxation?—The agricultural classes do not get enough to eat or to maintain their families, and if they could afford it they also would like to raise their standard of life. My point is that the bulk of the provincial revenues comes out of the pockets of the agricultural classes, while the commercial classes pay precious little.

219. It is the business of everybody to defend the rural classes under those conditions?—Yes.

220. *Sir Arthur Froom:* I shall be very brief, but I want to make reference to one point in your Memorandum to which I think reference has not hitherto been made, so that it is striking altogether fresh ground. I refer to the question of finance. You say on page 152, under paragraph (i), Finances of Provincial Government and financial control, "The powers of borrowing in the open market and the powers of imposing new taxes are unduly limited." Would you tell the Conference what you mean by "the open market"? Do you mean in the Punjab, in India, in London or all over the world?—The provincial governments cannot resort to borrowing without the sanction of the Central Government.

221. I do not think you quite understand my question. You complain you cannot borrow in the open market. What do you mean by "the open market"?—We should not be obliged to borrow only from the Central Government or not to float our own loans.

222. You still have not got my question. I will put it in this way. What are your ideas of an open market?—Let us say the whole of India.

223. You mean India?—Yes.

224. And possibly going to foreign markets too? That would be the open market, would not it?—Not necessarily for provincial purposes.

Lord Burnham: The "open market" must mean the money markets of the world.

Sir Arthur Froom: I do not think that is what he understands by it.

225. Let us confine ourselves to the money market of India. Can you tell us, supposing the Punjab and Bengal and Bombay all wished to borrow at the same time, the interest you would have to give for your money would be very much larger on account of the competition?—We are unduly restricted.

226. You said that the restrictions should be removed or materially relaxed?—Yes.

227. Would you like to have the power of borrowing in the open market except through the Government of India?—There should be some sort of an understanding between the Central Government and the provincial governments.

228. You appreciate that if every provincial government came into the market at the same time, up would go the price? That is ordinary business?—Yes.

229. You propose that law and order should be a transferred subject?—Yes.

230. At the same time, you recognise that an occasion might arise when the minister wants the help of the military?—Yes.

231. The military is under the Government of India, whose executive officer is the Commander-in-Chief?—Yes.

232. Supposing you had a riot, and it got out of the control of the police, and you applied to the military, it might take a week to get military assistance in the way you suggest, and in the meantime there might be great bloodshed and loss of property?—It does not take long now.

233. Of course not, because it is a reserved subject. It is all the difference in the world?—It should not make any difference.

234. You do not suggest that the General at Lahore, for instance, should be empowered by the Government of India to place the military at the disposal of a minister responsible to the local council whenever the minister asks for it?—If it has been possible so far for the Central Government to place its military resources, when needed, at the disposal of a Member of the Executive Council who is not responsible to the legislature, there is no reason why the same should not be possible under altered circumstances, when the minister in charge of law and order happens to be responsible to the legislature.

Captain Sikandar Hayat Khan: May I say that the present practice is that even the district magistrate, when he wants the help of the military, can go and ask for it, and they have to supply that help.

Sir Arthur Froom: That is so, with law and order a reserved subject.

235. *Captain Sikandar Hayat Khan:* Do you think there is any probability, or I would go further and say any possibility, of there being a communal cabinet in the Punjab Council, even if all the communities were returned on a population basis?—No.

Chairman: Thank you very much for having given so much assistance and so much of your time.

LAHORE.

Dated 9th November, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Lala HARKISHEN LAL, First Minister of Agriculture, Punjab.

1. *Chairman:* We are very much obliged to you, Mr. Harkishen Lal. We know, of course, that you were the first Minister of Agriculture in this Province?—Yes, Sir.

2. I should just like to put a question to you quite bluntly and boldly, and it is this. What would be your view as to the working of dyarchy, the successful or unsuccessful working of dyarchy in the Province of the Punjab?—Well, sir, there was no dyarchy. There was in some cases "quadrarchy"—four people working separately—and in some cases a unitary government.

3. Did you say "quadrarchy"?—"Quadrarchy." There were four parts of the Government; not two.

4. Well, you won't expect me to adopt that word! And then there was sometimes unitary Government?—Yes.

5. You are putting it very epigrammatically, Mr. Harkishen Lal.—That is the only way to sum up the situation.

6. Whether you regard it as four-footed, or whether you regard it as a single thing, I think the interesting question is, do you consider it worked?—It worked, I should say, to a very large extent.

7. I will put a leading question, which is a very bad thing to do as a rule. Do you think the influence and help which the Governor gave in this Province was of assistance to making it work?—I think, sir, the Governor's attitude was very helpful; and so was the attitude of the people who had to work with him.

8. We were very glad to be told in the evidence we have had that there has not been in this Province, as there has been in some, a constant succession of votes of censure on Ministers?—No, sir. One was tried but failed.

9. Is it legitimate to ask you, Mr. Harkishen Lal, in very plain terms what you recommend should be done now?—To put it very briefly, my view is this: His Majesty the King in 1921 (His Message delivered at Delhi) said that he would like to see India very soon on a footing of full responsible government; and it was also said in the despatches that the present concession, the Act of 1919, was a substantial instalment. Well, so far as the provinces are concerned, I think, sir, the second instalment ought to be paid and the debt cleared. The whole thing should be liquidated. So far as the Government of India is concerned, if I am allowed to say, I should fix up two instalments there, one now and one later.

10. Now it comes to this then, that your view is—you are speaking, of course, from great experience of the Province—that the time has come to take a step forward in this Province, which, you think, should go to the full length of provincial autonomy?—Quite so, sir, and also the provincial autonomy should be defined. It should not be power in the hands of the Governor entirely. That would also be autonomy; but the power should be in the hands of the Ministers or the people.

11. *Lord Burnham:* Would you be in favour of extending the powers of the Governor in regard to veto supposing autonomy were granted?—Well, sir, no; because the autonomy would mean the joint responsibility of the Ministers, and I would not, excepting in very, very exceptional cases, give power to the Governor to override the Cabinet.

12. *Mr. Cadogan:* Would you indicate what those exceptional powers would be? To what extent would you give the Governor overriding power?—In times of trouble and turmoil I would give him exceptional powers.

13. Disorder?—Yes. And sometimes when a war is on the Government of India may have really to dictate terms. In things of that kind, *i.e.*, in very exceptional cases.

14. *Colonel Lane-Fox:* You said you would like to see full provincial autonomy?—Yes.

15. That, of course, means that you would like to see law and order transferred to a responsible Minister?—Yes.

16. Have you ever considered—several witnesses have suggested it—whether if law and order was in the hands of a responsible Minister, and there was a very strong majority of one community it might not interfere with the administration?—I do not think that can be possible, because the Minister will not be dealing with the matter directly. He might be dealing with the matter as a matter of appeal, but he will not be dealing with the matter as it arises.

17. But he will be dealing with the administration of the police?—He would be dealing with the administration of the police, but I do not see that even now the Governor or a member in charge of "Police" can dictate anything to the police in the early stages of an enquiry or investigation of any trouble. He will deal with it by way of appeal, no doubt. There may be influence exercised in some cases in what is called a left-hand manner, but I do not know how, openly, there would be any influence exercised. In many cases that came up when I was a Minister, and we were told by the member in charge that he could not intervene because the matter was in the hands of the subordinate magistrates and police.

18. Then you are not afraid of the administration being interfered with?—No.

19. *Dr. Narang:* You have said all this on the assumption that all these wrangles about communalism would disappear?—Are there any wrangles every day?

20. That is not the point. I mean the distinction; the distinction, for instance, in electorates and the reservation of seats on various bodies and all these things, and taking communal views.—Is there any trouble now?

21. *Captain Sikandar Hayat Khan:* Are you in favour of extension of franchise?—Yes.

22. Would you give vote to the tenants also?—Yes.

23. You are not in favour of adult franchise?—I am, but for the sake of management I would go down by degrees because the whole population cannot be managed in a day; I would have a property qualification, and would gradually reduce it.

24. You will gradually work up to adult franchise?—Yes.

25. Would you like to see a provision in the constitution that it should be done after every election, that the extension of franchise should be made after every election?—If sufficient time is fixed it may automatically extend; but if sufficient time is not fixed, as the Indian Parliament or the provincial councils see fit.

26. *Sardar Ujjal Singh:* Are you in favour of keeping separate communal electorates or are you in favour of joint electorates?—I will have joint electorates.

27. With regard to full provincial autonomy, would you keep the control of the Central Government over the provinces to some extent if all the subjects are transferred?—That will have to be worked out in detail, because now the control of the Government of India in some cases is not healthy; for example, in the matter of tramways. It is not an easy thing to say straight off what control the Government of India should have and what not. I do not know whether you are aware that there was a great deal of trouble with the Government of India over the question of tramways, and eventually the Government of India turned us down. We had some trouble with the Government of India over the question of excise legislation. Therefore, I cannot say offhand, but I would reduce it to a minimum.

28. What I meant to say was this. Now the provision is that you have got to get the previous sanction of the Government of India before introducing legislation. Would you like to do away with that or would you like to retain the power of veto over provincial legislation? Now you pass a Bill and then it requires the sanction of the Governor of the province, and then it goes to the Governor-General? —It depends on what class of legislation it is, I have not worked out the details. This is a matter of detail. There are so many laws and so many matters which are now with the Government of India and would always remain with the Government of India. When the list is put before me whether I would like to have the veto of the Government of India is another matter. I cannot at present say in matters of detail whether I would keep the veto or not.

29. Supposing communal electorates are kept alive in the Councils, would you like them to be extended to local self-government or would you confine them to the local legislature only, supposing they are thrust upon you?—I used these words before the Muddiman Committee, that "I will not kick at it." I use the same words again.

30. You would confine them to the local legislature only and not extend it?—No. I would reduce it even there.

31. *Rai Sahib Chaudhri Chhotu Ram:* Did you pull well with your colleagues?—Yes. I was dining with one of them only three nights ago.

32. *Raja Narendra Nath:* And even with Secretaries?—With Secretaries also, except with one head of a department.

Chairman: Need we go into that? What particular constitutional point do you wish to raise on this subject?

33. *Rai Sahib Chaudhri Chhotu Ram:* I was simply asking him whether he pulled well with his colleagues.—There was absolutely no friction. But we had on certain subjects differences of opinion.

Chairman: Most people have. We have in this Conference.

34. *Sir Hari Singh Gour:* Mr. Harkishen Lal, you said you would do away with communal elections. What are your reasons for that?—One reason, and the chief reason which I have mentioned before in some documents is that responsible government and communal elections or communal members are what is called negative of one another. There would be no responsible government based on political views if the people are divided and the members in the Council are divided on religious or communal basis.

35. That of course is your theoretical ground?—That is a practical ground.

36. Did you put this theoretical objection to test during your Ministry? You had communal electorates and you had representatives of various communities in your Council. Did you find that because they were returned by the communities they placed the interests of the communities in the forefront before the general interests of the public at large?—Not in all matters. It depended on how a matter affected them.

37. Were they influenced by communal considerations?—Sometimes they were.

38. Do you think they possessed the confidence of the whole House?—You mean the Ministers?

39. I am talking of the members.—Members had the confidence of the whole House.

40. To the same extent as they would have possessed if they had been returned by general electorates?—I do not understand.

41. My point is this. You are against communal electorates; and I am helping you to give an answer. One of your answers is a theoretical answer, and the next question that I put to you was whether the fact that they are *a priori* bad elections were in view of the fact that you were practically all working in a council formed on communal basis. Did you find that communal electorates produced men who had better not have been in the council at all?—Some. Not all. One could not say what proportion.

42. You would like to have general electorates. Would you give reservation of seats?—No.

43. You will leave the minorities alone?—I do not know of the minorities. The minorities have been created. There are no natural minorities. Minorities have been created on the basis of religion and economic ideas. From the political point of view there are no majorities and no minorities.

44. For instance, there are people who are not so politically minded as the rest of the community. I will give you the depressed classes as an example. You have got 22 lakhs of depressed classes in the Punjab. They have no representation at all, nor are they likely to have?—Why?

45. Because they are depressed classes scattered all over the province?—It depends on votes. If they get votes then they will have representation.

46. Would you give them special help so that they could come up?—To come up to what?

47. To secure votes?—I have said that I am for adult suffrage. That includes the depressed classes.

48. You are for adult universal franchise?—Yes.

49. Both male and female?—Quite.

50. If you give adult universal franchise do you think that you will get a better class of men into your council than you get at present. A more intellectual class who will carry on the work of government much better than they are able to do at present, or at least as efficiently as they are doing at present? —I think there would be the same standard. I do not think the standard will be lowered. I do not know whether a higher standard exists in the country. I thought we got the best men into the Councils already.

51. You think that that standard will be maintained if there is adult suffrage?—I think so.

52. Do you not think that the intellectual people, the busy people, like yourself, will find it much more irksome to get returned to the Council because the constituencies would be such populous constituencies? —That would depend on how many members are being returned.

53. Would you increase the strength of the Council? —Yes.

54. To what extent?—At least to 200.

55. *Sir Arthur Froom:* Amongst your other activities, Mr. Harkishen Lal, might this Conference regard you as a great financial expert?—If they please.

56. I will put it the other way. You are a big banker?—I do not say I am a big banker, but I am a banker.

57. For that reason I attach great weight to the answer which I hope you will give to my question. Would you regard that the Finance Department of the Government of the Punjab under provincial autonomy should be entirely separated from the Central Government?—The department is already separate. The functions in some cases are not well defined, but otherwise it is.

58. Finance is reserved?—The subject is reserved, no doubt, as between the members and ministers; but not in relation to the Government of India.

59. May I put a direct question. Would you visualise the Province of the Punjab or the Punjab Government in the future or the government of any other province being allowed to bring out loans without any consent from the Central Government?—My own view is that generally in ordinary cases the province should be allowed the borrowing power. But there may be cases of stringency or of famine or war and so on, in which cases the Government of India might very well be consulted or may have control.

60. At present no province can raise a loan without the consent of the Government of India?—Yes; at present they cannot.

61. My point is this. Supposing there was entire freedom in this respect you might have all the provinces in India bringing out loans at the same time. and the price of money might go up?—They would be very foolish to do so. In banking we find every day that the Imperial Bank tries to beat us. We are really trying to escape them. We do not go together into the same field. Where they lend money at 6 per cent. we cannot afford to lend at 6 per cent. We take our precautions and they take their precautions. I do believe that the Finance Department or the Finance Administration will not be wise enough to visualise the times and the resources of the country. Otherwise I do not think that will be a good department. I have no fear that they will cut each other's throats.

62. But, after all, perhaps the question of a loan for a province is bigger finance than your competition with the Imperial Bank. Each province will want money and possibly by means of loans—it is the usual system of financing governments. Now I cannot help thinking that without some central control or advice there may be a race to get into the field first?—That is what I say. Some one no doubt will get in first and everyone else will have to wait. That is what is done in the London market where there is no central control. Are not the people there keeping back schemes for years because the other men have got ahead? Do they not study and adjust much better and larger finance than India as a whole or a province will have? In the London market, so far as I know—and I know it from inside also—there are schemes, and very good schemes sometimes, but the men are not really active enough or vigilant enough to push them. They have to wait when other people come along. That will happen here also. No one has suggested that there should be central control over the London market or over the New York market. They are working all right.

63. I cannot quite agree that the two are exactly alike. At any rate your answer is that you have no fear that without some sort of central advice of control a province will have to pay more for its loans—a larger interest than is the case at present? Even one per cent. means a lot of money to a province?—The rate of interest when a province takes a loan will depend on the security—on the income and resources of the province. You have to see the other side also. At present the Government of India cannot very well render equitable service to all the provinces. That is one thing. And the other thing is that the Government of India itself requires money and its requirements have preference generally because they have the power in their hands.

64. I will just put one more question to further elucidate my point. At the present time any loans the Punjab brings out are backed by the Government of India. Are they not?—You mean that the Government of India has to give the sanction?

65. No; the security of the Government of India. Your provincial borrowings are arranged by the Government of India?—It includes the resources of the province.

66. Your provincial loans are raised by the Government of India and have the security of the Government of India behind them. Have they not?—They have.

67. *Chairman:* I do not think it is correct to say that every loan which is raised by the Provincial Government is necessarily backed by the Government of India. The Provincial Government may raise a loan on the security of its own revenues?—Yes, if allowed by the Government of India.

Chairman: Certainly. I am not speaking of the question whether there must be a sanction for what it does. The question is, sanction being obtained, what is it that is being done. In certain cases the Provincial Government may, and I think has, raised loans on the security of its own revenues.

Sir Arthur Froom: That is to say, if sanctioned by the Government of India.

68. *Chairman:* I thought you used the word "backed." That would mean, I suppose, that the Government of India's resources are pledged to repay the loan. All I am saying is that there are cases in which a Provincial Government may raise a loan without the Government of India pledging its own resources?—Yes; it has been done so in the Punjab.

69. *Lord Burnham:* As a matter of fact, are there not two cases in which the Government of the Punjab did raise loans on its own account?—Yes.

70. *Chairman:* I understand there are only one or two such cases. I must say I feel some difficulty in this matter as I think Sir Arthur Froom also does. Might I put what is a purely hypothetical case? You know in London each department of State is not permitted to go into the London money market and raise money for itself. The Treasury insists upon co-ordinating their demands and the money will be raised through the Treasury?—May I make myself clear? We were not talking of the departments.

71. I was only saying it as an analogy?—I will give an illustration. The local bodies in England do borrow independently of the Treasury and here the Provincial Governments would be the local bodies in that sense, the Government of India being the Treasury. In India also you are aware that the Port Trusts and the municipal corporations in many cases raise loans independently of the Government of India.

72. Do I understand your view to be that, if there are nine or ten provinces in India and also a Central Government, the whole system being federal, you still think that each provincial unit should be perfectly free to raise its money by loan without any co-ordination organised by the Government of India?—Theoretically it is possible, and it ought to be done. But in practice there might be some difficulty. Just as the bankers put their heads together, the provinces might put their heads together under the guidance of the Government of India. Again, there are more than one private bodies. There are Port Trusts, about four or five in number; Improvements Trusts about half a dozen, and municipal corporations about half a dozen. They go into the market from time to time along with the Government of India.

73. *Sir Arthur Froom:* What I wanted to find out from you is whether, without this co-ordination—which is the word that the Chairman has used, and I would also like to use it—you would not find that you have got to pay more money?—Yes, possibly, more interest has to be paid.

Memorandum on the Rights claimed by Hindu Minority in North-West India, by Raja Narendra Nath, M.A. (Punjab), Member of the Punjab Legislative Council, Ex-President of Hindu Mahasabha (1926), Fellow of the Punjab University, formerly a Statutory Civilian in the Punjab, President, National Reform Party, Punjab Council.†

PREFACE.

For the last 12 years I have been taking a deep interest in the social and political welfare of the Hindus and have been in touch with Hindu thought and feeling in the Punjab and outside. Though the opinions expressed in the following pages have been formed after close contact with the leading Hindus of the Punjab, and correctly represent what I understand to be the view of most of them, yet this Memorandum is being submitted by me in my individual and not in my representative capacity. I am solely responsible for what has been said therein, and for such proposals and suggestions as it contains. The Memorandum will be circulated to all the leading Hindus of the Punjab and to organised associations, and their opinions, when received, will be sent to the Commission.

SECTION I.—THE PROBLEM STATED.*

Lord Birkenhead and Mr. Ramsay MacDonald and other public men in England have more than once given assurances that, in any scheme for self-government which may be evolved for India, the interests of minorities will be duly protected. Up to a recent period only one important minority, viz., that of Muslims, has attracted the attention of the publicists in England. The depressed classes have lately begun to receive some consideration. It is, however, not generally recognised that Hindus in North-Western India also form a minority, and an important minority, in a country which derives its name from them. In Bengal, too, the Hindus are in a minority, but presumably they have no grievances as the Hindus of North-West India, and, therefore, have not raised their voice. The case of the Hindus in the Punjab, North-West Frontier Province, and Baluchistan has some peculiar features of its own which must be explained to the Commission. I will deal first with the Punjab.

The Punjab, excluding Native States, has a population of 20,685,025, of which 11,444,321 are Mahomedans, 2,294,207 Sikhs, 6,945,972 Hindus and others, including Jains, Buddhists and Christians. Excluding Christians, who are 329,050, the Hindus form 31.9 per cent. of the population. The Punjab Council consists of 93 members, of whom 71 are elected and 22 nominated. Of the latter, 15 are officials, excluding two Ministers and seven non-officials. The elected members are returned by 64 territorial constituencies. Seven members represent special interests, one is returned by the "University," one by "Industry," one by the "Chamber of Commerce," three by "Landholders" (one Sikh, one Hindu, one Muslim), paying Rs. 500 or more as land revenue, and one by Tumandars of Dera Ghazi Khan, all of whom are Mahomedans. In the territorial constituencies 32 seats are assigned to Mahomedans, 12 to Sikhs, and 20 to Hindus; Mahomedans and Sikhs being returned by separate electorates. Besides this division on the basis of religion there is a division between urban and rural members which, owing to circumstances to be related hereafter, has great importance and significance. There are 51 rural and 13 urban constituencies.

It will thus appear that, out of 64 elected members returned by territorial constituencies, 44, which constitute more than a majority of two-thirds, or nearly 69 per cent., are returned through separate communal electorates. The policy of communal representation through separate electorates has, therefore, a special bearing on the Punjab, and it is necessary to say a few words about it.

Communal representation through separate electorates was introduced in the Punjab in some municipalities before the inauguration of the Reform Scheme of 1921. Whilst Lords Minto and Morley were considering the question of the expansion of councils an address was presented on the 1st of October, 1906, to Lord Minto by Mahomedans, under the leadership of His Highness Sir Aga Khan. The general trend of this address, as also of the reply given by Lord Minto, indicates that special electorates were asked for on the ground that the Muslims formed a minority in most Provinces, and for that reason, unless special electorates were recognised, the Muslim members returned would represent the views, not of Muslims, but of the majority of Hindu electors. I may be excused if I give some extracts from the address presented to, and the reply given by, Lord Minto. The request for communal representation through separate electorates was made in the following words:—

"As for the results of elections, it is most unlikely that the name of any Muslim candidate will ever be submitted for the approval of Government by electoral bodies as now constituted, unless he is in sympathy with the majority in all matters of importance. Nor can we in fairness find fault with the desire of our non-Muslim fellow subjects to take full advantage of their strength, and vote only for members of their own community or for persons who, if not Hindus, are expected to vote with the Hindu majority on whose goodwill they would have to depend for their future re-election."

In Lord Minto's reply the following passage occurs:—

"You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muslim candidate, and, if by chance they did so, it could only be at the sacrifice of such candidate's views to those of a majority opposed to his own community, whom he would in no way represent, and you justly claim that your position should be estimated, not merely on your numerical strength, but in respect to the political importance of your community, and the services it has rendered to the Empire. I am entirely with you."

It is true that the deputation which waited on His Excellency asked for communal representation everywhere in council, in local bodies and in services. But the argument which appealed to Lord Minto was that a minority community, which held a position of importance in the country, needed separate representation in councils, and that representation in excess of the proportion of its number.

In the Minto-Morley scheme of reforms there was no direct election. The principle of the responsibility of the Executive to the Legislature was not introduced. The question whether a community, which is not in minority, can justly claim separate electorates, did not arise. It is, however, noteworthy that in the Punjab, where Muslims form a majority in the population, they were not given separate communal seats. In Bengal, where also Muslims form a majority in the population, out of 27 elected seats the Muslims were given five, for which separate communal electorates were introduced.

These facts indicate how the announcement made by Lord Minto was interpreted immediately after it was made, or the policy inaugurated by him was worked soon after it was introduced. Separate electorates were recognised only in the case of a limited number of seats forming a small minority quite disproportionate to the numerical strength of the community in the population. Bengal, where Muslims are in a majority in the population, was no exception to this general rule.

* Parts of this section of the Memorandum are verbatim copy of a paper which I read under the auspices of the Tilak School of Politics on 16th May, 1926.

† The Appendices to the Memorandum have not been printed.

Casting a glance outside India, I find that communal representation through separate electorates existed in the Province of Moravia, in Austria, and in Cyprus (para. 228 of the Report on Constitutional Reforms by Mr. Montagu and Lord Chelmsford, also Lord Morley's speech in the House of Lords delivered on the 23rd February, 1909). Although the present Government in Cyprus was introduced under circumstances of a peculiar nature, yet it is significant that here also Muslims, who have separate electorates, are in a minority, being 61,422 out of a total population of 310,709.*

In Austria, as far as I am aware, separate electorates were recognised for Germans only in one out of several Provinces which constituted Austria before the war, viz., Moravia. In this Province the figures as to the population in 1890 were as follows:—

German, 29.4 per cent.

Slavs of the various sub-divisions of the Czech race, 70.03 per cent.

Balance, Slavs of other races.†

Separate electorates, as far as I am aware, have seldom if ever been thought of for a community which is in a majority in the population or which is in absolute or relative majority in a representative body. Anyhow, for reasons to be stated in the sequel, they cannot be continued in spite of the protest of a minority community. In 1916 the Muslim League and the Congress met together, and entered into a compact, under which proportions were fixed for Muslim representation through separate electorates on the Legislative Councils in every Province, including the Punjab. The pact took no account of the Sikhs. The Southborough Committee, which sat in sections, one dealing with "Franchise" and "cognate" questions and the other with "Functions," proposed communal representation, through separate electorates, for Sikhs, in accordance with their demand. The result now is that more than two-thirds of the members of the Provincial Council are elected through separate communal electorates.

The Report on the constitutional reforms knows as Montford Scheme describes communal representation as "opposed to the teaching of history, perpetuating undesirable class divisions." But the Congress League Pact which recognised communal representation through separate electorates for every Province could not be ignored. This method of election could not therefore be withheld from Sikhs in view of their demand. I doubt very much if the British Government would have introduced communal representation through separate electorates for the Punjab Council is case of Muslims, or would have recognised it in the case of Sikhs, if the pact alluded to above had not been arrived at. The mutual agreement of the parties concerned was the main, if not the sole, factor in determining the decision of the Government.

Apart from the consideration that communal representation retards the process of nationalisation, there is the fact that separate electorates deprive those outside the community, which forms the electorate, from a voice in the selection of representatives to whom the fate of all is entrusted. Should any section of the people be deprived of this important right when that section claims to exercise it? In a democractic system of government a minority must submit to a majority. Various devices are employed to safeguard the interests of permanent minorities, specially where parties are formed on a religious basis. Is it then fair to give to the majority community special facilities for the assertion of its communal ascendancy? In course of my evidence as President of the Punjab Hindu Sabha before the Franchise Committee, in 1918, I proposed mixed electorates with the number of seats fixed for different communities. I doubt if mixed electorates were proposed at the time by many witnesses. In view of the idea set afloat by the Congress League Pact, the suggestion was not accepted. But the Hindus of the Punjab have never supported separate electorates, though they have favoured the idea of fixation of seats for different communities. It seems to me highly unfair and inconsistent with the principles on which democratic institutions should be worked, that any person who under the Franchise rules has a right to vote should be compelled to desist from influencing the selection of councillors to whom his fate is entrusted, and the injustice involved becomes marked when the majority of the councillors in a Province are elected in such a way as to exclude a minority from exercising any influence in the election of that majority. It would be otherwise if the minority voluntarily abandoned that right as the Muslims wish to do in provinces where they constitute a majority. But if a minority does not want exclusion it is unfair to force exclusion on it. Such exclusions may be forced on a majority community for it loses nothing thereby, on the contrary it derives strength and is better consolidated on communal lines.

In the Punjab the question is somewhat complicated by the existence of another important minority, *viz.*, that of the Sikhs. The attitude of the Sikhs with regard to separate electorates has undergone a change since the introduction of the Reform Scheme. They are opposed to separate electorates and perhaps even to the fixation of communal proportions in seats. Their demand is, and has been, that if communal representation were a recognised fact in representation for Councils, they as a very important community in the Province should get one-third of the seats, a proportion assigned to Mahomedans in the United Provinces, where they form 14 per cent. of the population. At the sitting of the Sikh League held recently the Sikhs have condemned communal representation in all its phases. But even if the Sikhs wanted separate electorates, it is not just and fair to deprive the Hindus of the Punjab who constitute nearly one-third of the population of the Province from the exercise of an important right on which representative institutions are based.

Separate electorates cannot be continued solely on the request of the majority community whilst a minority community insists upon joint electorates.

The Indian National Congress has condemned separate electorates and has advocated joint electorates all over the country with reservation of seats. It has, however, attached certain conditions, *viz.*, the reconstitution of Provinces on linguistic basis, the separation of Sind from Bombay and its creation as a separate Province and the introduction in the North-Western Frontier Province and Baluchistan of a system of Government at par with other Provinces. My proposal is a much narrower one, whilst supporting the reservation of seats for communities, I leave the question of separate or joint electorates to the option of a community which is in a minority in a Province, or where the question is one of representation to a local body where the community is in a minority in the electorate. The Hindus have up till now favoured joint electorates and I am sure they will adhere to this opinion. My own experience of a separate electorate for a minority community is that it in no way benefits the community. One strong speech, imbued in a communal spirit, from a representative of minority community elicits half-a-dozen strong speeches from the representatives of the majority community, whom separate electorates for themselves or for minority community consolidates still more strongly on a communal basis. The speeches are often appeals to the gallery, and are generally made shortly before a general election. They serve no other purpose. I would not, however, force joint electorates on a minority community which does not realise this defect, or which on account of its small number in the population gets none of the advantages of joint electorate, whilst the majority community has all the practical advantages of separate electorates. The case of Anglo-Indian or the domiciled European community has some special features. Not only is their proportion in the population very

* Statesman's Year Book of 1927, p. 106.

† "Encyclopædia Britannica," 10th edition, Vol. XXX., p. 829.

small, but their culture and mode of living is radically different from ours. They have very limited opportunities of social intercourse with us, which is not likely to be promoted by the introduction of joint electorates. The case of Hindus, Muslims, Sikhs, and even of Christians, is different in this respect. Up to a very recent time in the history of the country social intercourse between Hindus, Muslims and Sikhs was very free. I have known Hindus who, in spite of restrictions on commensality, counted Muslims amongst their best friends and *vice versa*.

I should now like to say a few words as to the proportions in which seats are to be assigned to various communities. I see no reason for varying the present proportion in the Punjab, which, so far as the territorial constituencies are concerned, are 50 per cent. Muslims and 50 per cent. non-Muslims. The number assigned to the Hindus is in proportion to their population and cannot be lessened. The Sikhs demand weightage in the proportion in which weightage is given to the Muslim minority in United Provinces. They consider as inadequate the small weightage which is at present allowed them. Their proportion amongst voters is too much in excess of their proportion in population, as the following figures will show:—

General or Territorial Constituencies.

Muslims	305,103
Sikhs	167,899
Hindus and others	223,977
Total ...	696,979

The proportion of Sikhs amongst voters is 24 per cent. against their 12 per cent. in the population.

It is impossible to reduce the slight weightage any further as long as Muslims in Provinces in which they are in a minority get the excessive representation which the Congress League Pact for 1916 secures to them, and as long as the domiciled European community in the Bengal Council gets 18 seats out of 114 (nearly 15 per cent.) the Muslim majority cannot anywhere claim the full benefit of its members. That the Muslims are not in absolute majority in Council, or that amongst the voters their number is smaller than the total number of non-Muslim voters, is no reason for their claiming separate electorates. The question of the maintenance of their present proportion in the Council or its variation is a different one altogether from the question of separate or joint electorates. The excess of non-Muslim voters over Muslim voters or of Muslim population over non-Muslim is so small that the claim for separate electorates cannot be justified. The object of separate electorates is to prevent the voters of one class engulfing the voters of the other class, and thus vitiating the representation of a minority community resulting in the return of members who represent the majority class more than the minority class. The proportion of members of each class in the Council is fixed on considerations in which other factors also enter. In the Punjab the excess of non-Muslim voters is so distributed over the constituencies that the engulfing cannot occur. I cannot foresee what the effect of the extension of the franchise will be on different communities; but should it happen that the number of constituencies in which non-Muslim voters preponderate over Muslim voters exceed the number of constituencies, in which the case is reverse, the allotment of seats to various constituencies can be so made as to equalise the number of constituencies in which Muslim and non-Muslim voters are in majority. Supposing the territorial constituencies remain as they are, 32 Muslims and 32 non-Muslims, and supposing that, out of the non-Muslim constituencies, there are 21 in which non-Muslim voters predominate, and in the Muslim constituencies only 17 in which the Muslim voters predominate, the allotment of two more Muslim seats to the Muslim part of the Province and of two more non-Muslim seats to the same part of the Province will remove the excess. Equitable distribution of this sort cannot be done where the Muslim community is very small in number; for example, in United Provinces, where Muslim population is 14 per cent., or in Central Province, where it is 4 per cent., or in Bihar and Orissa, where it is 10 per cent. The same will be the case with the Hindus of North-West Frontier Province. It is unjust to force joint electorate if the minority is unwilling.

Therefore, separate electorates for Muslims in the Punjab only perpetuate an evil, and cannot be allowed when the non-Muslim minority protests against it. The slight excess of non-Muslim members in the Council over the Muslim members is due to special constituencies. The controversy about joint and separate electorates relates only to territorial or general constituencies, and not to special constituencies. in some of which joint electorates already exist. If special constituencies were abolished there would be no excess; but if they were retained, and even if in each special constituency seats were reserved for Muslims and other communities, the Muslims would gain nothing. In the Tumandar Constituency there is and there can be no non-Muslim voters. In the University, Industry and Chamber of Commerce Constituencies, if the principle of reservation of seats for each community were adopted, the Muslims gain no advantage. Increase in the number of voters of one community or the other is immaterial so long as the proportion of representation for each community is fixed. *Therefore, so far as representation in the Council is concerned, the demand of the Hindus of the Punjab is that there should be joint electorates with reservation of seats, and the existing proportions in which the seats have been assigned retained.*

The next important question to which I draw the attention of the Commission is whether the scope of communal representation should be widened. Whether the constitution should be so framed as to permit or forbid the extension of this principle, whether the principle which, according to the most reasonable and enlightened men now or before was only to be tentative, should be introduced for recruitment to services and for admission to educational institutions, and to other spheres of administrative activity. The wider the scope given to this principle the more difficult will be its ultimate abolition. Whilst communal representation in representative bodies keeps up communal differences by giving an official approval to them its application to services and other spheres immensely increases communal bitterness. There is nothing in the present constitution clearly forbidding such an extension. In the instrument of instructions to Governors there are passages here and there which forbid the adoption of any policy which would increase racial or communal animosities; for instance, in the very preamble of the instrument the following passage is found:—

"You shall further the purpose of the said Act to the end that the institutions and methods of Government therein provided shall be laid upon the best and surest foundation, that the people of the said Presidency shall acquire such habits of political action and respect for such conventions as will best and soonest fit them for self-government and that our authority and the authority of our Governor-General in Council shall be duly maintained."

Again, in para. (1) we come across the following words:—

"You shall do all that lies in your power to maintain standards of good administration, to encourage religious toleration, co-operation and goodwill among all classes and creeds."

Para. (2) of the instrument may be quoted *in extenso*:—

"You shall bear in mind that it is necessary and expedient that those now and hereafter to be enfranchised shall appreciate the duties, responsibilities and advantages which spring from the privileges of

enfranchisement, that is to say, that those who exercise the power henceforward entrusted to them of returning representatives to the Legislative Council being enabled to perceive the effects of their choice of a representative and that those who are returned to the Council being enabled to perceive the effects of their votes given therein shall come to look for the redress of their grievances and the improvement of their condition to the working of representative institutions."

But in spite of this the Ministers in the Punjab issued orders that future recruitment of services in certain departments should be in the proportion of 40 per cent. Muslims, Hindus and others 40 per cent., Sikhs 20 per cent., and that these proportions should also regulate the admission to Government College and the Medical College. The practice in this respect appears to have varied slightly since it was first introduced. I draw the attention of the Commission to questions and answers given in Appendix I. It will appear that this rule of communal proportion does not apply to all departments, but it has not been rescinded in the case of departments to which it was first applied. It is, however, a matter of every-day occurrence in the Province that, in order to satisfy the rule of communal proportions, first-class men belonging to one community are rejected to make room for the second-class men of other communities. The following question and answer in the Council will illustrate this point:—

Extract from Proceedings of the Council, dated 11th December, 1925.

Question 2,392. Diwan Bahadur Raja Narendra Nath: Will the Government be pleased to state:—

(*a*) The number of new Assistant Surgeons appointed in 1925;

(*b*) How many of them were Hindus and how many Mahomedans;

(*c*) Whether it is a fact that only five appointments were made, of which only one went to a Hindu;

(*d*) Whether a Hindu who stood first on the pass list was superseded by persons who stood much lower on the list;

(*e*) Whether the proportion prescribed for admission to the Medical College of students of various communities is still enforced, viz., Mahomedans 40 per cent., Hindus 40 per cent., and Sikhs 20 per cent.

(*f*) whether in the appointment of Hindus as assistant surgeons this year the same proportion as is fixed for admission of Hindus to the Medical College was not kept up; and

(*g*) if so, why?

Mr. J. G. Beazley: (*a*) Five provisional appointments have been made;

(*b*) one Hindu, four Muslims.

(*c*) Yes.

(*d*) It is a fact that the Hindu who was first in the examination was not offered an appointment.

(*e*) Yes.

(*f*) and (*g*) The proportion of Muslims in the Provincial Medical Service being inadequate, it was considered desirable to take steps to increase it.

Diwan Bahadur Raja Narendra Nath: The proportion of appointment of persons other than Mahomedans is less than forty.

Mr. J. G. Beazley: The proportion of appointments in the last year is given in answer to part (*b*) of the question.

Diwan Bahadur Raja Narendra Nath: It is less than 40 per cent.

Mr. J. G. Beazley: The honourable member is quite capable of making his own calculation.

Needless to say that there has been heart-burning not only amongst the Hindus, but amongst Sikhs also. A policy like this was not one which could infuse "habits of political action and respect for such conventions" as would "best and soonest fit the people of the Province for self-government," or would induce them "to look for the redress of their grievances and the improvement of their condition to the working of the representative institutions." I may here state that Sir Malcolm Hailey, the present Governor, in course of his first speech in the Council in November, 1924, expressed his view on the question of the extension of communal representation to various spheres of administrative activity in the following words:—

"As for its extension to other spheres of public activity, we desire to act on clear proof of its necessity in each case. It is certainly no universal panacea and it should only be applied where there seems clear proof that the benefits will preponderate. We regard it in short as a political expedient, it belongs to the sphere of curative medicine, and our constant endeavour is to promote in the Province the state of health among all members of the body politic which will make such a remedy unnecessary."

The question of communal representation in services was referred by the Indian National Congress to a Sub-Committee consisting of Lala Lajpat Rai and Dr. Ansari. Both reported against it. It is obvious that recruitment on the basis of caste and creed lowers the standard of efficiency, and infuses into public servants who owe their appointment to caste and religious differentiation, a caste and religious bias. That there should be reservation in favour of backward communities or that no single community should be allowed to monopolise the appointments is a question with which I will deal later. But a majority community cannot simply on the ground of its being in the majority claim a certain proportion of appointments to be reserved for it. Such a community should by the force of its numbers get a proper proportion of the loaves and fishes of office. I explain my meaning by an allegory. Supposing there is a tree bearing luscious fruit, and 200 persons, 120 belonging to one class and 80 belonging to another, are trying to pluck the fruits. Then if their capacity for the necessary physical struggle involved is equal, the class constituting a majority has a better chance of getting a larger share of the fruits than the class which is in a minority. If the majority class does not get a larger share of the fruit there is something radically wrong with the class or community which the leaders should try to remove.

It is highly gratifying to find that within the last five years education has made such a rapid advance amongst the Mahomedans that they have gone ahead of the Hindus, so far as the first four primary classes are concerned, though they were much behind them according to the figures of the census of 1921, as the following figures, which I quote from the speech of the Honourable Malik Ferozekhan Noon, delivered on the 28th April, 1928, will show:—

Class.	Hindus.	Muslims.
I	112,000	210,000
II	53,000	84,000
III	31,000	41,000
IV	29,000	34,000

This has been achieved without having recourse to the highly objectionable methods adopted in Sind by practically closing in certain parts the door of primary and secondary education to the Hindus.

There is nothing in the present constitution to forbid the reduction of the proportions assigned to Hindus and others from 40 to 20. The claim that a majority community should be given special facilities for entry into Government service is incompatible with its claim for further accretion of political power, or further restriction of interference by an extraneous authority, in other words for Provincial autonomy,

for what is now concession to a backward community will become an irrevocable privilege after Provincial autonomy has been given.

In the matter of recruitment to services also the attitude of the Sikhs is indicated by the following resolution, moved in the Council by Sardar Ujjal Singh, on the 19th of July, 1927. It was supported by all the Sikh members present in the Council:—

Resolution regarding Filling of Posts by Open Competitive Examination.

"This Council recommends to the Government that in future all posts under Government in all departments should be filled by open competition as far as possible; and where this cannot be done, and selection has to be made, the most highly qualified candidates should be selected without regard to caste, creed or colour."

It was pointed out to me by a Mahomedan friend that the distribution of Government posts is not to be looked upon merely as a distribution of so many beneficial posts, but should be looked upon as a distribution of civic power and should be made according to population. The bearing of this argument, when applied in Provinces in which Mahomedans are in a minority, is overlooked. I give below certain figures, extracted from the authorised Government publications, which tell their own tale:—

Name of Province.	Proportion of Muslims in the population.	Proportion of Muslims earning livelihood by State Service, extracts from Table XXI of Census Table 1921.
	Per cent.	
U.P.	14	47 per cent. of the total number earning livelihood by State Service.
Behar and Orissa	10	24 per cent. of the total number earning livelihood by State Service.
C.P.	4	21 per cent. of the total number earning livelihood by State Service.

On referring to the Civil List issued on the 1st of October, 1927, for United Provinces and Behar and Orissa, I find figures which confirm the above proportions:—

UNITED PROVINCES.

Posts.	Muslims.	Hindus.	Total.	Percentage of Muslims.	Pages of C.L.
Dy. Collector	157	202	386	39	92–127
Tehsildars	89	100	199	44	135–151
Officers of Prov. Police	18	12	43	41	253–255
Income-tax Officers	15	22	41	36·5	183–186
Subordinate Judges, Sel. grade	4	2	6	66	Agra C.L. 210 page, Oudh C.L. 227 page
Subordinate Judges	10	42	52	23·8	Agra C.L. 211–213, Oudh C.L. 228–230
Munsiffs	40	107	149	26·8	Agra C.L. 216–224, Oudh C.L. 231–234
BEHAR AND ORISSA.					
Dy. Magistrates	58	190	254	22	65–108
Dy. Collectors					
Sub-Dy. Magistrates	41	119	164	25	111–133
Sub-Dy. Collectors					
Dy. Supdt., Police	4	22	26	15	185–188
Subordinate Judges	6	20	26	23	153–156
Asist. Income-tax Officers	1	5	16	16	142
Munsiffs	19	66	89	21	157–165
CENTRAL PROVINCES.					
E.A. Commissioner	28	—	116	24	48–57
Tehsildars	34	—	144	24	58–76
Nahib-Tehsildars	21	—	84	25	71–75
Police, District Superintendents	2	1	—	25	
Dy. Superintendents...	6	8	—	23	137–138
Circle Inspectors	4	2	6	66	
Ordinary Inspectors	46	—	199	35	142–148

From the above figures it will appear that, in the case of all the services quoted, the proportion of Muslims is much above their proportion in the population, in most cases even above the weightage allowed by the Congress League Pact for the purpose of representation in the Council. I believe that all these appointments have been made on merit, and that the authorities were not influenced by any extraneous considerations. I am not prepared to accuse them of deliberately adopting a policy of fomenting discord and of aggravating communal rivalry and jealousies, for they are ultimately responsible for maintaining law and order. It is possible, however, that in some cases they were overweighed by their solicitude to give adequate representation in services to a minority community. The claim of the Hindus in Provinces in which they are in a majority for representation in services in proportion to their number in the population would never be entertained. Why should any more heed be paid to a similar claim by Mahomedans in the Punjab? However, the point which I want to establish is that, if no limitations have been imposed (and they should not be imposed) to the admission of Muslims in services in Provinces in which they are in a minority, why should such limitations be observed in the case of Hindus in Provinces in which they are in a minority, and how can they be justified? Such a tendency is apt to be abused as much in one place as in another. A future Hindu Minister of United Provinces may limit to 20 per cent. the admission of Muslims in various services, and of Behar and Orissa to 16 per cent., 6 per cent. in excess to their popula-

tion in each case, just as nearly 7 per cent. in excess of the proportion has been reserved for Hindus and others of the Punjab. With the advance of education amongst the Muslims, whose proportion in these two Provinces and Central Province in the urban population is larger than their proportion in the population in the Province, and who for that reason have better facilities for higher education than those living in rural areas the number of fully qualified aspirants for services in their community will increase. I see no justification for putting an arbitrary limit. It was perhaps on considerations like these that the rule of communal proportions was not extended to departments other than the Medical in the Punjab.

A cognate principle, the general application of which to recruitment in services in the country it will be difficult to resist if representation in services on the basis of religion is permitted, is that of distribution of appointments by castes. I may mention, for the information of those who advocate the application of communal representation on the basis of religion to services, that there are Hindu castes in certain Provinces whose number is nearly equal if not larger than that of Muslims in those Provinces. With the spread of education class consciousness is being awakened everywhere. There are numerous caste organisations apart from communal organisations on the basis of religion. It is necessary to give weight to these considerations whilst devising plans for the next ten years, proposing further advance towards democratisation and minimising interference in Provincial matters by any extraneous authority, such as the Governor or the Central Government. There are altogether about 350 castes in India. The following figures for United Province and Behar and Orissa will show how the demand by castes numerically strong will clash with the demand for recruitment by religious communities, or will reduce to a minimum standard the efficiency of the services:—

Province.	T.P. of Muslims.	T.P. of the most numerous Hindu castes.	
U.P. ...	6,481,032	1. Brahmans ...	4,513,264
		2. Ahirs	3,691,294
		3. Chamars	5,842,900
Behar and Orissa.	3,690,182	1. Brahman Bhumyar	2,858,595
		2. Gawalas	3,192,242
C. P. ...	563,574	1. Gaunde	2,109,583
		2. Kurmi	1,253,306

In the Punjab, however, and in the Punjab alone, with the exception of Madras, owing to circumstances to be related below, caste is an important element for recruitment in services.

I have at the outset referred to urban and rural constituencies. The representatives of the rural constituencies naturally predominate in the Council. There is a reference to a rural party in the Council in para. 3 of the Administration Report of the Punjab for the year 1923-24, extract from which is reproduced in Appendix No. II.

I would also refer to the evidence given by Sir John Maynard before the Muddiman Committee. The relevant portions of his evidence are printed in Appendix II. A perusal of the Report and of the evidence given by the late Finance Member will lead one to think that parties in the Punjab Council were being formed in the most natural way. It is not stated in the Administration Report or in the evidence that rural and urban parties in the Punjab Council are formed on the basis of caste and not on any real or supposed difference or conflict of interest that there may be between rural and urban classes. A Khatri, an Arora, or a Vaishya owning thousands of acres of land and paying thousands of rupees as Government revenue is not and cannot be a member of the so-called rural party, but a Jat, a Gujar, an Awan, or a Mehtam, who owns no land, but has other qualifications under the franchise rules for being a voter, or who owns just enough land to qualify him as a voter, but whose principal source of income is either from one of the learned professions, such as Law or Medicine, or from salary as a Government servant, is a member of the rural party. This anomaly needs a few words of explanation.

We have in the Punjab an Act to regulate the alienation of lands, passed in 1900, during Lord Curzon's regime, referred to in para. 3 of the Administration Report as the "Magna Charta of the Punjab Zemindars," which means Zemindar castes. The Act and the Standing Orders passed under it need careful perusal by the Commission. They are given in Appendix III.

The Standing Order specifies agricultural tribes for each district. A member of an agricultural tribe may without let or hindrance sell or mortgage his land to a member of his own or another agricultural tribe in the district, but he may not do so to a person who does not belong to the privileged group notified by the authorities as such. These tribes, like the tribes of Israel, are immutable. One has to be born into them, but cannot acquire the status except by Government notification. Before sanction is given for transfer of land by an agriculturist to a non-agriculturist, an inquiry is held by the District Officer to find out whether there is any member of an agricultural tribe who is willing to purchase the land at the price offered by the non-agriculturist. If there is anyone, or if the price offered by the agriculturist is not much below the market rate, sanction is withheld. The District Officer is also expected to inquire into the desirability of sale, whether the object of the vendor cannot be met by a mortgage for a short period to a non-agriculturist, the land reverting after the lapse of the period to the owner free of all encumbrances. But a member of an agricultural tribe may buy land on half the current market price, he may acquire on mortgage land without the limitations which the law imposes in case of mortgage to a non-agriculturist. To a member of the agricultural tribes all careers are open. He may be appointed Governor of a Province, or member of an Executive Council, Provincial or Imperial. He may join any profession or he may work at the plough. He may take to trade or banking or open a factory. The disability of a member of the non-agricultural tribe is hereditary, or, described more accurately, the disparity in the right to acquire land, between an agriculturist and a non-agriculturist, passes from father to son. The Land Alienation Act introduces in a manner the caste system of Mannu in the reverse order. The higher castes of the Hindus as a rule, with the exception of the Rajputs, are under a disability, and the lower castes of Mannu's system are the privileged classes. By the lapse of time, the Hindu caste system has lost the rigidity which characterised it in the time of Mannu, so far as the assignment of particular occupations to particular groups is concerned. For centuries the Brahmins have not been confined to the profession of priests, nor the Kashatriya to that of warriors, nor the Vaishyas to that of traders. What remains of the system now is that each caste is endogamous. Caste system as it exists is no hindrance to the working of democratic institutions. So long as every man is free to take to whatever occupation he chooses, democratic institutions can be worked. With education rapidly spreading it is impossible for any particular caste to arrogate to itself a position of superiority. Secular and economic interests have created, and will create, links of union between different castes. But the Land Alienation Act not only reverses the order of caste which Mannu instituted, but places restrictions by a statute on the choice of a profitable career, so far as such choice is effected by obstacles placed on the purchase of land from agricultural tribes, who form the bulk of the landowning classes. It therefore restores to a certain extent the pristine rigidity of Mannu's sys-

tem. The privilege and prerogatives which the Act confers on capitalists of certain castes which form nearly half of the population of the Province makes the representatives of these castes strictly jealous of any invasion of them. In the extract from the Administration Report of 1923-24, reference has been made as to how the Zemindar bloc threw out a Bill to facilitate the acquisition of land for industrial purposes.

The object of the framers of the Act was twofold, economic and political. The political objects are nowhere clearly stated. The bearing of the law on the introduction of democratic institutions and on the introduction of Responsible Government in India was not even dreamt of.

On the economic effects of the law Mr. Kodand Rao, of the Servant of India Society, has written a series of articles which have been printed in the form of a pamphlet and which are reproduced in Appendix IV for very careful perusal by the Commission. I need not repeat all that he has said. He has, however, clearly shown that (1) the ignorant and the poor peasant has not been protected by the Act, that, on the contrary, he has been exposed to the avarice and the land hunger of the capitalist of the classes with whom he is grouped and which comprise classes belonging to all communities, a Mahomedan exposed to the land hunger of a Sikh and *vice versa*. (2) That the peasant gets a lower price for his land than he would have got if he could sell his land in an open and not in a restricted market which the Act creates. (3) That a class of moneylenders amongst Hindu and Sikh agricultural tribes has come to the fore, as exacting (if not more) in its transactions with the debtor as any moneylender of a non-agricultural tribe would have been. (4) That amongst Mahomedans there is a marked tendency on the part of capitalist landowners to swallow the lands of small landowners. It is the capitalist landowner who approaches the authorities and who creates the impression that the Act is the panacea of all evils and is looked upon by the landowning classes as their Magna Charta. The ignorant peasant who gets a smaller price for his land than he would have got if the Act had not existed, and who is unable to obtain loans from his own class on easier terms than from the notorious moneylender is inarticulate. About him it may well be said that "The toad beneath the harrow knows exactly where the tooth point goes."

But the toad beneath the harrow is not heard.

Mr. Kodand Rao's conclusions are based on data furnished by Government publications and on opinions formed by Europeans who have taken the trouble of surveying the economic conditions of rural classes.

The political objects of the measure as already observed are nowhere clearly or fully stated. Some of the speeches referred to by Mr. Kodand Rao indicate that the object was to protect the classes from which British Indian Army is recruited. The Subedar or the Risaldar, or even the private who saves some money and can invest it in land is benefited, inasmuch as he acquires the privilege of getting land on easier terms; but not the classes constituting small owners who furnish the recruits. I may, however, state that only Jats and Rajputs amongst agricultural tribes belong to the martial classes. Some Gujjars and Bilochies are also to be found in the Indian Army; but their number is small. The total number of Jats and Rajputs is 5,949,693 or 6 millions in the Punjab. I reckon the total of agricultural tribes at nearly 10 millions, thus nearly two-fifths of the agricultural tribes have hardly any connection with military recruitment.

One of the possible objects of the Act was to prevent the contamination of rural classes with urban politics. The introduction of the Reform Scheme and of Responsible Government, and the power of direct election given to the rural voters, has made this object meaningless. Politics have penetrated into the villages. Political aspirations have sprung up in the minds of villagers who mean to exercise their vote in shaping the policy of Government. *In the politics of the members belonging to rural and urban castes there is no difference, except this, that the former regard the Act which creates an oligarchy of rural castes as sacrosanct, whilst the latter do not. If the spirits of Lord Curzon and Sir Charles Rivaz, sponsors of the Act, were to come to the Council Chambers of the Punjab and to witness the proceedings, they would call it an irony of fate when they discovered that the majority of the members who occupied the Left Wing of the Council Chamber sitting on Opposition benches were members of agricultural tribes. Therefore, so far as even this political object is concerned, the Act is an anachronism.*

A policy deemed to be expedient when a foreign bureaucracy rules ceases to be expedient when that bureaucracy surrenders part of its power to the people. The continuance of that policy becomes illogical and absurd according to all canons of administration when the question arises of further surrender (whether complete or not) of that power to the people.

I have had some difficulty in ascertaining the total numerical strength in the Province of the agricultural tribes and of the tribes in each community. The notifications specifying agricultural tribes in each district do not give their population. I have, however, ascertained the population of each tribe community-wise from Table XIII. of the Census Tables. Some of the tribes notified are not given in the Census Tables. But most of them are either sections of Rajputs or of Jats, and the total figures for Rajputs and Jats given in the Census Tables cover them. The tribes whose numerical strength I have been unable to ascertain are the following:—

Abbasi, Usmani, Kasar, Danyials, Khetwall.

They are, however, mostly Mahomedan tribes. The figures, according to my calculations, are:—

Hindu agricultural tribes	1,697,187
Muslim agricultural tribes, little more than	6,832,183
Sikh agricultural tribes	1,521,173
Total agricultural tribes	10,050,543

I have taken no account in these figures of the notified agricultural tribes of "B" group, which consist of some sections of Brahmans, Mazbhi Sikhs and Indian Christians. The Brahmans in this group preponderate. Total population of Brahmans in this Province is 991,589. But it is impossible to find out the population of sections of Brahmans, Christians and others who have been notified in the "B" group. It may, however, be mentioned that these tribes have all the disadvantages of belonging to agricultural tribes but none of the advantages. They can neither sell land to other tribes than their own nor buy from them. They probably asked to be notified as agricultural tribes of the full status; but got only the restricted right. They asked for bread and were given stone. Some of them have since been agitating for being given the full status, but have not succeeded. I do not think that they really need the restriction which has been imposed on them. They have not asked for its removal, hoping to attain some day the full status. They are, therefore, not the agricultural tribe properly so called, and my inability to obtain figures about their population does not vitiate the argument which I am going to build. The Hindu agricultural tribes are 24.4 per cent. of the total population of Hindus, including Jains, Buddhist and Christians. The Mahomedans are a little over 60 per cent., and the Sikhs 66.3 of their population. The total population of agricultural tribes on the figures given by me is less than half the population of the Province; it may be slightly more than half. Anyhow, it may be safely assumed to be half. An attempt was made by me to get the exact figures from Government, but the Honourable Revenue Member's answer to the question, reproduced below, shows that there are no Government

records showing the exact figures. He refers me to records which I have already consulted:—

Question 896. Diwan Bahadur Raja Narendra Nath: Will the Honourable the Revenue Member be pleased to state the total population of agricultural tribes specified in groups "A" and "B" separately and the number of Hindus, Muslims and Sikhs in each group?

Honourable Khan Bahadur Mian Sir Fazl-i-Hussain, Kt.

The collection of complete and correct statistics of the nature asked for by the Honourable Member for all notified tribes will entail an elaborate, lengthy and expensive inquiry, and the gain likely to accrue from the statistics does not appear to justify it. The Honourable Member is referred to Table XIII. of the Census Report of 1921, Volume XV., which gives by districts the census figures for main tribes, though all the agricultural tribes included in "A"—district group and "B"—separate group in Appendix to Financial Commissioners' Standing Order No. 1 are not contained in that table.

The number of Mahomedan non-agriculturists is approximately 4,612,138, which is nearly equal to the number of Hindu non-agriculturists, which is 4,919,735 (excluding the Christians). But for various reasons the measure is considered to be a pro-Mahomedan measure. The late Mr. Thorburn, with whom originated the idea of putting restrictions on the sale of land in the manner embodied in the Act, first drew attention of the Government to the necessity of the protection of landholders from the rapacity of Hindu moneylenders in a book called *Musalmans and Moneylenders*. Since Mr. Thorburn's book came out the legislature has adopted other measures besides the Land Alienation Act for the protection of borrowers. These will be dealt with in the next section in which I will make suggestions for the protection of the peasantry. The manner in which classes of agriculturists have been grouped as agricultural tribes lend colour to the belief that the Act was intended principally for the benefit of Mahomedans, Pathans, Qureshi, Biloch and Mughals, all Mahomedans are notified agricultural tribes; but it appears from Table XXI of Census Tables that only 19.1 per cent. of the total population of the Pathans and 19.2 per cent. of the total population of Qureshies are dependent upon agriculture or occupations concerned with it. In the case of Biloch and Mughals the percentage is not higher than 23.8 and 21.5 respectively. In the case of Pathans, Qureshies and Mughals I have worked out the figures by taking figures of columns, 9, 10, 11 and 12 of Table XXI, and in the case of Bilochies I have worked out my figures by taking figures of columns 17, 18, 21, 22, 23 and 24 of Table XXI of the Census Tables. But the differentiation made between Brahmins and Sayads, both priestly castes, is most unfair. I drew attention of Government to this injustice by the following question, and the answer given is evasive and indicates the unwillingness of Government to take any action. It does not meet the point raised. That Brahmins in certain tracts need protection from expropriation is admitted by Government. Why Sayads should be in a better position to buy land from, say, Sikh Jats and Rajputs than Brahmins, in tracts in which Brahmins are protected is not explained.

Question No. *656. Diwan Bahadur Raja Narendra Nath: Will the Honourable the Revenue Member be pleased to state:—

(*a*) whether it is a fact that Sayads are notified as an agricultural tribe in the Punjab having a preferential right to purchase land from other agricultural tribes (Hindu, Mahomedan or Sikh);

(*b*) whether they are notified as such a tribe in every district of the Punjab in Simla and Kangra where their number is 369 and 353 respectively;

(*c*) whether Brahmins are notified as agricultural tribes in certain districts forming a separate group by themselves not entitled to purchase land like the Sayads from other agricultural tribes;

(*d*) whether Brahmins and Sayads in the districts given below have the population respectively shown against them and whether in none of these districts, Brahmins hold the status of agricultural tribes whilst Sayads do:—

District.	Brahmans.	Sayads.
Ludhiana	19,621	3,063
Ferozepur	19,642	5,011
Lahore	31,348	11,830
Amritsar	32,470	4,548
Sheikhupura	5,715	3,856
Lyallpur	11,849	5,867
Gujranwala	12,941	7,197

(*e*) whether the total population of Brahmins in the Punjab is 988,616 and of Sayads 247,087;

(*f*) whether the following comparative table is a correct synopsis of the figures given in Table XXI of the Census Tables:—

Percentage following traditional occupation of priests.		Percentage who are receivers of rent.		Percentage who are actual tillers of soil, field labourers, wood-cutters, raisers of livestock, milkmen and herdsmen.	
Sayads.	Brahmans.	Sayads.	Brahmans.	Sayads.	Brahmans.
12·8	7·7	1·8	1·5	7·5	19·1

(*g*) whether a larger proportion of Brahmins serve in the Army than that of the Sayads;

(*h*) if the above facts are correct, will the Honourable Revenue Member be pleased to explain what are the grounds of differentiation between Sayads and Brahmins in their agricultural status—

(i) in districts in which they are notified as agricultural tribes, and

(ii) in other districts?

The Honourable Mian Sir Fazli-Hussain: (*a*) and (*b*) Sayads are notified as an agricultural tribe in every district of the Punjab, except in Simla and Kangra. This does not confer any preferential right to purchase lands, but merely entitles them to do so in common with other agricultural tribes;

(*c*) Yes.

(*d*), (*e*) and (*f*) The figures given in the question are approximately correct.

(*g*) This information is not readily available.

(*h*) Notifications of the agricultural tribes in each district are issued according to local circumstances, the main determining factors being—

(i) that the tribe depends mainly on agriculture, and

(ii) that it requires protection from expropriation by moneylenders of non-agricultural tribes.

For these reasons Sayads have been notified in the districts mentioned. Brahmins have not so been notified as, although there are genuine agriculturists among them the tribe as a whole is not considered by Government to be an agricultural tribe. Where Brahmins (as *e.g.* Gaur Brahmins) actually form a tribe which can be described as agricultural they have been so gazetted.

The Act is supposed to protect tillers of the soil living in rural areas. In my opinion it does not do so adequately, creating, as it does, facilities for the acquisition of land by capitalist landowners grouped with the tillers of soil. In the Punjab 39.5 per cent. of the total urban population is Hindu which is slightly in excess of their proportion in the total population (31.9). Mahomedans are 51.9 per cent. of the total urban population which is slightly less than their proportion in the population (53 per cent. see Table V of the Census Tables of 1921). Amongst tillers of the soil or ordinary cultivators we find that Hindus form 31 per cent. of the total number of such workers, whilst the Mahomedans form 51 per cent. But amongst receivers of rent the Hindus are 22 per cent. and Muslims 59 per cent. In Provinces in which the Mahomedans are in a minority conditions are just the converse of the Punjab. A Hindu Minister by passing land laws of the kind we have in the Punjab will be turning tables against Mahomedans and will be putting them under a similar handicap as the Hindus are in the Punjab. The following figures taken from the Census Tables for United Provinces and Central Provinces would support my view.

Province.	Percentage of Muslims in the population.	Percentage of Muslims in the urban population.	Percentage of Muslims amongst tillers of the soil or ordinary cultivators.
C.P. ...	4	16·9	1·8
U.P. ...	14	36	3

In these two Provinces the proportion of rent receivers amongst Muslims is larger than their proportion in the population. In the United Provinces it goes up to 27 and in Central Provinces up to 10 per cent.

The above figures have been collected from Tables V and XX of the Census Tables of these Provinces. I have given the above figures in the hope that I will secure the support of my Mahomedan fellow-countrymen in the Provinces in which they are in minority. I am not sure if I will get that support. But if a rational view of the interest of minorities were taken there should be no difference of opinion between Hindus and Muslims, or for the matter of that between the Hindu minority and any other minority as to the manner in which the interests of the minorities should be protected. But the most unfortunate feature of the Indian politics of the present day due to communal tension is that proposals made are not judged on their merits but on the source from which they proceed. A proposal coming from a Hindu is apt to be looked upon with suspicion by Muslims and *vice versa*. I hope that men will be found amongst Muslim political leaders who will be able to rise above this tendency. It is possible that my views may be supported not only by the actual working peasantry in all communities and by nearly half the population of the Punjab which has not been fortunate enough to acquire the status of agricultural tribes, but by all minorities in all other Provinces, including the Muslim minority.

I do not for a moment suggest that a measure like that of the Land Alienation Act would be beneficial to the Hindus in the Provinces in which they are in a majority. It will unnecessarily create a division amongst them. It would create two middle classes, both amongst Hindus and Muslims, whilst it would needlessly create a conflict on the basis of caste between the producer and the manufacturer or the consumer. But power to base the determination of civic rights on caste or creed may go to unreasonable lengths. What will prevent a future Hindu Minister of a Province in which Hindus are in a majority from bringing forward a Bill on the lines of the Colour Bar Bill or the Class Area Bill of South Africa and of the Land Alienation Act of the Punjab providing that no Muslim should own immoveable property within a radius of say five miles of the Sacred places of Hindu pilgrimages, *e.g.*, Jawalapur, Hardwar, Kankhal, Chitterkote, Kashi, Mathra and Bindraban, etc., and that the present owners of such property should be given liberal compensation and their property taken away from them. An incident like that of the Kartarpur riot may recur and a law for excluding Muslims from areas where their presence might lead to breaches of peace may be defended in the name of law and order. Looking upon the distribution of civic rights as distribution of power, and conceding for a moment the principle that power shall be distributed on the basis of the numerical strength of religious communities, how would my Mahomedan friends look upon a law which prescribes that not more than 14 per cent. of land should be owned by Muslims in the United Provinces, and to bring about that object all future sales of land by Muslims should be made to Hindus till the area held by Muslims in excess of 14 per cent. is reduced; for land and capital are instruments of power in society. Such a Minister having a majority of his own community behind his back will be apotheosised by his community and it will become impossible for the Governor to get rid of him. He will threaten to go in opposition and wreck every Minister who comes into power but refuses to adopt his policy.

The only check is the power of veto by the Governor or Governor-General. But the exercise of the power of veto is in the discretion of the Governor or the Governor-General. I would ask my fellow citizens in other Provinces belonging to various minorities whether they would consider the sweet will of the Governor or the Viceroy to be an effective check for the protection of their interests. Would they not prefer a more substantial method by insertion of a protective clause in the constitution. *As long as Swaraj is not achieved a minority community may remain in the sunshine of the favour of powers that be, but when Swaraj is established and a Province enjoys provincial autonomy the value of a minority community as a counterpoise ceases.*

There are, as already stated, 20 Territorial Constituencies for "Hindus and others." Out of these 7 are urban and 13 rural. In the 13 rural constituencies the total number of voters who have property qualification is 143,658, out of which 86,047 belong to agricultural tribes, or 59 per cent. I have made no calculation of the Muslim or Sikh voters belonging to agricultural tribes in Muslim and Sikh constituencies. But it is evident that as a larger proportion of these two communities is notified the proportion of voters belonging to agricultural tribes in these two communities must be larger than the proportion of voters of the same class amongst Hindus. The result is that members belonging to agricultural tribes returned to the Council form a very large number. The following table will show the number of members belonging to agricultural tribes returned to each of the three councils elected since the introduction of the Reforms*:—

Total of elected members ... 71

Council.	No. of members belonging to agricultural tribes.
1st Council	48
2nd Council	48
3rd Council	48

There exists a rural party in the Council consisting of Hindus, Muslims and Sikhs. It forms the largest single group. Its aims and objects are given in Appendix No. V. There is nothing in their programme to which an urban member would not subscribe except the support of the Land Alienation Act, which this party, as described in the Government Administration

* The calculation has been made in my office from electoral rolls.

Report, looks upon as its "Magna Charta." The party has assumed a definite shape and has adopted a definite programme only since the second Council came into existence. It was inchoate, and the so-called conflict between rural and urban population was dormant in the first Council. In the second Council that conflict came on the surface, and encouragement to it was given by such expressions of official opinion as that of Sir John Maynard before the Muddiman Committee, to which reference has already been made. The Ministry, as at present composed, has three members, two of whom belong to agricultural tribes and the third to a non-agricultural tribe. He depends for his position on the support of the majority of the Hindu members and of the official *bloc*. Removal of the official *bloc* will make the position of a Minister belonging to non-agricultural tribes manifestly insecure. Purely elective offices, such as those of President and Deputy-President, have been held by members of agricultural tribes. Even under the present dyarchic system the Council Government is Government by an oligarchy consisting of certain castes, which constitute nearly half the population of the Province. Inroads into this strong fortress are possible by the occasional use of the official *bloc*, which seldom if ever lends its help to the non-agricultural minority. The grant of provincial autonomy will make this fortress erected on the foundation of castes absolutely impregnable.

So far the division between urban and rural castes has not manifested itself amongst Mahomedan and Sikh members, and this for more than one reason. The majority of the Mahomedans and the Sikhs respectively belongs to agricultural tribes, and the minority does not wish to incur the opprobrium of the majority by asserting its right or by objecting to a measure which benefits the capitalist landowners, who alone are articulate. The Sikh and Mahomedan representatives in the Ministry have been members of agricultural tribes. A member of the non-agricultural tribe temporarily filled the office of Mahomedan Minister, but he did not hold office long enough to take part in the proceedings of the Council as a Minister. Few persons wish to imperil their chances of being appointed to an office by objecting to a principle with which at heart they may not be in sympathy. I have spoken to more than one Mahomedan and Sikh gentleman of non-agricultural tribes, and they condemn the Act and the policy underlying it. But for reasons stated above do not venture to give expression to their opinions. Thus, nearly half the population of the Province would be unable to have its representatives in the Cabinet if reliance were placed only on the support of elected members. I am not in possession of official secrets, and I cannot say what were the reasons which influenced the Governor in burdening the taxpayers with the salary of a third Minister, whose appointment appeared to the non-Muslim public to be perfectly unnecessary. But I am almost certain that the desirability of replacing a Minister belonging to an agricultural tribe necessitated the appointment of another Minister belonging to an agricultural tribe, so as to maintain the majority of agricultural tribes in the Ministry.

Reverting to the question of distributing appointments by castes, to which I alluded when I was discussing the principles of distributing appointments by religious communities, I would invite the attention of the Commission to a resolution of the Punjab Government passed in October, 1919, with the recommendation of a Committee appointed by the Pre-Reform Council. This resolution is printed in Appendix VI. It fixes the following proportions in various departments for appointments to be set apart for landholders:—

1. Provincial Service of Extra Assistant Commissioners 50 per cent., exclusive of Europeans and Anglo-Indians.
2. Tahsildars and Naib-Tahsildars 66 per cent. The percentage is to be observed in the recruitment of Naib-Tahsildars as Tahsildars are generally appointed from Naib-Tahsildars and the proportion will automatically work in case of Tahsildars.
3. Munsifs, now called Subordinate Judges, 66 per cent. of non-competitive posts.
4. Excise Department 60 per cent.
5. Agricultural Departments, preference to be given to zemindars who possess equal technical qualifications with others.
6. Veterinary Departments 66 per cent.
7. Co-operative Credit Societies 90 per cent. observed at present and not to fall below 80 per cent.
8. Forest Department 66 per cent.
9. Deputy-Superintendents, Inspectors, Sub-Inspectors of Police 50 per cent. for direct appointments.
10. Medical and Sanitary Departments, preference to be given to zemindars over other candidates if qualifications are equal. In short the general policy of the resolution is to give preference to zemindars where qualified candidates are available.

The majority of the landholders amongst the Muslims and Sikhs are members of agricultural tribes or castes, therefore a privilege conferred on landholders or on hereditary landowners, as explained by the Chief Secretary in his speech, benefits to a large extent the members of the agricultural tribes.

On the 8th of December, 1925, Chaudhri Duli Chand, M.L.C., moved a resolution asking Government to stop recruitment of classes other than agriculturists till the proportions fixed by the Government in 1919 for various departments have been attained. The resolution and the speech of the Chief Secretary accepting mainly the proposal contained in the resolution are reproduced.

SERVICES.

Chaudhri Duli Chand (Karnal non-Mahomedan rural), Urdu.

Sir, I rise to move my resolution, which runs thus:—

"This Council recommends to the Governor-in-Council that they will be pleased to lay down the following proportions:—

(i) That the Government circular of October, 1919, *re* employment of zemindars in Government departments shall be strictly followed by the various Government departments;

(ii) That, so long as the deficiency of zemindars in the various services is not made good, the recruitment of non-zemindars shall be stopped;

(iii) That preference should generally be given to a statutory agriculturist."

Speech by Chief Secretary.

Mr. H. D. Craik (Chief Secretary): "Sir, judging from the very thin House this resolution hardly commands the interest which I should have expected, and I am sorry that the honourable the mover of the resolution has not developed this theme rather more fully than he has. I will have to deal with this resolution in its various parts. As regards Part I., which asks that the Government circular of October, 1919, regarding employment of zemindars in Government departments shall be strictly followed by the various Government departments, I may say at once that Government accepts that part of the resolution. It will interest the House to know that quite recently the Government has taken steps that will, I hope, ensure that greater effect is given to the resolution of 1919. The resolution of 1919, broadly speaking, lays down that in various departments of Government we should aim at obtaining varying percentages of zemindars. Here, Sir, I may turn aside for a moment to clear up a point about the definition of 'zemindars.' The honourable mover said that Government in 1919 accepted the suggestion that the word zemindar should mean anybody who owns lands. That, Sir, is not accurate at all. The

actual definition which Government accepted in 1919, and which it embodied in the resolution, was as follows:—

"The term 'zemindar' shall include all hereditary proprietors and tenure holders of agricultural land mainly dependent thereon and residing in rural areas as well as actual cultivators of such lands."

I lay special stress on the word "hereditary," for persons who acquire land themselves could not, under any circumstances, come within the terms of that definition.

Now, Sir, to resume the thread of what I was saying; we have quite recently issued orders to all heads of departments which will, I hope, secure that more full effect is given to the resolution of 1919. I admit at once that full effect has not yet been given to that resolution, though I think the honourable member has unduly minimised the actual effect of the resolution. I believe that if the figures of the various departments before and after 1919 and up to the present year are examined it will be found that in every department of the Government, without exception, the proportion of zemindars employed is substantially higher than it was in 1919. I am not in a position at the moment to quote the actual figures, though I shall be pleased to show the honourable member, if he ever applies to me, such figures as are available, though I admit that they are not complete and that they are not in all respects accurate. It was only with the object of securing a greater compliance, or a more full compliance with the resolution of 1919, and also with the object of enabling the Government to know exactly what proportions, not only of zemindars, but of the various religious communities, are employed under it, we have recently issued a circular which I will explain in some detail. The circular, which went out to all heads of departments in the Province and to all Commissioners and Deputy-Commissioners at the beginning of November last, began by stating that Government had reason to believe that the instructions contained in the resolution of 1919 had not been fully carried out and that the statistics sent to them by the various departments were not altogether accurate or complete. The circular went on to say that the members of this Council, and the public generally, showed a considerable interest in this matter, and it was important that Government should have accurate statistics and should be in a position to know at any given moment exactly what class of people were employed in its various departments. We, therefore, Sir, have instructed all heads of departments and all officers subordinate to this Government to hold a regular census of all persons in the employment of the Local Government at the beginning of next January and every person in the employment of this Government, with the exception of menials, will be classified, not only according to his religion, but also according to the fact whether he is a zemindar or not. I hope, Sir, that the honourable mover of this resolution will be satisfied by that assurance that the Government is making a real effort to ensure that the principles laid down in its resolution of 1919 are in future fully complied with. When we get that information we will be in a position to communicate to the House a complete statement for every department under Government. I think I am right in saying that not only every department as a whole, but for the various grades, ranks and posts in each department, information will be available in a statement that will be made available to the House. The instructions which were issued last month have also given a closer definition of the term "zemindar" than was given in the resolution of 1919. We pointed out that we had some reasons to believe that in compiling the statistics that had been sent to the Government in the past the definition of the zemindar, the one I mean of 1919, which I had just quoted to the House had been employed with some laxity and that some persons had been entered as zemindars merely on their own statement without any responsible official taking the trouble of verifying their statements. The honourable mover will appreciate the consequence of that laxity. If our surmise is correct, it means that the statistics show that Government employ more zemindars than it actually does employ. It is therefore important to see that the definition should be more accurately worded and should be more carefully followed. This circular directs that in order to avoid such mistakes in future, heads of departments should follow the principle which is explained in the circular. When a Government servant who is not a member of a tribe notified as an agricultural tribe under the Alienation of Land Act says that he is a zemindar, he must satisfy the head of his department that he does actually fall within the definition. In other words, the onus of proof will be upon any Government servant who is not a member of the notified agricultural tribe to show that satisfies the term of the definition. If he fails to discharge that onus, if he fails to satisfy the head of the department that he is a zemindar within the terms of the definition, then he will be entered in the statement as a non-zemindar. We further define the expression "hereditary properties" as meaning not a man who merely inherits land from his father, but a man who has inherited lands from his grandfather or some more remote ancestor. That will exclude from the definition of "zemindar" those persons who either themselves or whose fathers have purchased land. We have also asked the heads of departments to see that the statements made to them are in all cases verified and tested by some responsible officer, and I hope when we get a return of this census, which I have explained to the House will take place early next year, we shall get really accurate figures and shall be in a position to say of every department of Government exactly how many zemindars it employs at the moment. I trust that the honourable mover will accept that assurance and that statement as showing that Government is genuinely anxious to give effect to the resolution of 1919.

But Part II of the resolution moved by the honourable member, Chaudhri Duli Chand, goes considerably further and asks that so long as the deficiency of zemindars in the various Government services is not made good, the recruitment of non-zemindars shall be stopped. I find it a little difficult to appreciate what exactly the honourable mover meant by that part of his resolution. In his speech he did not give me very much enlightment. I can hardly think that he means exactly what the words connote. But he cannot, surely, desire that in, say, an expert department like the Medical Department if the percentage of zemindars falls short of what is prescribed in the orders of Government, we should thereupon cease to recruit non-zemindars altogether, because the effect of that might be that we might have vacancies which we should never be able to fill up at all. It is therefore for that reason impossible for Government, while giving its assurance that it is genuinely anxious and it has recently made fresh efforts to give effects to the orders of 1919, to accept Part II of the resolution.

As regards Part III of the resolution, I think I have already explained, I hope, to the satisfaction of the honourable mover exactly what is meant by the term "zemindar" in the resolution of 1919 and in our recent instructions. I hope that, in view of that explanation, the honourable mover will not press Part III of the resolution, which I take to mean that the term zemindar should be applied to the very much narrower definition of a "zemindar" as a member of a tribe notified under the Alienation of Land Act. I hope I have satisfied my honourable friend Chaudhri Duli Chand as to the intentions of the Government on that point."

The persistence with which Government is badgered by questions for strict adherence to the principle of giving preference to the members of agricultural tribes over those of non-agricultural tribes will appear

from the following string of questions put by an ex-Minister, Rai Sahib Chaudhri Chhotu Ram, on the 18th July, 1927.

Question No. *293. Rai Sahib Chaudhri Chhotu Ram: Will the Chief Secretary kindly supply in respect of the three Muslim Sessions Judges who were referred to as being zemindars in a Government Press communique issued in April or May last the following particulars, or such of these particulars as can be supplied without unreasonable amount of labour and as is not regarded by Government undesirable to supply:—

(*a*) the names of these gentlemen;

(*b*) whether the gentlemen are statutory agriculturists or zemindars under the broad definition adopted in the resolution of 1919;

(*c*) if statutory agriculturists, the tribes to which they belong;

(*d*) if zemindars under the broad definition, their native places of residence, the number of generations for which they have held land, and the approximate proportion which the income from agricultural land in the possession of their families bears to income from other sources.

Mr. H. D. Craik: (*a*) Government prefer in this to adopt its usual practice of avoiding reference to the names of particular officers.

(*b*) Two of the officers in question are members of tribes notified as agricultural tribes under the Alienation of Land Act. The third belongs to an Afghan tribe of the North-Western Frontier Province.

(*c*) Of the two officers who are statutory agriculturists one is a Rajput of the Gurdaspur district and the other a Jat of the Mianwali district.

(*d*) Does not arise.

Question No. *294. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Finance Member kindly state:—

(*a*) whether or not the figures relating to the proportion of zemindars as given in the consolidated list showing the proportionate representation of classes and communities in the various branches of the public service are based on a definition of the word zemindar under which many non-statutory zemindars would figure as agriculturists;

(*b*) whether this definition was found difficult to work and to yield results which were not sufficiently definite, accurate or reliable;

(*c*) whether, in order to obtain more reliable data, the Government has altered this definition to that of a statutory agriculturist;

(*d*) whether fresh figures are under preparation in accordance with the definition as now altered;

(*e*) when it is expected that the fresh figures will be available?

The Honourable Sir Geoffrey de Montmorency: (*a*) A census of Government servants in the Punjab was held on the 1st January, 1926, Government servants being classified according to religion and as agriculturists or non-agriculturists. The definition of the term agriculturist (or zemindars) given in paragraph 2 of Punjab Government Resolution No. 4572-S, dated the 3rd October, 1919, was adopted for purpose of the census. The definition is so framed as to include all persons whose real interests lie in the land or agricultural callings whether or not they are members of tribes notified under the Punjab Alienation of Land Act.

(*b*) The definition was found to be subjected to a variety of different interpretation by heads of offices and departments.

(*c*) The scope of the annual census has now been changed with the object of avoiding differences of interpretation of the definition above referred to. With effect from the Census held on the 1st March 1927, Government servants will be classified according to religion and as members of tribes notified under the Punjab Alienation of Land Act or "others."

(*d*) Yes.

(*e*) It is expected that a statement showing the result of the census held on the 1st of March, 1927, will be ready very shortly.

Zemindars and non-Zemindars in Certain Classes of Public Service.

Question No. *295. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Finance Member kindly state—

(*a*) Whether appointments to the posts of Forest Rangers, Veterinary Inspectors and Assistant Sub-Inspectors of Police, Head Constables, Tahsildars, Naib-Tahsildars, Kanungos, Patwaris, Zilladars, and Patwaris (Canal), Excise Inspectors and Sub-Inspectors are by competition or by selection;

(*b*) Whether, ordinarily speaking, zemindars are not better fitted for the duties of the posts specified in (*a*);

(*c*) Whether, according to the consolidated statement issued in July, 1926, the following figures correctly indicate the representation of Zemindar and non-Zemindar Hindus in the above posts:—

	Agriculturists.	Non-agriculturists.
Forest Rangers	4	20
Subordinate Veterinary Service	19	29
Sub-Inspectors of Police ...	88	164
Head Constables	257	403
Tahsildars	14	25
Naib-Tahsildars	31	47
Kanungoes	82	245
Patwaris	1,045	3,375
Zilladars	27	42
Patwaris (Canal)	233	852
Excise Inspectors and Sub-Inspectors	15	51

(*d*) Whether Government will consider the advisability of taking necessary steps to improve the obviously inadequate representation of Hindu zemindars in the above posts?

The Honourable Sir Geoffrey de Montmorency: (*a*) By selection from amongst qualified persons.

(*b*) This is a matter of opinion, but honourable member is well aware of the views put forward by Government in the resolution of October, 1919.

(*c*) Yes.

(*d*) The honourable member is again referred to the resolution of October, 1919, to which Government is resolved to give effect in recruitment.

Question No. 296. Rai Sahib Chaudhri Chhotu Ram: Will the Chief Secretary kindly state—

(*a*) Whether the minimum standard of education required for the recruitment of the class described as "other clerks" in the consolidated statement issued by the Government in July, 1926, is matriculation;

(*b*) Whether appointment to the post of "other clerks" is by nomination and not by competition;

(*c*) Whether the following figures correctly indicate the representation of zemindar and non-zemindar Hindus in this class of appointments

according to the said consolidated statement:—

	Agri-culturists.	Non-agri-culturists.
Forest Departments ...	7	56
Public Health Department	3	18
Agricultural Department ...	4	21
Financial Commissioners' Office	5	13
Police Department ...	8	31
Office of Land Records ...	Nil	5
High Court	9	77
Subordinate Courts... ...	99	454
Director of Public Instruction's Office	Nil	11
Subordinate Offices (Education)	10	51
Legal Remembrancer's Office	Nil	4
Medical Department ...	14	55
Irrigation Works	45	206
Public Works Department, Building and Roads ...	7	104
Veterinary Department ...	3	8

(*d*) Whether Government will consider the advisability of rectifying the inequalities disclosed above?

Mr. H. D. Craik: (*a*) Generally, yes.

(*b*) Heads of the departments are empowered to make appointments as they think fit. It is understood that in most departments appointments are made by nomination.

(*c*) Yes.

(*d*) The attention of the honourable member is invited to paragraph 18 of Punjab Government resolution No. 4572-S, dated the 3rd of October, 1919.

Civil Judicial Branch of the Provincial Service.

Question No. *297. Rai Sahib Chaudhri Chhotu Ram: Will the Chief Secretary kindly state—

(*a*) What steps, if any, have so far been taken to consult the High Court on the subject of strengthening the zemindar element in the civil judicial branch of the provincial service;

(*b*) Whether a final decision will be reached before the next selection of sub-judges takes place?

Mr. H. D. Craik: (*a*) The High Court has been addressed on the subject. (*b*) I am unable to say, as I am not aware when the next selection of sub-judges will take place.

Judicial Branch of the Provincial Service.

Question No. *298. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Member for Finance kindly state—

(*a*) Whether the figures against "judicial branch" on page 11 of the consolidated statement relate only to the civil judicial branch of the provincial service or cover the criminal judicial branch of the service also;

(*b*) How many of the 18 Hindu agriculturists, as against 62 Hindu non-agriculturists, belong to statutory agricultural tribes;

(*c*) How many, if any, among these 18 agriculturists are Jats, Rajputs, Ahirs, Gujars, Sainies or Rors, belonging to Rohtak, Hissar, Gurgaon and Karnal districts;

(*d*) How many, if any, of the 36 Muslim agriculturists in the judicial branch are Rajputs, Jats, or Gujars from Rohtak, Hissar, Gurgaon and Karnal districts?

The Honourable Sir Geoffrey de Montmorency—

(*a*) The figures did not include members of the provincial service holding "listed" posts.

(*b*) to (*d*) The honourable member is referred to the statement for 1927, which will be supplied to the House shortly, and to the reply which follows to Question No. 299.

Police and Judicial Branch of Service.

Question No. *299. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Member of Finance kindly state—

(*a*) Whether it is not a fact that zemindars, Hindu, Muslim or Sikh, of the South-Eastern Punjab are very meagrely represented in the Police and Judicial branches of the service.

(*b*) Whether any Jat, Rajput, Gujar, whether Hindu, Sikh or Musalman, belonging to Rohtak, Hissar, Gurgaon or Karnal districts has ever been appointed a Deputy Superintendent of Police by direct nomination?

The Honourable Sir Geoffrey de Montmorency: The attention of the honourable member is drawn to paragraph 3 of the answer given by the Honourable Sir John Maynard to questions Nos. 1961 to 1975 of the 6th of July, 1925. As there explained, an annual census is now held showing the communities of public servants in the different branches of the administration, and Government cannot undertake to collect further statistics in regard to the representation of members of different sections of different localities in the public service.

Inspector of Police.

Question No. *300. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Member for Finance kindly state—

(*a*) Whether, in answer to a Council question put in 1918, Government gave an assurance that at least one Hindu Jat would be appointed Inspector of Police as soon as possible;

(*b*) Whether any Hindu Jat has so far been appointed as Inspector of Police by direct nomination or by promotion, and, if not, whether Government will see its way to the fulfilment of that promise now?

The Honourable Sir Geoffrey de Montmorency: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member in due course.

Question No. *301. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Member for Finance kindly state—

(*a*) The principal military tribes in the Rohtak district;

(*b*) The measure of representation of these tribes among the Constables, Head Constables and Sub-Inspectors of the Police Force in the district?

The Honourable Sir Geoffrey de Montmorency—

(*a*) The principal military tribes in the Rohtak district are Hindu Jats and Mahomedan Rajputs.

(*b*) The number of men belonging to those tribes enlisted in the Police Force of this district is as follows:—

	Sub-Inspectors.	Head Constables.	Constables.
Hindu Jats ...	—	7	34
Muhammadan Rajputs	—	3	40
Total ...	—	10	74

Question No. 302. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable the Revenue Member kindly state—

(*a*) The total number of clerks in the Deputy-Commissioner's Office at Rohtak;

(*b*) The number of clerks who are Jats, Rajputs (Hindu or Muslim), Ahirs, Sainies and Gaur Brahmins?

Mr. C. A. H. Townsend: (*a*) 70; (*b*) 15.

I find it difficult to reconcile the policy underlying the resolution of 1919 of the Punjab Government with that of the Alienation of Land Act. The object of the Act was to prevent the "detribalisation" of land, to prevent the transfer of land from castes which by heredity and tradition are good farmers and live on the land to castes who live in towns and are merely receivers of rent. I do not see how the object of the Act is achieved by giving every possible facility to agricultural castes to take such an urban pursuit as Government service, dissociating them from farming and agriculture. If a man spends the best part of his life in Government service, holding an executive or judicial office, I fail to see what is left in him except caste to qualify him for a preferential right for the acquisition of land. In what respect is he different from a man belonging to a non-agricultural caste, who acquires wealth in a profession or in service and wishes to invest it in land on which he proposes to settle? Neither of them knows how often a field of wheat or cotton should be ploughed before sowing, and how often it should be watered after sowing. A young man belonging to an agricultural caste, born in a village, and educated in a village school, moves at the age of 12 or 14 to a high school in a town. After passing his matriculation examination, he comes to an important university town, and there studies subjects which have no direct bearing on agriculture and gets a degree. He then proceeds to Europe and qualifies for a profession unconnected with agriculture. He probably inherits a smallholding, which he lets out to tenants on rent. His income from his profession is twenty times the income from his land. Naturally, he devotes more attention to that part of the work which brings him more money. He forgets how to appraise the produce of an acre of wheat, possibly he never knew it. He begins to take interest in politics and becomes a party leader.

I have made enquiries from other Provinces whether there are any orders of Government giving preference to landowners for appointments in various departments. The reasons given in the resolution of the Punjab Government are applicable to the landowning classes all over India. Land revenue is the principal source of income in every Province. Contribution by landowners to the finance of the State is the largest. In no other Council, so far as my enquiries go, the landowning classes (not to speak of the landowning castes, which are a creation pure and simple of the Land Alienation Act) have a separate political party of their own. In no other Province is any preference given to landowners for Government appointments. Communal considerations no doubt weigh with the authorities in making recruitment, but nothing else clashes with this division. The resolution of the Punjab Government, on which the rural party bases its claims to preferential treatment and facilities for entry into Government service, which, as already indicated, is a novel feature of the policy of the Punjab Government, is, in my humble opinion, directly opposed to the policy laid down by the Court of Directors in their despatch No. 44, dated 10th December, 1834, accompanying the Act of India of 1833, which, for the first time, enacted section 87 removing disqualifications on the basis of caste and creed. The following passage occurs in the despatch:—

"But the meaning of enactment we take to be that there shall be no governing caste in India, and that whatever other tests of qualifications may be adopted distinction of race and religion shall not be of the number."

In Muslim India, excluding the territories governed by Hindu rulers, there was never any governing caste. Birbal was a Bhatt, Raja Todarmall was a Khatri, Man Singh was a Rajput. Later on, during the reign of the Nwabs of Oudh, if Jhaulall was a Kayastha, Raja Mehra was a Jhiwar. During Maharaja Ranjit Singh's reign Dogras were the Wazirs, Muslim Sheikhs and Sayads held positions of Provincial Governors and Foreign Ministers, and Brahmans the offices of Diwans. There was not thus a caste, but a group of castes from which officers were recruited. As people living in urban areas had better facilities for acquiring education than those living in the country, as is the case even now, not only in India, but even in some European countries, the urban population naturally got more posts. This is one of the reasons why Mahomedans in United Provinces, Central Province and Behar and Orissa have a larger share in the services of these Provinces than would fall to them on a population basis. Punjab is the only Province in which, to belong to an urban area, entails several disqualifications. *The resolution creates a partial monopoly of the rural castes. It revives the evil which the Despatch quoted above tried to remove, and which, as the data already given about the constitution of the Council and of the electorate fully prove, a further devolution of power to the people of Punjab will perpetuate.* The Land Alienation Act, designed purely as an economic measure, has thus led to many political offshoots. It led to the enunciation of the policy laid down in the resolution of 1919, and it has led to the creation of a rural party in the Council which is already the largest single group, and which, by removal of the official *bloc*, will form the ruling majority.

Democracy and democratic institutions are based on the idea of the equality of human beings. A few years ago a Committee was appointed by the Legislative Assembly to remove inequalities of procedure in Criminal Courts in trials between Indians and Europeans. The Committee succeeded in softening marked inequalities. A great deal of resentment was shown over the Anti-Asiatic Legislation in South Africa. We have, however, in our Province an analogous measure which has been relegated to the limbo of oblivion by politicians of other Provinces. None of those who frame constitutions know what part this measure will play in the politics of the Province in future, and what bearing it will have on the question of Provincial autonomy.

SECTION II.—REMEDY PROPOSED.

I am not prepared to deny the desirability of a protective law; but it should not be framed in a manner so as to be tribal in its operation. It should not be of such a nature as to foster the growth of political parties on the basis of caste. Tillers of the soil and peasant proprietors of all castes and creeds may be protected against all castes and creeds. In other words, the Land Alienation Act should be divested of its political features and should be reduced to a law purely protective of the peasantry. Such a law may be framed for the whole of India and not for the Punjab alone. Before describing the scheme of the future law, I may mention that, since Mr. Thorburn's book, to which reference has been made in the previous page, was published in 1886, two important additions have been made to the Statute Book for the protection of borrowers. Section 16 of the Indian Contract Act in its present amended form (the amendment having been made by Act VI. of 1899) is given below, and may be compared with Section 16 of the old Act, which is also reproduced for comparison:—

16 (1) A contract is said to be induced by "undue influence" where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other.

(2) In particular and without prejudice to the generality of the foregoing principle, a person is deemed to be in a position to dominate the will of another.

(*a*) Where he holds a real or apparent authority over the other, or where he stands in a fiduciary relation to the other; or

(*b*) Where he makes a contract with a person whose mental capacity is temporarily or permanently affected by reason of age, illness, or mental or bodily distress.

(3) Where a person who is in a position to dominate the will of another enters into a contract with him and the transaction appears, on the fact or it or on the

evidence adduced, to be unconscionable, the burden of proving that such contract was not induced by undue influence shall lie upon the person in a position to dominate the will of the other. Nothing in this sub-section shall affect the provision of Section III. cf Indian Evidence Act, 1872.

Illustrations.

(*a*) A, having advanced money to his son B, during his minority, upon B coming of age obtains by misuse of parental influence a bond from B for a greater amount than the sum due in respect of the advance. A employs undue influence.

(*b*) A, a man enfeebled by disease or age, is induced by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional service. B employs undue influence.

(*c*) A, being in debt to B, the moneylender of his village, contracts a fresh loan on terms which appear to be unreasonable. It lies on B to prove that the contract was not induced by undue influence.

(*d*) A applies to a banker for a loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms. This is a transaction in the ordinary course of business, and the contract is not induced by undue influence.

This section was substituted for the original Section 16 by the Indian Contract Amendment Act VI. of 1899, S. 2.

The section, before it was amended, read as follows:—

"'Undue influence' is said to be employed in the following cases":—

"(1) When a person in whom confidence is reposed by another or who holds a real or apparent authority over that other, makes use of such confidence or authority for the purpose of obtaining an advantage over that other, which, but for such confidence or authority, he could not have obtained";

"(2) When a person whose mind is enfeebled by old age, illness, or mental or bodily distress, is so treated as to make him consent to that to which, but for such treatment, he would not have consented, although such treatment may not amount to coercion."

There were no illustrations appended to the old section.

Act X. of 1918, called the Usurious Loans Act, empowers courts to relieve the debtor of any excessive interest, reopen any account and to revise security.

In addition to this, if necessary a new law may be framed applicable to all landowners irrespective of caste and creed owning small holdings, say, of areas varying from 25 to 50 acres according to the productiveness of the land restricting alienation or sale of land in execution of degrees. I would not give preferential rights of purchase to one set of castes over another. It is not impossible to work out details. When the Land Alienation Act was passed a set of elaborate instructions became necessary, and I see nothing impracticable in framing another set of instructions based on a restrictive law framed on the lines suggested by me. Executive Officers, instead of trying to find out as they do now whether a purchaser of one of the notified groups is forthcoming or not, will have, in the first place, to find out whether the intending alienor's purpose cannot be served by temporary alienation of land described in the Land Alienation Act. If no person is forthcoming to accept temporary transfer the intending alienor may be permitted to make a permanent alienation to whosoever he likes in an open and not restricted market. The point for the Executive Officer will be to see whether temporary alienation is possible or not, and not to look to the caste or tribe of the temporary or permanent alienee. I may here mention that Mr. Kodand Rao's constructive suggestions given at the conclusion of his papers, which are printed in the Appendix, go much beyond what is needed. He advocates a radical change in the system of our land tenures and rent laws. The remedy which I will propose aims at the condemnation of a vicious principle which a ruling majority in a representative system of Government may employ in various ways and forms. It is difficult to foresee how the principle which is opposed to the basic principles of democracy may assume various forms and shapes. I propose no changes in the existing law except those which are consequential on the adoption of my proposal. My scheme of a protective law also is not open to the general objection that protective laws frustrate their own end.

An attempt on my part to restrict the Act to its economic sphere failed, as the following question and answer in the Council will show:—

Agricultural Indebtedness.

Question No. 223, dated 18th July, 1927.

Diwan Bahadur Raja Narendra Nath: Will the Financial Commissioner be pleased to state—

(*a*) Whether the answer given by me to question No. 6 of the questionnaire issued by the Royal Agricultural Commission (reproduced below for facility of reference) has been brought to the notice of Government;

(*b*) Whether Government propose to take any action on the line suggested by me therein;

(*c*) The reason for refusal or hesitancy to take action in case no action is contemplated?

Answer to Question No. 6 (e) *of the Agricultural Commission.*—In the Punjab the right of mortgage and sale is already restricted by the Land Alienation Act. The right should be restricted further. The Act operates in two ways. It restricts the right of alienation and it gives a preferential right for the acquisition of land by purchase or mortgage to wealthier individuals in the same class. It is time that, while the restrictive aspect may be maintained in respect of the poorer or the more ignorant classes, the richer and the better-educated classes who do not need restriction, but who benefit by the privilege which the Act confers, should be exempted from the operation of the Act under Section 24; for instance, I would exempt the following classes from the operation of the Act:—

(1) Men who have taken to Government service or to professions, such as the Law, or Medicine, or Teaching.

(2) Government pensioners drawing a pension of more than Rs. 100/- per month.

(3) Jagirdars in receipt of Jagirs of more than a 1,000/- a year.

(4) Persons who pay more income tax than land revenue.

(5) All *ex*-members of a Provincial or Imperial Cabinet.

Some agricultural classes have taken to moneylending and yet they enjoy the privilege of a preferential acquisition of land. The whole subject needs a thorough enquiry, with a view to carry the principles of the Act to its logical and legitimate conclusions and to prevent the expropriation of poorer and more ignorant owners by the richer and better-educated rural middle-class which has come into existence within the last 25 years.

Answer.—Mr. C. A. H. Townsend: (*a*) Yes.

(*b*) *No.*

(*c*) Government is not aware that of the classes whose rights of alienation have been restricted some desire to have the restriction removed and others to have it made more stringent. No representation on the subject from them has reached Government. Whether the scope of the possible alienees be further reduced is a matter on which there are not sufficient data available to enable Government to hold that the suggested amendment is necessary in furtherance of the object of the enactment.

The answer of the honourable member, who presumably voiced the opinion of the Honourable Revenue Member (himself a member of an agricultural tribe) is evasive and the only justification that I can imagine

is his reluctance to make a change which will be unacceptable to the Council as a whole, and which would deprive the major portion of it of a powerful political weapon.

The Indian Legislature has the power of making laws on matters purely provincial, Section 65 (1) (*a*) of the Government of India Act. As far as I am aware this power has not been exercised within the last eight years in framing a law which is purely provincial in its application. Provincial autonomy would be meaningless if Central Legislature is empowered to deal with legislation which is purely provincial in its character. I do not know whether Section 65 will be retained in its present form. But even if it were the Central Government would not legislate oftener on provincial matters than it has done in the past. As the rules stand at present no resolution on matters with which Provincial Governments are primarily concerned can be allowed in the Assembly, much less legislation dealing with purely Provincial matters. Therefore, the political conditions created by the Land Alienation Act cannot be wiped off by anything which Government of India can at present do or is likely to do in future.

No change in the franchise will remove it. A reference to Schedule 2 attached to the Punjab Electoral Rules, which gives the qualification of voters in rural and in urban constituencies, will show that property qualification, payment of rent for house occupied or payment of income tax and payment of land revenue is necessary. It will not be just to remove only the qualification with regard to the payment of income tax whilst retaining property qualification for others. Lowering of the property qualification will not alter the preponderance of voters belonging to agricultural tribes, for if the number of voters belonging to non-agricultural tribes is thereby increased the number of voters belonging to agricultural tribes will also be increased *pro tanto*.

In rural areas houses are seldom given on rent. Even manhood suffrage will not change the situation. I may here mention that manhood suffrage does not exist even in England. Under the Representation of the People Act of 1918, male electors must have resided and occupied business premises of an annual value of not less than £10. Franchise has been extended in England gradually. By the Reform Act of 1832 only 3 per cent. of the population were enfranchised. In 1867 it increased to 9 per cent. and in 1884 to 18 per cent., and, finally, in 1918, to 50 per cent. The standard of literacy in the Punjab is very low; according to the Census of 1921 it is nearly 4 per cent. Within the seven years that have since elapsed there could not have been much change. The constitutional advance that the Commission will propose will wait for its introduction till free and compulsory primary education and universal literacy become accomplished facts. Classes that own no property in rural areas will be entirely under the influence of classes who own property. To give the right of voting to tenants-at-will (tenants who can be ejected on six months' notice) will only increase the influence of the landlords and of the landowning classes. The creation of a second chamber, for which a much higher property qualification will be required, will also favour the capitalist landowners of certain castes who at present preponderate in the Council.

Therefore, in the Punjab the problem of the protection of minorities has to be considered on two lines, the communal or the religious line, and a caste line. In both cases the minority to be protected is very important, considered even numerically. In the case of the caste minority there is the additional fact that the representation of the agricultural castes is far in excess of the proportion of its number in the population—an excess which no reasonable change in the franchise rules can immediately remove. Most of our political leaders have condemned communal representation. The Commonwealth of India Bills, framed by Dr. Besant and Mr. Lansbury, of the Independent Labour Party, separately propose reservation of seats for Europeans and Muslims for a period of five years. The Committee appointed by the Indian National Congress, consisting of Dr. Ansari and Lala Lajpat Rai, have deprecated the idea of introducing communal representation in services. Reference to it has already been made. *But it has never been suggested how to interdict communal representation in services and in other spheres of administrative activity.*

Both the Bills (by Dr. Besant and Mr. Lansbury) propose the appointment of a Public Service Commission, but there is nothing in them to prevent the Executive Government from directing the Public Service Commission to proceed on communal lines. Section 96 (*c*) of the Government of India Act of 1919 provides for the appointment of the Public Service Commission, communal representation is mentioned only in one place, Section 72 (*c*) (4), where reference is made to communal representation for the purpose of election. This Act, as also the Commonwealth of India Bills, are silent on the point of the extension of communal or caste representation in other spheres, with the result that we have in the Punjab communal representation for services in certain departments of Government, caste representation in all the departments of Government, and communal representation for admission to educational institutions. Bombay Government has fixed percentages for the admission of various communities to the education institutions, *vide* Resolution No. 3,464, dated 30th March, 1925, viz., for the High Schools of Hyderabad, Shikarpur, Larkana, Mahomedans 50 per cent., Hindus 50 per cent., for the High Schools of Nowshera Madrasa, Mahomedans 75 per cent. and Hindus 25 per cent. I learn from newspapers that Bombay Government has prescribed different conditions for the Hindus and Mahomedans for the purchase of Crown lands. It is a matter of common knowledge that our local bodies waste a good deal of time in squabbles over the representation of different communities in services under them. Local bodies are in direct touch with the local and rural areas which they administer. What transpires in them passes down more easily to the population around than what takes place in Councils, Provincial or Imperial. A communal spirit evinced by our representatives filters down to the masses and is one of the main causes of friction between the communities manifesting itself often in outbursts of violence. *The question, therefore, is have we only to content ourselves with expressions of opinion condemning caste and communal representation beyond certain limits or should the future constitution be framed in such a way as to forbid its unrestricted operation. I am decidedly of opinion that there should be inserted a clause in the constitution condemning this vicious principle with a schedule of exceptions to suit the present conditions of society.*

Joint electorates will not prove the panacea for all evils. It is on the assumption that the introduction of joint electorates will make it impossible for a ruling majority to show any spirit of partiality on the basis of caste and creed that the two Commonwealth of India Bills are silent on the question of determining civil rights on the basis of caste and creed. This assumption is, in my opinion, wholly erroneous. The spectre of communalism will continue to stalk for long in the Councils of the Indian Empire, even after separate electorates have ceased to exist. In fact the demand for joint electorates on the ground that their introduction will make the different castes and communities in India a nation appears to me to be an instance of argument in a circle. Those who insist upon separate electorates do so because the different communities of India do not form a homogeneous whole. The answer that separate electorates have created the differences (as a matter of fact they have only accentuated them) assumes that differences exist. My objection to separate electorates for a majority community is based on a different ground altogether and applies only to Provinces where a majority community wants separate electorates in spite of protest by a minority community.

In short a clause in the constitution laying down limits within which only communalism may operate is badly needed. Sub-clause F of Clause 7 of Dr. Besant's Bill, and Sub-clause F of Clause 8 of Mr. Lansbury's Bill, which I reproduce below, does not meet the object which I have in view:—

"All persons residing within the Commonwealth, whether permanently or temporarily, are equal before the law, and no distinction of Court or Judge shall be made between one class of person and another with respect to similar legal matters or offences."

Article 128 of the Constitution of Czechoslovak Republic, which I give below, runs very much on the lines on which a clause is needed in the Indian Constitution.

CZECHOSLOVAK CONSTITUTION.

CHAPTER VI.—PROTECTION OF NATIONAL RELIGIOUS AND RACIAL MINORITIES.

Article 128.—(1) All citizens of the Czechoslovak Republic shall be in all respects equal before the law and shall enjoy the same civil and political rights, without distinction of race, language, or religion.

(2) Differences in religion, creed, faith or language shall not prejudice any citizen of the Czechoslovak Republic in any way, within the limits laid down by general laws, particularly in regard to public employment, office of honours and to the exercise of any trade or calling.

(3) All citizens of the Czechoslovak Republic may, within the limits laid down by the general law, freely use any language whatsoever, whether in private or business affairs, or in matters of religion, in the Press or in publication of any kind, or in public meetings.

(4) The foregoing provisions shall be without prejudice to the rights of State authorities in such matters in virtue of laws at present in force or hereafter promulgated for the purpose of ensuring public order, the safety of the State or effective supervision by the State.

Some of my friends whom I consulted and who probably had only a superficial glance at the above article were inclined to the view that it was substantially the same as Section 96 of the Government of India Act. A careful comparison of the article with Section 96 will show that the former goes much beyond the latter, which removes disability to hold office by reason of religion, place of birth or descent. The former lays down that none of these matters shall "prejudice" anyone for employment in public services. In the Punjab it is a matter of everyday occurrence that out of two candidates belonging to different castes or communities, the man with inferior qualifications, provided he possesses the minimum qualifications prescribed, is preferred to the man of superior qualifications, if it is the policy of Government to encourage the recruitment of that community or caste. The man who is rejected is "prejudiced" on account of his caste or creed. A man belonging to a tribe which has not been notified is prejudiced in the acquisition of land from vendors belonging to agricultural tribes. But the word "calling," which occurs in paragraph 2 of the article, does not cover the case of preferential right to purchase land from vendors of a certain class. Besides the article if adopted in our constitution will necessitate many administrative changes, which I do not at present advocate. I would confine myself to postulating equality in the rights of citizens for which the preceding pages have shown ample necessity. I am glad to observe that in the Swaraj Constitution framed by Mr. Srinivasa Iyenger, paragraph 2, Article 128, of the Czechoslovak Constitution has been inserted (see page 8 of the Constitution), and that all Parties Conference has also recommended the adoption of this clause in the paragraph dealing with the "declaration of rights." Perhaps the conversations and correspondence with Mr. Iyenger, which I had at Simla last summer, have convinced him that the provision which does not exist in the two Commonwealth of India Bills is necessary.

I would, however, suggest the following draft:—

Draft Clause.

Subject to such domiciliary rules or laws which local Governments may, with the sanction of the Government of India, frame for recruitment to Provincial and subordinate services, no law or administrative order, containing general directions shall impose any civic disability on any caste or community of His Majesty's Indian subjects, or introduce disparity of conditions for the acquisition of any civic right, discriminate between any caste or creed of His Majesty's Indian subjects for the acquisition of any civic right including the right of recruitment to services (civil and military), or deny equal conditions and opportunities to all. All existing laws, rules and orders in contravention of the above provision whereby any one is prejudiced on account of his caste or creed in the acquisition of any civic right representative institutions.

Exceptions.—(1) Fixation of communal seats for representative institutions.

(2) All appointments to be made by the King.

(3) Provision of seats in the Cabinet.

(4) With due regard to efficiency the reservation of one-third of appointments from general and open competition, to encourage the recruitment of backward communities and to redress communal inequalities, the proportion so reserved for civil appointments being maintained and borne in mind for military appointment also, to encourage the enlistment of persons who do not generally offer themselves for recruitment to the rank and file of the army.

(5) Award of scholarships or remission of fees with the view of encouraging the spread of education amongst backward classes.

(6) Separate electorates (*a*) for Provincial Council and Legislative Assembly in the case of minority communities to be named and in Provinces to be specified in schedule, (*b*) for local bodies in accordance with the wish of the representatives of the minority community as expressed by the majority of the members belonging to the community on the local body concerned, and ascertained by Local Government.

7. Composition of Public Service Commission for Imperial or for Provincial Services and of Staff Selection Boards.

8. Award of scholarships to encourage the study of Hindi and Sanskrit literature by non-Hindus and Arabic and Persian literature by non-Muslims.

9. The establishment, if necessary, of separate schools for classes who, on account of some local custom, cannot be admitted into ordinary schools.

Nothing in this section relates to the right of entry to or exclusion from temples based on custom or tradition of various communities or interferes in any way with the right of the State authorities to maintain law and order, or to adopt means for the suppression of crime or to supervise and regulate the conduct of classes addicted to crime.

I confess that the draft is a clumsy one, and perhaps the schedule of exceptions is unnecessarily long; but it explains to what length I am prepared to allow exceptions. The law officers of the Crown will, I hope, feel no difficulty in giving a legal shape to the ideas which I have given above. I will now say a few words with regard to each exception:—

Provincial Service may be open only to persons domiciled in the Province. I would not allow, for instance, Indians from Bengal or Behar to compete for the Provincial Service in Burma.

Exception I.—This is necessary, for I advocate reservation of seats for important communities. I see no need to confine reservation to a minority community only. The number of members for each representative body being fixed, the number to be elected by a

majority community is fixed automatically by the fixation of seats for minorities. Why should not the seats of a majority community also be fixed?

Exception II.—The King is above the constitution. My object is to prevent abuse of authority by a ruling majority through its Ministers. I doubt if it is at all necessary to have this exception.

Exception III.—I want no important community to be excluded from the Cabinet.

Exception IV.—I do not advocate monopolies, but I would not name any community or caste for which this reservation is made. For all India or Imperial Services a reservation of the sort proposed already exists. I want the principle to be extended to all services, Provincial or those pertaining to local bodies.

On the 4th of May, 1928, Rai Sahib Ganga Ram moved the following resolution:—

This Council recommends to Government that steps may be taken to introduce the training of military drill and the use of firearms, along with the physical drill, in all the Government recognised colleges.

Extracts from my speech and that of Sardar Harbakhsh Singh, member for Hoshiarpur, given in Appendix VII., will show the mentality of the so-called martial classes towards the question of encouraging the recruitment of non-martial classes in the Army. The honourable member would not even allow military training in the colleges for all and sundry. Extracts from my speech and that of Sardar Harbakhsh Singh are given in the Appendix. I have received credible information that, during the last war, Meghs of Sialkote district, who are a depressed class, but who have been reclaimed by the Arya Samaj, offered their services for the Army. They were told that they could be taken only if they would embrace Sikhism. They refused to do so. The Punjab Government has always borne in mind the claims of backward communities and has tried to prevent the undue preponderance of any one community in the services, but neither the Muslim nor the agricultural majority is satisfied. The Muslim majority wants its representation in services in proportion to its population, whilst the agricultural majority insist upon strict fulfilment of the proportions laid down in the Resolution of 1919, a demand which the local Government will be unable to resist when provincial antonomy is given, though even now Government has never contested the rule of proportions fixed by the resolution of 1919, nor the demand of the Muslim majority for recruitment in proportion to population.

Exception V.—To award scholarships or to grant remission of fees is a better way of encouraging education amongst backward classes than to fix proportions for admission to educational institutions. By fixing proportions rejected candidates of an advanced community lose something. Education in the country as a whole makes no advance. The progress of education in certain classes is stopped or retarded in order to make room for backward classes and to enable them to come up to the level of the more advanced. By the award of scholarships to students of backward communities or remission of their fees the advanced community as such loses nothing.

Exception VI.—I do not force joint electorates on minority communities which do not want them.

Exception VII.—In the personnel of the Public Services Commission all important communities must be duly represented.

Exception VIII.—This exception is for carrying out one of my favourite schemes for nationalisation. Although advocacy of the cause of the Hindu community gives a communal tinge to all that I have said in these pages, I do look forward to nationalisation, which is my goal. My only difference with leading public men is that they wish to bring about union by pacts and agreement, whilst I think that nationalisation has to be achieved gradually and slowly. The first step towards the attainment of that end is to bring up the future generations in an atmosphere which fosters a spirit of appreciation of each other's culture. My scheme is propounded in a resolution which is printed in Appendix VIII. Shuddhi and Tabligh may proceed unchecked, but they will make little progress in converting each community to the religion of the other. The study of Hindu literature by Mahomedans and of Mahomedan literature by Hindus will bring them nearer together than either Shuddhi or Tabligh.

Explanation IX.—In Southern India there may be difficulty in admitting untouchables into ordinary schools, hence the exception.

The last para. is important, for in course of my official career it was once my painful duty to quell a disturbance due to some non-Hindus claiming entry into Hindu temples. I also exempt from the operation of this clause the Criminal Tribes Act or any other Act for the suppression of crime.

I do not think the differences of Procedural Law for the trial of civil and criminal cases are covered by the clause proposed; but if they are I would add the following words:—

"or to effect the law of procedure for civil and criminal trials of different classes of His Majesty's subjects." I do not pose as a champion of the cause of "liberty, fraternity and equality." My present object is twofold: (1) To destroy the weeds that interfere with the growth of the plant of responsible Government in the Punjab, and stand in the way of its political advancement, and (2) to help the process of nationalisation, on which I shall dwell later. I wish to avoid all other controversies. I express no opinion one way or the other on differences of procedure which various Acts prescribe, such as the Frontier Crimes Regulation or the Sind Encumbered Estates Act of 1876, the Dekkan Agriculturist Relief Act of 1879, or the Jhansi Encumbered Estates Act of 1882. If Parliament decides that Indians can safely make a further approach towards "liberty and equality," I would welcome such an attitude. But I am only aiming to bring the Punjab on the same level with other Provinces before its future political conditions are assimilated with them. The clause clashes with the law of pre-emption as it exists in the Punjab, but this law is based on the Land Alienation Act. I do not think that differences of caste and creed are elements which determine the right of pre-emption in other Provinces.

The Bundhelkhand Act, which is framed on the same lines as the Punjab Act, will naturally disappear. But it applies to a very limited area, and has, as far as I am aware, no political offshoots. There is no party in the Council of United Province representing the protected tribes or advocating the sacrosanct nature of the law. There is no order of United Province Government prescribing proportions for the protected tribes in various services.

It will probably be said that the clause which I propose is circumscribed by so many exceptions that I virtually admit the necessity of maintaining largely the principle of communal and caste representation. My answer is that in human affairs many conflicting principles have to be reconciled that in human nature whilst the lower propensities cannot be eradicated legislators and moralists always so frame their codes as to subordinate the lower to the higher propensities. Our statute book contains many instances of legislation reconciling conflicting principles. In every free country freedom of speech and discussion is allowed within certain limits, the determination of which is the result of very deep and comprehensive thought and wide experience. Sections 499, 124A and 153A of the Indian Penal Code are examples which illustrate my point. Section 499, which defines "defamation" is encumbered with 10 exceptions and four explanations. The explanations to the Sections 124A and 153A of the Indian Penal Code appear to contradict the main section defining the offence, and it taxes the ingenuity of judges and lawyers to reconcile the two in their application to particular cases. Does it follow that because it is necessary to impose limitations on freedom of speech every one should be allowed to say whatever he likes?

I can conceive no possible objection to the adoption of the clause. It only extends the principles embodied in Section 87 of the Government of India Act of 1833 and of Section 96 of the Government of India Act of 1919. It gives statutory sanction to a principle announced in Despatch No. 44 of the Court of Directors, dated 10th December, 1833, not only in respect of appointments but also in respect of other rights. I would request the Commission to consult various local Governments and inquire with what local laws of any importance the clause clashes. I do not think that Hindus in provinces in which they are in a majority will object to it. Advanced politicians may not approve of exceptions. Resolution No. 13, passed at the 9th Annual Session of the Hindu Mahasabha of 1926, which is a representative body of Hindus, affirms the principle which I advocate.

Resolution No. 13.—The Hindu Mahasabha is emphatically of opinion (1) that as the principle of communal representation and separate electorates far from bringing the different communities together, has proved a serious hindrance to the growth of the national feeling and to the smooth working of Municipal, District, Provincial and National Representative Institutions, it is the duty of the Hindu politicians of all shades of political opinion to make a determined stand against this vicious principle.

That in any future scheme of Provincial autonomy or Responsible Self-Government an express clause be inserted declaring it illegal for any Provincial Government to discriminate by caste and creed in respect of acquisition of civic rights or posts in public services.

The Christian minority in India would welcome the clause, so would the Brahmin minority in Madras. It is difficult to say anything definitely with regard to the Mahomedans in Provinces where they are in a minority. The political outlook of the depressed classes is still in a nebulous condition. They have been giving expression to fears which they entertain about their rights in a *régime* which is domineered by caste-ridden Hindus. I can conceive of no better way of protecting their rights than by the insertion of this clause.

Before concluding this part of my note, I may state that the safeguard proposed by the Congress of 1916 for the protection of the interests of minorities accepted by Muslim League and now reiterated by Mr. Srinivasa Iyenger in his Constitution, *viz.*, that no Bill or resolution introduced into a Council affecting one or the other community shall be proceeded with if three-fourths of the members of the community oppose the Bill, affords no practical solution. It is apt to create deadlocks. A dissatisfied minority may become obstructive and may oppose every measure brought forward by the Minister representing the majority. Minorities generally oppose measures of decentralisation, whilst majority communities favour them. Ministers will be greatly handicapped in their work by the insertion of the provision which several political bodies have advocated.

I have perused with very great interest the Swaraj Constitution framed by Mr. C. Vijiaraghavachariar of Salem, who was President of the Indian National Congress in 1920. There is not the least doubt that if his scheme of Swaraj which proposes a unitary form of government were adopted, the rights of the Hindu minority in North-West India would be quite safe. He proposes one Parliament for the Commonwealth of India consisting of an Upper and a Lower House. As to the Provinces, he proposes Provincial Councils. (Section 132 of the Constitution). But he leaves it to Parliament "to make laws for investing the provincial authority with such powers as it deems necessary."

As far as the Hindu minority is concerned there is no objection to the scheme, but I fear we have gone so far in the direction of provincial autonomy, though we have not yet completely attained it, that it is difficult to retrace our steps. The tendency is towards decentralisation and not towards centralisation which Mr. Vijiaraghavachariar proposes.

There may be some other ways of getting out of the shackles created by the Land Alienation Act, though I can think of none. But I would be taking too parochial a view of politics were I to be satisfied only with something which removes the political excrescences of the Act peculiar to the Punjab. A clause in the constitution protecting the interest of minorities is the best safeguard for all minorities, and I see no reason why a general provision of this kind should not be inserted. I see nothing impracticable about it.

The Muslim majority or the agricultural majority might say that the Hindu minority or the urban intelligentsia who have got a start over the others in education wish to deprive them of protective measures and reservations. The answer which I would advise the more advanced or the intellectually better gifted classes to give is "*All right, we are prepared to wait till you are able to make up the leeway.*"

British Element in Services.

Whilst dealing with this subject I am treading on rather a delicate ground, I am sure to be accused of a slave mentality by some of my countrymen. But there are two ways in which human affairs are dealt with and two classes of men who deal with them. There are men who create forces confident that their creation will be to the ultimate good of humanity regardless, however, of the immediate consequences which result. There are others who, taking account of the forces which exist and of those which are immediately in prospect, evolve a plan of action. Both classes of men are honest and society benefits by the proper performance of the functions of each. I belong to the latter category, however humble may be the position which I occupy. A writer on the French Revolution gives a high meed of praise to men of this class, says Mr. Mallat "that high-pitched theories and philanthropic aims are, after all, only as dust in the balance, compared with the many sober qualities of wisdom required for the effective administration of a State." I do not lay the slightest claim to wisdom in the art of administration. All that I wish to emphasise is that political statics is as important as political dynamics. I lag behind no one in my sense of self-respect, I do not in the least undervalue the services of that class of men who fall under the first category. Were it not for them there would be no change, and no improvement. The world would be stagnant without them. But when constructing a policy or helping in the framing of a constitution it is impossible to shut our eyes to realities. The functions of the framers of a constitution who find remedies for diseases or infirmities of the body politic, are very similar to those of doctors, who tackle with ailments of the physical body. Patients or friends would be failing in their duty if they refrained on sentimental grounds from disclosing any organic weaknesses from which the patient suffered, even if their disclosures were humiliating or cast a reflection on the previous life of the patient. I will, however, abstain from dealing with specific facts and will only lay down certain general propositions.

1. Communities that cannot come to unanimity on such trivial matters as "Music before Mosques" and "Slaughter of Animals" are not likely to unite on such a momentous question as the defence of the land frontier.

2. Mutual distrust of communities rises to its climax on occasions on which internal peace is disturbed by collision between them, and when the help of the third party is invoked. If the third party did not exist these percussions would be wider and more acute than they are now, and the problem of external defence would crop up oftener than it does now.

But it is said that (*a*) the very existence of the third party prevents our nationalisation, which it does most insidiously by actively adopting a policy designed to

keep the communities divided. (*b*) And that officers who are able to rise above communal bias are by no means rare amongst us.

I admit that the mere presence of a third party takes away all incentives to self help, creates a desire to secure the aid of the third party, and thus keeps up the separative attitude of the communities constantly promoting a scrambling after power on the part of each. Much will depend on the quantum of impartiality which our men bring to bear on the discharge of their duties and the support which they get from the communities, which again will depend on the mutual relations between the communities and their attitude towards each other. If impartial men receive no encouragement from their own men, if each community disowns its own officers who in their work show a high standard of altruistic feeling, or if the men of the reverse type are apotheosised, impartiality will cease to be a virtue. The condition of things which the opposite school wants to introduce will be different from those prevailing now. At present we have still a third party which lays down a standard of impartiality (perhaps not between its own community and others) and maintains it. When that party has ceased to exist the standard of impartiality will be laid for each officer by his own community. What that standard will be will be determined by the underlying relations between the communities. It must not be forgotten that education has awakened a sense of corporate existence, which has naturally, as the country is divided into communities, taken the communal form. But it may be said that the weaker community in each part of the country will submit to its stronger rival, and the conflict will die out in each part automatically. My answer is that it will not, and it will have its repercussions in the whole country, perhaps abroad. The whole question resolves itself into the solution of the problem referred to in the first proposition.

As to insidious attempts to foment and keep up discord, I have suggested a solution, and if my proposals are accepted, such attempts will become rare, if they will not altogether disappear. This will prepare the way for amalgamation and union, but will not by itself bring it about. After all, constitutions affect only a part of the life of a citizen and not the whole of it. Nationalisation will depend on the work of religious and social reconstruction which our leaders undertake. It may, however, be observed that the presence of a third party is not always a disintegrating force, it may prove to be a uniting force. If the elements of disunion are properly studied and honest and vigorous efforts are made to remove them, it is not impossible to attain, in course of time, that degree of homogeneity which exists in Western societies. A mere political union for the purpose of obtaining political advantages is no union, it is only temporary. It disappears when the external force is removed and the controversies which follow assume acute forms. Let it be brought home to the mind of the people that the third party is there because they are disunited and let the best brains amongst us bestow their thoughts to a deep analysis of the elements of disunion and the best way of removing them.

If the British element in services is to be retained the mode of their recruitment, their emoluments and conditions of service should be the same as those recommended by the Lee Commission. Their proportion in different Provinces may vary. So far as the Punjab is concerned, I will not for the next ten years reduce it beyond that fixed by the Lee Commission. In North-West Frontier Province and Baluchistan the present preponderance of Europeans in the higher services should be diminished only slightly, if at all.

* *

PUBLIC SERVICES COMMISSION.

Public Service Commissions now exist in all the self-governing colonies. Section 96 (*c*) of the Government of India Act of 1919 provides for the appointment of a Public Service Commission for India, but the scope of the Commission may extend to what is called the Central Service Class II. or to Provincial Service, if the Governor-General or the Governor so desires. The discretion of the Governor-General in Council or of the Governor in Council should not be a factor in determining the jurisdiction of the Commission with regard to different classes of services. Even with regard to All-India Services or to Central Service Class I. the Governor-General in Council may or may not consult the commission on any question connected with their recruitment, though in practice he always does. As far I am aware the Provincial Services of all Provinces have not yet been placed under their jurisdiction. The circumstances which led to the appointment of such a Commission in Canada are graphically described in Keith's book on Responsible Government in the Dominions. Professor Keith says,* "The appointment of public officers was always a matter in which political influence had a good deal to do in the first place, then promotions were often influenced by political considerations, and, if the holders of office were not dismissed when a new Government came in, they might in other ways be made to feel that their presence in the office was not desired, as there were others whose claims demanded the close attention of Ministers." Further on I find the following passage: "It appeared that nomination from a list of qualified candidates was the order of the day, that such nominations were political jobs, and that, after appointment, success depended on further political influence; there was little regular promotion, and all the best posts were reserved by Ministers for rewarding their friends, with the result that the service was utterly disorganised, the members of the service who owed their posts to political nominations being indifferent to discipline."

If "communal" were substituted for "political", in the quotations given above every word of them would apply more or less to what has been happening in the Punjab since the Reform Scheme came into operation. Professor Gulshan Rai's pamphlet, which was placed by me before the Commission in the course of my interview, cites specific cases of appointments and supersessions which caused deep resentment amongst the Hindus. In 1922 certain Hindu members asked for the appointment of a Board (so constituted that no community in it would predominate), which would go into all cases of supersession of officials who entered into services before recruitment into services on communal grounds was introduced. Government refused to appoint such a Board.

There will be no peace in the country until recruitment of all kinds of services is vested in an independent Board. Communal differences will take the place of political differences in the West. Suspicion of communal partiality creates a resentment which is wider and more intense than the suspicion of partiality supposed to be due to political differences. There are very few countries in which jealousies due to political differences filter down to masses; jealousies due to communal differences do.

As to the status of the Commission and its functions the following passage is pertinent:—

* "The new Act, which was passed with the concurrence of the opposition, provides for a permanent Civil Service Commission which, at the desire of the opposition, was made in tenure of office on an equal footing with the Auditor-General. This Commission is to hold examinations and decide the fitness of candidates for the posts for which they are recommended by them. They are also to give certificates for increases of salary and for the promotion and improvement of status. Moreover, instead of the system of nomination from a list of passed candidates there is to be appointment by merit in the examinations." The trend of opinion of the members of the Punjab Council is that success in examinations is rather a demerit than a merit. The Provincial Public Commission will have the same jurisdiction about disciplinary action taken against the members of the Provincial or other services as the Indian Commission has under Rule 10, in respect of similar action taken against members of the All-India Services.

* P. 347, *ibid.*

While discussing the protective clause I have already made some remarks on the working of the local bodies and have emphasised the importance of regulating their power of making appointments. The Provincial Public Service Commission will either by itself or through a board appointed by it control the more important appointments under local bodies, whilst for ministerial posts, a Staff Selection Board may be constituted.

The members of the Public Services Commission for All-India Services should be appointed by the King; those for the Provincial Services by Government of India. All the Commissions and Boards, Imperial or Provincial, will act in accordance with the principle laid down in the clause, the insertion of which, in the constitution, I have proposed.

Joint responsibility of the Ministers will I hope be a feature of the Cabinet system of government which it is expected will be introduced with provincial autonomy. The Ministers must belong to different communities, for which I have made a provision in the schedule of exceptions to the protective clause. It will be impossible to work joint responsibility so long as the power of making appointments rests with the Ministers. In paragraph 6 of the Punjab Administration Report of 1923-24 the following observation is made on the joint responsibility of Ministers under the present dyarchic system of government:—

"The co-operation of Ministers would indeed inevitably be in inverse ratio to the activity of their championship of communal sentiment. The co-ordination which actually attained between the first two Ministers was therefore due rather to a mutual spirit of goodwill than identity of policy."

LEGAL MACHINERY TO ENFORCE THE CLAUSE.

Both Dr. Besant's Commonwealth of India Bill and the Independent Labour Party's Bill propose the appointment of a Supreme Court. The object appears to be twofold: to reduce considerably the number of appeals to King in Council, and to establish a Court with jurisdiction over matters arising under the constitution or involving its interpretation. I feel diffidence in expressing my opinion on a matter involving legal points. There appeared to me to be some diffierence of opinion amongst friends whom I consulted as to the competence of Indian Courts to question the validity of laws made by the Government of India. All my doubts on this point were, however, removed on a reference to Dicey's well-known book *Introduction to the Study of Law of Constitution*. At page 96 of Chapter VIII of that book I find the following passage:—

"The Courts in India (or in any other part of the British Empire) may, when the occasion arises, pronounce upon the validity or constitutionality of laws made by the Indian Council." In support of this view 3 Indian Law Report (Calcutta series), page 63, is cited. This case went up on appeal to the Privy Council and the power of the Calcutta High Court to pronounce on the validity of an Act passed by the Imperial Council was not questioned. If, however, there is still some doubt as to the power of Indian Courts to question the constitutionality of an Act, necessary power can be given to the High Court by Parliament without creating a Supreme Court.

SECTION III.—NORTH-WEST FRONTIER PROVINCE AND BALUCHISTAN.

The extension of Reforms to North-West Frontier Province and Baluchistan, and the treatment in this respect of these Provinces at par with other Provinces and the attitude of Hindus towards reforms, are questions on which great confusion of thought is to be found. It is necessary to explain what the Hindus' demands are. These impose no insurmountable difficulty in the way of further advance.

The number of Hindus in these two Provinces is very small and their anxiety to safeguard their own interests in any measure introducing popular government in these Provinces is fully justified. Total population of North-West Frontier Province is 2,251,340 and of Baluchistan is 420,648, and the population of Hindus, Jains and Sikhs is 177,924 and 46,340 respectively. Christians in these two Provinces (North-West Frontier Province and Baluchistan) are 10,610 and 6,678 respectively. The demand of the Hindus in these Provinces is nothing more than what has been sketched in the previous pages, *viz.*, that a clause condemning all discrimination by caste and creed for the acquisition of civic rights beyond the limitations stated should be incorporated in the constitution, that a legal machinery to enforce the clause should be created if it does not exist already, and that the jurisdiction of Public Services Commission should be extended to the area and to all the services therein. If it is impossible to meet these demands the Hindus are opposed to any measure of devolution. If it is not, they are indifferent. What the measure of devolution should be and what should be the exact form of government to be introduced are questions with which Hindus as such are not more vitally concerned than others. There are, I believe, difficulties in treating these two Provinces on a par with other Provinces—difficulties for which officers connected with the Civil and Military administration are in a better position to find a solution. It appears from official papers concerning these two Provinces that the expenses of administration exceed the income. For the year 1925-26 the income of North-West Frontier Province was Rs. 78,49,115 and expenditure on the administration Rs. 2,84,25,237. In the case of British Baluchistan for the year 1925-26 the expenditure was Rs. 85,52,392, against an income of Rs. 21,84,778. Government of India metes out doles to these two Provinces to enable them to carry on the government. In this respect alone, not to mention other distinguishing features, these two Provinces differ from other Indian Provinces. The other peculiar feature of these Provinces is that they have political agencies for territories outside of British India, the administration of which has a close bearing on the administration of British territory properly so called. Both are Frontier Provinces with a population highly excitable and primitive. The percentage of literacy is much lower amongst Muslims who form the bulk of the population than amongst Muslims of United Provinces or Punjab. The establishment of Government responsible to the people of the Province and to be controlled by them may affect the defence of the Empire as a whole. These are questions on which the military officers of Government (His Excellency the Commander-in-Chief and his military advisers) are in a better position to give opinions than any Hindu living in the Province or outside who has no knowledge of the problems of Indian defence and no experience of the way in which it is carried on.

I may here give some figures showing the proportion of the Hindus in some of the services.

In the Education Department, Imperial or Provincial, the Civil List for October, 1927, shows no Hindu. It shows two Hindu Tehsildars out of 29 and 10 Naib-Tehsildars out of 84. The names of the members of the Provincial Service are not given in the quarterly Civil List; but I learn that out of 42 members of the Provincial Service only three are Hindus or 7 per cent., barely equal to the proportion of Hindus in the population. The names of Munsiffs also are not given in the Civil List; but I am told that out of nine Munsiffs there is only one Hindu. The census figures show that literacy amongst Hindus is much higher than amongst Muslims, being 24 against 2 per cent. A reference to the quarterly Civil List for July, 1904, shows that there were out of five extra assistant settlement officers two Hindus and one Sikh, and out of 19 Provincial Civil Service men there were six Hindus. It will not be right to hold that Hindus are of no use in the services of North-West Frontier Province. A Hindu of North-

West Frontier Province cannot get into Provincial Service of other Provinces where men domiciled in the Province would naturally get preference over them. To the Hindus of North-West Frontier Province therefore the door of Government service is now practically closed.

Sir Geoffrey de Montmorency, in the course of his speech delivered on the 13th July, 1927, in the Punjab Council, said:—"In the second place, as I said yesterday, always bearing in mind the supreme need for efficiency, Government aims at avoiding the undue preponderance of any one class in the public service to the prejudice of the reasonable claims of other classes of the community. This is the ideal to which we work, some honourable members may consider unsuccessfully, but nevertheless let me assure them that we do work sincerely and constantly to try to secure this principle.

Sir Alexander Muddiman, in his speech in the Legislative Assembly delivered on the 2nd of March, 1925, though explaining the system of recruitment for the Indian Civil Service, said: "I admit, and Government have admitted before, that there should be an adequate representation of minority communities." This remark applied presumably to all services.

In the notification of the Home Department of India, dated 14th October, 1926, reproducing the resolution of the Secretary of State for India which defines the functions of the Public Service Commission, there is a reference in Rule 5 to recruitment by selection, "owing to the failure of a competitive examination to give adequate representation to different communities."

All these principles are ignored when their operation favours the Hindu minority. I am not here advocating the cause of the Hindus under the present system of Government, and though it is true, as one of our prominent public men said in his recent speech in the Legislative Assembly, that, under the Reforms system of Government, the Hindus could not fare worse than they did under the present system, yet there is no reason why I should exclude the Hindu minority of the North-West Frontier Province and Baluchistan from the benefit of the protective clause which I propose for the Hindu minority in the Punjab.

I have to add that, if the elective system of the representation were introduced in North-West Frontier Province and Baluchistan, the Hindu minority in these two Provinces should receive the same weightage as the Mahomedan minority gets in Provinces in which they form minority of the same proportion.

Do the Mahomedans of North-West Frontier Province work the reforms with the safeguards proposed by me for the Hindu minority?

Conclusion.

I have confined myself to the question of the protection of the rights of the Hindu minority of North-Western India. I am strongly of opinion that the indispensable conditions of a further political advance in the Punjab are:—

1. That joint electorates should be introduced for the Punjab Council with reservation of seats for the communities, and that if a Council is created for North-West Frontier Province then separate electorates for Hindus if they want them.
2. That a clause on the lines proposed by me to restrict the principle of determining civic rights on the basis of caste and creed be inserted in the constitution.
3. That legal machinery be created, if one does not already exist, to enforce the clause.
4. That recruitment to all kinds of services be vested in an independent board, so constituted that, whilst all important communities are represented on it, no community predominates and that disciplinary action taken by the Ministers be made appealable to the board.
5. That the British elements in services should be maintained during the next ten years, as proposed.

If for any reason of which I have no conception it is not possible to provide these safeguards, I would advise the Hindu minority in North-Western India to oppose all recommendations for further advance. I am not prepared to advocate advance of democratic Government on lines which involve a negation of the fundamental principles of democracy, namely, the equality of all human beings. Such a Government will not be a popular Government, but a class or communal Government. I would ask the Hindus to discriminate between bread and stone, to visualise what their condition would be whether of freemen or of slaves if the safeguards above recommended and found in the constitution of several Western countries which have democratic institutions were not adopted. They should not be carried away by the ordinary political slogans about self-government, provincial autonomy and freedom. If the safeguards were not adopted the whole power will pass into the hands of a group of castes which comprise only one-fourth of the Hindu population, and constitute about half the total population of the Province, not to speak of the humiliation involved to those outside the privileged class. It does not matter if two-fifths of the Muslim population and nearly one-third of the Sikh population do not raise their voice. If called upon to wait for a while they should show sufficient spirit of prudential self-sacrifice till popular democratic Government can be introduced unalloyed by caste or communal discrimination for the acquisition of important civic rights. Caste or communities will continue to exist for some time in India, and do exist in other Provinces. But the Punjab politics have some peculiar features of their own. The octopus of communal or caste discrimination has thrown its tentacles far wider in the Punjab than elsewhere, and before Punjab and North-West Frontier Province and Baluchistan can be treated on a par with other Provinces the tentacles must be cut and reduced to the size which the octopus has in other Provinces. If the operation takes a long time the Hindus should wait till the tentacles are reduced to the dimensions which may be considered to be normal for India. No other Province, as far as I am aware, represents the political characteristics of the Punjab. I am not aware of the conditions prevailing in the South, but looking from a distance it appears that the non-Brahman majority in Madras will be content with the reservation of a proportion of appointments for backward classes.

In no part of India exists a statute which imposes comparative disability in the acquisition of certain important civic rights on a class of which the Muslims form a large proportion, nor has Government anywhere promised preferential treatment for recruitment in services to a class of which the Mahomedans form a small proportion. Yet no Hindu finds fault with Mahomedans if they make all steps in political advancement conditional on their rights being properly safeguarded.

Having concentrated all my attention on the question of the protection of Hindu minority, I have naturally not devoted much time on thinking out what further advance towards responsible Government should be recommended for this Province, and this for various reasons. First, democratic Government, being the rule of the majority and the cleavage between majority and minority communities being on religious lines, the mental attitude of those who advocate further devolution of powers to majorities is not the same as that of those who insist on the protection of the interest of minorities. A great deal of confusion in Indian politics has arisen owing to the functions of the two classes of advocates being mixed up and being merged in the same individuals. It may generally be asserted of our public men that, with few exceptions, no one is unmindful of the interest of the

community or class to which he belongs, nor is anyone wanting in having nationalism as his goal. Individuals differ from one another only in the intensity of the communal or national feeling. It would, however, tend to clearer thinking and better work if the two classes were separated, one advocating legitimate minority rights, and the other the rights of the majority.

Secondly, as I am of opinion that Hindus of the Punjab should ask for no further advance until their legitimate rights are duly protected in the manner suggested by me, and I do not know whether my suggestions would be accepted, I am not in a position to propose what further steps should be recommended.

Thirdly, it is very difficult for me to foresee how the Hindus will be affected by further changes made in the system of Government. The only attitude that I can reasonably adopt towards specific proposals made by the other side is that I have no objection to what is proposed. The Hindu leaders who took part in the proceedings of the Congress of 1916 and who accepted the principle of communal representation and of separate electorates even for the Provinces where Muslims were in majority, did not realise how these two principles would work in the Punjab. I am not going to repeat the mistake of the Hindu leaders of 1916.

I should now like to say a few words to the leaders whose mandate for the boycott of the Commission I have ventured to disobey. I must at the outset state that I am behind no one in entertaining feelings of reverence and respect towards them. No one can question the value of their services to the country and community and the sacrifices made by them. My work as a public man in the Punjab covers only a few years. They have devoted their whole lives to it. My record of service, if record it may be called, sinks into insignificance as compared with theirs. But every humble member of the heirarchy of public workers should be given freedom of conscience and the right to act according to his best lights. I have been carefully reading the criticism of our leaders, which sometimes assumes the form of a tirade against the Hindu co-operators of the Punjab. I have been able to cull three main points in their criticism. (1) That all that the Punjab Hindus or, for the matter of that, Hindus of the other Provinces can say for themselves will be supplied to the Commission by Punjab Government and the local Governments of other Provinces. (2) That the British Government is wedded to a policy of partiality and *divide et impera*, and (3) that the action of the Hindu co-operators of the Punjab is one of super-orrogation and defiance of the Hindus of the other Provinces and calculated to ruin their own cause and that of the Hindus in general. I take up each point separately.

I do not think that a comparative statement such as I have prepared showing the diversity of practice in the treatment of minorities will be prepared or laid by any local Government before the Commission. The utmost that the Behar, United Provinces and Central Provincial Governments will say is that though the Muslin minorities in those Provinces are liberally treated, yet they are dissatisfied with the Reforms. The Hindus of these Provinces mentioned above are not objecting to representation of Muslims in the services in excess of their numerical strength in the population. Muslims are co-operating all over the country and in every Province. Will local Governments of these Provinces say that the over representation of Muslims in these Provinces should be reduced? Will the note prepared by the Punjab Government get comparative figures from Provinces where Muslims are in a minority? I cannot swear, but I am almost certain that the Punjab Government will not prepare any such statement. It is not their duty to do so, on the contrary the figures collected by the Punjab Government will show that, considering the numerical strength of Muslims in the Punjab they are under-represented in services, and in spite of it Hindus are grumbling. Is it any duty of the Punjab Government to try to unravel the minds of the Hindus whilst the Hindus themselves maintain not only a reticent, but a defiant attitude which boycott implies? By what mysterious process can Sir Malcolm Hailey discover the argument that if limitations on the recruitment of persons belonging to minorities are not observed in other Provinces they should not be observed in the Punjab? How is it the duty of Sir Geoffrey de Montmorency (who supports the policy of equitable distribution of appointments amongst all the communities so as not to allow the preponderance of any one community in the services) to try to discover that the policy is more honoured in the breach than in observance in North-West Frontier Province? Is there any record of the Punjab Government to show the numerical strength of what are called agricultural tribes? I was the first to bring this matter to their notice. If I had intended to boycott the Commission, if I had adopted the attitude which leaders prescribe for all of us it would have been inconsistent on my part to point out that the non-agricultural tribes in the Province form either a majority or a very strong minority. The Punjab Government know that the members of agricultural tribes form a majority in the Council; but I do not think that Government would have gone to the length of ascertaining the caste of each member and thereby ascertaining their exact proportion in the Council. Is there any record of the Punjab Government to show that though the Hindu non-agricultural tribes form a larger proportion of the Hindu population of the Punjab (what the exact proportion is no Government record shows) the voters of the Hindu non-agriculturists form a minority? Is it any interest of the Punjab Government to enter on such elaborate calculations? I have had my calculations made by my clerks specially employed for this work. Is it any duty of the Punjab Government to think out the reasons of this over-representation? I brought them to their notice, and I could not have done so if I had determined to boycott the Commission. To assume that the Commission and the local Government will study the case of the Hindus of the Punjab unaided by any evidence which they might produce is inconsistent with the objection under the second head, *viz.*, that the whole Government, from the British Cabinet down to local Government, is wedded to a policy of partiality for Muslims and that the Commission has come with a clear mandate from the Cabinet to maintain that policy.

In my opinion the Hindu minority in North-Western India has an overwhelmingly strong case, and though accused of "stupendous folly" by a responsible journal for adopting the policy of co-operation, I am of opinion that folly lies the other way. That defendant is a fool who, having a strong case, does not argue it before a tribunal and assumes that the tribunal, unaided by any counsel, will discover the weakness of the plaintiff's case. I do not know if any tribunal, however circumspect and conscientious, has done so for a defendant who is not only reticent but defiant. After all, plaintiff has a plausible case the weakness of which can be exposed only by comparative figures.

Second point. There is some force in the second argument, but, even here, the Hindu leaders themselves are not free from blame. In support of my view, I would quote an author whose opinion carries great weight, who is a publicist of standing and whose early traditions and associations have been very different from mine. Referring to communal representation and to the mischief "in making the electorates communal and separate," says Mr. C. S. Ranga Iyer, in his recent book Father India, page 122:—

"I must frankly admit that the responsibility for misleading Mr. Montagu lay entirely with the politicians of the National Congress and the Muslim League. When he rejected the Congress League Scheme, it was a pity that he chose to accept the evil in it, namely, separate representation. The Reforms were only an experiment."

MEMORANDUM ON HINDU MINORITY RIGHTS IN NORTH-WEST INDIA. [*Continued.*

As observed at the outset, it is not generally recognised in England or in India that there is a Hindu minority also in North-West India which has grievances which will be aggravated by further extension of Reforms, if matters are left as they are. Muslim leaders claim everywhere for Muslims the rights of a minority community. I have not come across a single speech of a Mahomedan publicist (except the Convocation address at Lahore by Mr. Haidery) in which the Muslims had been described as a majority community in the Punjab and were asked to treat the minority community with a consideration which a minority community deserves. The propagation of the error that Muslims are everywhere in a minority is due to the indifference of the Punjab Hindus who never raised their voice, afraid of being dubbed as communalists. Hindu leaders of other Provinces, on the other hand, actively encourage the propagation of this error. An eminent Hindu leader of United Provinces, held in high esteem, in one of his presidential addresses says: "Here permit me to say, that in a matter of this kind the responsibility of the majority community, namely the Hindus, is greater than that of the minorities," which evidently means that the responsibility of Hindu leaders is to turn a deaf ear to the outcries of the Hindu minority in North-West India. Punjab Muslim leaders of high position, fully acquainted as they are with the Punjab conditions, take advantage of this attitude of Hindu leaders. One of them is reported to have said in a speech that a community brought up in the tradition of the Joint Family System, and accustomed to be guided by the elder head of the family, cannot be made to recognise the rights of the junior members, forgetting that in the Punjab, where most of the points of controversy between Hindus and Muslims have arisen, points which are more difficult to solve than the fewer issues in other Provinces, the Hindus are the junior members. In the face of all this the Hindus of the Punjab are interdicted from pressing their claims as a minority community even before the Commission on the assumption that the Commission is a fraud.

I express no opinion one way or the other on the policy of the Swaraj Party, but if the majority of the Hindus everywhere go to wreck Councils and to refuse all offices, and if the administration everywhere is carried on with the support of Muslim members, Government have no other course than to keep them in good humour, with the result that we find in Assam, where the Muslims are in a minority, that all offices in the Council except that of Deputy-President are held by non-Hindus. Whether this desire on the part of Government to propitiate Muslims will continue or not after Provincial autonomy has been given is a different matter; but for the present a predilection in favour of Muslims is clearly explicable. The whole confusion arises from mixing up communal and nationalistic aims and ideals.

I am not prepared to believe that the Commission is a farce, and that the British nation does not contain even a modicum of wise and honest men, having an effective voice in Parliament. Had it been so, there would have been no British Empire, or it would not have lasted as long as it has. No Government, however autocratic, can be carried on if absolutely devoid of moral support. Though in the past physical force was a determining factor in locating the centre of political authority, yet moral considerations have begun to play a very important part in the recognition of popular rights. Constitutional agitation has been recognised as an effective weapon. India of 1928 is very different from what India was 50 years ago. The cause of the people has made some advance, and all this has been achieved without physical force. Such revolutionary crime as has made its appearance now and then and here and there has been considered merely as evidence of the existence of acute discontent and of a more widespread desire on the part of the people to take part in the administration of the country. It has not been a compelling force.

I Would now Deal with the Third Objection.

I do not see how the Hindu co-operators of the Punjab are ruining the cause of the Hindus in other Provinces. I have proposed nothing, with the exception of one thing, which has not received the seal of approval of the whole of the Hindu community in India, and which was not approved by the Mahasabha, a body representative of all the Hindus. Am I to be blamed as a renegade from the Mahasabha because I espouse the cause which the Mahasabha championed? I have suggested certain exceptions, thus moderating my demands, acting on the maxim that half a loaf is better than no loaf, but Hindus in the Punjab and elsewhere can say that the schedule of exceptions is not required. From Calcutta to Peshawar, from Himalaya to Cape Comorin, we find the whole of the Hindu Press denouncing communalism. It was, however, left for the 9th Session of the Mahasabha, at which my humble self presided, to pass a resolution that a clause should be inserted in the constitution condemning the discrimination of civic rights on the basis of caste and creed. Is not the Mahasabha morally estopped from interdicting me and other Hindus from pressing before the Commission the adoption of the principle which the Mahasabha advocated? I now ask whether it is super-arrogation on the part of the Punjab Hindus to do their best in pushing forward Mahasabhas' principles touching their vital interests or whether it is super-arrogation on the part of the leaders to accuse conscientious workers of disobedience of orders supposed to have been necessitated under conditions which are of a temporary nature, namely, the insult involved in Indians being excluded from the Commission, creating a suspicion that the Commission intends to do nothing? There may be amongst co-operators men who have their selfish ends to serve, but where on earth exists a political party of organisation all the members of which are selfless patriots?

The one point on which Provinces, other than the Punjab, may differ from me is that the retention of the British elements in the services is desirable. I do not wish to give more arguments than those I have already given in a general way in the section dealing with this point. If Hindus of other Provinces who are not members of the Congress feel that they do not require British agency in services, let them say so. The Mahasabha has said nothing to the contrary. Perhaps the location of its office in Delhi has prevented it from passing a resolution that "the British Army of occupation" should withdraw. Mutual distrust between the communities is a marked feature of Indian politics of the present day. Anyone who runs may read it. The Commission will naturally come to the conclusion that the time has not come for the entire removal of the British agency even if the minority communities, who are likely to suffer most in each Province, do not say this in so many words. All minorities are laying their case before the Commission, why should not the Hindu minority, wherever it exists, do so? The tendency of the minorities is to propose restrictions on the exercise of the power of majorities, who generally object to restrictions. If the scheme which the Commission evolves proposes more restrictions than what the majorities would tolerate, the majorities would be partly to blame, as they are not putting their case before the Commission. I, however, see no justification why the Hindu minority alone should sleep over its rights. Is it any satisfaction to the Hindus of the Punjab and North-West Frontier Province to find that, whilst they themselves are to be treated as helots in their own Province, Hindus in other Provinces are free. Is any Mahomedan in India expected to derive consolation from the fact that, whilst he himself is in bondage, Turkey and Afghanistan are free?

My Expectations from the Commission and the Joint Parliamentary Committee.

If the Central Legislatures appoint a committee to collaborate with the Commission I hope to secure the support of some of its Indian members, but if the entire responsibility of formulating proposals, after

studying the conditions of each Province on data produced, falls on the Commission. I would invite their attention to that which is the *raison d'être* of a purely parliamentary commission, and which distinguishes it from a round table conference of Indian leaders. The Commission should not look forward to compromises between communities. The present state of Indian society does not encourage one to expect that the different communities will come to a mutual agreement. Each community will argue its own case, and will put before the Commission its own idea of justice. It will be impossible for the Commission to satisfy everyone, and the Commission will have to form its own opinion as to what is just. Justice, though an abstraction, has a reality and a concrete existence when applied to practical affairs of human life. Its scope covers the whole of human conduct, including politics and political action. I am confident that the Commission will not be influenced by the boycott or co-operation of classes or communities. I hope my suggestions will not be taken piecemeal. I have not argued the case of the Hindu minority as an advocate blind to what may be said on the other side, and have not adopted the tactics of a chess player. To the best of my humble capacity I have tried to take a comprehensive view, for I am not negotiating with an individual, but I am putting my case before a board, and I am sure that my case will not suffer for the mentality so displayed.

I should now like to say a word as to the essential requirements of the constitution suited to the present stage of India's political progress. I doubt if the Commission or the Joint Parliamentary Committee will be in a position to recommend a long step towards the goal of Dominion Status. Before that status becomes achievable the numerous bridges dividing Indian society should be engulfed, and this is largely a work which has to be carried out by Indians themselves. Our political leaders have felt the need of social reforms and social reconstruction which has not yet been completed. But no Indian, however broad his outlook and however high his aims, can hope to succeed, or will venture to undertake the work, as long as the disintegrating forces of laws made by the State or of policy followed by its Executive Officers continue to operate. The preceding pages afford ample illustrations of the diversity of practice which is liable to misinterpretation. We should welcome the association of British officers, both in the civil and military administration of India; we cannot dispense with them. But the objection that their association with us is an obstacle to our nation building must be removed. Our fissiparousness is cited as an argument against Swaraj. Let it not be said that Government itself is responsible for "perpetuating the disqualification" and for "creating the vicious circle." Backward classes can be protected or encouraged by Government without Government being laid open to the charge that they adopt the policy of robbing Peter to pay Paul. It is no use for high officers of Government to deliver sermons on communal unity if orders like those of the Bombay Government, which practically tell the Hindus to stop all their education till the Muslims are able to come up to their level, are tolerated. The lamentations of officers are apt to be described as crocodile tears, and the officers are liable to be accused of running with the hare and hunting with the hounds. Let the constitution forbid such a course, so far as constitutions can do so, and it is for Indians themselves to do the rest of the work towards nationalisation. It is impossible now to suppress the thirst for self-government, freedom or independence. The precedents of bureaucratic rule have a very limited application in a democratic or a popular system of government. People have now to be prepared for Swaraj, and they cannot be so prepared if discrimination by caste and creed are allowed to the extent or in the manner depicted in the preceding pages. To allow these disintegrating forces, for which the State is responsible, to remain in full operation, and in consequence to be unable to do anything to quench the thirst for self-government, is to prepare the country for anarchy or revolution. The extremist politicians say that anarchy is better than British rule, and that rule by one community over the other is better than British rule. Are the people to be given the choice between the two kinds of anarchies? Surely the British politicians can devise a course of orderly progress giving full scope to the work of Indians who aim at nation building, and it will be a proud day for England herself when the various Indian sections are welded into a nation and are able to enjoy the full status of a self-governing dominion, fit to take their place in the comity of nations which constitute the British Empire.

I am sure that the Joint Parliamentary Committee and the Parliament have in them statesmen who are inspired by noble sentiments, such as are portrayed in the following extract from a poem which I read in a paper soon after the inauguration of the Reform Scheme:—

Sick men reviving scorn the arts that wean'd
  Their body from death or torment, and despise
The arm on which so late their weakness lean'd
  And soon forget the watcher's sacrifice,
Yet not in anger at that scorn we yield,
  Task that our fathers taught us to endure,
Nor dead to pledges laid on us to shield
  The oppressed, the voiceless millions of the poor;
Nor heedless of our mightly heritage,
  Nor caring not if the long struggle fail,
We write "it's ended" on the final page
  And close this volume of the epic tale.
Not so, but, seeing a stage is ended here
  In this our great, inimitable emprise,
We cast, with searching of the soul and fear
  For future days, with forward gazing eyes
And prayer for what may tide, we cast the crown
  Before the altar of all destinies,
And lay the emblems of this empire down
  In humbleness before Him, they are His,
His, who bestow'd the sceptre and the sword
  Which here we ask Him to reconsecrate,
But chang'd in weight and temper to accord
  With what of new they help'd us to create.
And here we vow, by all that is our pride,
  By all this long tale we hold most dear
And not alone by great names glorified
  In high achievement, writ in letters clear;
But also by the thousands who with pain,
  Through war and pestilence and dreadful death,
Toil'd in this field, nameless but not in vain,
  By the forgotten graves they lie beneath
And by Heaven's light that led them here
  That, though the load upon us heavier lie,
Though sway divided be our portion now,
  We shall not falter nor faith deny.
Tasks at bright dawn so joyous to fulfil
  Wax wearier as the tropic noon draws on,
But yet accomplish'd shall they be, until
  Night and the stars send down their benison.

I must apologise to my Muslim friends if anything that I have written displeases them. Few Hindus in the Punjab had a larger circle of Muslim friends than I had before the Reforms Scheme was introduced. I forfeited the goodwill of some of them, but there are still a few left whose regard and attachment for me, inspired as it is by the sense of fidelity which Islamic teaching creates, has remained unaffected by my political activities. Let them ponder and think over my proposals, which, in my opinion, are the best constitutional safeguards for all minorities, including the Muslim minority, in several Provinces. At the same time I must record an emphatic and angry protest against some of my Hindu friends who have encouraged the propagation of the error that Muslims are in a minority everywhere and Hindus in a majority everywhere, or who ask the Hindus of North-West India to look at the political advancement of India from a communal point of view and to derive consolation from the fact that Hindus constitute majority in six major Provinces out of nine, and Mahomedans only in three, but not to bring that communal outlook to bear on the communal interests of their own Province; I cannot conceive of a mentality more illogical.

Summary.

(1) In the Punjab there are two kinds of minorities: (1) the Muslim minority, and (2) the non-agricultural minority. These two kinds of minorities have to be separately dealt with as they have separate characteristic features.

(2) The non-Muslim minority consists of (*a*) Hindus, (*b*) Sikhs. The two together forming nearly 47 per cent. of the population, the Muslims being about 53 per cent. For the territorial constituencies the seats assigned to Muslims are 32, equal to the seats assigned to non-Muslims, 12 Sikhs and 20 Hindus. There are besides special constituencies—(i) Chamber of Commerce, generally returning a European, (ii) Tumandars of Dera Ghazi Khan, a small electoral body consisting solely of Mahomedans, (iii) Landlords, one Sikh, one Hindu and one Muslim, (iv) University, (v) Industry.

(3) The Sikhs and Mahomedans come through separate electorates, the Hindus, who form one-third of the population, being thus deprived of having any voice in the election of two-thirds of the members of the Councils, who have equal voice with the Hindus in deciding their fate.

(4) The Hindus have always been in favour of joint electorates with reservation of seats. The Sikhs also now support joint electorates, thus nearly half the population of the Province wants joint electorates. Separate electorates are meant for minorities, and there is no conceivable reason for continuing them at the request of the Muslim majority in spite of the protest of minority communities. Separate electorates deprive those who are outside of them of a very important right in a democratic system of government, namely, the right of electing those to whom is entrusted their fate. This right cannot be withheld when it is demanded. A minority community has a right to ask for separate electorates, but not a majority community, apart from the argument that communal representation is a vicious principle, which retards the process of nationalisation.

(5) That the number of Muslim voters is smaller than the number of non-Muslim voters is no argument for continuance of separate electorates. The difference is so small that the constituencies and allotment of seats to them can be so arranged as to equalise the number of Muslim members returned from constituencies in which non-Muslim voters predominate with the number of non-Muslim members returned by a majority of Muslim voters. Therefore in the Punjab the continuance of separate electorates is only the perpetuation of a vicious principle which divides the communities.

(6) In a Province in which the difference between Muslim and non-Muslim population is very small, the continuance of separate electorates will needlessly create difficulties in the creation of joint responsibility which is an important feature of Cabinet system of Government likely to be introduced.

(7) That Mahomedans do not form an absolute majority in the Council is due to special constituencies. In the general territorial constituencies their proportion is equal to that of non-Muslims. As long as the principle of weightage for minorities is recognised the weightage given to Sikhs cannot be reduced. It is less than the weightage given in United Provinces to Muslims though their proportion in the population is nearly the same, and their voting strength greater. The seats assigned to Hindus in general territorial constituencies are in proportion to their population, and therefore cannot be reduced. Whether special constituencies should be continued or not is not a question to be determined on communal considerations. Even if reservation of seats were to be introduced for all special constituencies, Mahomedans would gain nothing. For the special constituencies of Industry and University and Chamber of Commerce the electorate is joint. It is only in the Landlords' constituencies that the electorates are separate. The dispute therefore for separate or joint electorates centres itself round general territorial constituencies in which the proportions are equal. The Hindu demand therefore is that there should be joint electorates for territorial constituencies, the present proportion of communal seats being retained.

(8) The next question is whether the scope of communal representation should be extended so as to cover other spheres of administration such as recruitment to services and admission to educational institutions. The Hindu and Sikh opinion on this question has been pronounced more than once and is unanimous in condemning any extension of communal representation.

(9) A proportion of 40 for Muslims, 20 for Sikhs and 40 for Hindus and others was fixed for recruitment to the Medical Department, and for admission to the Medical and Government Colleges. Now a majority community should rely solely on the strength of its numbers. It cannot claim for itself reservation of any kind of civic rights. Such a claim is untenable especially when it is going to receive further instalment of political power involving a further restriction of interference by extraneous authority, in other words, provincial autonomy.

(10) A reference to pages 166, 167 and 168 will show that in Provinces in which the Muslims are in a minority no proportions are fixed restricting their representation in services. In United Provinces, Central Province, Behar and Orissa their representation in services is much in excess of their numerical strength in population. If no limits are imposed on the recruitment of the Muslims where they are in a minority, why should any limit be put on the recruitment of Hindus in Provinces like the Punjab. If the claim of Hindu majority for recruitment in proportion to their number is not justified in United Province, Central Province and Behar and Orissa, why should any heed be paid to the demand of Muslim majority in the Punjab for their representation in services in the proportion of their population.

(11) But a cognate principle to representation by creed in the services is representation by castes, which is unknown in Provinces other than the Punjab or, perhaps, Madras. In some of the Provinces in which the Muslims are in a minority there are Hindu castes some of them as numerous as the Muslims and others outnumbering them. See page 168. It will be difficult to resist the claim of these castes for admission into the services in proportion to their numbers if communal representation were to become an acknowledged principle of recruitment. The result will be that all the services will consist of men possessing the minimum of efficiency.

(12) I now revert to the minority of non-agricultural tribes. This is a peculiar feature of the Punjab and the cleavage has its origin in the Land Alienation Act and resolution of the Punjab Government of October, 1919, giving preference to hereditary zemindars (majority of whom belong to agricultural tribes) for recruitment into services of all kinds. (For a brief description of the provisions of the Act see pages 168-9). The exact numerical strength of the agricultural tribes is not directly ascertainable. I have had it calculated and I believe that the tribes constitute nearly half the population of the Province. According to my calculation nearly one-fourth of the Hindu population, three-fifths of the Muslim population and nearly 67 per cent. of the Sikh population belong to agricultural tribes.

But in the electorate of rural constituencies which preponderate over the urban, about 60 per cent. of the Hindu voters belong to the agricultural tribes. I have had this proportion calculated in my office from electoral rolls of Hindu rural constituencies. Much greater must be the proportion in rural constituencies of the Muslim and Sikh voters belonging to agricultural tribes. Members belonging to agricultural tribes form 70 per cent. of the total number of elected members in the Council. Thus there is a strong rural oligarchy in the Council with political aspirations in no way different from those of members belonging

to the urban castes. In fact the Opposition Bench in the present Council is occupied by members the majority of whom belong to agricultural tribes.

The object of the Land Alienation Act was two-fold, economic and political. Mr. Kodand Rao has criticised the economic features of the law in a series of papers which are printed in Appendix IV. I have given a synopsis of his criticism at page 169. As to any political object that may be in the minds of those who passed the Act, it is sufficient to say that the object can no longer be served, now that Responsible Government on democratic lines has been introduced.

(13) No change of franchise rules nor creation of a Second Chamber in which the capitalist landowners will have a preponderant voice will weaken this stronghold of the rural oligarchy. Introduction of manhood suffrage would be useless without free and compulsory primary education. Manhood suffrage does not exist even in England.

If provincial autonomy were given to the Punjab with the present peculiar features of Punjab politics subsisting no member of the non-agricultural tribe will find his way into the Ministry. This will result in the partial monopoly of all services by agricultural tribes as promised by the Resolution of 1919.

(14) Whilst discrimination of civic rights on the basis of caste and creed is condemned by all, it was for Mr. Srinavasa Iyenger to suggest in autumn last how such discrimination was to be interdicted. This could be done only by the insertion of a clause in the Constitution forbidding such discrimination (see page 181 on this point).

(15) The power of making appointments must be taken away from the Ministers and vested in the Public Service Commission, which will deal with all services and before whom should lie appeals against disciplinary action taken by the Ministers.

(16) In my opinion the Indian Courts have the power to pronounce on the constitutionality of a law passed by a Provincial or Central Legislature. But if they have not, power should be given by Parliament to the High Courts.

(17) British element in the services should continue at its present strength for the next ten years.

(18) I propose certain indispensable conditions for any step in political advance in the Punjab, for which see pages 179-183.

(19) Without the safeguard proposed by me for the rights of the Hindu minority in the Punjab, to which reference has been made in the last para., the Hindu minority in the North-West Frontier Province should oppose devolution of power to the people. There are difficulties in the way of dealing with the North-West Frontier Province and Baluchistan on par with other Provinces. Whether these difficulties can be overcome or not is a matter on which Hindus as such have nothing to say. Their rights will be sufficiently protected if the safeguards proposed for the Punjab are adopted.

A reference to the Civil List of North-West Frontier Province will show how poorly the Hindus of the North-West Frontier Province are represented in the services of that Province, though they are far ahead of the Mahomedans in education (see page 183). Their number in the services has considerably decreased since the separation of the Province, as figures taken for comparison from the Civil List of 1904 will show. The rule that no monopolies should be allowed and that no community should be allowed to preponderate in the services has been completely ignored in the case of the Hindu minority in North-West Frontier Province.

(20) I doubt if any long step towards the grant of Dominion Status can be taken under the present conditions. As I am in favour of retaining the British element in services, it is all the more necessary (apart from meeting the peculiar case of the Punjab) to insert the clause imposing limits, if not forbidding the determination of civil rights on the basis of caste and creed, in order to remove the objection that a foreign bureaucracy will always divide us and will promote our fissiparousness.

Postscript.

Since greater part of this Memorandum was written I came across Dr. Shaffat Ahmad Khan's book "What Are the Rights of Muslim Minority?" This is the only comprehensive statement of the rights of the Muslim minority which I have seen. Dr. Shaffat Ahmad Khan has brought his scholarship and learning to bear on this work, and I am glad to observe that there are many points of agreement between me and him. Our basic and initial difference, however, is due to the indifference of my Hindu friends, against which I have already recorded a protest. Muslims are not in a minority everywhere nor Hindus in a majority everywhere. Our points of agreement are that: (1) Minorities may claim separate electorates, (2) that the constitution should contain a clause protective of the interests of minorities, and (3) that there should be legal machinery to enforce the clause by declaring invalid laws which violate the provisions of the clause.

I have discussed at length the question of separate electorates for Muslims in the Punjab, and I need not repeat what I have already said there. I do not know what Dr. Khan has to urge against the demand of the Hindu minority for joint electorates when he champions strongly the cause of the Muslim minority in other Provinces. Why should solicitude be shown to the rights of Muslim minority and why should it be withheld when the rights of Hindu minority are under consideration? As to the clause protective of the interests of minorities, Dr. Khan has quoted several, apparently with approval. Probably he wants the substance of all of them to be inserted in the constitution. He has not selected any particular clause. I need not reproduce all the clauses cited by him, but I may quote two, the principles underlying which I have adopted. In fact I have referred to only one clause from the Czechoslovak constitution, which would, with some modifications, suit my purpose. I have put forward a draft of my own with a list of exceptions. The draft, with its schedules, is simply meant to show how far the circumstances of the country justify equal treatment of all, and to what extent limit should be imposed on the determination of civic rights by caste or creed. If any one of my countrymen is of opinion that no limit should be imposed (and this is the proposal of the Congress) he is at liberty to say so. But I am not erring on the side of over-refinement in interpretation when I say that separate electorates, reservation of seats on representative bodies, reservation of appointments for certain communities (either on the ground of their backwardness or for the sake of preventing the predominance of one community or caste in services) are incompatible with the clauses which Dr. Khan quotes with approval. At page 35 of his book Article 7 of the Treaty with Poland is given. At page 126 Article 66 of the Treaty with Austria has been quoted. I reproduce them below:—

Article 7.

All Polish nationals shall be equal before the law, and shall enjoy the same civil and political rights, without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions, and honours, or the exercise of profession and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the Press, or in publications of any kind, or at any public meetings.

Notwithstanding any establishment by the Polish Government of any official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the Courts.

Article 66.

All Austrian nationals shall be equal before the law, and shall enjoy the same civil and political rights without distinction as to race, language, or religion.

Differences of religion, creed or confession shall not prejudice any Austrian national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employment, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Austrian national of any language in private intercourse, in commerce, in religion, in the Press, or in publication of any kind, or at public meetings.

Notwithstanding any establishment by the Austrian Government of an official language, adequate facilities shall be given to Austrian nationals of non-German speech for the use of their language, either orally or in writing, before the Courts.

I do not know the conditions prevailing in other Provinces with regard to language; but in the Punjab the Hindus, who form one-third of the population, have a grievance. Provision for teaching of Hindi is inadequate both in the Punjab and in North-West Frontier Province; as far as I am aware Hindi is taught in few Government or aided schools. In the Education Department of the North-West Frontier Province not a single Hindu is employed. In the Mission College at Peshawar the India Staff contains a large number of Hindus. In the Government College there is none. A clause in the constitution has to be very carefully worded and should be as brief as possible. I have not thought it worth while to raise the question of language or of grants-in-aid to schools. These are matters to be left to the Council, which, if constituted on a proper basis, may be expected to deal with them justly. But if my Hindu friends wish to raise the question before the Commission they may do so.

Dr. Shaffat Ahmad Khan wants effective representation of minorities in services. Mahomedans in United Province form 47 per cent. of the total number employed in the service of State, and in Central Province 24 per cent. Their population in United Province is 14 per cent. and in Central Province 4 per cent. Is not this effective representation? Does Dr. Khan advocate that if a larger number of capable Mahomedans were forthcoming they should be refused admission into the services? Does he hold that education amongst Mahomedans is not likely to make further progress? Does he think that 44 per cent. of Tehsildars in United Province and 24 per cent. of Tehsildars in Central Province is sufficient, and no more capable Muslims should be employed on these posts? Does he advocate that a Sikh Jat who owns an acre of land somewhere in a village should be given preference for employment over a Kashmiri Musalman who has in the city of Amritsar property worth 20 thousand, but owns no acre of agricultural land? It is this sort of discrimination which my clause and the clauses quoted by him condemn.

I have noticed two very important omissions in Dr. Khan's valuable work. He does not propose the appointment of a Public Service Commission for the Province. He says nothing as to the desirability (not to speak of the necessity) of retaining the British element in services.

With regard to the former it appears that Dr. Khan thinks that so long as a certain percentage is reserved for the recruitment of Mahomedans in services their interests are safe. He forgets that disciplinary action ranging from supersession to dismissal by a Minister belonging to one community against a public servant belonging to another community creates a good deal of suspicion and consequent discontent. An appeal to the Governor is useless, for the Minister might have consulted the Governor. The greater the power of the Minister the less would the Governor be inclined to interfere with the orders of the Minister. Appeal should lie to an independent board which is so constituted that, whilst all important communities are represented on it, no community predominates, and the members of which in the case of a Provincial Commission are appointed by the Government of India, and in the case of Indian Public Service Commission dealing with All-India Service by the King.

With regard to the retention of the British element in services, I fear that there is no one to bear with me the brunt of criticism which the honest expression of an opinion (shared I have no doubt by a majority of those fit to form opinion on public question) will bring. I have only to hope that this will not be the only suggestion made by me which the Commission will adopt, rejecting all others.

I am very much indebted to Dr. Shaffat Ahmad Khan for all that he has written in the defence of minority rights, with most of which I agree.

Memorandum submitted by the Punjab Zemindars' Association.

PREFACE.

The Punjab Zemindars' Association extends a warm welcome to the Right Honourable Sir John Simon and the Right Honourable Members of the Indian Statutory Commission to the Punjab, and desires to express its satisfaction with the arrangement arrived at finally whereby parallel Committees of the Central and Provincial Legislatures have been appointed to partake with the Statutory Commission in the reforms investigation on an equal footing.

2. The invitation issued by the President of the Commission to organisations and the public in India to submit their views in the form of Memoranda, etc., has been generally appreciated, and particularly so by this Association; although it respectfully desires to submit that the time allowed for the formulation of views and the compilation of Memoranda was much too short. The invitation was issued on the 9th March, just before the harvest and the summer set in, and it was required that all Memoranda should be submitted by the 31st May. It was impossible for an Association of landowners and agriculturists to comply in time, firstly, because the matter could not begin to be attended to until the harvest had been gathered, which was not before the 31st May; and, secondly, because of the difficulty always encountered during the season of extreme heat of assembling committees, etc.

I.—The Punjab Zemindars' Association.

The Punjab Zemindars' Association was established in April, 1922, but at first made slow progress towards becoming a fully representative body of the Punjab rural population. The reasons for this were—

(*a*) Punjab Zemindars, always having been intensely loyal to the British administration, were discouraged by the attitude of British officials towards political associations.

(*b*) They were accustomed to traditional methods of making their wishes known to Government, and failed to realise the significance of the drastic changes that had accompanied the introduction of the Reforms; and, still relying on Government to safeguard their interests, they did not realise the need of an organisation for the purpose.

(*c*) They had been given ample representation in the Punjab Legislative Council, and imagined that their interests had thereby been made secure, not realising that the utterly inadequate measure of representation given to agricultural interests in the Central Legislature rendered them most insecure.

(*d*) People in India rely on their religious organisations to secure their interests; previously only the commercial classes realised the importance of organisations for safeguarding their material interests.

2. But the development of the Reforms, the influence of retired army men who have served overseas during the war, and the spread of education in the rural areas during the past ten years, have gradually effected a change in the outlook of the Punjab rural classes. This Association has now become a fully representative body; its membership consists of landowners of all creeds, with properties ranging from a few acres to many thousands. Also, its membership has recently been made open to tenants.

3. Separate Zemindars' Associations have been established in every one of the 27 districts of the Punjab, excluding the isolated frontier districts of Dera Ghazi Khan and the small mountainous district of Simla. Twenty-four of these District Associations are federated in this Association, and others of them in the Punjab Zemindars' League, which it is expected will shortly became amalgamated with this Association.

4. Since the nucleus of each of the 24 District Associations federated in this Association consists of the Zemindar members of the District Boards in each district *elected on a wide franchise*, each District Association is, therefore, a fully representative body, and is represented at meetings of the Provincial Association by elected delegates. The Executive Committee of the Provincial Association is composed of the elected President and elected Honorary Secretary of each District Association.

Objects.

(1) To safeguard agricultural interests.
(2) To cause Zemindars of all creeds to realise their community of interests.
(3) To encourage Zemindars to take their rightful place in the politics of the Province and the country.
(4) To secure adequate representation of agricultural interests in the Legislatures.
(5) To form and support a Zemindar Party of all creeds in the Punjab Legislative Council as well as in the Central Legislature.
(6) To keep the interests of the agricultural classes always before Government.
(7) To act as a channel for the representation of grievances and for their correction on constitutional lines.
(8) To check bribery and corruption of officials and their oppression of the agricultural classes.
(9) To press for the adequate employment of men of the Zemindar class in the Government services, both Administrative and Judicial.
(10) To press for a more equitable distribution of the burden of taxation.
(11) To uphold the Punjab Land Alienation Act.
(12) To counter Bolshevism.

II.—The Punjab and Punjab Zemindars.

The Punjab (British Indian Territory), containing a population of approximately 21 million, is mainly a country of peasant proprietors; but at the same time it contains a large number of substantial landowners, although of owners of very extensive estates there are but few. In the Punjab to all landowners, whatever the size of their holdings, the term Zemindar is generally applied, although in other Provinces the term denotes only large landowners.

2. Practically all Zemindars in the Punjab belong to martial tribes which supply the bulk of the troops for the Indian Army. They furnished troops in large numbers to assist the British forces in the Indian Mutiny of 1857, and they supplied 480,000 troops for the Great War, that is to say, more troops than the whole of the rest of British India put together.

3. Owing to a considerable percentage of the rural classes in the Punjab having served in the army, not only in every part of India but in many parts of the world, many of them have seen more of the world than the agriculturists of most parts of Europe and America.

III.—Punjab Zemindars and the Reforms.

Punjab Zemindars gratefully acknowledge the magnanimity of the British Government's declaration of policy made in 1917 to give India in due course full responsible Government, and they are proud of the fact that it was largely due to the whole-hearted loyalty of the Indian troops during the Great War, of whom they formed so big a proportion, that this declaration of policy was made.

2. Having done so much to earn this boon for India, Punjab Zemindars, proud of their past record and conscious of their importance to India, are anxious to take their rightful place in the new form of Government and assist it to succeed.

3. With the representation granted to Punjab Zemindars in the Punjab Legislative Council, in which 55 seats for elected members were allotted to rural constituencies, they have been able to make their influence felt, with the result that the Reforms in the Punjab have worked smoothly and proved a success, as has generally been acknowledged.

IV.—PUNJAB GOVERNMENT AND PROVINCIAL LEGISLATURE.

(a) *Demand for Autonomous Government in the Punjab.*—This Association, while recognising that a system of partial self-Government was necessary during the first stage of the reforms for the political education of the people, feels certain that a continuation of the present system in this Province will cause discontent and friction between the people's representatives and Government. The people of this Province have shown their good sense, and now desire to be entrusted with full responsible Government.

This Association therefore recommends:—

(1) That officials should cease to hold seats in the Legislative Council, and that the present system of nominated members should be entirely abolished.
(2) That the Provincial Legislature should be unicameral.
(3) That the power to assent to or to veto bills should be vested in the Governor.

(b) *Franchise.*—The franchise for the Provincial Legislative Council in rural constituencies should be liberally widened and extended to owners of land assessed to land revenue amounting to not less than Rs. 5 and to tenants in respect of land assessed to land revenue of not less than Rs. 20 per annum. All retired or discharged soldiers should continue to have the vote as at present. This Association is most strongly adverse to female suffrage.

(c) *Constituencies.*—The present constituencies are too large, and the number of them too limited. The population of the Punjab (British Indian Territory) is approximately 21 millions. At least one constituency per 100,000 of the population on an average should be provided, or a minimum of 200 constituencies altogether.

The existing system of rural and urban constituencies should be maintained, but all towns scheduled as Municipalities or Notified Areas should be excluded from rural constituencies. This is particularly asked for in view of: (1) The rural community in India do not live in the country towns as they do in Europe and America. The people of the country towns belong almost entirely to the commercial, trading and money lending classes, and are connected by ties of blood, marriage, occupation and identity of interests with the people of the cities, as also with the moneylending shopkeepers in the villages, through whom they exert financial pressure to obtain votes from the rural community during elections; (2) the "Immovable Property" qualification of electors is grossly abused in the towns included in the present rural constituencies, in order that the number of electors with urban sympathies may be increased; (3) as the elections take place in such towns the town people gather in large numbers at the gates of the towns to support their own appointed candidates and use influence of all kinds, including official and financial pressure, as well as forcible persuasion, on the rural electors, who arrive separately or in small groups, to register their votes.

(d) *Qualification of Candidates.*—No person should be allowed to stand as a candidate in a rural constituency unless he is qualified as an elector therein. Such a rule would keep out all outsiders who know nothing about the constituency, and are without any sympathy for the rural community, but who, by undesirable means, get themselves elected.

V.—LOCAL SELF-GOVERNMENT.

Local self-government was conferred by Lord Ripon's Enactment Act XX. of 1883, as affording a field in which Indians might best be trained in the management of public affairs. But, owing to the Government's excessive keenness for immediate efficiency, the management of District Boards has remained in the hands of District Officers, and the educative principle has been disregarded. In spite of a period of 45 years having elapsed since local self-government was conferred, practically all the management of the District Boards is still conducted by the District Officers in an autocratic manner. The members of the Boards, feeling themselves subordinate to official Chairmen, are prevented from expressing their views freely. Moreover, the power of nomination vested in the Deputy-Commissioners is not used to secure representation for minorities, but is used to secure their own authority by nominating people who are likely to be subservient to them. The present system is, therefore, a travesty of local self-government, and has made the promise of the British Government to give self-government to India to appear hollow.

2. To give the people experience in self-government it is essential that the District Boards should be absolutely free from official control in all matters within the jurisdiction of the Boards, and that non-official Chairmen should be appointed. At present the Boards are treated merely as consultative bodies by the District Officers, and, owing to the intensive system of centralisation that still prevails, in spite of the recommendations of the Decentralisation Commission, the necessity of conforming to the rules of Government Departments leaves practically no scope for local initiative. Moreover, the Boards are kept ill-equipped with funds. To remedy this and to give the Boards more financial power, some definite proportion of the Land Revenue, in addition to the present cess thereon, should be allotted to the District Boards. Too great a proportion of the revenues of the Province is being spent on objects that can benefit the people only remotely, if at all; whereas a rural uplift campaign under the auspices of the District Boards, with a view to improving sanitation and encouraging the formation of co-operative societies of various kinds, is the first essential. All officers allotted to districts by the various departments—Education, Agriculture, Health, Sanitation, etc.—should be put under the control of the District Boards, as also should be village panchayats, whose judicial powers should be extended. Moreover, District Boards should be vested with powers to impose taxes and collect dues.

VI.—EDUCATION.

Until some ten years ago the education of the landowning and rural classes had been comparatively neglected by Government. All the colleges and important schools provided by Government had been placed in the cities and towns, which gave more or less a monopoly of education to the urban classes. Rural education had been relegated to the District Boards with their very restricted funds to provide, but even then the schools provided out of District Board funds were largely located in the towns at the instance of the District Inspector of Schools—in many cases men of urban sympathies—and therefore were used mostly by urban people. It was only with the inauguration (in April, 1918) of Sir Michael O'Dwyer's programme for the expansion and improvement of vernacular education in rural areas that the education of agriculturists was seriously undertaken. Since then rural education has made rapid strides, stimulated in no small degree by the influence of soldiers on their return from the several theatres of war overseas, as well as by the introduction of the reform scheme; so much so that even in several of the most backward districts, the educational programme intended to occupy fifteen years was completed in four. This proves that there is no lack of eagerness on the part of the rural community for education: the only impediment to the more rapid and wider spread thereof is the lack of provincial funds. This question will be dealt with in Part VII, paragraph 8, under the heading of "Finance." More schools for

the literary, industrial and agricultural education of the rural community in the Punjab are urgently required.

2. It must not be thought that, owing to the previous lack of educational facilities, the number of highly educated people among the rural community in the Punjab is very limited. It is greatly to the credit of the community that this is not the case, which is proved by the fact that the Indian superior establishments of the Revenue, Co-operative and Agricultural Departments are mostly derived from the rural community, that a large proportion of the Indian officers of the army have high educational qualifications, and that a considerable number of members of the legal profession belong to the rural classes. Also the large landowners—the Punjab Chiefs and their sons—have attained a high standard of education by study at the Aitchison Chiefs' College at Lahore.

3. Since the Punjab contains a preponderance of the martial races of India and supplies the bulk of the troops for the Indian Army, this Association would strongly urge that a military college, on the same lines as the Royal Military College at Sandhurst, in England, should be established in the Punjab. The martial races of the Punjab have, ever since the Punjab became included in the British Empire, given proof after proof of their devotedness and loyalty to His Majesty the King Emperor; and the officers holding King's commissions which the Punjab has already supplied have acknowledgedly proved their fitness in every way for such commissions. Indians of the urban classes have been appointed to many of the highest and most responsible positions in the administration and judiciary, and Punjab Zemindars feel very keenly that their unquestionable loyalty should be no less fully recognised by the provision of a military college in the Punjab, to enable them to qualify in larger numbers to take their rightful place in the army, a career which many of them prefer to the Civil Service.

VII.—FINANCE AND TAXATION.

At present Provincial Governments derive the bulk of their revenue from Land Revenue, which is levied on agriculturists, and have no control over income tax, which is levied on the non-agricultural classes and collected by the Imperial Government. Although Zemindars have to pay taxes, however small their incomes may be, and even if no profit should result from their work, the non-agricultural community are not required to pay taxes unless their incomes exceed Rs. 2,000. This is a very high limit for a country such as India, and frees the large bulk of the urban community and non-agriculturists from paying any taxes at all, although they enjoy most of the benefits resulting from the Provincial Government's expenditure on colleges, schools, hospitals, urban improvements, etc.

2. In any event, it is an extremely anomalous arrangement that the rural community should contribute to the Provincial revenues, and that the urban community and non-agriculturists should contribute little or nothing to those revenues, but only to the revenues of the Imperial Government. The result has been that, in the past, when the Provincial Government has been faced with difficulty to balance its budget, it has not been possible to increase the taxation of both communities alike, but the deficiency has had to be made good by the rural classes alone.

3. Under the present arrangement, practically the only tax that the urban classes have to pay cannot be increased without the consent of the Legislative Assembly and Council of State, of which two bodies the members, both official and elected, are liable to income tax, and therefore are adverse to increasing the taxes which they have to pay. The result has been that, even when the Government of India has been faced with great financial difficulties, as was the case between 1920 and 1924, no increase was made in the income tax, although at from 5 to 17 pies in the rupee it was very much on the low side. Instead the salt tax, 90 per cent. of which is contributed by the rural classes in India, was doubled. Such unjust discrimination in the taxation of the rural and urban classes should not be allowed to continue.

4. The Land Revenue system has become a source of great grievance to the people in the long settled districts. It is a system of taxation that has operated from time immemorial, a rough and ready system, suitable for the country when the currency was very limited, and when everywhere there were large areas lying undeveloped and uncultivated. In those days, whatever share of his produce a cultivator was compelled to yield to Government as land revenue, it was possible for him to adjust the area he cultivated to produce a sufficient balance of produce for the subsistence of himself and family. But now, when every acre of culturable land in the longer settled districts has been fully developed, and the land has become very closely settled, many cultivators, owing to their small holdings, no longer have enough to subsist upon after payment of the land revenue. At each fresh settlement of these districts the land revenue is enhanced in order to provide for the ever-increasing expenditure of the Provincial Government, since its resources are confined, more or less, to taxes levied on the agricultural population. The enhanced assessments of land revenue made are based on the rise in prices of agricultural produce between one settlement and the next; but what Government does not take into account is that individual holdings have been growing smaller more rapidly than the value of agricultural produce has been increasing; with the result that, despite the increased market rate of a maund of produce or of the produce of an acre of land, the cultivators have less and less to sell as their holdings grow smaller; and individually they are actually considerably poorer than at the previous settlement. Indeed, in the long settled districts, owing to the small size of their holdings, the cultivators now require the whole of their produce (and even then in many cases it is not sufficient) for their own subsistence. Therefore, since they have no produce left over for sale, the increase in market value does not affect them, except that they have to pay more, with borrowed money, for the food that they are compelled to buy to keep themselves and their families alive.

5. The Land Revenue system, based as it is on the market value of produce and the supposed productive capacity of a unit of land, *irrespectively of the individual's income and ability to pay*, is the most unfair system of taxation in the world. Moreover, it is rapidly causing the agricultural population to become enslaved to money-lenders, to whom they are compelled to mortgage their lands and to pledge their crops at about half their market value in order to borrow money, often at as much as 60 per cent. per annum interest, to pay their Land Revenue, and to purchase food when their crops are bad.

6. A modification of the Land Revenue system will most undoubtedly be necessary in the near future, or troubles of a grave nature in many parts of India will arise; for political agitators will be certain to exploit this grievance to stir up the rural masses (as at Bardoli recently), should the outcome of the Statutory Commission's Report not be in accordance with the demands of the political extremists. After the success of their efforts at Bardoli the extremists are merely biding their time to make further and more extensive use of this grievance. The matter should be given the most earnest and early consideration and a modification of the present system provided for, before any fresh settlement in regard to finance as between the Imperial and Provincial Governments is made; *otherwise the hands of the various Governments will be tied and modification afterwards made more difficult.*

7. In order to allow latitude to Provincial Governments to modify the Land Revenue system, and to adjust the burden of taxation as between the agricul-

turists and non-agricultural classes more fairly, income tax should be made a Provincial tax, the Provincial Governments paying a proportion thereof to the Imperial Government.

8. Further, much more latitude should be given to Provincial Governments to raise loans. At present much of the capital expenditure of Provincial Governments is being met out of revenue, and therefore the present generation is being called upon to pay for benefits which will accrue mostly to succeeding generations. Moreover, the present limitation of the powers of Provincial Governments to raise loans is impeding both development and progress. For instance, the chief impediment to the spread of education is the lack of funds for the provision of schools, whereas expenditure on school buildings of a solid and permanent nature should be regarded as capital expenditure, and financed by means of a loan.

VIII.—RECRUITMENT FOR THE PUBLIC SERVICES.

This Association desires to impress on the Statutory Commission that the well-being and happiness of the rural masses depend almost entirely on the type and class of officials that are set over them both in the administration and judiciary. First and foremost, they require officials who understand and are capable of sympathising with them, otherwise no reformed system of Government is likely to benefit them. The utmost care should be taken in devising a suitable system of recruitment of officers for the public services. What may be a suitable system for England is entirely unsuitable for India, as also is the system that was initiated in India with the introduction of the Reforms which was based on the English model.

2. The *sudden* determination of the British Government to employ Indians in the administration and judiciary in largely increasing numbers, and the adoption of the principle of competitive examinations, has given all the advantage to the non-agricultural classes, who, until recently, enjoyed almost a monopoly of the educational facilities provided by Government, but who have no sympathy or affinity with the agricultural classes whatever.

3. This Association is very firmly of the opinion that the system of competitive examination is not suitable for India; firstly, because it is too mechanical and is incapable of testing candidates in more than one respect; secondly, because it takes no account of the fact that an immense cleavage exists in India between the trading classes in the cities and towns on the one hand, and the agricultural classes on the other, owing to Indians always having followed hereditary occupations from time immemorial. Nor does it take account of the fact that India, during the past century, has become a money-lenders' ridden country; and that, owing to the advantages in respect of educational facilities which the trading and money-lending classes have enjoyed, these two classes, so distinct from and apathetic to the agricultural classes, will succeed in gaining an ascendancy in the judiciary and all departments of the administration; although neither the hereditary qualities nor the instincts of the money-lending class make them fit to be justices and administrators over the agricultural classes.

4. Qualifying examinations are undoubtedly necessary for appointments to the public services, but selections from among the candidates who pass the qualifying tests should be made by a Provincial Public Services Commission to be appointed by the Provincial Government, since the present All-India Public Services Commission is entirely unsuitable for the purpose, on account of its lack of knowledge of Provincial conditions.

5. To satisfy communal jealousies, until they are gradually overcome, appointments should be apportioned to the zemindar community proportionately to its population. The objection that such an arrangement would militate against efficiency is only a theory insisted upon by the academically minded. All over the world, men who have succeeded best in business, the army, and other occupations, did not succeed best at school.

6. The Provincial Government should be given the power to remove Government servants from employment who prove unsuitable or corrupt. The procedure at present to be gone through, before an official can be discharged, involves so many difficulties, and gives heads of departments so much extra work, that it is only very rarely that any effort is made to remove an unsuitable or corrupt official. This is the root cause of much of the peculation and corruption that exists in the Government services.

IX.—GOVERNMENT OF INDIA AND CENTRAL LEGISLATURE.

(a) *Lack of Representation of Rural Classes in Legislative Assembly.*—Pleased as Punjab Zemindars are to have been able to assist the Reforms in the Punjab to succeed, they have felt uneasy and disturbed in regard to the development of the Reforms in the Central Legislature. Great was their dismay to find that the rules framed by Government in regard to the qualification of electors and candidates for election, and the arrangement of constituencies, as between rural and urban interests and also as between Provinces, had in actual operation failed to give agricultural interests, which so largely predominate in India, anywhere near adequate representation. Therefore, instead of the majority of the elected members in the Legislative Assembly being properly representative of the large bulk of their countrymen, they represent only the comparatively small urban middle class.

(b) *Cleavage of Interests between Rural and Urban Classes.*—This Association would impress on the Statutory Commission, with all possible emphasis, that the urban middle class, which is akin to and includes the moneylending class, has no sympathy with the agricultural classes whatever; and that the interests of the two classes are diametrically opposed to one another. The urban middle class, with the academical education they have received, look down upon agriculturists as being only good enough to plough land, produce food, supply the revenues, act as cannon fodder, and to be exploited in every way conceivable. Although the urban middle class have recently proposed universal suffrage, it is only to create a huge irresponsible electorate whom, in their poverty, ignorance and immense numbers, sufficient to swamp all other classes, they expect to be able to keep under their influences. In India the power of the moneylenders is universal and supreme.

The educational policy of Government, whereby educational facilities were limited to the towns, has favoured this class; they have monopolised the Indian Press; they are carrying on propaganda in England and all over the world, pretending to be the spokesmen of India. Their aims are: To rule India and to bring every other class, including the Indian Princes, under their dominion; to obtain and keep a monopoly of Government appointments; to impose almost the whole burden of taxation on the agricultural classes; and to obtain possession of the land by repealing all laws that are at all protective of Zemindars against usury and sequestration.

(c) *Defects in the Electoral Rules.*—This Association would point out some of the defects in the rules and arrangements in regard to electors, candidates, and constituencies that have led to the present unsatisfactory situation.

(1) Although the agricultural classes form 80 per cent. of the population, only 45 rural and landowners constituencies out of a total of 103 were provided in the Legislative Assembly, and the majority of these were captured by urban candidates for reasons given below. *To the Punjab only one rural constituency (Landholders) was allotted.* And in the Council of State not a single constituency was provided for Landholders in India.

(2) Large towns, with populations extending in some cases to nearly one hundred thousand, have been included in rural constituencies in other Provinces, and

this has assisted candidates with urban supporters to succeed over those with rural supporters, owing to the former being concentrated and the latter being scattered over wide areas. Moreover, the property qualification for electors has been the means of swelling the number of town-dwelling electors to an extent that is out of all proportion to the number of agricultural electors. For instance, in the Hissar District of the Punjab, four towns, whose combined population amounts only to 86,000, furnish 1,057 electors; whereas the rural area of the district, with a population of 730,000, furnishes only 1,131 electors. It is probable that similar proportions exist throughout India. The present qualification rule is obviously most unfair and unsuitable, since the electors in the towns included in rural constituencies are akin to the urban middle class in the cities and allied to them by ties of blood, marriage and identity of interests; and these interests are diametrically opposed to landowning and agricultural interests. Moreover, the property qualification is much abused owing to the officials whose duty it is to check the electoral rolls being, in their turn, either akin to or in sympathy with the town-dwellers. Further, the towns are the homes of the big moneylenders, who, under the protection of the law, have become all-powerful, but who are prevented from sequestering agricultural land. They, therefore, lend their support to the party whose aim it is to repeal the laws which protect landowners from the sequestration of their property.

(3) The lack of any residential qualification for candidates and the very large extent of the rural constituencies gives an advantage to the professional politicians of the only properly organised party in India; and this party is the only one which has adequate funds to assist it in canvassing for votes.

(d) *Amendments Required in the Electoral Rules, etc.*—To correct the above defects, and to ensure adequate representation for agricultural interests in the Legislative Assembly, this Association begs to make the following recommendations:—

(1) All Municipalities, Notified Areas, Towns and Cantonments should be excluded from rural constituencies, and, instead, they should be grouped into urban constituencies. Or, at least, towns with populations of more than 5,000 should be excluded from rural constituencies.

(2) The immovable property qualification of electors and candidates, which is so much open to abuse, should be abolished; and instead the franchise for the Assembly should be lowered to—

(*a*) Persons assessed to Income-tax on incomes of not less than Rs. 2,000.

(*b*) Owners of land assessed to Land Revenue of not less than Rs. 25.

(*c*) All retired, pensioned, or discharged officers, non-commissioned officers and soldiers of His Majesty's regular forces.

N.B.—This would widen the franchise to that at present prescribed for the Provincial Legislative Councils. The abilition of the immovable property clause might induce more persons to declare their incomes above the prescribed limit. At present there is great evasion of Income-tax on the part of the non-agriculturists.

(3) The ratio of rural constituencies to urban constituencies should be according to the proportion of the rural classes to the urban classes. *Rural constituencies should be provided in the Punjab.*

(4) The Punjab, which supplies more than 50 per cent. of the Indian troops, and which, in point of defence, is the buttress Province of India, should have at least as much representation as the Madras and Bengal Presidencies; and it certainly should have as much representation as the Bombay Presidency, which has no greater population than the Punjab. Bombay's commercial interests are certainly important, but in regard to the defence of the country the Punjab is the Province most concerned that the measures taken should be adequate, for on the Punjab would fall the brunt of invasion, if one should take place.

(5) The total number of constituencies should be increased in order to provide, on an average, one rural or landowners constituency per district. The present constituencies are far too large and unwieldy, with the result that there is practically no contact between the representatives and the electors.

(6) It should be prescribed that every candidate standing for election in a rural constituency should possess agricultural land and be a qualified elector in the constituency.

(7) A knowledge of English is essential for candidates for election to the Legislative Assembly.

X.—AGRICULTURAL INTERESTS IN INDIA.

This Association must give expression to a very grave apprehension that many of the more enlightened Zamindars of the Punjab have been feeling during the past few years. It is the possibility that the interests of the 80 per cent. majority of the population of this vast agricultural country may be sacrificed by the political power falling into the hands of an urban oligarchy, as has happened in Russia; and as would be the result in India were the scheme, put forward in Nehru Report by the so-called "All Parties" Conference at Lucknow, to be acceded to. (*One important interest which was almost totally unrepresented at the Conference was that of the agricultural classes.*) To this oligarchy was given a predominant portion of the power handed over under the first instalment of the Reform Scheme. To them have since been given in ever-growing frequency many of the most important appointments in India. The Government of India has become an urbanised Government, despite the appointment of our popular Viceroy, and has completely lost touch with the agricultural population. Behind the urbanised Government of India stands the urbanised British Parliament, that is even unfair to the agriculturists of its own country; and to enquire into the reforms necessary for India is the Statutory Commission composed of the representatives of the urbanised British Parliament. Commercial interests during the past half century have gained ascendancy in many countries of the world, which is only natural in countries that mainly depend on their commerce. But, it should be remembered, India is 80 per cent. an agricultural country. Clash as urban and agricultural interests do in Great Britain, the United States and other countries, the cleavage between these interests in India is far greater than in any other country of the world, owing to the people in India always having followed hereditary occupations, which has caused them through the ages to develop in two widely divergent groups. In India the bulk of the urban middle class are akin to, and therefore in sympathy with, the extortionate money-lenders, but in other countries that is not so. Before the English system of law was introduced the money-lenders had not so much power; nor, until security of tenure was obtained under the aegis of the British, did land possess any attraction for the money-lenders. But now, security of tenure and the superior social status which the possession of land confers has made the money-lenders eager to become landlords. Having regard to the affinity that exists in these days between commercial and financial interests all over the world, and to the predominance of commercial and urban interests in England, we feel that the omens are unpropitious to agricultural interests in India, in spite of the apparent concern of the Conservative Party now in power in England for those interests. If that concern be not pretended, let that party look to it, and by its large majority in the House of Commons prevent our interests, which have accumulated through the ages, from being sacrificed to a class that has been battening on the agriculturists of India since the introduction by the British of a very complex system of law. The education of the agricultural classes has been neglected and their increasingly impoverished condition, due to the extortions of the money-lenders, practically ignored.

Unless they are given sufficient representation in the Central Legislature to protect themselves, their condition must inevitably grow worse.

XI.—COMMUNAL REPRESENTATION OR JOINT ELECTORATES.

At first sight it might appear that this Association, a non-communal organisation, would be in favour of joint electorates, since in a joint electorate it would be possible for zamindars of all kinds to vote for the candidate most favourable to their interests as a class, whatever the religion of the candidate might be. But with a politically inexperienced electorate, deeply engulfed in debt and firmly caught in the clutches of the money-lenders, who are members or allies of the urban oligarchy, the danger of joint electorates would be that the influence of the money-lenders would be used to support candidates in the pay, or in sympathy with, the urban oligarchy. The Hindu zamindars fully realise the situation. They have already seen candidates who are members of the urban oligarchy—having no affinity whatever with the rural area—succeed in capturing rural constituencies from candidates respected and popular throughout the countryside. But there are but few Muslims and Sikhs who are not agriculturists, and fewer still who are in sympathy with the urban oligarchy. Therefore, so long as communal representation is maintained, it means that the large majority of Muslim and Sikh seats will be secured by candidates with agricultural sympathies and interests despite the endeavours of professional politicians, who are in sympathy with or in the pay of the urban oligarchy, to capture them. Until the people have learned to combine, in Associations such as this, on the basis of their secular interests, and have realised that they can safely do so without prejudice to their religious interests, it would be injurious to agricultural interests to substitute joint electorates for communal representation. Class feeling amongst the people is gradually developing. Autonomous Government and wise statesmanship should do much to assist this development. But no attempt to force it by abolishing communal representation should be made. Communal representation should be retained during the next stage of the reforms, in the course of which, it is to be hoped, education among the agricultural community will make rapid progress. Then, by reason of their more educated condition, a more fully developed class feeling, and adequate representation in the Legislatures, the agricultural community should be in a better position to safeguard their interests without such artificial aids as communal representation and special provisions for rural constituencies. Moreover, by then, it is to be hoped, the problem of the political destiny of India will have been solved and a federation of autonomous Provinces and States will have come into existence; for a final solution of the question, particularly on such lines, should set at rest the present agitated feelings of the various communities in regard to the uncertainties of the future.

XII.—CONSTITUTION BEST SUITED FOR INDIA.—A CENTRAL OR FEDERAL GOVERNMENT.

This Association is convinced that, in this vast country, which, in reality, is a sub-continent, containing, as it does, a population of 30 crores (300 millions) of so many diverse races and languages, as well as a large number of independent States, only a federal constitution of autonomous Provinces and States can succeed. Any attempt to make one political entity of India in any other form must inevitably end in failure. It should be remembered that India is as large as, and has a population equal to Europe without Russia, and in India there is a much greater diversity of races and languages than in Europe. The people of the Punjab differ more in character from the people of Madras than the people of Norway and Sweden do from the people of Italy and Greece. Moreover, whereas in India there are several very distinct religions and an infinite number of castes, the people of Europe are all Christians, except for a small minority in the South-East. Yet the statesmen of Europe, with greater political experience than Indians possess, experience difficulty in reconciling the comparatively slight differences that exist between the component elements of the populations of many of the European countries, including some of the smallest.

2. It is true that a central form of Government in India succeeded under the Emperor Akbar, and again under the British until recently, but only because in both cases the Governments were of an autocratic nature, and because, under British rule, the administration has been practically homogeneous. Moreover, this form of Government succeeded only while the people remained in an ignorant and subdued condition. But recently, owing to the spread of education and the introduction of a semi-democratic form of Government, contentions among the people all over India have begun to set in, with the consequence that India, as one political entity, has become too unwieldy for one Government to control. The control exercised by the Secretary of State over the Government of India, and the control of the Government of India over the Provincial Governments ties the hands of all Governments, and leads to misrule rather than good Government, particularly in view of the fact that the Secretaries of State seldom possess any personal knowledge of India, and the Government of India is not acquainted with local conditions in the Provinces.

3. It is essential that, for good Government, the Head of the State should be fully acquainted with the conditions prevailing, that he should be easily accessible, and that he should have full power to allow his Government to effect remedies where and when they are necessary. At present the Central Government, being out of touch with the Provinces, is disinclined to give its sanction to measures required in one Province until all the Provinces have been consulted, the outcome of which may be a compromise that does not prove effective. The machinery of a Central Government is far too ponderous and induces excessive centralisation.

4. For such reasons this Association is emphatically in favour of full autonomous Government for the Provinces, which should be regarded as separate States of a federation. The Governor of a Province should have full power to assent to or to veto Bills that concern the Province only. Also, law and order and the judiciary should be under the control of Provincial Governments; so that the law may be made suitable to the people of each Province, and so that the people may possess a judiciary that understands and is in sympathy with them.

5. The powers of the Government of India should be limited to the control of foreign and political affairs, the Army, Navy and Air Force, the Ports, Customs, Railways, Posts and Telegraphs, the Currency, and the Mint, and such affairs that affect the federation as a whole; and the powers of the Secretary of State should be restricted to the control of foreign and political affairs and of the British Army.

17th October, 1928.

Memorandum submitted by the Indian Chamber of Commerce, Lahore.

This Memorandum, submitted on behalf of the Indian Chamber of Commerce (Desi Beopar Mandal) Lahore, consists of two parts:—

(i) A brief note on the working of Reforms in the Punjab.

(ii) A Memorandum on the constitutional changes desired by the Chamber.

The Chamber has recommended, in the first instance, the adoption of the Scheme of Dominion Status suggested in the Report of the Committee appointed by the All-Parties' Conference. The Report may therefore be considered as formally tendered to the Statutory Commission as a part of this Memorandum. It has been thought unnecessary to attach the Report as an appendix, as it is understood that copies thereof are already in the hands of the Statutory Commission.

In passing it is only necessary to note that this Chamber is the oldest Chamber of Commerce in Punjab, and has a membership of nearly forty members, among whom are some of the largest and most influential business houses in the Province, controlling financial and commercial interests estimated at several crores. The Desi Beopar Mandal is recognised as a Chamber of Commerce both by the Punjab Government and Government of India.

NOTE ON THE WORKING OF REFORMS IN PUNJAB.

Analysing the events of the period constituting the record of Punjab's political developments, certain facts of extreme importance emerge. The Reforms came on the morrow of the terrible finale of the O'Dwyer administration. The spirit and temper of the people was hostile to any form of co-operation with a Government that Gandhi was declaring as Satanic, and considering its recent conduct in Punjab the epithet was not far wrong. Punjab was particularly sore, not only had the events of the previous few months come as a rude shock to her traditional loyalty, but the verdict of the House of Lords and the *Morning Post* fund to Dyer had added insult to injury. They were fortunate in a conciliatory Governor, but the situation needed more careful handling than mere amiability. Though Sir Edward Maclagan did a courageous thing in appointing Sir Fazl-i-Hussain and Lala Harkishen Lal, both of whom had been intimately associated with the Congress movement in Punjab, he failed, for some reason or other, to guide the destinies of the Province in channels of wisdom.

Sir Edward Maclagan's Failure.

It is difficult to say at this margin of time whether Sir Edward Maclagan's failure to give a proper lead was due to weakness or whether he was himself a party to the new policy. As his Finance Member, Sir John Maynard told the Muddiman Committee, Government soon came into the hands of the Mahomedan bloc led by Sir Fazl-i-Hussain, and not until the end of Sir Edward's term was any effort made towards independence of the official bloc. The authors of the Montagu Scheme intended that the official bloc should, by controlling the balance of power, retain the final voice on all major questions of policy. In Punjab the official bloc entirely capitulated and Sir Fazl-i-Hussain obtained the final voice not only in his own department, but in the departments of his colleagues and in shaping the entire policy of the Government. The Province and the country was thereby stamped to a course that proved disastrous to all the best interests of nation building.

The Death of Dyarchy.

Dyarchy had already died a natural death. Though one minister was aggressive and was gradually making himself and his party indispensable to the reactionary official group, it is doubtful whether anyone in the Government worked with any sense of collective responsibility. Every individual in the Government, the two Ministers, the two Executive Councillors and Governor and the Chief Secretary went their own ways. One member of the Government openly in a public speech denounced the declared policy of another member of the Government. The Province went from bad to worse because the Government was composed of all strong men, but no one strong enough to look after the others. The evil of Communalism, born of separate electorates and winked at by certain prominent official members, grew to abnormal proportions. It was everybody's duty to deplore it but nobody's to set it right; similar was the case of the handling of the Akali situation. The Akali movement once started eventually grew beyond control. The subject of dispute, the Gurdwaras, was not in the hands of the Sikh member of the Government, it was in the Education Member's group of subjects. The Minister for Agriculture had strong views on the subject and was known to be negotiating terms of compromise. In addition to these gentlemen, the Chief Secretary could not be ignored nor the Governor, and between the cooks a pretty mess followed. It was not dyarchy, it was anarchy. Dyarchy was from the outset an utter impossibility. As Sir John said to the Muddiman Committee, if we had worked Dyarchy the whole machinery of Government would have broken down. But because the Punjab Government did not, or could not, work dyarchy it does not follow that it was a unitary Government.

Unitary by Sheer Force.

The Government later, however, became unitary from sheer force of circumstances. Towards the end of 1923 one Minister, tired of the interference of the Government of India, the local finance departments and of the abdication of the official bloc to the sweet will and pleasure of a communal bloc resigned a Ministry about which he had never been very keen. His successor was virtually nominated by Sir Fazl-i-Hussain; the Governor approved, even though the choice had previously been convicted of corrupt practices. But the Ministry was short-lived. It was again unseated for corrupt practices and the Governor was so much in the hands of Sir Fazl-i-Hussain that he had to nominate his successor, who was the former Minister's partner in a Rohtak practice. But Sir Fazl-i-Hussain, from the constitutional point of view, had achieved remarkable success, and there can be no doubt that he overcame the obstacles of dyarchy and, through sheer forcefulness and successful tactics, succeeded to a Gadi of power and influence.

Chaudhri Choto Ram.

The new Minister's career was commonplace. He faithfully, if not brilliantly, discharged his duties. It is an interesting question whether to the growth of communalism in Punjab Sir Edward Maclagan was merely indifferent or weak to check, or whether he was a deliberate party to it. There is no doubt that he agreed to the subsidisation of the "Muslim Outlook," and permitted an official member to draft resolutions for the Mahomedan bloc.

Sir Malcolm Hailey.

Sir Malcolm Hailey's policy was from the first somewhat different. He came with all the glamour of success in the Government of India: he came to dominate and to shape the policy of the Government according to his ideas of efficient Government. In appearance and mannerism very like the late Lord Curzon, he was endowed with a stupendous energy and capacity for long tours and exhausting executive committee meetings. The new Governor covered every track of the Province, shook hands with every local official down to the village lambardar, and had taken

hold of every string transferred or reserved in the Government. He very soon gave indications that he was out to free the official bloc from its serfdom to the Mahomedan group. He threw over the nominees of Sir Fazl-i-Hussain to the vacant Ministership, and, when some shuffling was necessary on the return of Sir Fazl-i-Hussain from the Government of India, Sardar Tara Singh, a new recruit to the so-called rural party, headed by Sir Fazl-i-Hussain was Chaudhri Chotu Ram. Sardar Jogendra Singh was appointed, who did not belong to the Ministerialists. In the matter of appointments also there was a distinct change. The vacancy caused by the retirement of Sir Abdul Raoof from a Judgeship of the High Court went not to a member of the same community, but to the Government advocate, who was a Christian. This was all to the good, as also the quashing of the Money Lenders Bill, which was one of the most exciting and bitter chapters of political controversy in this Province. The Money Lenders Bill was moved by a private member, but it was given the facilities of a Government measure, as it owed its inception to an official member, and the private member was merely the putative father.

1927.

The elections of 1926 brought further changes in the administrative machinery. Chaudri Lal Chand and Chaudri Chotu Ram had been representatives and nominees of the Ministerial Party. A new alliance was made with the bloc of Raja Narendra Nath and it was quite on the tapis that, with the assistance of the non-ministerialists, Government would carry on. The Government accepted Mr. Manohar Lal as Minister, appointed Bakshi Tek Chand to the High Court, and reappointed Sardar Jogendra Singh. A telegram, however, from one of the Congress members, that the Congress group could not co-operate with any ministry, upset the calculated equilibrium and the Governor had to turn again to the "Ministerialists" for some support. Chaudri Shahabuddin was their nominee, but he was superseded and Malik Feroz Khan Noon, who had the support of five or six votes in the Council, was appointed. Angry meetings were held at the house of a prominent official, where no-confidence motions were drawn up.

The Present Ministry.

The present ministry, if not a very outstanding one, was about as good as could have been appointed. It is somewhat unfortunate that none of the members of the present ministry can be regarded as representatives of a public opinion as understood in the West. There is some semblance of unitary Government, because after the Muddiman Committee some attempt was made to take decisions on matters jointly in the Executive Council. The Ministers have made no secret that the policy of their departments is the policy of the Governor, and it is neither their policy nor the policy of the Council. This state of affairs may be satisfactory from the actual results if the Governor is an exceptionally intelligent man, but whether this is desirable in the light of constitutional development is very dubious.

For the moment the policy of communalism is out of the limelight. It was never a very convincing policy nor carried great weight with the masses. There have been riots and some very bloody riots, but the controversy has been superficial. So long as a people have nothing else to quarrel about, religion is the last resort. There can be no doubt that the evils of communalism originate in communal electorates. In the present system, educated gentlemen have to seek election on tenets and beliefs with which they have little sympathy and their entire public careers are moulded, not in the interests of progress, but in the interests of the retention of their seats and offices. That religion is merely a trade mark for most communalists is distinctly in evidence, that many prominent men who proclaim that Islam is in danger break many tenets that Islam holds dear every day of their lives, and similarly those who plead that Hindu interests are being sacrificed to do the same. The masses are not communally biased. Theirs are economic interests and the man in the fields understands his crops better than his God.

Momentous Years.

The years 1920-28 have been momentous in the annals of Punjab history. Punjab has been traditional for its commonsense and practical nature. To the rest of India Punjab has always been more or less an Ulster. Punjab is generally prosperous and prosperous people are less inclined to favour changes of administration. That is behind the policy of rural encouragement in successive Punjab administrations. But with prosperity comes progress, and progress leads to enlightenment. The reforms in the Punjab have been, if viewed from a detached standpoint, successful. There have possibly been some chapters that do not do credit to the history of these years, but these have been more or less the result of extreme causes rather than inherent incapacity to view matters in their correct perspective. As Sir John Maynard put it, the Reforms in the Punjab have brought forth sensible councils, intelligent electors, capable ministers, and that there is no half-way house between dyarchy and full responsible Government.

If asked whether in view of the history of the communal strife in this Province, we should be willing to entrust the Government to a Ministry entirely autonomous, say, headed by Sir Fazl-i-Hussain, we would answer in the affirmative. No Government, not even a communal Government, can carry on in total disregard of other interests or progress, and parties and groups on issues other than communal are bound to be formed. Shorn of the prominence given to matters of petty communal interest, the Reforms have proved an era of marked progress, of vaulable experience, and enhanced responsibility. There have been shortcomings in some particulars; no scheme of things could or has ever been perfect. The working of the Legislative Council, the handling by Ministers of their portfolios, the co-operation of the Press have, in spite of handicaps, been successful. The outstanding contribution to the development of responsible Government is undoubtedly that of Sir Fazl-i-Hussain. One may not agree with everything that he has done, but he has demonstrated the power and capacity of his countrymen to handle the administrative machinery.

Failure of Dyarchy.

The failure of dyarchy has long been recognised by Indian public opinion, but the main contentions of the Indian standpoint were borne out to the Muddiman Committee by Sir John Maynard, then member of the Executive Council in this Province. A brief reference to the salient admissions contained in this evidence may, therefore, not be out of place.

The contention of the Indian witnesses were, in the main (1) that there was interference by the Government of India in matters which mainly concerned Local Governments; (2) that the powers of ministers have been considerably curtailed and obstructed by the interference of the Local Finance Department; (3) that the services enjoy and have enjoyed special privileges; (4) that the real communal antagonism is not in the masses but in the papers; (5) that the "Reforms" were responsible for the party bitterness; that the system of communal electorates and communal Government must be done away with, (6) that dyarchy has failed and must be abolished; (7) that the people have demonstrated their ability for responsible government; (8) that there can be no half measure and that it must be full responsible government.

It may be surprising but each of these contentions was amply established by Sir John Maynard, (1) as to the interference by the Government of India, Sir John, admitted there was a difference of opinion between the Government of India and the Punjab Government over the assent of the former to the introduction of certain Bills of local importance. Two

MEMORANDUM BY THE INDIAN CHAMBER OF COMMERCE, LAHORE.—[*Continued.*

of the Bills referred to transferred subjects. Sir John further admitted the idea of a development loan and said it was not pursued because it was not put forward seriously. He did not explain who did not take it seriously, and reading into the context it is a fair inference that it was his own department that did not take the question seriously. Sir John further admitted in his evidence that in certain matters the control of Government of India had been too tight, and that in others "the shoe has pinched."

In view of Sir John Maynard's admissions the contention that the Local Finance Departments interfered with the working of other departments was not seriously disputed. The Finance Member said that he regarded it as his duty to advise not merely on the final aspects of any proposal, but upon its general utility also. It may be that Sir John had been acting within his powers and it may be that he had been acting in excess of his powers, but upon the fact that he had considered it his duty to advise not only upon purely financial aspects, but to enter into the merits and demerits of projects put before him, it cannot be gainsaid that his department did not interfere with Transferred Departments. The only difference was that whereas popular opinion said the interference was wrong, Sir John Maynard said it was right. The fact of the interference is common ground. Sir John stated: "We do sometimes have to struggle very hard to get the proper weight attached to the financial point of view."

The Services.

As to the services Sir John took pains to explain that they enjoy no special privileges, particularly as regards preaudience, but it is difficult to see how he could speak for departments other than his own. On the other hand, he made a significant confession of "all sorts of lapses." They may be lapses convenient or otherwise, but the existence of the evil is not denied: the attempt was merely to excuse them. The very fact of pleading the excuse was an admission of the subject of the excuse.

Communalism.

Upon the subject of communalism there was singular agreement between Sir John and the various ministers who preceded him before the Committee. The burden of the song of the ministers was that your Reforms, or the system of your Reforms based upon communal electorates and communal partiality, is responsible for the acute differences that now seems to prevail. One minister to be examined denied the existence of fundamental communal difference and said that the difference was largely in the Press. Sir John Maynard corroborated both sets of opinions. In one place, he said that "Reforms have increased communal antagonism," but he naturally did not explain why. In another place he said that the communal feeling is mainly in the papers that except in certain isolated instances it does not exist nor has existed in the Council. That the division is not communal but rural *versus* urban. Sir John was against further reform because there was communal strife that the Government was in the hands of a "Mahomedan bloc," that it suffered defeat when it alienated the Mahomedan members; but when charged with running a communal system he pleaded that the parties are not communal but rural and urban: that he was opposed to responsible government because of the attitude of the Swarajists but that the latter are an insignificant minority. A bigger bundle of inconsistency and contradiction has scarcely ever been presented on a single occasion as in this unhappy evidence.

Upon the subject of dyarchy the various ministers were unanimous that it is unworkable, impossible and must be done away with. In his anxiety to show that the Punjab Government of the past three years under the present system worked harmoniously, Sir John gave away his case. He said, and repeatedly reiterated, that there was general consultation, general collaboration and general agreement in the Punjab Government, that it was, in fact, a unitary Government, and that "theoretical dyarchy has not existed," and the "dyarchy has worked in the Punjab because it has been ignored," and that "if dyarchy had been worked the whole machinery of Government would have broken down." These are his words. What more could be said "of dyarchy"?

Turning to the question whether an advance should be made, the view of the Liberal Party and Ministers was that "we have done our best, we deserve more." The testimony of Sir John was that you made excellent ministers, as councillors you are sensible, as electors you have proved to be capable and intelligent enough to know your needs and to support the maintenance of law and order. If this, too, be so, where is the hitch? As to half measures Sir John's view was: "it must be all or nothing." "And that" there is no half-way house between dyarchy and full responsible government.

This is the picture that an official member unwittingly and unwillingly disclosed.

In conclusion we venture to draw the attention of the Commission to the Resolution adopted by the All-Parties' Conference regarding the goal of India's aspiration. At present this has been defined and readily accepted as Dominion Status. While we make no claim to forecast the events of the future, we do believe that a contented India is the surest guarantee of harmony and progress among the nations constituting the Commonwealth of the Empire, and the time has arrived when India should take a footing on position equal to the most favoured Dominions. A refusal or postponement of India's aspirations may lead to consequences disastrous both to India and the Empire.

We have every sympathy with the difficulties of the problem that Sir John Simon and his colleagues have undertaken to solve. But we earnestly put it to the Commission to forget a trait, unfortunately long associated with British constitutional history to refuse a good offer at 10 in the morning and to accept much less favourable terms at 3 in the afternoon. There may conceivably come a time when India would not be content with Dominion Status. It would be an act of statesmanship and courage to accept at 12 a little less than would be necessary at half-past two.

A MEMORANDUM ON THE CONSTITUTIONAL CHANGES DESIRED BY THE CHAMBER.

1. This Chamber has carefully considered the various questions raised in the questionnaire, upon which the Commission has invited the opinion of the Chamber, and is of opinion that, whereas it is impossible to suggest a scheme of Constitution Reform acceptable to all parties and persons, the Report of the Sub-Committee appointed by the All-Parties Conference (probably known as the Nehru Report) represents as nearly as possible the Indian view-point. This Chamber therefore earnestly recommends that the Nehru Report be carefully considered, and in the absence of another scheme of Dominion status so carefully prepared and generally accepted, the recommendations of the All-Parties Conference be adopted. The Nehru Report may therefore be considered as a part of this Memorandum duly submitted to the Commission.

2. In the event of the Royal Commission not adopting entirely or in main the Nehru scheme, this Chamber would recommend among other Reforms in certain directions, which have as a result of eight years working become necessary.

3. In the opinion of the Chamber, it is essential in the first instance that certain fundamental civic rights should be recognised:—

(*a*) No incarceration without a trial by the ordinary Courts of the country.

(*b*) Free right to carry arms.

(*c*) Free universal elementary education.

(*d*) Freedom of speech, freedom of association, freedom of the Press in matters not overriding public order or morality.

(*f*) Right of writ of *Habeas Corpus* to every citizen except in times of war and rebellion when suspended by the Legislature.

4. This Chamber is of opinion that the process of Indianisation of the services is too slow to meet the needs and the aspirations of the people. This Chamber would therefore recommend that further recruitment of Europeans to the services be entirely stopped. This Chamber thinks that if recruitment of Europeans to the services is stopped, complete Indianisation comes within measurable limits.

5. (*a*) The powers of the Secretary of State should be revised, so as the Secretary of State for India holds the same status and powers as the Secretary of State for the Colonies.

(*b*) Parliament should clearly abrogate its authority to legislate in the matter of Reforms in the manner and to the extent of cancelling or modifying any constitutional Reform, or rights once given to the People of India.

6. In the Provincial Governments, this Chamber would recommend the following principle changes :—

(*a*) All Provincial subjects should be transferred to Ministers. The position of Executive Councillors should be abolished.

(*b*) Ministers should be appointed by the Governor on the advice of the Chief Minister, selected by the Governor from among those who can command a workable majority in Council.

(*c*) Powers of the Governor should be limited to the powers of Governors in the Dominion of Australia. In the event of deadlock or urgent necessity, in times of turmoil the Governor may dismiss the Ministry and assume for a period not exceeding three months the control of the executive machinery of Government.

(*d*) Franchise for election to the Legislative Council should be the same as for municipalities, and joint electorates with a reservation of seats for minorities may be adopted for the next ten years. Thereafter universal manhood suffrage without reservation. This Chamber is against on principle allowing to majorities privileges and protection which may be necessary to minorities.

(*e*) Ministers should be responsible to the Councils.

(*f*) The number of members in Provincial Councils be considerably enlarged, and nomination of members be not allowed.

(*g*) The present system of secretaries as heads of departments be replaced by the British system of permanent under-secretaries. Secretaries should not have access to the Governor, as the present privileges of secretaries have sometimes been abused.

(*i*) Nominated members or officials should not be members of the Council.

7. This Chamber recommends that in the Central Government :—

(*a*) Membership of the Assembly to be enlarged so as to have one member for every 500,000 of the population.

(*b*) The constitution of the Council of State be amended so as to enlarge its membership. Election to the Council of State should be from Provincial Councils or from Electoral Colleges composed of various local bodies.

(*c*) The number of members of the Central Government be increased to eight, of whom at least six should be Indians. All subjects except Foreign Affairs and matters pertaining to Indian States be transferred.

(*d*) The Viceroy's powers of certification be restricted to only exceptional occasions.

(*e*) The whole Budget, including military Budget, be votable.

8. (*a*) This Chamber is definitely opposed to the system of nominating members to the Provincial and Central Legislatures. While there was some justification for the practice in the early stages of constitutional development in this country the time has come to do away with the practice, especially if franchise is to be enlarged and membership increased. This Chamber would make an exception in the case of the Council of State, where, say, 10 to 20 per cent. may be nominated by the Governor-General in Council, not to add to the official vote, but as a recognisation of eminent public service or distinction in arts and letters. Such members should be nominated for life.

(*b*) This Chamber is also opposed to the practice of allowing officials to sit and vote in the legislatures, as the tactics of the official blocs have often been inimicable to India's interest.

9. This Chamber is on principle opposed to communal representation in any form or manner.

10. The Chamber is of opinion that the present practice, unhappily a growing one, of appointing members of the Legislature to eminent offices in Indian States is not only evil as a form of subtle bribery, but tends to demoralise independence and freedom of action in the Legislature itself. If the practice is to be continued of rewarding non-official members by lucrative positions in Indian States such members should cease on the assumption of foreign service to be members of the Legislature.

11. This Chamber is also of opinion that the practice of permitting Government contractors to be members of the Legislature is an unhealthy one. This Chamber would recommend that the acceptance of a Government contract or partnership in a firm obtaining a Government contract should be a bar to election and after election should automatically vacate the seat.

12. This Chamber would, at the convenience of the Commission, be prepared to tender oral evidence in support and amplification of this Memorandum.

Note from the Punjab and Northern India Chambers of Commerce.

1. *Representation of Commerce and Industry on the Legislatures and Local Self-Governing Bodies.*

(a) *How Far we can Substantiate our Claim to be Representative.*—There are no other equally important institutions representative of Commerce and Industries in the whole of Northern India. The actual membership of the two Chambers is 130, but numbers alone cannot be relied on as a gauge of importance. We claim to represent the Commercial, Industrial and Banking interests of Northern India, and to be the custodians of the commercial interests of Agriculture, as the list of members represented on the respective Chambers clearly indicates. The chief industrial interest of Government is also represented on the Chambers through the North-Western Railway. Government is also represented through the Punjab Forest Department.

(b) *In What Way the Present Representation of Commerce Falls Short of our Needs.*—So far as the Punjab is concerned, the present representation of Commerce and Industry on the Legislative Assembly is restricted to a seat held by the Associated Chambers of Commerce. That Association cannot, however, from the very nature of its constitution, deal with local interests, however important they may be, until such interests have obtained the support of every member of the Association. In illustration of this the following instances are given:—

1. At the annual general meeting of the Association, held in December, 1926, the Northern India Chamber moved a resolution urging the necessity for the reweighment by the railway of consignments of coal at the station of destination. The resolution was passed by a majority, but no action was possible by the Association as it was not passed unanimously. The greatest number of votes against the resolution were from the Bengal Chamber, which is interested in the sale of coal.

2. At the annual general meeting of the Association, held in 1923 and 1924, the Punjab Chamber moved a resolution urging a reduction in freight on coal. (Note.—The freight on coal from the Bengal coalfields to the Punjab amounts to nearly five times the actual cost of the coal.) In these cases also the resolutions were passed by a large majority, but again no action was possible by the Association as the resolutions were not passed unanimously.

We feel that we are entitled to have our own representation in the Central Legislature, at least to state our case. Such representation is absolutely essential for us in the Punjab, as we have our own peculiar problems, which are often essentially different from those of, say, Bengal and Bombay. Our affairs cannot be represented by a member from Bengal appointed by the Associated Chambers, and who has probably never seen the Punjab.

There are essential differences in the interests represented by Chambers at the Ports and those represented by inland Chambers to which consideration must be given. The great wheat belt, extending throughout Northern India, is a factor of far greater importance to the Punjab than to the United Provinces. There is no great difference in area of the Provinces, but the population of the United Provinces is double that of the Punjab, and if the North-West Frontier Province is included the disproportion is even greater, and is far greater still if area is taken into account.

We represent the interests of an agricultural Province pure and simple, whilst Bengal and Bombay, for example, are more industrial and commercial. We do not go into details on every point, and so have not come prepared with them. We stress the broad principle, therefore, that we might have very different views to express on various questions coming before the Central Legislature to that expressed by Provinces whose interests are more industrial than agricultural. The Associated Chambers consists of members representing widely divergent interests, and, if a nominated seat for that body on the Indian Legislative Assembly can be called any representation for us, we may be regarded to have it, but at best the proportion is so infinitesimal that it can very well be neglected. The Commercial interests of the area represented by us is very great indeed. Take, for instance, the case of Delhi alone. It has been said on page xix of the Rules under the Government of India Act that Delhi is now the capital of India, and, apart from that, holds a very important position by reason of its commercial interests. Then there are other cities holding undoubtedly great commercial interests in the area represented by the respective Chambers, and it will not be asking too much if we asked for one seat each on the Legislative Assembly and one seat by rotation on the Council of State. We feel that, in view of the vital interests of Commerce and Industry involved in the scheme of taxation of the Central Government, and in questions affecting currency, railway policy and inindustrial and commercial development which are within the Province of the Central Government, their representation on the Central Legislature should be substantially increased. Owing to the proximity of Delhi and Punjab to the seat of the Central Government, the Chambers of Commerce in these areas are in a special position to take advantage of their share in this increased representation.

The foregoing remarks express our views regarding the Central Legislature. So far as regards the Provincial Legislature, the need for separate representation of Commerce, as apart from Trade, has already been admitted by the Government of India. The necessity for the extra representation we ask for is proved by the fact that to cover the best area we represent it has been found desirable to bring into existence two Chambers of Commerce, who are now jointly before you. Detailed arguments in support of our claims will be found in the Memoranda already submitted by the respective Chambers.

As regards Local Bodies, Commercial and Industrial Representation is equally important.

(c) *Other Reasons we have to Adduce for Special Representation.*—The Chambers feel that if they are to keep abreast of the needs of the Province it can only be done by direct personal contact with the Legislatures and also all the more important local bodies, otherwise their judgment may not be as clear as it ought to be. Take the question of railways. Our view is that the Province ought to have some say on railway matters, and this can only effectively be done by having our own representatives in the Central Legislature, in order to explain how a railway problem may affect the Province in a special way, whilst in no way interfering with railways from a commercial point of view.

The representation we ask for would also be of benefit to Government. You must assess taxation on broad, commercial principles. As Sir Malcolm Hailey recently said to the Northern India Chamber:

> "There is hardly one of the many activities of a Chamber such as this which do not closely affect Government. As the scope of Government activity increases, there is an increase in the number of matters in which action taken by it vitally affects the commercial community."

Sir Charles Innes told the Associated Chambers of Commerce in 1922:—

> "I feel that the more business interests, the more business men we have in the Assembly, the better for Government, and the better for India."

We also feel that it would be to the best interests of Government if Commerce and Industry were represented in the Legislatures as strongly as possible.

Commerce also requires protection against discriminatory legislation and taxation, both local and provincial. In this connection we may draw attention to some undesirable features of the existing

Terminal Tax Schedules. In many cases a tax on foreign-made goods is imposed, amounting to as much as double the tax on similar articles of country make. Also the octroi on wheat at Karachi amounts to neither more nor less than an export duty. Both these instances are, in our opinion, an interference with the functions of the Central Government, as discriminatory taxation interferes with the treaty obligations of Government.

(d) *What Representation we ask for.*—Our Chambers ask for one seat each in the Lower House of the Central Legislature, to be filled by a member representing the views of the interests of both Chambers.

We also ask for two seats for each Chamber in the Provincial Council and one seat each in any Provincial Second Chamber that may be set up.

On local bodies we press for two seats for each Chamber on the Municipal Committees of Lahore and Amritsar, and also ask that seats should be reserved for Commerce and Industry, through our Chambers, in any town or city where such interests are represented by the Chambers, and where a first-class municipality is in existence.

There is a definite agreement between the two Chambers that any seats granted to us on the Legislatures and local bodies should be statutorily secured to us.

(e) *How we Propose that any Seats given us should be Filled.*—We are agreed that seats granted to the Chambers should be filled by election, members of each Chamber to form the electorate in each case. In the case of the Council of State the seat may be filled by rotation between the two Chambers.

It is pointed out that for years the Associated Chambers of Commerce have been pressing for adequate representation on the Assembly, but do not do so now as they find it very difficult to obtain suitable men to represent them. This disability does not, however, exist with our Chambers, as we are situated near the seat of Government, and members attending the Assembly from Lahore or Delhi would not experience that inconvenience and dislocation of business which members attending from, say, Bengal or Madras suffer as the result of an absence in Delhi or Simla for many weeks at a time.

Memorandum submitted by the Sind Muhamadan Association.

Preliminary.

The Sind Muhamadan Association has viewed with great interest the appointment of the Royal Commission and the object with which it is connected, *i.e.*, the furtherance of India in obtaining further instalments of self-government. The constitutional principle embodied in the declaration of the British Parliament is "the responsible Government within the British Empire." This Association accepts the principle, and hopes that it will be worked out in conformity with the tendency of the age on democratic lines, taking into consideration the peculiar features of the country like the variety of castes, creeds and religions, the predominance of one community over another, and rank communalism dividing the people. Any constitution providing self-government for India which does not contain adequate provision for safeguarding the interests of the minorities will not suit our vast sub-continent.

In framing the present statement for consideration of the Royal Commission the following are the necessary fundamental principles to be taken into view :—

Franchise and Electorates.

The Association proposes to deal first with the two important question of franchise and electorates, as they form the basis of the constitutional structure.

(*a*) *Franchise.*—There is a great cry from the Hindu section of the Indian public about the lowering of the franchise or adult suffrage for our Legislative Councils, Central as well as Provincial, but the Muslim section has not favoured it so far because of the comparatively very low standard of education and literacy among the masses of India, most of whom we must sadly admit cannot exercise their vote properly. But in view of the advancing times and the spirit of the age, this Association is of opinion that the grant of adult suffrage need not be delayed any longer.

(*b*) *Electorates.*—This Association strongly favours the retention of the present system of separate communal electorates, as it is essentially necessary in the present conditions of this country. The artificial cry raised by a certain section of the Hindu politicians that separate communal electorates are the cause of the existing Hindu Muslim tension, is entirely devoid of justification. As a matter of fact, the system has removed the ever-recurring cause of friction between the two communities, as is evident from the evidence before the Muddiman Committee of Mr. C. Y. Chintamani, late Minister of United Provinces, wherein he says that the system of separate electorates has promoted mutual co-operations and goodwill between the two communities.

The greatest evil of joint electorates is that the voice of the minority, however important and advanced she may be, will merge in that of the majority, and there will be no real and true representatives in the Councils. Separate electorate is, we submit, the most necessary safeguard against the evil.

Connected with these two questions is that of the size of our Legislative Councils. Compared with the legislatures of all democratic Governments in the West, the size of our Legislative Councils is extremely inadequate to secure effective representation of the Indian population. The Association therefore suggests that in future the number of the members of the Council of State should be raised to 150, and that of the Legislative Assembly to 400. The Association further desires to voice the feeling of Indian Mussalmans in regard to their representation on the Central Legislatures by urging that, in view of the vital interest involved, the Mussalmans of India should in no case have less than 33 per cent. representation on these two bodies, as well as on the Councils of those Provinces where Muslim population falls below one-third, in order to secure effective representation of the Muslim community. The membership of various Provincial Legislative Councils should be increased to provide one representative for each unit of a lakh in the population.

The other point which the Association incidentally desires to consider in this connection is the method of election. At present there are only two classes of electorates, viz., Muslim and non-Muslim. The word "non-Muslim" is so very vague and wide that it includes all minor communities in the term of "Hindus." This operates adversely on the depressed classes, Christians and other minor communities. In fairness to these communities, and to revive their political importance which may have suffered by the present system, it is necessary to adopt a different method of election. The Association is, therefore, strongly of opinion that in future the electorates should be divided into four classes, viz. : Muslim, depressed classes, miscellaneous communities and caste Hindus, instead of the two, Muslim and non-Muslim.

In conclusion, the Association deems it desirable in the best interests of the country, strongly to recommend that, as in the case of the Council of State and the British Parliament, the life of the other legislative bodies in India be increased from three to five years.

Muslim Representation in the Punjab and Bengal.

Out of the nine reformed Provinces the Punjab and Bengal are the only two Provinces wherein the Muslim community claims the majority of population, *viz.*, 55 per cent. of the entire number. But, in spite of it, the representation of the community in the two Legislative Councils is only 44 per cent. in the case of the Punjab and about 40 per cent. in the case of Bengal. This is incompatible with the political status of the important community and the Association, therefore, impresses upon the Royal Commission the urgent necessity of redressing the grievance by, as far as possible, adopting in this particular case, the population basis for representation in the respective Legislative Councils.

Reforms in the North-West Frontier Province and Baluchistan.

The overwhelming majority of the population of these Provinces has been demanding (and justly, too) reforms for the last several years, but this demand has not been satisfied merely because the Hindu minority is alleged to have opposed it. This state of affairs is very unfair; the Association, therefore, strongly recommends that immediate steps should be taken to bring the Settled Districts of the North-West Frontier Province and British Baluchistan in line with the rest of India. This demand on their part has a wholehearted support of the whole Muslim India, and even the Indian National Congress and the majority of the Bray Committee have recognised the justice thereof.

Separation of Sind.

The Province of Sind has absolutely nothing in common with the Bombay Presidency. The union is based neither on ethnological, geographical, linguistic, agricultural, nor any other sound considerations. A mere accident that it was the army of the Bombay that conquered Sind is responsible for this unnatural arrangement. Our Province has suffered very much on this account. Educationally, economically, politically and socially we are far behind the Presidency. Even the development of the Port of Karachi has been impeded on account of the jealousy of the Bombay harbour. Looking to these, and several other circumstances, this Association strongly urges that the Province of Sind should be separated from the Bombay Presidency and given its own executive and legislative machinery. This is the demand of the majority of Sind population, which includes Musilmans, Parsies, Christians, business people belonging to different communities, and a large section of the broad-minded Hindus. The entire Muslim India is also strongly in favour of this proposal and even the Indian National Congress has recognised the justice of this demand.

Future Constitution of India and the Residuary Powers.

India is a vast subcontinent divided into Presidencies and Provinces, inhabited by peoples speaking different languages, possessing divers characteristics, and living under their own respective Provincial Governments. It is therefore inevitable that the constitutional development of the country must be towards the evolution of the Federal State for India within the British Empire, each territorial unit forming a State in itself and all being governed in matters of important common concern by a Central Federal State. In other words, the final goal of administration in India should be the ultimate creation of a United States of India within the British Empire, the future constitution of the Federal States being on the lines of the United States of America, the Central Government possessing only such powers as may expressly be reserved by it and all the "Residuary Powers," being vested in the individual States. The Association is therefore of opinion that the next stage in Indian constitutional advance should be so devised as to facilitate this end.

Secretary of State for India and India Council.

The powers of superintendence and control over India vested in the Secretary of State under Section 2 of the Government of India Act of 1919, are of an embarrassing character and inconsistent with the spirit of the declaration of the 20th August, 1917. The Association is, of course, cognisant of the fact that the time has not yet arrived when the administration of Foreign and Political affairs, the Army, the Navy, and the Air Force, can be safely transferred to the popular control, but it is strongly of opinion that the powers of the Secretary of State in matters relating to the internal administration of the country should be completely relaxed, as this unlimited exercise of power by a British politician, sitting in his office 6,000 miles away, with practically no experience of the complicated Indian situation is opposed to the principles of sound administration and the best interests of the country.

The introduction of this reform will render the costly machinery of the India Council absolutely unnecessary. If, at any time, the Secretary of State for India stands in need of advice on matters of foreign administration, the Army, the Navy, and the Air Force, he could rely, as he now does, on the experts of respective departments. In any case, the reform suggested will evidently result in the substantial saving of expenditure now incurred on the personnel and staff of the India Council.

Central Government and Legislature.

A further constitutional advance towards the ultimate goal of responsible Government within the British Empire being necessary, the Association respectfully suggests the under-mentioned alterations in the machinery of the Central Executive Government.

(*a*) Taking into consideration the peculiar circumstances existing in India which are unknown in all civilised countries of the world (*viz.*, variety of religions, rank-communalism, caste-prejudice, etc.), the Association deems it necessary to suggest that the appointments in the Cabinets of the Provincial as well as Central Governments should be so filled as to give the Muslim community an adequate representation therein consistent with their importance in the political sphere and their voting strength in the respective Councils.

(*b*) Should there be any minor Provinces (like Delhi and Coorg) under the direct control of the Government of India, the system of administration followed in those tracts should be similar to the one followed in the reformed Provinces, the Central Government being made responsible to the Central Legislature for the administration of transferred subjects in the territories directly under its charge.

As a measure of advance towards the ultimate goal of responsible Government the members of the Central Cabinet, particularly those in charge of our universities and the work of co-ordination of provincial activities in the administration of the transferred subjects, should be selected from among the elected members of the Central Legislature and made responsible to it for the due administration of those subjects.

(*c*) The control of the Central Legislature over the country budget should be sufficiently widened by increasing the number of votable items, particularly with regard to the All India Services except (if absolutely necessary) those relating to the Army, the Navy, the Air Force, the foreign and political affairs, and law, order and justice.

The Provincial Governments and Legislatures.

In regard to the Provincial Governments the Association submits the following changes:—

(*a*) A unitary form of Government should replace the Dyarchy in the Province as in actual working the latter has disclosed enormous practical difficulties and complications.

(*b*) As a measure of a substantial advance towards the ultimate goal of responsible Government, full autonomy should be conceded to the Province, placing all Provincial subjects in charge of Ministers responsible for their administration to the Provincial Legislatures, the Governor being the constitutional head of the Provincial Government.

In this connection the Association is sadly cognisant of the unhappy events which have disturbed the peace of this country during the last few years. It might, therefore, be argued (and perhaps rightly, too, to some extent) that time has not yet arrived when the subject of law, order and justice can safely be trusted to the popular control. To meet the situation, and only as a temporary measure, the Association suggests that the subject of law, order and justice might be placed under the direct control of the Governor himself, full autonomy being restored when the disturbed conditions settle down.

(*c*) The control of the Provincial Legislatures should be widened over the Provincial budgets in the manner suggested in regard to the Central Legislatures.

This Association is strongly in favour of the immediate separation of Sind from the Bombay Presidency, but if, unfortunately, this united Muslim demand is not immediately possible of compliance, this Association desires strongly to emphasise the urgent necessity of adopting the population basis in the matter of distribution of the Muslim seats (in the Council and Assembly) between the Province of Sind and the Presidency proper. Under the present arrangement, looking to the comparative figures of population, we notice that the Bombay Presidency has been treated favourably, while Sind has not had her due share. There is no justification for this inequitable distribution of seats between the two sections of the same community. The Association, therefore, respectfully urges upon the Statutory Commission the need of an equitable redistribution of the Muslim seats under the new constitutional arrangement.

The Services.

The rate at which Indianisation of services by direct recruitment of Indians to the Imperial service as well as by provincialising the services, has been progressing is rather slow. Even the halting recommendations of the Lee Commission have not yet been put into effect in their entirety. But, at the same time, the Association is of opinion that time has not yet come when the civil administration of this country should be run by Indians alone independent of European civilians. Unfortunately the communalism and caste hatred in India is yet so very high that there is every apprehension of one community dominating the other. In the interests of justice and equity it is very essential to still maintain such proportion of European civilians in service that it may command sufficient influence over the internal administration of the country in holding the balance between the different communities. The Association, therefore, taking into view all these fundamental points which could not go overlooked, makes the following recommendations:—

(*a*) The Indian Civil Service is a costly machinery, and, therefore, to make the administration a little cheaper and, on the other hand, to encourage better class of people to enter the subordinate service, it is necessary to raise the proportion of the Provincial service men holding posts of District Collectors and District Judges. The Association is of opinion that 40 per cent. all round will be a fair proportion for the men belonging to Provincial service.

(*b*) The remaining 60 per cent. appointments should be held by the I.C.S. people. Out of that two-thirds of Europeans should necessarily be recruited every year and one-third Indians. Thus European civilians will have 40 per cent., Indian civilians 20 per cent., and Provincial service men 40 per cent.

(*c*) In order to safeguard the interests of the Muslim minority in the case of men belonging to Provincial service holding these high posts, the Muslim community should have its proportion equal to its population in each Province; and on the other hand, in the case of Indian civilians, special effort should be made to secure one-third of Mussalmans in service. Till Mussalmans are able to secure this reasonable share in the open competition 25 per cent. of the seats allotted to Indians be filled with Mussalman suitable candidates by way of nomination.

2. *Equitable Recruitments.*—The unanimous demand of the entire Muslim community in India for their proportional share in the administrative machinery of the country, is perfectly consonant with the principles of justice and equity. The very grounds hitherto urged by the Indian politicians for the Indianisation of our services apply equally to an equitable adjustment of the claims of the various communities to a proper share in the administration of the various departments which manage the affairs of the country and look after the welfare and happiness of the people. Indeed, it is not so much Legislative Councils which comes into direct contact with the Indian masses as the various departments of our administration, and it is in reality in the hands of the latter that the welfare and contentment of the vast population of the country lies. It is obvious, therefore, that it would not be only unjust but would also constitute a grave political danger to allow the services which administer the various departments to become the monopoly of a class. The existing position, undoubtedly, is that with the exception of our fighting forces and the police, there is an overwhelming majority of caste Hindus almost monopolising all branches of our public services, and the Muslim community, in spite of its educational progress and political importance, is inadequately represented in our administrative machinery.

The Association earnestly hopes that means will be devised as a result of which, consistently with the needs of efficiency, the Muslim community would obtain its due share in the services in order to secure the happiness and contentment of all alike.

Separation of Judicial and Executive Functions.

For several years past the Indian public opinion has unanimously demanded separation between the Judicial and Executive functions of the administrative machinery. This Association is aware that for obvious reasons (including the one of expenditure) it is not immediately possible to carry out this much-needed reform, but it hopes that a substantial step will be taken in that direction in the near future. The separation between the two functions may be gradual, but the time has come when it should be taken in hand forthwith.

The Agricultural Class.

The Association views with great regret the fact that the economic position of the agricultural class of this country is rapidly deteriorating owing to the heavy burden of taxation. The agriculturists pay varying from 25 to 50 per cent. of their income towards the State; whereas all the other classes and industries contribute a maximum of one-eighth of their income towards the State. This fact has made agriculture the least paying industry in India. India's main industry is agriculture, and therefore it is the bounden duty of Government to put forth special efforts to ameliorate the condition of the poor agriculturist in the Mufassil. In other civilised countries of the West, just as Great Britain, the land-

owners pay only income tax just as business people and the people of all other classes. This procedure exempts the peasant proprietors from the heavy burden of taxation, and allows them to make their living out of their small bit of land with contentment, without seeking any other occupation. The principle enunciated in India by the British Government that the ownership of soil vests in the State, is without any foundation, and does not find support from any section of the public. The Indian Taxation Inquiry Committee recently appointed by the Government of India has expressed the view that the ownership of the soil vests in the individual owner and not the State. This opinion of the Committee is supported by various facts. This is one of the main reasons why the state of the agriculturists in India is getting worse day by day. The Association therefore urges upon the Royal Commission to recommend to the British Parliament any such measure that it considers advantageous and beneficial to the agriculturists of this country, so that the great bulk of population of British India may live in peace and contentment.

The Safeguards for the Muslim Minority.

The following are the safeguards that the Association considers necessary to be provided before any step is taken to grant further instalments of self-government to this country. If the British Parliament does not provide these safeguards the Association is quite confident that self-government in India will operate adversely on the Muslim community and other minorities, and it will be a complete failure in this country, peculiarly constituted as it is :—

(*a*) The retention of present system of separate electorates.

(*b*) Adequate representation of Muslim community and other minorities in the Central and Provincial Cabinets.

(*c*) To maintain due proportion of Mussalmans in services high and low, in view of the recommendations made in the special paragraph on the subject.

(*d*) To allot one-third representation in the Central Legislature and in those Provincial Legislatures where the population falls below one-third.

KARACHI.*

Dated 12th November, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE BOMBAY PROVINCIAL COMMITTEE.

Deputation from the Sind Muhammadan Association.

The deputation consisted of:—

1. Mr. Muhammad Ayub Shah Muhammad Khuhro, M.L.C.
2. Mir Ayub Khan, Barrister-at-Law, First Class Honorary Magistrate.
3. Mr. Abdur Rahman, Barrister-at-Law, Karachi.
4. Mr. Wahidbaksh Illahibaksh Bhutto, M.L.A., Zamindar.
5. Khan Bahadur Jan Muhammad Khan, M.L.C.
6. Mr. Muhammad Kamil Shah, Zamindar.
7. Khan Bahadur Wali Muhammad Hussanally, B.A., LL.B.
8. The Hon. Mr. Ali Baksh Muhammad Hussain, Member, Council of State.

1. *Chairman:* Mr. Khuhro, you, I think, are going to be the principal spokesman, are you not?—(*Mr. Khuhro*): Yes, I am.

2. You are, I think, a member of the Bombay Legislative Council for the Larkana district?—Yes.

3. One of the three members, is it not?—Yes.

4. Then I see Khan Bahadur Wali Muhammad Hussanally, whom I had the pleasure of meeting last night. He was a member, I think, of the Legislative Assembly for two periods?—Yes.

5. He is also a special first-class magistrate and a gentleman who has a very long experience of the district?—Yes.

6. Have we also here, I think we have, Sardar Wahidbaksh, a member of the Legislative Assembly?—Yes.

7. What is the constituency he represents?—The Zamindars and Jagirdars of Rural Sind.

8. And in Mr. Abdur Rahman we have an advocate practising at Karachi?—Yes.

9. And the Honourable Mr. Ali Baksh is a member of the Council of State?—Yes.

10. Then, of course, we have Khan Bahadur Jan Muhammad Khan, M.L.C., and others?—Yes.

11. I think the best course will be to ask you, Mr. Khuhro, to make a short statement in support of your Memorandum. You will appreciate that we all have your Memorandum and have read it with a great deal of care; so it will not be necessary to refer to every point mentioned therein. But if you would like to make a short statement you may do so?—I want to submit a short statement of the demands that we wish to put forward on behalf of our Association. The first thing that we want is that Sind should be separated from the Bombay Presidency and constituted into a separate autonomous Province.

12. You want the separation of Sind and the creation of Sind as a separate Province?—Yes. Our next demand is that we want separate electorates for the Legislature, the local as well as the central, the local bodies and educational institutions, such as the university.

13. You want separate electorates wherever there is [illegible] apparently?—Yes.

14. Just let us [illegible] see how it is now. As far as the Bombay Council is [illegible] concerned in Sind there are separate electorates are th[illegible]ere not?—Yes, there are.

15. Supposing that Sind remained part of the Bombay Presidency, do you wish that to continue?—Yes, we wish to be represented by separate electorates, as is the case at present.

16. Do I understand you to say, also, that if Sind were to be separated and a new Province created, in this new Province of Sind you ask for separate electorates?—Yes.

17. The Mahomedans will be in a very large majority?—Yes. At present what we feel is this: It is very essential for us to be separated. If we get separation then the question arises whether the majorities should have separate electorates or not. That is a separate issue.

18. What you really meant was that, as things now are, with Sind as part of the Bombay Presidency, you wish to have separate electorates in Sind?—Yes.

19. But supposing that Sind was made a separate Province, you reserve the question whether there should be separate electorates or not?—Yes, that should be reserved for a subsequent stage.

20. The population of Sind is about 3¼ millions and of those 3¼ millions about 2½ millions are Mahomedans?—That is true, but we have got other disadvantages at the same time.

21. You wish to have the majority protected?—I would submit that, though we are in a majority so far as the population is concerned, we have so many other disadvantages. For instance, most of our population is in the mofussil and the Hindu population is largely in big towns where they can easily go to the polling booths, and, further, they are more educated. Their voting strength at present is nearly equal to ours though their population is about 27 per cent.

22. I would just like to follow that. In the Bombay Government memorandum we have got three figures by adding which we should get the present voting strength of the Hindus. In round figures there are 18,000 of them in Karachi city, there are 24,000 of them in Eastern Sind and 25,000 of them in Western Sind. The total of these figures comes to 67,000. What do you suppose the total Mahomedan voting strength is?—Roughly, I think, it is the same. Over and above that there are other disadvantages, for instance, the *bania* class exercise great influence in the mofussil. The Hindu community is far more organised on account of their education and other facilities they had

* For evidence taken in Bombay, *see* pp. 1–80.

already. They are represented in greater numbers in the public service, and they have got a good deal of influence.

23. Do I understand you to say that in the public service of Sind, the Hindus have a larger share than is proportionate to their population strength?—Yes, much larger.

24. And you think that is a reason why you want separate electorates?—Yes, that is also one of the reasons.

25. May we go on to the next point?—Our next demand is that we should have one-third share in the legislature, central as well as provincial.

26. Your point seems not to be limited to Sind but is a more general one?—I am talking of the Bombay presidency as a whole.

27. You think, supposing that Bombay presidency remains as it is now, that the Mahomedans ought to be secured in one-third of the total number of seats?—Yes. At present also we enjoy about 31 per cent. of the seats. As a matter of fact when the investigations with regard to the last reforms was going on the Lucknow Pact conceded enhanced representation for the Muslims wherever they were in minority, and in view of that we got this representation. We think that taking into consideration our political importance and our past history we should have excess of representation.

28. May I say, Mr. Khuhro, that as far as the general argument goes with regard to India as a whole, the Conference has heard a good deal about this argument, and received many memoranda. So I hardly think it will be necessary to discuss this morning the more general point. I just ask you this about it. Do you mean that in your view the Mahomedans in every province should be guaranteed one-third of the total seats, but that in provinces where they have a larger population than one-third, they should have more than one-third of the seats?—According to the Montford reforms there are nine provinces, out of which in only two the Mussalmans have got a majority.

29. Let us take the two where the Mahomedans are in a majority. Do I understand you to ask not for one-third but in proportion to the population?—In those provinces also the Mahomedans have a narrow majority, so that should be maintained, lest majority may not become minority.

30. Can we take your next point?—The next point is with regard to the one-third share in the Cabinet as we have asked in our memorandum, and that should be by an Act of Parliament by which we should get a fixed share in the Cabinet of the local as well as the Central Government.

31. Let us stick for the moment to the Bombay council, or rather to the Bombay Government. At present there is a Mahomedan minister. There was a Mahomedan minister, I understand, who belonged to Sind, and who is now an Executive Council Member. Do I understand you to say that here in Bombay you would like to secure that in the future administration there should always be a Mahomedan member? Is that right?—At present there are two sides, the executive and the transferred.

32. I was assuming that in the future there will be the same administration, which you called a Cabinet—the word does not perhaps matter. You say that apart from representation in the legislature you would like to secure what you regard as a proper Mahomedan representation in the executive?—Yes; we want adequate representation in the executive in proportion to our members in the legislature.

33. There, again, it is rather a general question which the Conference has heard a good deal about in other places. What is your next point?—The next point is with regard to the safeguards for the minorities, such as religious freedom, and that of profession, etc.

34. Safeguards for the minorities?—Yes.

35. Are you speaking of Sind?—I am speaking of the Bombay presidency as a whole. It is a general point, more or less.

36. Does it apply to Sind?—If Sind is constituted as a separate province we will no longer be in a minority.

37. Somebody else will be. If Sind is constituted a separate province, you truly say that the Mahomedans will no longer be in a minority, but when you urge protection for minorities, is that limited to Mahomedan minorities?—At present I was talking of the Muslim minority of the Bombay presidency as a whole. We have no objection to any minority being similarly protected.

38. You are prepared to concede protection for minorities without asking which the minority is?—If Sind is separated, of course there will be minorities of other communities.

39. What is your next point?—With regard to education I wanted to say that we are very backward, and therefore special provision ought to be made by which Mussalmans should have adequate funds for improving their educational facilities, and that should be the first charge on the Government exchequer. And then our last demand is that zamindars and jagirdars should have extra representation. At present they have got only one seat from whole of Sind on the Bombay Council, and the Sirdars and Inamdars and Taluqdars of the presidency get only two seats. And on the Legislative Assembly they (Sind Jagirdars) get one seat alternately.

40. Your last point is concerned with land-owning representation?—Yes.

41. You pointed out that at present in the Legislative Assembly there is one representing landowners in the Bombay presidency. I understand that he represents Sind landowners during one Assembly, and presidency proper landowners during another?—Yes, we get representation alternately.

42. Then you pointed out also that in the Bombay Legislative Council there is one member from Sind representing the landowners?—Yes, that is Zamindars and landowners. There are two from the presidency.

43. What is it which you ask for which would change that?—The number of seats ought to be increased. Now, as a matter of fact, their representation is too small.

44. By how much do you want to have representation in the Legislative Council of Sind landowners increased?—Of course, the Association has not decided on that point, but personally I think that there ought to be two seats instead of one.

45. You are speaking personally, and your view is that you must have two seats?—Yes.

46. Have I fairly got from you the main points?—Yes.

47. *Chairman:* Before my colleagues put their questions to you, is there anything which others wish to say?

Khan Bahadur Wali Muhammad Hussanally (second witness): I only want to add a few words so far as the backwardness of the Mussalmans is concerned. There is, first of all, the Mahomedan illiteracy and the Mussalman agricultural people, who are the principal voters in the province, are entirely under the influence of the money-lenders, who exercise a very enormous power on these agriculturists. On the one hand, they are under the influence of this moneyed class, and on the other the services preponderate with the Hindu influence. In fact, the proportion of Hindu service men will be about four to five times more than the Mussalmans. Therefore these subordinate Hindu officials also influence the Mahomedan voters, and the result was that even in the local bodies before the Reforms came in we Mussalmans could not get a seat in the municipalities. In the district boards at least there was some influence which the Mussalmans could command, but in municipalities, and particularly in the Karachi municipality, there are very many cases in which not one Mussalman could get elected, although the Mussalman population is fairly large and the Mussalman voters also are equally large. That was chiefly because these joint electorates and the Mussalman voters were influenced so much that they could get hardly a repre-

sentation. It was on account of that that we got separate elecorates in the local bodies, in municipalities and district boards. If we revert back to joint electorates now, our position will be the same as it was before the Reforms in the municipalities and district boards. And therefore I say that we require separate electorates whether Sind is made into a separate province or continues to remain with Bombay.

Chairman: I might perhaps at this juncture say that Mr. Stewart has added up the figures, and they certainly are very striking. As things are now, the non-Mahomedan voters in Sind amount to 67,000, and the Mahomedan voters add up to 59,000. Certainly it is very striking, in view of the fact that two and a half out of the total of three and a quarter millions are Mahomedans. So that it really comes to this, that the three Hindus who sit in the Council representing Sind have got much more populous constituencies than the fourteen Mahomedans who sit in the Council. That is, 14 members share a constituency of 59,000 voters, while three members share a constituency of 67,000. That is striking.*

48. *Major Attlee:* You said that the Mahomedans are very much under the influence of the *bania* class?—Yes.

49. Can you tell us the process in which the influence is exercised?—The thing is the Mussalmans who are the agriculturists generally belong to the peasant class, and they do stand in need of borrowing money from the *bania* money-lenders. It naturally follows that at the time of election, if there were joint electorates, the *bania* who would be directly interested, will bring to bear his influence of money, and the Mussalman voter who is under his thumb will certainly consider twice before he does anything against his will.

50. But how is that done? Supposing you have an election and a large number of voters vote for the Mahomedan against the will of the *bania*, how is the influence exercised?—There are other difficulties also. For instance, a *bania* does not advance loans only by taking mere receipts. He lends his money on the mortgage of landed property. Supposing he advances Rs. 1,000, he takes the extra precaution to get mortgaged a property worth Rs. 10,000, which also is done by a clear sale deed, hence the future fate of that Mussalman more or less is in the hands of that *bania*.

51. But supposing you have an election, and supposing for the seat there are only Muslim candidates. What has the money-lender got to do with it?—There the money-lender could insist on a particular Hindu candidate being put up and voted for against the Mahomedans. The Mahomedans have got no such organisation among themselves as to make it a common thing and join together in voting.

52. Then the second point is this. When it has been suggested that there should be joint electorates with reservation of seats, is has been said that in that case what you call bad Mahomedans would be put up against good Mahomedans?—Yes, that has actually happened.

53. Why has not the *bania* now with separate electorates succeeded in putting up his candidates?—At present the fight is between one Mahomedan and another Mahomedan, and one Hindu and another Hindu, and therefore, as a matter of fact, the *bania* is not interested. Of course, even at present a certain amount of influence is exercised, but it is not so much as it will be if the communal electorates are changed into joint, when he will have a strong additional advantage of Hindu voting.

54. Why not? Supposing you have a politically conscious *bania* class, why do not they do it now?—At present the Mussalmans, as they have got their own separate electorates, generally select the best Mahomedan candidates to stand, and they succeed almost always, although occasionally there might be some difference here and there.

Chairman: I was going to make this suggestion for the sake of good order. I think it might be a convenient plan if questions to these gentlemen about their desire for the separation of Sind—a very important point—were put as it were together separately at the end of our morning sitting, because otherwise all points will be mixed up. Perhaps there might be a few questions to be put by other members on other matters.

55. *Raja Nawab Ali Khan:* You consider the Sikhs in Sind a distinct community from the rest of the Hindus?—No; they are for all practical purposes Hindus, but they are very few.

56. But you consider the depressed classes a distinct community?—As a matter of fact, there are very few depressed classes people here. Their number is absolutely negligible. In Thar and Parkar district we have got a few.

57. You have recommended separate electorates for them in your memorandum?—We have said that ultimately that should be the method to secure their proper representation, which otherwise will be difficult to ensure.

58. Do you recommend adult suffrage now?—The Association, of course, by a majority decided it.

59. You have stated at page 202 that the grant of adult suffrage need not be delayed any longer?—The Association did decide so by a majority, but my own personal view is that some time ought to be taken before adult suffrage is given.

60. Then, on this matter, you differ from the others?—Slightly I do, and that for two reasons. One is that at present there is the objection of Mussalman women going to the polling booths. They observe *purdah*, and that is one of the difficulties in our way; and secondly, there is the backwardness of education among the Mohamedans.

61. But your Association has recommended it?—Yes, that is the majority demand.

62. Does this recommendation apply to Sind alone, or does it apply to the whole country?—Of course, we are talking for the whole of India.

63. Sind, if it is separated, will also have adult suffrage then?—Yes.

64. In that case you will have 74 Mussalmans to 26 non-Mussalmans. That will be the percentage of your voting strength in Sind?—Ordinarily the percentage will be according to population, I think, which is roughly 72 per cent. against about 28 per cent. non-Muslims.

65. The population is 72 per cent. Mussalmans?—Yes, roughly.

66. Still you demand separate electorates?—We recommend separate electorates, as I replied to the Chairman when we consider the question as connected with the Bombay presidency. But when Sind is separated, we say that it will then be quite a separate issue, because we will not then be in a minority, and the question will then arise whether a majority community should have a separate electorate. Along with that there are other difficulties in our way. We do not think that we have got the majority of voters, and therefore, we will not be able to return a good number of our representatives unless adult suffrage is also granted along with it.

67. You want 33 per cent. Mussalman representation in provinces where they are in a minority?—Yes.

68. You want that representation in Madras and the Central Provinces as well?—In Madras the Mussalmans are very much in a minority. But then you have got their political importance, and other things also to be taken into consideration. At the time when we were considering this question we were mainly thinking of the Bombay presidency, and in the Bombay presidency they must have one-third. And I think the Mussalmans all over the country wherever they are in a minority must have excessive representation.

* NOTE.—The figure of 59,000 was challenged as too small next day by the spokesman of the Hindu deputation, *vide* p. 238. Q. 11.

69. Your memorandum says that the Mussalmans should in no case have less than 33 per cent. representation even in councils of those provinces where the Muslim population falls below one-third?—Yes, because of the other considerations that I have pointed out that the Mussalman minority is a very important minority, and it does need a special concession.

70. *Sir Hari Singh Gour:* Your recommendation is that in those provinces where Mohamedans are in a majority, a majority of seats should be reserved for them, and in the provinces where they are in a minority at least one-third of the seats should be reserved for them?—Yes.

71. Are you prepared to concede the same privileges to the Hindus as well?—No, because the Hindu community is in a very large majority throughout India, while the Muslim community is in a minority.

72. You are going to penalise the Hindus for their advanced state of progress?—No, it is a question of safeguarding the minorities.

73. Do you not think that by giving effect to your proposal the backward communities will rule the advanced communities?—I do not think so, because I think personally that if the backward communities are given their share in the public services, and also in all the elected bodies, even then they will not dominate the situation. May I tell you my personal experience of the Bombay council that, though we have got at present an excessive representation, if all minorities join together we are nowhere, unless and until Government comes to our support. As an instance, I might cite the recent voting that took place on the University Bill. All the members of the non-Brahmin party, the Mussalmans and the depressed classes were united, but because Government did not support them, our amendments were thrown out.

74. Your position is like this, that though you may get all you want you are not sure of safeguarding the interests of your community unless you have the Government bloc at your back?—No; the Government bloc may not remain hereafter. What we want is that the minority must have excessive representation, so that it may not be terrorised and subjected by the majority communities.

75. That is perfectly true, but what safeguard would you give to the other communities to see that they are not penalised by your community?—Our community being in a minority the majority communities need have no such fear.

76. Your point of view is that the advanced community is likely to terrorise your community while your community is not. Well, on page 202 of your memorandum, you say that "The Association is strongly of opinion that in future the electorates should be divided into four classes—Muslim, depressed classes, miscellaneous communities, and caste-Hindus." You want separate electorates for all four of them?—I think so; otherwise there is no chance for the depressed class and other communities being represented when the Legislatures are wholly elective. At present they come in only by nomination.

77. Having given you a majority in Sind and in the provinces where you have a numerical strength, how would you apportion the rest of the seats?—I will first fix the seats for the Mussalmans and then distribute the remaining seats amongst the other communities.

78. You say "Give us what we want and divide the rest amongst yourselves as best as you can"?—Yes.

79. Now as regards the influence of the *bania*, has there been any single case in which your community has complained, and complained successfully, either by an election petition or otherwise, of any election having been influenced by the *bania*?—My colleague gave you the reply that before separate electorates were given in the municipalities hardly any Muslim was returned.

80. That is not the answer to my question.—(*Khan Bahadur Wali Muhammad Hussanally*): May I have your permission to answer that question?—I would say that it is very difficult to prove this influence of one class over another; it is impossible to put in any election petition on the point. You know, even corruption at elections is very difficult to prove. So there have been few election petitions after the Reforms in the various provinces, and none in Sind.

81. We can then take it that this is your allegation, but that it cannot sufficiently be proved?—I deny that proposition.

Sir Hari Singh Gour: I am asking you whether this thing has ever been put to test?

Chairman: Let me summarise. The opinion which is strongly and firmly held by these gentlemen is that, in fact, there is the influence of the bania; but on the other hand it is quite frankly admitted that it has never been made the subject of election petition, and no proof of it in an election petition has ever been offered. That, I think, is a fair summary.

82. *Sir Hari Singh Gour:* You have said that the non-Muslims or the Hindus are better organised than yourselves. Now, if we give you what you now want, will that improve your organising capacity? How will that improve when you are so much illiterate and so much backward?—Education will improve.

83. What is the stimulus you have left for organising yourselves?—Education will be the stimulus.

84. How will you educate yourselves? If you were to get a special education grant, that is a different matter. But by apportioning political power in proportion to your numerical strength, would it not perpetuate your backwardness by giving you what you ought not to get till you are advanced?—(*Mr. Khuhro*): It will take some time for us to organise ourselves, as we are backward . . .

85. I quite admit that you are not sufficiently educated, and as well organised as the Hindus. Having assumed that, we say we give you certain facilities which you would not be entitled to, but for your backwardness. Now, by giving you special facilities, by giving larger representation, what guarantee is there that you would then come up to the Hindus in point of education and general progress?—(*Khan Bahadur Wali Muhammad Hussanally*): May I point out that one of our demands detailed in our memorandum is that we should have special facilities for education. Education is the one thing that will organise us. Along with these special privileges as you may call them for the time being, if our education receives an impetus by special provisions, we will, in course of time, be better organised than what we are now. The Hindu community also organised itself after it received education, and now the Hindus are well organised because they are highly educated. Similarly, as our education improves from time to time, we will be better organised, and all these special difficulties that you are referring to will vanish. I cannot say—and it is impossible to say—that because you give us some special facilities, that in itself will remove backwardness. But along with these we want special facilities for education, and as soon as we are on a par, so far as education is concerned, with the other communities, all these special privileges will vanish and we will be better organised and be in a position to stand on our own legs.

86. How long, Khan Bahadur, will it take before you are better organised?—That will depend upon the special facilities we get.

87. Supposing we give you all that you want. May I ask you how long the other community has taken to organise itself?—If special facilities are provided for education we will organise ourselves soon; the more funds you give us for education the less time we will take.

88. Taking the view that you do, Khan Bahadur, and supposing all reasonable and adequate facilities are given and the concessions you ask for are granted, how many years, do you think, it will require for you to organise yourselves?—It is impossible to prophesy.

89. Roughly?—It all depends upon what special facilities you give us and for how long.

90. What I am afraid of is that it might lead to the perpetuation of this system, which I think should

be avoided.—(*Mr. Khuhro*): I do not exactly follow you. I want to know what do you call in the present case a concession or a facility.

91. *Chairman:* Let me try again just to sum up the point. It seems to me that the point of Sir Hari Singh Gour's question is really this. If you are guaranteed the same representation and the same political rights, however backward you are, do you think that is a good way to encourage your progress? I can quite understand that people who feel that they are at a disadvantage ask for and may require special protection. But you always have to consider the other argument: Is the protection which you give them likely to encourage them to be strong enough afterwards, to live in a freer world? Exactly the same question arises in economics. One of the difficulties about granting protection by tariffs is that it tends to make people rely upon protection and therefore go on asking for more. In the same way, the question of Sir Hari Singh, if he will allow me to say so, is if the Mahomedans here are guaranteed the same representation, however backward they may be and however much they may fail to resist influences like that of the *bania*, do you think that that is going to create a spirit of political independence which will make them afterwards stand on their own feet?—(*Mr. Khuhro*): In India there are many divisions, there are many religions, unlike other countries. It will have a peculiar Constitution. We are divided on religious grounds. If the minorities have not got any safeguards, it will be difficult for them to live; the minorities must have safeguards for their existence. We therefore consider that this safeguard of extra representation or separate electorates must be granted to minority communities, not as a concession but a necessity for protection.

92. *Chairman:* I understand you, Khan Bahadur, to say that you do not look forward to the indefinite preservation of separate electorates, but you think that it is necessary at present and for some time to come. Is that right?—(*Khan Bahadur. Wali Muhammad Hussanally*): Yes, Sir.

Mir Ayub Khan: I think the answer to Sir Hari Singh Gour's question is that when the Mohamedans who have been under this domination find that the domination has gone, that will be an impetus and encouragement to them to organise themselves better than what they are at present, and having learnt that lesson after experience of some years, I am sure they will come to that standard to which you expect them to come.

93. *Sir Hari Singh Gour:* That is your hope?—Yes. I may also add, Sir, I think it will be fair that in such places or provinces where there are other minorities, in fairness we must extend to them the same privileges and the same protection that we claim.

Mr. Abdur Rahman: I agree with my friend Mr. Mir Ayub Khan.

94. *Chairman:* Your proposal is for protection in the special circumstances of India, and you are prepared to say that it should be applied indefinitely, whatever the minority may be?—Yes.

95. *Sir Zulfiqar Ali Khan:* Do you want separate electorates?—(*Mr. Khuhro*): Yes.

96. Do you think that is necessary for your existence as a community?—Absolutely necessary.

97. Do you think that if this right is not conceded to you, you will become a political nonentity?—We will be nowhere.

98. Do you think that if this right is not conceded to you, your progress will not proceed as rapidly as that of the sister community, and that you will be hampered at every step by the diligence or the superior culture of the Hindus?—I think our progress will be entirely blocked if we have no separate electorate.

99. Your progress will not be as rapid as you expect without establishing your separate rights?—Yes.

100. Could you please tell me whether you want provincial autonomy?—If adequate safeguards are provided for the minorities by the British Parliament, we will agree to any further advancement, provincial autonomy or anything else, but unless that is done we do not think we can recommend the grant of provincial autonomy.

101. What do you think should be the controlling authority of the Central Government or the Government of India?—I think His Excellency the Viceroy, as representative of the King Emperor, should be the controlling authority.

102. That is true. What I want to know is, do you want the Government of India to be invested with sufficient authority in order to control the provinces?—Yes; in certain cases it will be found necessary that the Government of India should have control; the Central Government ought to be sufficiently strong in cases of emergency.

103. What do you think about Law and Order—should it be reserved or transferred?—I cannot recommend it to be a transferred subject at present; it should be reserved.

104. *Chairman:* You say in answer to Sir Zulfiqar's question whether you think Law and Order should be transferred that you do not think it should be transferred at present, but you think it should be reserved. Is that an expression of your personal opinion or is it the view of your Association?—We have laid that down in our memorandum.

105. You are speaking for the majority of your Association?—Yes.

106. *Sir Zulfiqar Ali Khan:* Can you tell me what is your idea of the recruitment of the services? Should efficiency be the sole criterion of appointment to the services?—No, I do not think so. All communities should have a fair share in the public service of their country, and that should be the main consideration.

107. I want to be very clear on this point. It is a very important subject for all concerned. If you are not given your proper share in the public services, and even with the Indianisation of services the monopoly of services is given to other communities, would you under those conditions demand Indianisation of services?—We will not demand Indianisation of services unless our community, or all minority communities are given their due share in the public services. I certainly attach more importance to the share that will be allotted to all communities, including the minority communities, than to the Indianisation of services which will result in a monopoly of certain advanced communities in the services, which is most objectionable to our Association. I therefore submit that our definite view is that our community must have a proper proportion in public services and so all minorities.

108. *Chairman:* Let me put it this way. Do I understand you rightly to say that you attach more importance to securing that the Mohamedan community gets what you regard as an adequate share of the posts than you do to Indianisation in the abstract, and that you would be opposed to the application of Indianisation if it resulted in the overwhelming predominance of one community? Do I put it quite right?—Yes, quite right.

109. *Sardar Shivdev Singh Uberoi:* With regard to the services, you want adequate representation to every community in every province in the country. When you say that, may I know whether you have due regard to the efficiency of the services?—So far as efficiency is concerned, my view is that efficiency is already sacrificed with the question of Indianisation. There is a great demand that there should be Indianisation of services. So efficiency is already out of question.

110. Do you mean that if efficiency is already sacrificed, that mistake should be repeated in future?—I do not think it is a mistake. I think it is fair that a proper share is given to all communities in the administration of the country.

111. Even at the sacrifice of efficiency?—Efficiency will not be sacrificed. If at all you believe so it is already sacrificed.

112. What mode of recruitment do you suggest for the recruitment of services? Should it be by a Public Service Commission or should it be by nomination entirely by the head of the province?—If there is a question of selection it must be from all communities, and so long as they are competent they must be nominated by the head of the province and the minister in charge, just to see that all communities are properly represented.

113. Are you aware that in provinces where the appointment lies in the hands of the minister there is a general complaint that too much favouritism is shown for the sake of communalism?—(*Khan Bahadur Wali Muhammad Hussanally*): So far as that is concerned, so long as the appointments are made by any human agency, that complaint will remain; but the question to decide is whether such complaints have any substance.

114. You advocate universal suffrage? Do you include women also?—(*Mr. Khuhro*): Our council has already given the right of voting to women.

115. Do you think that this right will be fully exercised by the women of your community?—It will take some time before they fully exercise the right. It is only very recently that this right has been given. Personally, I think that it is too early to extend that privilege to them because of their lack of education. But unless some special arrangements are made they may not be able to exercise that right fully.

116. *Chairman:* The question as to whether there should be or should not be women suffrage under the present arrangements is a question to be decided by the various Provincial Legislatures in India?—The discretion was given to the Provincial Council, and there was a resolution moved by Dr. Paranjpye in the Bombay Council for the extension of franchise to women which was carried by the Council, though the majority of the Mohamedans were opposed to it.

(*Khan Bahadur Wali Muhammad Hussanally*, witness): May I supplement the answer? So far as the question of joint and separate electorates is concerned, it may be noted that there is a very strong sentiment of *purdah* amongst us Mussalmans, though the *purdah* amongst the Mussalmans is being given up very slowly. Therefore if there are joint electorates we will be at a very great disadvantage, because our women will not go to the polling booths in great numbers, and it will take perhaps thirty or forty years before our women fully exercise their votes. But if there are separate electorates for ourselves, then whether the women have got the right of voting or not will not affect it materially.

117. *Sardar Shivdev Singh Uberoi:* May I know the percentage of literate adults in Sind?—(*Mr. Khuhro*): The percentage of literate adults is very very low; it is something like two or three per cent.

118. And still you advocate universal suffrage?—Yes, that is the opinion of the majority, though personally I am not for its immediate grant, as I have already stated.

119. Great stress has been laid on the influence of the *bania* class. I have not been able to understand how that is detrimental to the interests of the Muslim community?—I stated that things had gone to such a pitch as we anticipated. Our apprehension is, as I have stated, that if circumstances change, then it will be a question for serious consideration.

120. *Dr. Suhrawardy:* I find that the number of non-Mahomedan voters is 67,000 in Sind and the number of Mahomedan voters is 59,000. May I know if the franchise is the same in both the constituencies or is there any difference in the franchise?

Chairman: It is the same.

121. *Dr. Suhrawardy:* You have stated in your Memorandum that in every province where the Muslims are in a minority you want one-third representation, and where they are in a majority you want representation according to the population. Do I understand you to mean that in cases where the numerical strength of the Mussalmans does not entitle them to one-third representation you want that, on account of their political and historical importance, they should be given one-third representation in order to make them an effective minority, whereas in cases where they are in a majority, for example as in Bengal and the Punjab, you will be quite content if they get their share of representation on the basis of population?—Yes.

122. You know that under the existing arrangements the Mussalmans are nowhere in a position to tyrannise over other communities because they are in a minority in almost every province, and in Bengal and in the Punjab they are in a bare majority. Is that correct?—Yes, it is absolutely correct.

123. But in the event of the separation of Sind and the introduction of Reforms in the North-West Frontier Province, the Mussalmans may be in a majority in these two provinces and the non-Muslims may be less than one-third of the population. In that case are you prepared to concede to the non-Muslim population the same privileges and the same representation which you are now asking?—I have no objection to that.

124. *Chairman:* You would be prepared to see the minority given one-third representation?—Yes.

125. *Sardar Mujumdar:* Have the Sind Mahomedan Association written and published a book or pamphlet with reference to the book published by Professor Chablani?—There are pamphlets written by many individuals.

126. *Khan Bahadur S. N. Bhutto:* Can you give an instance where in joint electorates undesirable candidates have come in in spite of the union of the Muslims?—There are certain instances. For instance, there is the Thar and Parkar district school board, where there is the joint electorate and the reservation of seats for the minorities. The Mussalmans have got a narrow majority in that school board. Out of nine seats on the board four are occupied by the Hindus and five by the Muslims. What happened was that the Hindus put up two undesirable candidates among the Muslims, one was a private servant of a *bania* and the other was his cultivator. They both were returned, as all Hindu voters combined to vote for them. Thus Hindus got majority by indirect means. So the Hindus will always have their way. Similarly I remember there were questions in the Bombay Council regarding the Ahmedabad school board. A capable Muslim, an M.A., was thrown out, and in his place an ordinary man who was not even a matriculate was taken up, because Hindus had the majority of voters.

127. *Khan Bahadur S. N. Bhutto:* You mean that all communities should get adequate share in the services?—Yes. I said I was opposed to Indianisation unless all communities get their proper share.

128. So far as efficiency is concerned, is it not the opinion at least here in the Province of Sind that since recruitment from England stopped, particularly in departments like Irrigation, efficiency has already suffered?—Efficiency has, of course, already suffered because of the cry for Indianisation, and the best people cannot be recruited.

129. May I understand that all the members of the deputation that are present here to represent the Sind Mahomedan Association are individually against universal suffrage?—Yes, we want that extended to males only.

130. Some people attribute that the present friction between different communities is due to separate electorates?—I certainly disagree with that view, because I may point out that separate electorates were first granted to the Mussalman community under the Minto-Morley Reforms, and subsequently they were given representation on a larger scale by the present Montagu-Chelmsford Reforms. There were no frictions between the two communities until lately in 1924. It was only after 1924, when a general movement of *Shuddhi* and *Sangathan* was started by Hindu leaders like Pandit Madan Mohan Malaviya and others, that these things about communal frictions cropped up. But before that, even though there

were separate electorates, there was no friction. I may also point out that at the time of the Lucknow Pact the Hindus never objected to separate electorates.

Mr. Abdur Rahman (*witness*): My own opinion is that the peace between the two communities is considerably attributed to separate electorates.

Chairman: That is a matter on which either of the two views may be held. I follow your view.

Mr. Abdur Rahman: We must take into consideration the circumstances immediately before it and subsequent to it. I am particularly speaking of Sind.

131. What is the dividing line? When did the change take place?—(*Mr. Abdur Rahman*): For instance, before the introduction of communal representation with separate electorates. Take, for example, voter "A." He could vote for "B," a Hindu, and "C," a Mahomedan. The result was that the Hindus had it all in their own way on account of their influence. But after that the Hindus ceased to create any influence on the Muslim community.

132. I see the force of that. I appreciate your point. Your point, as I understand, is that if you have a separate electorate, say in the municipality, there is no occasion for the members of one community to concern themselves in the election carried on by the other community. I follow that. But there, after all, communal tension does not arise merely on election basis?—Probably so.

133. There is something to be said both ways. We have to remember that. We are all trying to do quite fairly by both sides. I think it is quite reasonable on the one hand to say that if the communities vote separately in connection with the election there is less likely to be conflict between the communities. But there is also the other question, of course, that if you have a system of separate electorates there is a tendency among candidates to appeal for support on the ground that they are the embodiment of the communal view, and consequently to increase in the long run the intensity of feeling between one community and another. I will not say which way it will go, but I think myself that we must recognise the reason on both sides. Do not you think that is perhaps correct?—(*Mir Ayub Khan*): You are putting, sir, one apprehension which is present in the minds of many. But I would like to say this, that looking after the interests of one community should not be misunderstood and that that term should not be applied to tension between the two. I think one should always be strong and able enough, in spite of the conditions that exist now, to look after the legitimate protection of one's own interest.

Chairman: That is a very important way of putting it.

134. *Dr. Ambedkar:* Your Memorandum says that there should be adult suffrage. But your Association is divided on that issue?—(*Mr. Khuhro*): Yes.

135. How can there be a majority?—It was put in a public meeting and was carried by a majority.

136. Was it a very narrow majority?—I think it was not a big majority.

137. With reference to the answer which you gave that *purdah* is one of the hindrances in the way of granting adult suffrage, is it not a fact that in the village the women do not observe *purdah*?—No.

138. So you confine yourself to the city?—Even there some may not observe *purdah*.

139. So far as *purdah* is concerned, it is not observed in villages?—The Mussalman women generally observe *purdah*, but the very poor class may not observe it. Even then they will strongly object to go out of their village to distant places for the purpose of recording their vote and things of that kind.

140. *Khan Sahib Abdul Latif:* You said, Mr. Khuhro, that in the case of reservation of seats the Mahomedans would be sure of election, but do you consider that proper Mussalman candidates would be returned?—Certainly not. Proper candidates will not be returned.

Khan Bahadur Wali Muhammad Hussanally (*witness*): May I add a few words? In a matter of this kind, where seats are reserved, the result will be that people will put up their own candidates favouring their particular views. For instance, the Mussalmans who favour the Khilafat view will put up candidates who are in support of that view, and the opposite community will naturally put forward such candidates as are in favour of the Congress view or the Khilafat view. The result will be that the bulk of the Mahomedans who do not favour either the Congress or the Khilafat view will go unrepresented.

141. Do you think that Land Revenue should be reserved or transferred?—(Mr. *Khuhro*): I think it should be transferred.

142. *Rao Sahib Patil:* You say that if the Mahomedans are given joint electorates with reserved seats, desirable persons will not be returned. What do you mean by "desirable persons"?—As it has been repeatedly said, the other communities will put up candidates who will not truly represent the Mussalman interests in the Legislatures, and those candidates are bound to succeed when there are non-Mahomedan voters in a majority.

143. But the same number of Mahomedans should be returned?—Only Mahomedans in name will be returned. I said that Mussalmans who are not the true representatives of the Mussalmans and who will be merely dummies will be returned.

Mir Ayub Khan (*witness*): If the voting be entirely in the hands of Mahomedans they will return a Mahomedan who will be holding their own views. But if the election be in the hands of a mixed electorate, they might put up a man representing their our view, but who at the same time does not represent truly the Mahomedan view. Although the number of candidates returned will be the same, they will not be truly representing the Mohamedan interests.

144. *Chairman:* Let me see if I have understood you clearly. If I may say so, the point is a very familiar one and we have spent much time on it. It has been said on behalf of very many Mahomedans that in the case of joint electorates with reservation of seats, although the number of Mahomedan members of the Council will be the same, the view of those Mahomedan members and their quality might be different?—Yes. That will be a Hindu view, in fact.

145. I think the argument put is this. It is said that as long as the Mahomedans choose their representatives by themselves, they can make sure that the man selected is a satisfactory Mahomedan representative, whereas, on the other hand, if you have joint electorates with reservation of seats, although it would still be possible to return the same number of Mahomedan members, the individuals, owing to the Hindu influence upon them, would not necessarily be satisfactory to the Mahomedans?—Yes, exactly.

146. *Rao Sahib Patil:* Supposing you have communal representation. Do not you think that the Hindus will also exercise the same influence so as to return undesirable candidates?—(*Mir Ayub Kahn*): The Hindus are already so advanced, and they are too clever to commit that mistake, in which there is not much chance of success as well.

147. If you have separate representation, do not you think that those persons who exercised their influence in the case of joint electorates will use that very influence even in case you have separate electorates?—In the case of whom?

148. In the case of Mussalmans?—They have no votes.

149. I will make my arguments clear. Suppose you have joint electorates with reserved seats and some non-Mussalmans there will be who will use their influence so as to return an undesirable person, and suppose you have got communal representation, will not the non-Mussalmans use the very same influence with the Mussalman voters so as to return undesirable candidates?—No. He will not be able to succeed,

as he would in joint elections, owing to his own voters (Hindus) as well.

150. Why not?—When the electorate is entirely in our hands we have to vote for our own candidate. Otherwise they have at their back the voters whom they could influence. Here we have our own votes.

151. May I understand that what you mean to say is that Mussalmans holding particular views are persons who may safely be called desirable, while persons who hold different views are undesirable?—Different views from the majority of the Mahomedans.

152. What is the view of the majority of the Muslims so far as national aspirations are concerned?—National aspirations in what respect?

153. The progress of the country?—We want the country to progress. The Mahomedans should have adequate representation, not only from a political point of view but also in services, and we want what I may put in a nutshell, Dominion Status under British rule. But with adequate safeguards for minorities.

154. Do you not think that so far as Karachi city is concerned, the Hindus, although they have got more voters in the city have got only one seat, while the Mussalmans have got two seats with a smaller number of voting strength?—In Karachi city the Mussalmans have got one seat.

155. I am talking of the urban constituency so far as Karachi city goes. Of course, Karachi includes Karachi district also?—Karachi district has two seats and Karachi city has one.

156. *Rao Sahib Patil:* On what basis do you think should representation be founded? Is it according to voting strength or according to population?—Population should ordinarily be the criterion.

157. *Syed Miran Muhammad Shah:* You said that representation should be on population basis. Would you like that other improvements should also be taken into consideration?—I understood the question to be whether the seats should be according to voting strength or according to population, to which I replied that it should be according to population.

158. Supposing adult suffrage is not ordinarily granted, would you like to lower the franchise or do you think that it should be maintained as at present?—Let it be lowered; I have no objection.

159. How far should it be lowered?—I cannot make any definite proposal at this stage.

160. In both rural and urban areas?—No, only in rural; in urban it is already lowered.

161. *Chairman:* Gentlemen, I have tried to assemble a certain number of questions which bear on the separation of Sind, and on behalf of the Conference as a whole I will try to put two or three questions to these gentlemen. The first question that I wish to ask is this: Have you yourself considered in any detail the financial side of this proposal?—The figures that are supplied to us by Government from time to time are, I have reason to believe, not quite reliable.

162. The figures which Government have from time to time supplied you have considered, but you do not feel satisfied that those figures are reliable?—I will give reasons for them. In 1916-17 the Sind Conference appointed a committee—that was mainly a Hindu Conference which appointed a committee—to investigate into this question and that committee obtained figures from Government. The figure that they got from Government as income from Sind for that year was Rs. 2,60,00,000, but the figure that was supplied in 1924, in reply to a question in the Bombay Council, shows that the income of Sind in 1921-22 and 1922-23 was about Rs. 2,10,00,000, whereas in 1926-27 they show the income to be only Rs. 1,80,00,000. I cannot understand how income has decreased.

163. I do not think we can possibly go into these figures which you produce for the first time; there is no mention about this in your Memorandum.—We have collected some figures later.

164. We cannot go into these detailed figures now. Would you like to prepare and submit to the Conference a memorandum that contains these figures?—Yes.

165. I think, gentlemen, we shall be obliged. It will be a very great waste of time for 23 of us to listen to these figures which we had not had the opportunity of studying before.—I was telling you, sir, that the income of Sind in 1922-23 was about Rs. 2,10,00,000, then again it goes down to Rs. 1,80,000 in 1926-27. I cannot see how could that be so! I would illustrate another argument of the inaccuracy of these figures supplied from time to time. But about two months ago the Secretary in the Finance Department of the Government of Bombay replied to one of my colleague's query that there is a deficit of Rs. 50,00,000 so far as Sind was concerned. But now, I am informed, he says the deficit will be about Rs. 1,00,00,000, and presumably he expressed that before this Commission.

166. I should be very grateful and so would my colleagues, I am sure, if your Association will prepare a supplementary memorandum. May I ask this: When you quote these different statements, will you give complete references? When you refer, for instance, to a letter written by Government to one of your colleagues, either set out the letter or give the extract in inverted commas so that we may see what it is.—(*Mr. Khuhro*): Our request is that there should be an expert independent committee to investigate this question of finance.

167. *Chairman:* I can assure you that we will examine this question thoroughly. As you all know, we have already secured the services of a financial expert to advise us on financial questions. But let us begin by getting the material.

Mr. Khuhro: I can send a supplementary memorandum on this point.

168. *Chairman:* If your supplementary memorandum contains the figures which you were referring to, we shall be able to study them before we deal finally with this question.

The next question refers to debt. Have you or your Association gone in detail into this question of how you would deal with the capital debt which may perhaps, if there was separation, have to be borne by Sind?—From the accounts kept by the Bombay Government, it will be seen that capital accounts are kept separately, such as, 41 Irrigation or 60 Civil Works. Only a sinking fund is provided to meet the interest, and this fund runs over the loan period. The amount is borrowed from the Government of India by all provinces. A similar arrangement might be resorted to in the case of Sind.

169. *Chairman:* If you wish you can suggest in your memorandum how you think any principal loan should be dealt with, as, for example, there has been a very large capital outlay, partly secured by loan, in connection with the Sukkur barrage; and you may be able to indicate how you would suggest that this should be dealt with.

Khan Bahadur Wali Muhammad Hussanally (*witness*): May I just add a word, sir? So far as this financial bogey is concerned, I may remark that we are fighting against odds so far as the question of separation is concerned. The Bombay Government is against us, the European Association is against us. The Chamber of Commerce, Karachi, years ago was in favour of separation. They even, if I recollect rightly, supported that Sind should be joined to the Punjab, but now they are against the proposal of separation of Sind. Therefore, unless we are supported by any other source, it is very difficult for the Association to obtain reliable figures.

170. *Chairman:* Whatever figures you are able to obtain you can supply them. If they are examined with prudence and judgment by fair-minded men they may help to ascertain the truth. You may be quite certain that we shall be fair-minded. It does not matter in the least bit to the Statutory Commission that there are various bodies of opinion which

are opposed to your proposal. You may be quite certain, as far as we are concerned, that we will examine it without any reference to the different bodies of opinion.

Khan Bahadur Wali Muhammad Hussanally (*witness*): So far as the separation of provinces on linguistic basis is concerned, it has been acceded to and admitted by even the Montagu-Chelmsford Report, and Hindus themselves until a few years ago were in favour of separation of Sind.

171. *Chairman:* If you will allow me to say so, we are merely using phrases. There is nothing easier in this world than to announce in general terms that you are in favour of linguistic provinces or this or that, but if people are really and truly trying to consider constitutional rearrangements they have to get below these phrases and see how things are and how they can be worked out.

Khan Bahadur Wali Muhammad Hussanally (*witness*): I might say, sir, that we are at a considerable disadvantage to arrive at accurate figures so far as the financial position is concerned, however much we may try our best to submit a correct memorandum upon that point, because the Finance Department will not help us. I think the Commission will be in a better position to obtain correct information.

172. *Chairman:* I am not saying that you have got to prove anything to me. I am merely making a most reasonable request that the figures which the spokesman of the deputation has quoted should be put on paper, so that we can study them when we examine this question finally.

The next question refers to the point which the Khan Bahadur has just mentioned. He said that the possibility of Sind being joined to the Punjab was discussed some years ago. I should like to know whether you can answer this question as far as your deputation is concerned. If it were a question of choosing between going to Bombay or joining to the Punjab which would be the choice?—(*Mr. Khuhro*): The question of Sind being joined to the Punjab was raised many years ago, and at that time the majority of Sindhis supported it for the reason that irrigation facilities, land revenue and other things resembled more those of the Punjab than those of Bombay, and that the River Indus, which supplies water to the whole of Sind, is coming from the Punjab. But the unfortunate position is that question was deferred then, and now it is too late to think of it.

173. *Chairman:* Let me summarise your view. Supposing we were dealing with this matter years ago before the five rivers of the Punjab which flow into the Indus had not been so largely depleted by the Punjab irrigation works, the view might have been favourably received, but in the present circumstances those for whom you speak would not view with favour union with the Punjab.—It is too late to consider; I think we can stand on our own legs now.

174. Are you prepared as a province, if you stand on your own legs, to see any reduction in the scale of expenditure in this province on nation-building departments?—The nation-building departments, on the contrary, are starved very much in this province, and that is our chief complaint.

175. Let us consider the question as practical men. You wish that more money should be spent on education in Sind, especially Mahomedan education?—Yes.

176. I suppose you will agree that if Sind is a separate province it must raise its own money for education?—Yes.

177. How do you think you would be able to pay taxes for education if Sind is separated?—The first thing will be to adjust the Budget—whether the expenditure incurred at present is proper or it is extravagant, whether it can be retrenched and so on. Then the question will be in what way the expenditure on nation-building departments could be met and in what manner taxes should be raised.

178. You recognise that if more money is going to be spent more money will have to be raised?—Yes.

Chairman: I have mentioned these points merely that you and your deputation may appreciate some of the material questions to be considered. You will not, if I may say so, be dealing at all sufficiently with it if you merely say that you are in favour of separation or you believe in linguistic provinces, because the difficulties as well as the advantages have to be studied. But I quite agree, if I may say so, with the Khan Bahadur that it would not be fair to put on your Association the business of proving the case. It will be for the whole Conference to consider it with the help of the material which we have been able to collect. Do not think that anybody is opposed to your view, but we must consider it, you see, like statesmen.

179. *Lord Burnham:* Granting that you are in favour of separation of Sind from Bombay and being constituted as an autonomous province, do you not think it possible, especially having regard to the financial conditions even as you see them, apart from the figures we have here, that separation might be postponed to a certain number of years, the number of years to be fixed either by anticipation now or later on by some other process?—The Association think that the time has come when Sind should be separated.

180. *Khan Bahadur S. N. Bhutto:* What are the main grounds that you urge in favour of separation?—There is nothing common between Sind and the Bombay Presidency. Geographically it is quite distinct from Bombay. Our language is quite separate and also our habits and customs. Sind is very far away from the capital of the Bombay Presidency. It has been even admitted by the Government of Bombay that they cannot have rigid and proper control over the Sind administration from that distance. The result was that as long ago as 1868 the Commissioner in Sind was invested with extra powers according to the Delegation Act, and he exercises at present the powers of a local government without being responsible to any Legislature. Even otherwise it is apparent that more or less the Government is treating Sind as a separate province. In all other departments, for instance, Excise, Forests, the Commissioner has got extraordinary powers, and even in the judicial branch the Judicial Commissioner's Court is not subordinate to the High Court. So from all points of view, even at present Sind is administered differently and the Commissioner has got extraordinary powers. When the Montford Reforms were being discussed there was agitation on this point. There are numerous considerations why Sind deserves to be separated from Bombay. With regard to the nation-building departments, we feel that Sind does not get its proper share in the matter of improvement of these departments. For instance, roads and communications are in a rotten condition here, and we are very much behind in these matters. Thus Sind does need special attention from many points of view. There has been agitation on this point from the European Association, from the Chamber of Commerce, from the Parsee community, from the Hindu community, and other bodies. There have been addresses on the subject to His Excellency the Governor and His Excellency the Viceroy.

181. *Chairman:* I think myself that Sind undoubtedly is entitled to say that in actual practice for many purposes it is treated not in the fullest sense as a part of the Bombay Presidency but rather as a special part. It is true, indeed, as I dare say you know, that if you go through Bombay Presidency they sometimes talk of the Presidency proper, by which they mean to exclude Sind?—Yes, in Bombay when they talk of the Presidency they will never mean Sind. The thing is that it is more or less one man's rule. As a matter of fact, most of the things are dealt with by the Commissioner himself. They do not even go to the Government of Bombay. We have been protesting against it and nothing has been done so far.

182. *Khan Bahadur S. N. Bhutto:* You have the Act of 1868. If there is delay in the separation of Sind, would you have that Act repealed immediately?

—The Act puts us in a very great disadvantage, and we are in no way in favour of that.

183. Do you know that the loan for the Sukkur Barrage has been raised by the Government of Bombay, and the whole Presidency is responsible if it becomes a failure?—It was definitely stated when the scheme was prepared that most of the loan would be met out of the sale of land and the extra assessment that would be realised when more water is available. Therefore I do not think that any burden falls ultimately on Bombay, though the security at present is on the whole of the Presidency.

184. The question is if the whole of the Bombay Presidency will be responsible if this scheme proves a failure?—If there is gain, it will be gain for the whole Presidency, and if there is loss it will be loss for the whole Presidency.

185. *Chairman:* I think the actual position about the loan for the Sukkur Barrage is this. It was the Government of India that borrowed the money on the securities of the Government of India, and they lent the money to the Bombay Government. Is that correct?—Yes.

Khan Bahadur S. N. Bhutto: I made it quite clear that if this scheme proves a failure, then the responsibility is on the whole of Bombay Presidency.

186. You said that some time back the majority of the people of Sind were for its amalgamation with the Punjab. Was it a suggestion by some people or was it by a majority?—I was talking of a thing that occurred 25 years ago. (*Mr. Abdur Rahman*): I may say that that view was not shared by the masses of the Mahomedans.

187. Subsequently that proposal was rejected?—(*Mr. Khuhro*): Yes.

AFTERNOON.

Deputation from the Sind Muhammadan Association—*continued.*

1. *Syed Miran Muhammad Shah:* Are you prepared to tax yourselves for the nation-building departments?—Yes, if Sind is separated.

2. Is that the view of the Muslim community only, or did the Hindus also join with you?—In support of separation, yes, this view is not only the view of Muslims, but of the All-India Congress Committee and the two Mussalman Leagues.

3. *Chairman:* I do not think that is the question; the question is with regard to other bodies inside Sind.—In Sind all the Mussalmans are united in the first place, and there are people from the Hindu community and the Parsi community also in favour of it. That means that Hindus are not all united to oppose this.

4. *Syed Miran Muhammad Shah:* But some Hindus are opposed to it?—Men of liberal mind are in favour of it. Some have been actually writing for separation, men like Swami Govindanand and Jethmal Pursram, who are definitely in favour of separation, and Mr. Jamshed Mehta and others in Parsi community.

5. Have you any proof of that with you?—Yes, I have pamphlets here.

(Pamphlets by Haji Abdul Haroon, Mr. Jamshed Mehta and Swami Govindanand handed in.)

6. You say you wish that the Commissioner should have his special powers abrogated, because the rules operate almost autocratically?—Yes, something must be done, because otherwise we are quite differently administered from the rest of the Presidency.

7. So that the Commissioner should be brought to the level of other commissioners of the Presidency?—Yes.

8. In order to make him more amenable to the Legislature?—Yes.

9. Has this autocratic rule affected the attitude of the subordinates in Sind?—Of course, in the matter of services I may say that during the last two years out of ten appointments of deputy collectors, nine went to non-Muslims and only one to Muslims, in spite of the predominance of Muslim population, and recently there has been a similar instance in the recruitment now being made for sub-inspectors of police. Though Mussalmans are admittedly fitted for the police service, out of fifteen appointments only four or five have been given to Mussalmans.

10. Do you attribute that to the independence of the Commissioner?—It is the general attitude of the Sind administration towards us. That may be one of the causes.

11. Have you considered the question of the amalgamation of Sind with Baluchistan, and making it a separate autonomous province?—That also is an old question, and personally I have no objection to it; but the thing is that Baluchistan itself is not self-supporting, and the Government of India gives a subsidy. If the Government of India continues giving that support, there should be no objection; otherwise it will be a burden on Sind for some time at least. (*Khan Bahadur Wali Muhammad Hussanally*): With regard to joining with Baluchistan, I differ from that view. That is a Hindu view.

12. *Rao Saheb Patil:* You have just told us that most of the Hindus are opposed to the separation of Sind?—(*Mr. Khuhro*): Yes.

13. Can you tell me why they say so?—The main reason will be that the Mohamedans will be in a majority, and it is the communal feeling.

14. What will be the result according to them?—That is their dominant feeling. God knows what they think, but that is all I can attribute it to—because they think that the Mussalmans will be in a majority.

15. Therefore they would be in a position to hurt them?—I do not know that they can harass them.

16. But what is the fear in the minds of the Hindus if Sind is separated from the Bombay Presidency?—I do not know that. I only think that they are opposed to it simply on this ground, that in Sind the Mussalmans are in a majority, whereas in the Bombay Presidency they are in a minority, hence the Hindu majority in Presidency will be converted into a minority in Sind.

17. You have been a member of the Legislative Council for the last five years?—Yes.

18. Even before the Reforms Sind has been a deficit province?—No.

19. It is not a fact?—No.

20. Do you know that ever since the introduction of the Reforms Sind has been unable to pay its way and that there is a deficiency of some 25 lakhs?—I dispute the figure. I do not accept that to be true.

21. Am I right when I say that the chief sources of the income of Sind are land revenue, stamps and excise?—Yes, they are, in all the provinces.

22. I am asking this question so far as Sind is concerned?—Yes, it is the same in all provinces.

23. Do you think you have the least chance of expanding your income in respect of these three subjects?—There is nothing exceptional in that. The resources are exactly the same as all other provinces.

24. But what I want to ask you is this. Supposing you take the state of land revenue, stamps and excise, do you think you have immediate prospects

of an expansion so far as an increase of these three sources are concerned?—I think there would be many ways of improving the finances of the province.

25. Will you kindly answer my question? Tell me the resources which will help you?—Any extra taxation could be imposed for the improvement of the nation-building departments, as I have said. At random I cannot make any suggestion of new taxation.

26. Will you kindly tell me what would be the advantages Mussalmans will enjoy if Sind is made a separate Province?—I think all communities will equally share in those advantages.

27. You think that the interests of the minority will be quite safe in the hands of the majority?—Of course they will be safe, when there will be safeguards. We have recommended safeguards for the minorities. They will certainly be as safe as those of Muslim minority and other minorities in all other Provinces.

28. What do you suggest in the case of the new Province?—The same conditions will apply as in other Provinces.

29. Will you give me some idea of the safeguards, in case Sind is made a separate Province?—For instance, increased representation, we suggested one-third.

30. Anything else?—Separate electorates? (*Khan Bahadur Wali Muhammad Hussanally*): And what other safeguards are needed if they get a sufficient voice in the new council to be established in Sind? I think that is all they want, and to that we have no objection.

31. Have you read this pamphlet, "Sind as a Separate Province," by M. Jairamdas Doulatram, with a Foreword by Dr. D. G. T. Hingorami?—I have not seen it.

32. It is stated on page 4 that "the deputation, consisting of Hindus and Muslims, which waited upon the Secretary of State and the Viceroy ——" ?—In what year?

33. I will read this to you——.—I am asking in what year this deputation waited upon His Excellency the Viceroy. I have in my possession a Report of the Committee of Hindu Gentlemen appointed by the Central Conference. Mr. Jairamdas was a member, and they made out a very strong case for the separation of Sind. This was in 1916-17, the very time to which you are referring, and, therefore, I do not think it can be correct.

34. *Chairman:* There is a document by Mr. Jairamdas Doulatram annexed to the Memorandum submitted by the All-Sind Hindu Association, so we shall hear about it to-morrow perhaps. If it is right, it says that in November, 1917, there was a special Provincial Conference to consider the position of Sind in the coming scheme of Reforms. It says that this special Conference passed a resolution, and that the resolution was moved and supported by Hindu and Muslim speakers, and that they did not ask for the separation of Sind, but were for making it a more integral part of Bombay. Then it says that there was a deputation consisting of Hindus and Muslims which waited upon Mr. Montagu and Lord Chelmsford, and they put the question to that deputation whether the Sindhis wanted to be a separate Province, and the reply was a definite "No." Now, it does not in the least affect the view which people may hold now; but can you tell me whether that account, so far as it goes, is right?—No, I can say it is not so. The proceedings of that Committee are in my possession, to which you can refer, and I will read to you two or three lines from that which will convince you what view Hindus held at that time. They say: "The Committee is of opinion that the cause of the backwardness of Sind is the neglect of Sind by the Bombay Government, and the one-man rule that prevails here at present ——." Now, this is most clear and emphatic on that point, and I can produce this. (Document handed in.)

35. *Rao Saheb Patil:* It is stated in the Memorandum presented by the Association that the Indian National Congress has also recommended the separation of Sind from the Bombay Presidency, but it is also stated by the Congress that we should accept the solution of joint electorates with reserved seats for Muslims?—That is a separate recommendation.

36. Then am I to understand that you want to accept what is convenient to you and reject what is unpalatable to you?—No, only I wanted to bring out one point, that the All-India Congress also recognised the fact that there is sufficient force in the demand for the separation of Sind. I did not want to go into the other question, because it has no bearing on this and is quite a separate issue.

37. *Sardar Mujumdar:* Would you like to have educational qualifications for a candidate in the local and central legislatures?—I do not think it is necessary.

38. *Chairman:* Has this something to do with the special question of the separation of Sind?

Sardar Mujumdar: Yes, if Sind is separate.—I do not think we should put special conditions for the separation of Sind like that. (*Khan Bahadur Wali Muhammad Hussanally*): That point is rather debatable, and I for one, and I believe my friend Mr. Rahman also, do not agree with the view expressed by my friend, Mr. Khuhro. We two do say that some education qualification is necessary, and I personally should go further and say some English knowledge is necessary for the members to understand the debates. (*Mr. Khuhro*): That is a matter of personal opinion, of course. I am not in favour of it.

39. *Sir Arthur Froom:* With regard to this question of the separation of Sind from the Bombay Presidency, has due consideration been given to what would be the position of the Mahomedans in Bombay proper (as we may call it) should Sind be taken away?—Yes. They would be in a minority; their proportion would be nine or 10 per cent.

40. May I put some figures to you. The total population of Mahomedans in Bombay Presidency is, I believe, somewhere about 3¾ millions. The total population of Mahomedans in Sind is somewhere about 2¾ millions?—About 24 lakhs, yes.

41. So that would reduce the number of Mahomedans in Bombay Presidency (and their influence on general affairs in the Presidency) from 3¾ millions to 1 million?—But there are still fewer Mahomedans in Madras and the Central Provinces.

42. I am talking about Bombay. You agree that would be the position?—Yes, that will be the position.

43. Let us look at the position in another way. The total population of Sind is about 3¼ millions?—Yes.

44. Of which the Mahomedans form about 2¾ millions and the Hindus about half a million. If, therefore, you were to separate Sind from the Bombay Presidency proper, it would be of advantage to the Hindu population of Bombay Presidency to the tune of about 2¼ millions of population. I just want to put the figures before you. That is so?—Yes.

45. I have one final question relating to these figures I have put before you. How do the Mahomedans in what is frequently described, as our Chairman put it, as the "Presidency proper" (*i.e.*, excluding Sind) view the suggestion for the separation of Sind, which takes away something like 2¾ millions of their supporters?—The Mahomedans are very glad. At least all the Mahomedan members of the Legislative Council signed a manifesto in that sense, in reply to the Nehru Report, to the effect that they objected to the Nehru Report because the separation of Sind has been shelved in that Report. The Bombay Mahomedans are in favour of the view that Sind should be separated. Mr. Jinnah is also in favour of it, and most of the Mahomedan members of the Bombay Council have expressed themselves in favour of it. The Bombay Mahomedans have publicly expressed their view.

46. The Bombay Mahomedans in the Presidency proper are in favour of the separation of Sind?—Yes, they are in favour of the separation of Sind; I know it definitely. (*Khan Bahadur Wali Muhammad Hussanally*): Even if they do not want Sind to be separated, are we to suffer on that account?

47. I was only trying to take the larger view of the situation?—(*Mr. Khuhro*): My definite information is that they are in favour of it.

48. In other words, the Mahomedan community in Bombay is already in an inferior position as regards numbers, and you do not object to their being placed in a still more inferior position as regards numbers to the tune of 2¾ millions?—It is to the advantage of the Province of Sind as a whole, and we look at it from that point of view.

49. *Raja Nawab Ali Khan:* If the separation of Sind is objected to on the ground of financial difficulty, will the great majority of the people of Sind be prepared to shoulder the extra cost of running it as a separate province?—Certainly, yes.

* * * * * * * * * * * *

52. *Sir Hari Singh Gour:* You say because you are a backward community and want more education, further advance, and the development of Sind, therefore you want separation, but have you considered other means of achieving that end without separation?—We do not see any hope of it without separation.

53. *Sardar Shivdev Singh Uberoi:* In reply to a question by Raja Nawab Ali Khan, you said the people of Sind would be prepared to bear the cost of a reformed government. May I know whether you mean those who favour separation, or the whole population, including those who do not favour this?

Raja Nawab Ali Khan: I said the great majority?—The question was whether the majority of the people are in favour of the separation of Sind and would be prepared to bear the burden, and I said yes.

54. *Sardar Shivdev Singh Uberoi:* Do you suggest that a certain community should be taxed, while the other community should not be taxed?—I did not mean that also. But, however, that is a matter of detail.

55. I want to be clear on this. In the Memorandum submitted by the All-Sind Hindu Association, on page 233 it is stated that in 1918 the Sind Mahomedan Association submitted a memorial to Baron Chelmsford and the Right Honourable Edwin Montagu. Do you know anything of that Memorandum which was submitted in 1918?—Regarding?

56. Regarding the Reforms which were then under contemplation?—(*Khan Bahadur Wali Muhammad Hussanally*): That is a long time ago. We have no information about it. Even supposing that was done, it was a long time ago, and things have changed since then.

Sardar Shivdev Singh Uberoi: To refresh your memory, I may read one or two sentences from it.

Chairman: What is the year of it?

Sardar Shivdev Singh Uberoi: 1918.

Chairman: Then it is before the Montford scheme had come into effect?

Sardar Shivdev Singh Uberoi: Certainly, when the inquiry was being made about the future constitution.

Chairman: I think there is force in what the Khan Bahadur said, that the views people might be disposed to express in Sind in 1918, when they had not their present experience, ought not to be treated as governing their view now. That seems fair, does it not? Subject to the observation that it was some time ago, and was before actual experience of the working of the Reforms was available, there is no objection to the Sardar Sahib reading the sentence if he wishes.

57. *Sardar Shivdev Singh Uberoi:* It is stated in that memorial: "Your memorialists do not wish to refer to other parts of India, but will confine their observations to Sind. This Province is not yet ripe or ready for democratic Government. Its history, tradition, the heredity and disposition of its peoples, its want of homogeneity or community of interests, social, religious, or any other kind, all point to the other way. Less than a century ago, it was from time immemorial under the rule of a monarchical government. The short time that has since elapsed is not sufficient even under the beneficent influence of the benign British Government and the blessings of Western education to evolve the spirit, sentiment and disposition essential to the success of democratic institutions."

Chairman: What I want to ask is whether, during the last ten years, such extraordinary progress has been made in the educational and social position of the population that they have come forward with a demand for a reformed government for Sind?—(*Mr. Abdur Rahman*): Yes, very considerable progress has been made in education, in political views and so on.

58. And still the percentage of educated people is about 3 per cent.?—No. We should compare the position ten years ago with the position to-day. That is the point.

Chairman: The duty of the Conference is not only to hear what are the wishes of the different sections of the community here, but also to assemble the practical considerations which must, of course, be given due weight—financial considerations, administrative considerations, and so forth. We shall, therefore, be very glad if you are able to supplement what you have said to us to-day and what you have said in your Memorandum by any further memoranda you may wish to put in, and which you may be quite sure we shall study carefully. The question is a difficult one, admittedly, when you come to what we may call practical politics, and, as practical men, we all of us have to look at the thing, not only from the abstract and sentimental point of view, but also from the point of view of practical politics. On the other hand, I should like to assure you we shall consider the matter most carefully, and we shall not in any way be prevented from considering it favourably because, as you have pointed out, there are bodies of opinion opposed to it. We shall consider it as well as ever we can upon its merits, and for that purpose we shall be very glad of your additional material. Thank you very much.

Memorandum submitted by the Karachi Chamber of Commerce.

We, the Chairman and members of the Karachi Chamber of Commerce, have the honour to address you with regard to the Reforms in India generally and in the Presidency of Bombay particularly. In doing so we desire to express our sincere regret that we are late in the submission of our evidence, which is due to unavoidable circumstances.

The Karachi Chamber of Commerce is the premier Chamber in Karachi and its members, numbering eighty-two, include all the most important European mercantile, industrial, shipping, banking and financial firms in Karachi and a number of prominent Indian firms in addition.

We are in general agreement with the Memorandum submitted by the Associated Chambers of Commerce of India and Ceylon, to which we subscribe. To this Memorandum, however, we desire to add our views on the importance which we attach to the question of the method of introducing the gradual development of self-governing institutions in India, which is not alluded to in the above mentioned Memorandum.

The Method of Introducing the Gradual Development of Self-Governing Institutions in India.

We realise in the Government of India Act, 1919, the preamble envisaged that the time and manner of each advance can only be determined by Parliament. We have, however, been impressed by successive events since the introduction of the Reforms and somewhat concerned by the attitude adopted towards the Royal Statutory Commission, and inferentially towards the Secretary of State for India and the Imperial Parliament by a large and influential body of politically minded Indians. These foregoing circumstances, the views we take of future political developments in British India, and the acknowledged intention of the Imperial Parliament to develop self-governing institutions in this country have lead us to the general opinion that after a period of autonomous provincial government the future progress towards, or retrogression from, further autonomy both as to time and manner should be substantially left to the will of the people and not be determined only by the Imperial Parliament.

The Associated Chambers have recommended the grant to provinces up to full responsible autonomy under certain conditions. With this recommendation we are in full agreement. Such a proposal comprehends ordered and logical progress and is an endorsement of the pledge of the 20th August, 1917, to which we attach a sacred character. It is, however, fundamentally static in character, whereas we wish to make it a stage in a fluent constitution in which the future impelling influence will essentially be the Indian people themselves.

Holding these views we attach the greatest importance to the provincial autonomy stage being an educative period whereby the implications, the difficulties and dangers of democratic Government and Ministerial rule will be brought home directly to the mass of the people. The recommendations which we give expression to hereafter in regard to local provincial government and smaller self-governing units are substantially dictated to us by this consideration.

We do not feel disposed to lay down any definite period during which we would recommend that the static constitution should be operative, but we think from our experience of the present Reforms that a period of some seven years would affect a large measure of education. Further, we do not think that the terminating point of seven years would be so distant as to negative the recognition or depreciate the value of so liberal a doctrine amongst those Indians who have the welfare of the country at heart and aspire to a greater measure of internal political control.

We believe that the scheme we advocate will lead to the greater contentment of the Indian people and so to more satisfactory Government.

We also believe that it will lead amongst the greater mass of the Indian intelligentsia to a fuller appreciation of the efforts made by the British Parliament and the British administrators impartially to mete out justice, to foster the prosperity of India, to further the welfare of the masses and to alleviate distress.

Further, we believe that it will lead to Indian political questions being discussed, considered and decided on their intrinsic merits and not, as is so frequently the case to-day, on their purely extrinsic bearing to British Imperial policy.

Lastly, we believe that it will vitalise into activity a mass of intelligent conservative and moderate Indian opinion, which to-day depends upon the vicarious offices of the Imperial Parliament and is not prepared to be vocal for fear of criticism and obloquy from the extremist element. With the advent of this party into active politics and the spread of education consequent upon a period of genuine provincial autonomy we see no reason to anticipate extreme reactionary measures when the term of the static constitution is completed.

We are, however, not oblivious of the dangers created by the unfortunate communal tension which now exists and will we fear continue to exist, or of the possibility of certain irreconcilable and Bolshevistic politicians endeavouring to subvert common sense or remove the practical necessities in any constitution for the continuance of law and order, and the general welfare and economic progress of the people.

Certain fundamental and unchangeable provisions would, therefore, in our opinion, be necessary as much as in the static period of the constitution as in the dynamic and, *inter alia*, we append in brief outline the following:—

(1) That India shall remain part of the British Empire and accept the obligations and liabilities of any other self-governing dominion forming part of the British Empire and shall not exceed the prerogatives of such a dominion.

(2) (*a*) That the Army in India shall continue to be commanded by a Britisher and that those responsible for the superintendence, efficiency and control of the Army in India shall remain British.

(*b*) That a fixed percentage of British officers shall be retained in the Indian Army.

(*c*) That a fixed percentage of British troops to Indian troops be maintained in India at the cost of India.

(*d*) That the cost of the Army in India shall be the first charge on the Central revenues.

(*e*) That any modification of the foregoing shall rest solely with the Imperial Parliament, and that the above provisions shall be constant for a period of not less than 25 years.

(3) That no discriminatory or differential legislation or taxation shall be enacted against any person or body of persons living in or having business with India unless that person or body of persons be a national of a foreign country, colony, state or dominion who discriminated or differentiated unfavourably against Indians.

(4) That a Supreme Court, the officers of which shall be nominated by the King Emperor, shall be an integral and continuing feature in the Constitution both to interpret the constitution and to adjudicate on matters arising as between the Central Government and other local government and public bodies.

(5) That the service of internal and external loans remains the first charge on all the revenues of the issuing authority (ies), the Army alone taking precedence in the case of the Central revenues. That no

loans issued prior to the time when the static constitutional period ends may be repudiated before or after that time.

(6) That there shall be free trade between the Provinces of British India.

(7) That the Governor-General or the respective Governors in their own Province shall be the authorities to proclaim Martial Law, either individually or collectively.

(8) That the Governor-General and the Governors retain their powers of veto.

(9) That Provincial Second Chambers shall be an integral feature of all democratic Provincial constitutions; that the Second Chamber shall have revising and overriding powers and shall be composed of men in responsible positions and preferably with material vested interests in the country.

(10) (*a*) That only British subjects shall be entitled to serve in the Indian administration and in the Army.

(*b*) That any officer displaced by reason of a change in policy shall be entitled to the proportionate pension he has earned and reasonable compensation.

(*c*) That the option of retirement on a proportionate pension shall be a continuing option for any British servant who joined the services prior to the termination of the static period of the constitution. We use the term British here to denote a servant of non-Asiatic domicile.

On such a technical subject as the amendment or revision of the constitution after the end of the static period we feel at some less to express any definite opinion. We can only recommend in general terms that it should be by agreement amongst the people concerned either directly and/or through the Legislatures.

We realise that in the consideration of the Indian constitutional question the Indian Princes and the Indian States are a no less interested party than the British Indian Provinces themselves.

Under a self-determinated form of constitution, we appreciate that the eventual or the progressive stages of the constitution might take a variety of forms. If the *status quo* were maintained or a retrogression to autocracy in the Central Government were made, the position of the Indian Princes and the Indian States would not be substantially altered, if at all. But in the more probable alternative of an advance to a Federal form of Dominion Government, the existing equilibrium as between the Indian States and British India would be thrown out of balance and require readjustment. To restore this equilibrium it would be only equitable to permit the Indian States to share in the Central Government in a proportionate relation to the British Indian Provinces. It would, we think, be necessary, therefore, to permit the Indian States to be represented in the Central Legislatures at any time after the end of the static period, if they chose to seek entry, but we think that only such Indian States should qualify for such admittance as themselves fulfilled certain constitutional criteria. Once an Indian State had sought and obtained entrance to the Federation which we have pre-supposed, that State should have a relatively equal voice to other units of the Federation in the formation of the constitution.

We think that any alterations or additions to the Provincial constitutions should be subject to the ratification of the respective Governor and the Governor-General, and similarly any alteration to the constitution affecting other than the Provinces or smaller units should be subject to the ratification of the Governor-General and the Imperial Parliament.

Provincial Government of Bombay and Smaller Governing Units in the Presidency of Bombay.

So far as the Provincial Government of Bombay and smaller self-governing units in the Presidency are concerned we beg to make the following recommendations. We should again like to emphasise the importance we attach to political education and the necessity for vitalising political consciousness and responsibility. For this reason we advocate adult suffrage for village Panchayats where their introduction is practical, and common electorates (non-communal) for district local boards and municipalities. Lastly, we favour the handing over of law and order by placing the police under Ministerial control. We realise the grave possibilities and dangers of this step and only favour it because we feel that real responsibility can thus alone be brought home in a direct and convincing fashion to the people.

We recommend:—

(1) That the village Panchayat system be developed in the Province where possible. Election to be by adult suffrage, with limited but definite powers of taxation for village requirements.

(2) That the franchise qualification be not lowered, that the electorate be a mixed one (non-communal) for the municipalities and district local boards of Sind.

(3) That full responsible autonomy be granted, including the Ministerial responsibility for law and order provided:—

(*a*) That the Governor-General in Council be given powers of intervention in the event of a breakdown or partial breakdown of Government in the Province and the Governor shall have similar powers in the case of lower units of Government.
(*b*) That a Provincial Second Chamber be set up.
(*c*) That adequate safeguards be provided for the protection of the police administration.
(*d*) That the Governor retains his constitutional prerogative of "veto."
(*e*) That the Meston Award be re-examined.
(*f*) That a Public Service Commission be appointed.
(*g*) That all bills passed by the provincial legislatures shall require the assent of the Governor-General in Council.
(*h*) That the recommendations of the Lee Commission as to the Services be adhered to.

In regard to the foregoing we desire to make the following observations:—

Our proposals in regard to the composition and electorate of the Second Chamber are very tentative and general. We are of opinion that quite a small Chamber is desirable, not exceeding some thirty-three members. We think that about two-thirds should be elected and one-third nominated by the Governor, that election should be by and from those whose names appear on the electoral rolls of the Council of State of the Bombay Presidency. We would, however, in the rules for the qualification of an elector, lower the income qualification for other than Hindu joint families from Rs. 30,000 to Rs. 20,000 and omit membership (non-official) of Indian legislatures as a qualifying factor. In the event of insufficient candidates for election we would recommend filling the vacancies by the nomination of the Governor. In principle we do not recommend the nomination of officials.

As regards the constituencies, we do not feel in a position to make any detailed recommendations, but generally we would favour the inclusion of the "commerce and industry" constituencies of the existing Bombay Provincial Council. In doing so we have in mind that these represent a rational, educated and highly interested element in the country, and we attach the greatest importance to the necessity of the Second Chamber being a reliable check on the lower House.

We feel that special protection should be accorded to the police, so that they should not be treated wrongfully or unfairly as the scapegoats for Ministerial ineptitudes.

Whilst favouring the retention of the Governor's "veto" we think that the power of "certification" should be abolished.

We recommend that the patronage of all superior posts should be the privilege of the Governor, whilst that of other posts should be vested in the Public Service Commission.

Turning now to the Provincial Council, we do not favour any lowering of the franchise qualification. We recommend direct election and that communal representation be retained. With due consideration to interests for which it would appear to be impossible to create constituencies, we would like to see nomination eliminated.

With regard to the composition of the Provincial Council, we are not in a position to make more than general remarks.

The present composition of the Bombay Legislative Council is as follows:—

Members of the Executive Council (ex-officio)	4
Elected members	86
Nominated by the Governor	24
	114

Of the twenty-four nominated members not more than sixteen may be officials and eight are nominated to represent interests as under:—

The Anglo-Indian community	1
The Indian Christian community ...	1
The labouring classes	3
The depressed classes	2
The cotton trade	1
	8

The nature of the constituencies represented by the eighty-six elected members is as follows:—

Urban constituencies	16
Rural	60
University	1
Commerce and industry	7
European constituencies	2
	86

As regards the twenty-eight nominated seats, including the four ex-officio seats of the members of the Executive Council, we should like to see the number of nominated seats reduced to seven to represent the following interests for which the creation of constituencies would appear to be difficult and would, it seems, therefore only obtain representation by means of nomination:—

The Anglo-Indian community	1
The Indian Christian community ...	1
The labouring classes	3
The depressed classes	2
	7

We omit the cotton trade as we are of opinion that a constituency could be formed to enable this interest to be represented by election.

The position would then be as follows:—

Elected members	86
Nominated by Governor	7
Cotton trade (by election or nomination)	1
	94

3rd October, 1928.

or a decrease of twenty members. We do not make any specific recommendation about filling these seats, but if thought desirable we would prefer that new constituencies be created and/or that additional seats be granted to existing constituencies.

We do not favour the nomination or election of officials. We desire to make the executive subordinate to the Legislatures so as to inculcate responsibility into the latter and thereby obtain the maximum educative effect possible during the static period of the constitution to which we have previously referred.

We think the Presidents of the Legislatures should be elected from amongst the members of the respective Houses.

We recommend Cabinet Government without joint responsibility. In principle we favour joint responsibility, but are doubtful if it could be worked at the present juncture. Further, we recommend that the Governor shall be head of the Cabinet that the Governor shall request the leader whose party he believes has the majority in the popular house to form a Cabinet. In the event of the leader's refusal or inability the Governor shall form a Cabinet as he thinks fit.

We recommend that all Bills, including money Bills, require the majority assent of each House before they are passed.

In the event of a disagreement between the two Houses we recommend that it be left to the discretion of the Governor (*a*) to dissolve the Lower House or both Houses or (*b*) to refer the question by a referendum to the electorate of the Second Chamber, or (*c*) to call a joint session of both Houses.

We think it advisable that the division between Central and Provincial subjects should be reconsidered to minimise future friction.

We are in favour of the gradual abolition of terminal taxes, as we consider they are an inequitable and undesirable form of taxation. We are of the opinion, however, that the abolition should be gradual, as any drastic action might lead to dislocation in municipal finances, which, in many cases, are largely dependent on this form of revenue.

General Recommendations.

We recommend that the Governor should be chosen as now, from prominent men in the United Kingdom, and, further, that his salary and emoluments should be a second charge on Provincial revenues.

In principle, we think it is most desirable that judicial and executive functions be separated. We are not able definitely to recommend this division, as we have no information as to the additional cost involved by the innovation.

We do not recommend the separation of Sind from the Bombay Presidency as the wealth of Sind is insufficient to bear the cost of a Provincial Government and the need for development is considerable, which can best be attained by combination with a major Province.

The Chamber, through its representatives, offers to give oral evidence in Karachi.

12 *November*, 1928 (*continued*).

Deputation from the KARACHI CHAMBER OF COMMERCE.

The deputation consisted of :—

J. R. N. Graham, V.C., of Grahams Trading Co., Ltd., Merchants and Shipping Agents (Chairman of the Chamber of Commerce).

C. S. Wentworth Stanley, of Forbes, Forbes, Campbell and Co., Ltd., Merchants and Shipping Agents.

W. B. Hossack, M.L.C., for the Karachi Chamber of Commerce Constituency, Manager of the Karachi Tramways.

168. *Chairman :* * * * Mr. Hossack, have you been the member for the Karachi Chamber in more councils than one, or is this the first council ?—(*Mr. Hossack*) : I have been on a previous council.

169. I think I am right with regard to these gentlemen who represent Chambers of Commerce that sometimes the representative shifts from time time; it may happen that a gentleman is going home, and it is usually done, I imagine, by arrangement ?—We have to resign, and a fresh election takes place.

170. A contested election ?—In the case of the Karachi Chamber of Commerce, no, not in my time. (*Mr. Graham*) : May I explain, before we begin, that Mr. Stanley will answer any questions on the general memorandum we have submitted, and I will answer anything on the question of the separation of Sind, Terminal Tax, the Meston Settlement, etc.

171. That is a very convenient arrangement. As regards the general question, I think we shall be glad to have a short statement. We have made arrangements to consider the broad general question probably at Calcutta, and it has been found, I think, that that is a convenient plan, and both you gentlemen, and both your associations, of course, are associated with the central bodies. I gather, too, Mr. Graham, upon looking at the memorandum from the Karachi Chamber of Commerce, page 218, that you are in general agreement with the memorandum submitted by the Associated Chamber of Commerce ?—Yes.

172. I think we should like to hear your view about the proposed separation of Sind. Perhaps we might take that first ?—The Chamber of Commerce have no very definite opinion on that subject, but generally they feel that we are best as we are. At the same time, we realise that the situation may change, and we would like the door left open for Sind to separate and stand on its own, or secede from Bombay and join the Punjab.

173. Of course, you, Mr. Graham, as a business man, will appreciate that these questions which from time to time arise, of separating off a portion of an administrative area may raise some difficult financial questions ?—Yes.

174. On that, one is naturally bound to ask for some detailed figures and some expert help. I do not suppose at the moment you are offering detailed figures about that ?—I am not in a position to do so. I do not know the figures.

175. I wish you would tell me this, which certainly may have a bearing one way or the other. Are you interested in the trade at Karachi as distinguished from Bombay, or are you interested in both ?—I am interested in both, personally, as a firm.

176. Then you are more impartial ?—I am very impartial.

177. I can see Sir Arthur Froom looking at you. I have heard the suggestion made, and I have seen it in these papers, that Karachi has become a very important port, not so much, I think, because of the trade in its immediate neighbourhood but because of the trade that comes to it from a distance, as the natural outlet, let us say, of the wheat-fields of the Punjab, and so on, and I have heard it suggested that Karachi does not necessarily prosper as it might do if it was in a separate area from the port of Bombay. Now, frankly, do you think there is anything in that ?—No, sir; my information is that Karachi has not suffered as a port from being under Bombay.

178. If you have interests in both ports, you are not tempted, I should think, to favour one ?—Actually to-day I am giving the view of the Chamber of Commerce Committee, which consists of ten very representative men representing both the importer and the exporter. I raised this question in committee the other day, and after about twenty minutes' discussion the general feeling was that it was a leap in the dark, and they did not quite know where they were; they would rather remain as they are, because, apart from anything else, there is the financial question about Sind not being able to stand on its own feet at present.

179. I am making no statement about it, but I was interested to know what business men like yourselves thought about it. It must obviously be remembered that if there was a separate area constituted, a separate province of Sind, then, of course, that province will have to face its own financial problem without looking for aid from a neighbouring province ?—Yes.

180. That manifestly raises very big technical difficulties ?—Exactly.

181. So whatever may be said on other grounds—and I am not at all shutting them out hereafter—the grounds of sentiment, the ground of the special circumstances of the area, grounds based on its physical separation from the presidency proper, I gather you to say on behalf of the Chamber that the Chamber to-day does not think from the point of view of the trade of Karachi they would press for such a change ?—No.

182. *Mr. Miller :* The trade of Karachi is chiefly with the Punjab; actually in Karachi and Sind the trade is very small ?—Yes. There is a good deal for Afghanistan as well.

Chairman : The question put is whether the trade of Karachi is not very largely, so far as it is an export trade, dependent on the Punjab.

Mr. Miller : And also in regard to the import trade.

183. *Chairman :* Yes—whether the imports passing through the port of Karachi are not very largely for the Punjab. I understand Mr. Graham to say that it is so to a large extent ?—Yes, and for Afghanistan.

184. And beyond ?—Yes.

185. *Mr. Miller :* And quite a number of offices here have sub-offices in the Punjab ?—That is correct also.

186. So that largely, so far as trade is concerned, Karachi is mainly interested in the Punjab ?—Yes.

187. *Dr. Ambedkar :* It was said by one witness this morning that the Chamber of Commerce had at one time held the view that Sind should be separated from Bombay ?—Was that so ? I am not aware of it. It is the first I have heard of it.

188. *Sir Hari Singh Gour :* You are a business man, and you look at the question from the business point of view. Do I understand that if Sind is separated from the Bombay presidency it will enormously increase the overhead charges of the administration of Sind ?—That is how it would appear to me.

189. That is to say that the overhead charges would so increase that the result would be incommensurate with the increase in expenditure ?—As I

understand it, broadly speaking Sind does not pay her way now, and if you add a further burden to her, you are only putting her deeper into debt.

190. It is as if a company was not a paying concern, and you were to increase the pay of the managing director?—That is so.

191. *Syed Miran Muhammad Shah:* Have you really studied the economic conditions of Sind in so far as industry goes and revenue goes?—I frankly admit I have not.

192. *Chairman:* I understand the evidence is strictly confined to the view of the Chamber of Commerce, which, I gather, has had a discussion on the subject?—The Chamber of Commerce naturally at the moment is practically all merchant and banker representatives, as there are practically no industries, I think I am right in saying.

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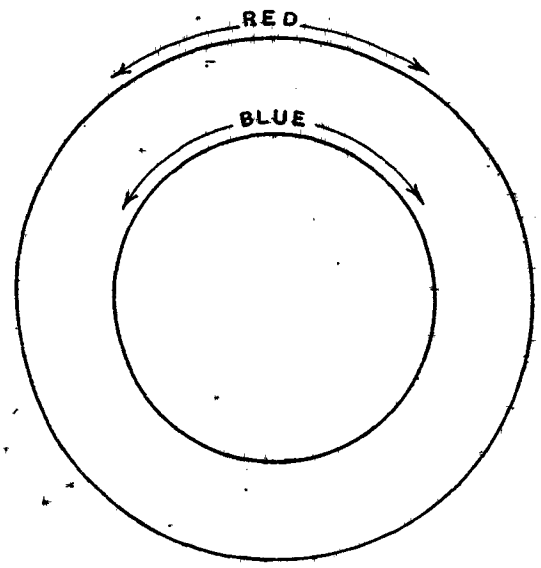
195. *Chairman:* Now let us take the other point. Mr. Stanley, may I try and shorten matters? If I may be allowed to say so, there is a suggestion in your memorandum which I regard as of great importance, and it is only right that I should say it is also to be found in a valuable document which has been sent to us by Mr. E. L. Price. The suggestion, as I follow it, is this, that in recommending changes in the Constitution of India the Conference should not assume that the new structure should be absolutely rigid and fixed and incapable of internal adjustment, but that it might be well worth considering whether the new system might not be such as would contain within itself, as it were, without further reference to the Imperial Parliament, some opportunity of rearrangement and progress within a general boundary. I understand that to be the suggestion. It is what you call a dynamic, as opposed to a merely static, scheme. Am I correct, or not?—Correct, sir, except that we certainly contemplate that certain proposed changes of constitution should be referred to the Imperial Parliament for ratification.

196. I should like you to put it in your own way, but I wanted to focus attention on what I regard as an extremely interesting suggestion?—Might I be allowed to explain it with the help of this diagram?



197. Yes?—All within this blue circle represents provincial autonomy. In our memorandum we have recommended going forward to full provincial autonomy, including the transfer of Law and Order. On further consideration, we thought it would be better initially to exclude Law and Order, and later on permit the major provincial legislatures to take control of Law and Order should they desire to do so. When all the major provinces have reached this blue circle (which is full provincial autonomy), we then think a period of time should elapse before any further change takes place. We name seven years in our memorandum, but we think, on the whole, this period is on the short side. That static period is for education, to enable the provincial electorate to understand the dangers and the difficulties and the implications of autonomy. After that period of full provincial autonomy, we think the provinces by agreement should be enabled as a unit to apply to the Imperial Parliament for power to take over the control of certain central subjects, included between the blue inner circle and the red outer circle. All subjects which the Crown must control to enable it to carry out its obligations to the Indian States lie outside this red circle, and remain under the exclusive control of the Viceroy in Council. I may instance the Army, Foreign Relations, Railways, Ports, Telegraphs and so on. We by no means imply that only such subjects as it is obligatory on the Viceroy to control should lie outside the red circle. Once the full period of static provincial autonomy has elapsed, we visualise all within the red circle being subject to appeal to the Imperial Parliament for constitutional modification, in which I include recession. We want the provincial electorate to be educated, and during these experiments in the provinces we want no advance whatever in the Central Government. That implies that dangers will be localised, and there will be a strong Central Government untrammelled by internal changes and able to deal with any provincial breakdowns should they occur. Our proposals are subject to certain fundamental safeguards laid down in our memorandum, which I need not repeat.

198. You might refer me to the pages?—Yes. In the Chamber of Commerce memorandum there are some on page 218. We lay great stress on the words "Inter alia" on page 218. Then page 218 continues to deal with the central position and page 219 with the provincial position.

199. Page 219, beginning with the word "provided"?—Yes, paragraphs (*a*) to (*h*).

200. I see that (*b*) on page 219 is "That a Provincial Second Chamber be set up." I think we have already had that?—Yes, but we are dealing with the static period at the end and the dynamic period at the beginning of page 219.

201. In the same way, page 219 speaks of the Governor retaining his constitutional prerogative of veto, which we have already had (I understand you to say for a later period) earlier on that page?—That is correct.

202. On page 219 (*f*) you refer to a Public Service Commission. Would that be a provincial Public Service Commission?—Yes. The heading . . . . under which these come, is "Provincial Government of Bombay and Smaller Governing Units in the Presidency of Bombay."

203. I see, yes. Please finish what you were saying; it is very interesting?—I should like to emphasise the need we feel for a clause invalidating discriminatory or differential legislation or taxation.

204. That is a reference to page 218, sub-clause (3), is it not?—Yes. We wish also to emphasise the need for a Supreme Court of Judicature and for a Public Service Commission for the province of high-standing personnel to safeguard and satisfy the services.

205. When you suggest there should be no discriminatory or differential legislation or taxation and so on, I suppose you mean that in the Constitution there should be a clause which says that?—Yes.

206. And when you suggest there should be some court to apply that, you mean that if people think that condition is not satisfied they should be enabled to appeal to the court?—Yes.

207. There may be great difficulties in all that, but, at any rate, it is perfectly intelligible. What is your proposal with regard to the Public Service Commission?—We specially emphasise the necessity for a provincial Public Service Commission of high-standing personnel to safeguard and satisfy the services. We are not satisfied with the veto alone; we want some additional safeguard, and the Supreme Court is what we suggest for your consideration.

Then we recommend mixed electorates for local municipalities and district local boards, and communal electorates for bigger units of goverment, so that experience of both systems will become available. From what I have said you will see we hope you will find a way to eliminate a series of Statutory Commissions, which we think breed unrest and, consequently, result in a lack of application to internal problems.

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208. I should like to be quite sure I understand the meaning of this interesting pictorial illustration. Let me see if I can hit the bull's-eye, in the very middle of the smaller circle. Is the boundary of that smaller circle supposed to represent what should be the degree of responsible self-government now, at the present stage?—No, it is only when all the major provinces have taken over full responsible government, including Law and Order; it is not until then that the blue line is reached.

209. The first stage, as you see it, will not carry everybody to the blue line?—No; it will be less Law and Order.

210. Your idea is that to start with (I mean, from now onwards) Law and Order should continue to be a reserved subject?—Yes. It should continue under the present system of diarchy, but we think the Governor should have more than one member of Council; we think he should have two.

211. That is working it out; I want, first of all, to get a broad view. Your broad principle is that you do not consider the time has come at once to transfer Law and Order?—That is right.

212. Do you think the time has come to transfer everything else which is within the provincial sphere?—That is a difficult question to answer.

213. That is why I ask it?—You see, the scheme we have put up to you does necessitate educating the "man in the field," and we feel that if provincial subjects such as irrigation do come under ministerial control you will get rapid education in the provinces which we think will result in responsibility and enable this further stage to be undertaken with that sense of responsibility which we feel is so essential.

214. If I may say so, in so far as your object is to urge a scheme which is calculated to encourage the rapid growth of a sense of responsibility, I should think everybody who is a real friend of India and who wishes to see India advance towards the goal will agree with you. But, after all, we have to consider what are the practical steps to be taken now, and I gather your view is there ought not to be a transfer of every reserved subject now, but that there ought to be further transfer if possible, saving, however, for the present Law and Order. Is that it?—Yes.

215. Your view is there ought not to be a complete transfer of all the reserved provincial subjects now, because you want to except Law and Order?—Correct.

216. Whether you could or not transfer all the other subjects is a point you are not quite definite about, but you would like to see, if possible, some further transfer now?—Yes.

217. And you put that on the ground that the more that is done, the more likely will ordinary people here (what you call the "man in the field") be to learn something of political responsibility?—That is so.

218. We have not got to your blue circle circumference yet. Explain to me (I have not quite got it) what is it that is going to bring us to the blue circumference?—Assuming that every single item of provincial subjects was handed over to ministers, except Law and Order, and that it was left to the individual provincial councils to take over Law and Order of their own volition, when all the major provinces had, of their own volition, taken over Law and Order, that blue line is reached.

219. Then you have filled up the blue circle?—Yes.

220. Is your suggestion that the new Constitution should provide that it is within the power of each of the provincial councils by resolution to take over Law and Order?—Yes, but not immediately.

221. After an interval of, say, seven or ten years?—No, because this is a modification of our original memorandum.

222. Do not bother about your original memorandum. I want to know what the plan is now?—We think until the provincial councils have settled down it is very undesirable they should immediately consider this very controversial subject of Law and Order, and therefore we should like an intervening period before Law and Order is taken over, so that they may settle down.

223. Have you any ideas on the subject of how long the intervening period should be? I can quite understand your saying you have not fixed it, but I should like to know your idea?—I do not know I can do more than say it should be sufficient to give the councils with their extended powers time to settle down, adequate opportunities to settle down.

224. That is a perfectly fair answer. It is difficult to fix these things, and not very useful, as a matter of fact, to try to fix them dogmatically. Very well. You contemplate that, after the limited time which you describe as a period for settling down, it should then be competent for the provincial councils, by their own volition, to decide to take over the remaining subject, Law and Order?—Yes.

225. So there would be a provision in the Constitution that after so many years the provincial councils shall have that power?—Yes.

226. Have you worked out whether they are to have the power of deciding it without any opportunity for anybody to veto or override them? Are they to have a free option to do it when the time comes?—No, we consider the power of veto should rest with the Governor permanently.

227. They might pass the resolution, and yet the Governor might veto it?—That is possible.

228. However, there would not be any reference—this is the point—to the Imperial Parliament. The Imperial Parliament would have nothing to do with it except for making this provision beforehand?—Exactly.

229. That is what you mean by saying you want to see a Constitution devised which, after the visit of this present Statutory Commission, will not call for the intervention of the Imperial Parliament at every stage afterwards?—Yes. That, of course, is one stage only.

230. That will bring you to the blue line. One more thing I think I understood you to say—that you could only reach the blue line if all the provinces had passed through this?—All the major provinces had reached the blue line.

231. What do you mean by the major provinces—the nine?—Yes. I am excluding, for instance, the North-West Frontier Province.

232. For the moment you are speaking of the nine Governors' provinces?—Yes.

233. I have not quite followed why you say that. Is it not possible on your scheme that one province or more, for very good and sufficient reasons, might want to take over this remaining topic, although, perhaps, some other province had better wait?—It is very possible.

234. Then what is the reason for the provision in your scheme that all the provinces must ask for it together before anything more can happen anywhere?—Because we do not think that any province, unless it has taken responsibility for Law and Order, can possibly have that sense of responsibility to approach the questions of the central subjects.

235. But I have not got to the central subjects yet. I am up to the blue line. Tell me, is it, or is it not, part of your plan that there can be no transfer of Law and Order anywhere until all the provinces have asked for it each for themselves?—Oh, no; any province can ask for it when they want it.

236. And if the Governor does not veto, after so many years it will get it?—Yes.

237. That brings us to the blue line, does it?—Yes.

238. Now, what is the moment at which there is a prospect of passing beyond the inner circle into the middle, into the ring?—We contemplate a static period when the last province has reached that blue line, so that the last province to reach it should have an opportunity of internal education.

239. Then that comes to this, does it, that, though different provinces may reach the blue circumference at different times, they must all reach it before any province can go beyond it?—Yes, and there must also be a period after that point.

240. Then I gather that the advance from the inside boundary, the blue, to the outer boundary, the red, is an advance in the nature of provinces taking over not reserved provincial subjects but taking over certain central subjects?—That is correct, with the consent of the Imperial Parliament.

241. What sort of central subjects have you got in mind?—Well, I am not prepared to make any definite answer to that.

242. It will not happen for some time?—I might just indicate the type of subjects which might be possible.

243. I am interested to know what there is between the inside blue and the outer red, because at present it is rather a vacuum to me. Do you see what I mean?—I follow what you mean. We would rather not give a definite answer to that.

244. Do you contemplate this, when the time comes to move from the blue boundary out to the red boundary, that it would be necessary for the Central Government to assent to what the provinces want?—No, sir; the Imperial Parliament.

245. So it would be this, that the provinces would pass a resolution, or whatever it was, make a representation urging that they should have additional powers given to them which are now being enjoyed by the Central Government, and that the Imperial Parliament would have the opportunity of saying, "Very well, we agree, as you wish it; we will help you to get it"?—May I just explain on that point? These are central subjects only, and our idea was that the various provinces as a unit should ask the Imperial Parliament that they should take over control of part of the Central Government—namely, certain definite central subjects—and it would not be a question of transfer from the Central Government to the provincial Government at all, but diarchy in the Central Government.

246. *Lord Strathcona:* Do you contemplate now the immediate handing over of land revenue?—We do contemplate it, yes.

247. *Colonel Lane-Fox:* Do you contemplate a differential system as between various provinces? You do not suggest a uniform system; at different points different provincial Governments will have different powers?—We were not contemplating that the major provinces would have different powers. We were contemplating that they would all be on a parity, on one straight line, which would exclude Law and Order.

248. As I understood you, they would make a different rate of progress; some would get forward more quickly than others. That is your point of view?—Yes, up to the point where they include all those matters within the blue circle.

249. *Mr. Cadogan:* The progressive provinces would have to wait on the blue circumference until they had all reached it?—Yes.

250. Some of them would reach the blue circumference before the others. At the blue circumference they will wait for the rest?—They will have to wait for the rest, and then when the last one has got there, there must be a static period so that the last province shall have a chance of getting its education.

251. *Colonel Lane-Fox:* You said you would give the provinces power to take over on their own conditions Law and Order after a certain period?—Yes.

252. Do you think there is any province, if a resolution was put before it suggesting the taking over of further powers, that would not immediately adopt it? Therefore, what is the value of that provision?—Well, sir, one can only express an opinion. I am not by any means certain, speaking for myself, that all the provinces would go for taking over that subject of Law and Order forthwith when it was permitted.

253. If that did happen, then the only safeguard would be the veto of the Governor, and different Governors having different personalities, there might be a case in which one Governor was rather more cautious than another, and the province might feel a considerable grievance. Would not that put a further serious burden of responsibility upon the Governor?—Of course, to veto anything is a serious responsibility.

254. *Major Attlee:* As far as the All-India Government is concerned, the Central Government, the Central Legislature and so on, you have really got a double static period up to the blue and up to the red before anything is going to happen now?—Yes. Of course, Law and Order is one static period, because there is going to be a time period for the individual provinces to settle down, and then take over Law and Order. Then they get to the blue line. Then there is the full static period before the provinces can appeal to the Imperial Parliament to take over certain central subjects and devise some method by which they should be worked as responsible government.

255. But the Central Legislature is completely sterilised during all that period—they have no power of asking for anything?—That is so.

256. You are satisfied with the present position?—No.

257. But you are prepared to carry it on for another twenty years?—We want no further advance for the Central Legislature now.

258. *Mr. Cadogan:* I did not quite follow what central subjects are between the blue and the red lines?—Assuming that from that blue line up to here (*the witness indicated a point outside the red circle*) are all the central subjects, all I actually mentioned were those subjects which the Viceroy must control to carry out the Crown's obligations to the Indian States, they must rest outside, necessarily outside that red circle. All the other subjects can rest between the blue and red circles, but we do not imply that they should necessarily rest within this area.

259. *Chairman:* May I put it in this way? I think it answers Mr. Cadogan's difficulty, which was also mine, but you have now made it clearer to me than I had made it for myself. Your view seems to be that, whatever happens in the future about the power of the different provinces, there may be a list of things, of which the defence of India would probably be an example, which must always lie beyond any possible provincial sphere?—Precisely.

260. And you say that whatever happens in the future, those things you were excluding from the possibility of becoming provincial subjects; but you say as long as you keep those things which are in their nature and essence central, how much of the rest of the central powers may ultimately on application pass to the province is a matter which you think would have to be considered on its merits if the provinces asked for it to time. Have I put it rightly?—Yes, sir; but may I just say this: we are not contemplating any transfer of central subjects from the existing Central Government to the provinces. Is that clear?

261. Then what is the addition which you think the provinces may get when they pass beyond the blue line?—Just as you gentlemen are sitting here as a Commission so all the delegates from provinces

may sit together and say that they would like to take over certain central subjects.

262. Stop there a moment. Supposing they say that, and supposing they get their way, then they would be taking over certain central subjects?—Yes, but they remain central. The only difference is this, that those central subjects, instead of being worked as they are at present under the existing Constitution, would be worked by some other method which I have envisaged as responsible government, but the subjects would still be part of a central legislature. (*Mr. Graham*): May I say something so as to make it clear? Take America and Prohibition. If Prohibition happened to be a central subject, the majority of States want to take over Prohibition. If that was outside the red circle, it would immediately come inside the red circle, and become an Indianised subject. Am I clear now?

263. I think you mean the blue circle?—It would remain central, but it would pass from the existing Central Government into an Indianised part of the Central Government.

264. *Major Attlee*: That is the question I was asking, if there was any possibility of advance in popular control at the centre, and you said no; but I gather now that there may be, but it cannot be done by application of the Central Legislature, but only by application of all the provinces?—(*Mr. Stanley*): Precisely.

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268. *Syed Miran Muhammad Shah*: You want separate electorates for the provincial councils?—(*Mr. Hossack*): Yes. Which memorandum are you referring to?—(*Mr. Stanley*): Would you mind telling me the page?

Chairman: The gentleman has told you he would be in favour himself of joint electorates in local self-governing bodies and of separate electorates as a principle for the legislative council, and he has said that by that means he thinks that public opinion would have the opportunity of judging which method was the better.

Syed Miran Muhammad Shah: I want to know his reasons why he wants to introduce joint electorates in local bodies.

Chairman: I have no doubt he will tell you why.

269. *Syed Miran Muhammad Shah*: Have you any practical experience of local self-governing bodies in this presidency? Have you ever been elected or stood as a candidate for a municipal or district local board?—(*Mr. Hossack*): Might I also add a further reason to that expressed already by the Chairman of the Commission? We as a Chamber of Commerce consider that we are pledged to retain communal representation to the Mahommedan community until such time as that community chooses voluntarily to surrender it.

270. So if they do not want it, you do not want to thrust it upon them?—Certainly not.

271. *Rao Saheb Patil*: I want to ask whether you have studied the working of diarchy in the Bombay legislative council for the last nine years?—I have only been connected with the Bombay council for the last three years, but I have certainly studied for about seven years the working of the council.

272. Have you studied the working of diarchy?—Yes, I have in the last three years, not nine.

273. Is it not a fact that the ministers have worked satisfactorily as far as the transferred subjects are concerned?—To the best of my knowledge I think they have worked satisfactorily.

274. What are the objections to transferring Law and Order to the popular control?—Mr. Stanley will answer that. (*Mr. Stanley*): We have given this matter most grave and careful consideration. We originally thought it would be desirable to transfer Law and Order, but on further consideration we are of opinion that it would be better not to transfer Law and Order to begin with, but to allow the provincial councils to settle down, to get into the saddle, and then when they were functioning all right, if they cared to take over Law and Order they could do so. That is a repetition of what I have already said.

275. *Rao Saheb Patil*: When do you think that Law and Order will be made a transferred subject?—We have been considering this matter for the last eight or nine months, and admittedly our opinion has changed several times.

276. And you have changed your opinion during that period of nine months?—We have changed our opinion, yes.

277. What were the circumstances that led you to change your opinion?—Further consideration and more information.

278. What was the further consideration, I want to know?—We have modified our ideas.

279. But what are the materials on which you have modified your ideas?—It was because we had further considered the matter; we had received further information, and therefore we came to the conclusion that it would be undesirable to advocate the immediate handing over of Law and Order to a provincial council.

280. What circumstances came to light which inclined you to take this view?—It is a matter of vital importance to all the interests concerned, and we feel that to advocate handing over Law and Order forthwith is a matter of grave responsibility.

281. We have never doubted it is a matter of great responsibility?—(*Mr. Graham*): We have a mandate from a body of men whom we represent, and beyond that we cannot go. These things are often decided by vote.

Chairman: It is not a matter of reproach to anybody, least of all to anybody who has studied the thing carefully, that in the course of reflection he should find his opinions have somewhat changed, in whatever direction it may be. For example, it would be quite useless to be a member of this Conference if one came here with fixed opinions, and, after all, the work of the Conference remained of the same opinions. I do not want you to regard it, therefore, as a matter of reproach that people on reflection should find their first judgment has varied. I do not say in the least whether I should agree with your first judgment or your second. Conference means we should try by reflection to arrive, if possible, at the wisest conclusions at the end, which is not always the same as starting with a fixed opinion in the beginning.

282. *Sir Arthur Froom*: On page 218 of your memorandum you say: "The Associated Chambers have recommended the grant to provinces up to full responsible autonomy under certain conditions. With this recommendation we are in full agreement." Now, having made that statement, you are fully acquainted with the memorandum of the Associated Chambers, Mr. Stanley?—(*Mr. Stanley*): Yes.

283. The Associated Chambers, with regard to this rather vexed question of Law and Order, say that some Chambers were averse to transferring this subject, but that the majority believed the risk must be taken. I take it this Conference should now recognise that the Karachi Chamber in this matter sides with the minority?—(*Mr. Graham*): The answer is yes.

284. It says the majority were in favour. Your opinion must now be recorded as against?—(*Mr. Stanley*): Yes. We side with the minority.

285. In quoting a majority, were the Associated Chambers of Commerce counting the number of Chambers or the votes? I may explain that the voting power of the various Chambers of Commerce in this country who belong to the Associated Chambers varies considerably with the size and importance of the Chamber, so it is important to know whether "majority" means majority of Chambers or majority of votes?—I cannot tell you.

Chairman: Do you know, Sir Arthur?

286. *Sir Arthur Froom*: No, I do not. (*To the witness.*) Turning to page 219, to your paragraph under the heading "Provincial Government of

Bombay and Smaller Governing Units in the Presidency of Bombay," I take it that you want the Conference to understand that the opinion of your Chamber is entirely revised?—So far as Law and Order goes, yes.

287. I make rather a point of this, because I have always understood that memoranda are accepted, and we generally ask questions to get some explanation of them, so I should like to have it recorded that the opinion of the Karachi Chamber of Commerce with regard to that paragraph, and especially with regard to Law and Order, has entirely changed?—Yes.

Chairman: This is the point brought out just now by Mr. Patil. He said: "At one time you favoured handing over Law and Order, and now you say you do not think it ought to happen yet." His cross-examination was designed to get what it is very natural to want, but very difficult to give, namely, exactly why the change was made, and so on. I think these gentlemen said it was the result of further consideration and further information, and they admitted quite frankly that it was a change.

288. *Sir Arthur Froom:* Then you told the Chairman that after a certain period you considered each Province should have some sort of statutory right to decide or to apply to take over Law and Order?—Yes.

289. But somebody should have the veto over that?—Yes.

290. Was there to be some sort of body set up to inquire into the matter?—We do not contemplate that. We contemplate the legislature themselves should be the inquiring body.

291. *Chairman:* The legislature really consists of the Governor and the Council, so the real meaning of it is that if the legislature decides to take it over after a time they may; but you wish to make it plain you expect the Governor's veto to be exercised if the Governor thinks it right to exercise it?—Yes.

292. *Sir Arthur Froom:* It is not a case of vetoing an ordinary legislative measure; here it is a constitutional matter?—We have also suggested the Governor-General should have the power of veto. If the Governor felt it put him into an invidious position, he might let it go past him, so that the veto is exercised through the Governor-General.

293. At any rate, you are satisfied the Governor and the Governor-General should have the power to decide this?—Yes.

294. Supposing the transfer is decided on, would you reintroduce the safeguards you set out here?—Yes.

295. I should like you to make that point quite clear. You first of all favoured the transfer of Law and Order, and then you changed your opinion; but when you were in favour of transferring Law and Order you wanted certain safeguards. If in so many years' time it is transferred, will you still want these safeguards?—Yes, we should want precisely the same safeguards as we have asked for now.

296. As regards the transfer of all subjects except Law and Order, has your Chamber considered the question of finance very closely? Do you conceive the Central Government should still have some control over provincial finance?—We think it possible it would be necessary to correlate the borrowings of the various provinces by the Central Government.

297. That is a very important proposition; I am glad to see you have considered that. The question of loans and borrowings is a very important matter, and must be co-ordinated amongst the provinces. Your final recommendation, as I understand it, is not dealt with at any length in this Memorandum, but I understand that during this further advance in the Provinces your Chamber does not wish for any alteration in the Central Government?—We want no advance whatever.

298. *Sir Hari Singh Gour:* I find that your Memorandum is dated 3rd October, 1928, Mr. Stanley?—Yes.

299. On that date your Chamber was in favour of full autonomy being granted, including ministerial responsibility for Law and Order, subject to the provisos set out in clause (3) on page 5: is not that so? You say "That full responsible autonomy be granted"?—Yes.

300. I see from page 218 that you have 82 members in your Chamber. Did you hold a meeting of your Chamber after October 3rd for the purpose of consulting them as to whether they were in agreement with the modifications you wanted to make as regards the reservation of Law and Order?—The Committee met.

301. There was no meeting?—(*Mr. Graham*): No general meeting, no.

302. That is what I mean. Your Karachi Chamber of Commerce passed this Memorandum, but you did not convene any meeting of your Chamber for the purpose of placing before them your view that Law and Order must be reserved and getting their consent to say so on their behalf here?—No. But we never called a general meeting on the Memorandum at all. The Committee had full power to deal with this question.

303. Did you call a meeting of the Committee?—Yes, the Committee has been sitting.

304. *Chairman:* It is very important to get this quite clear. I understand that you say that the printed document, called the memorandum, submitted by the Karachi Chamber, which as far as the print goes is dated October 3rd, 1928, was a memorandum which was drawn up and ultimately printed because it was agreed to by the Committee of the Chamber?—Yes. It was circularised as well, but no general meeting was called.

305. It was not only drawn up (perhaps in draft) by the Committee, but it was circulated to the members?—Actually in its complete form.

306. Was that with a view to seeing whether the members agreed or disagreed?—Yes. They were given a certain amount of time, and no objections were received.

307. Then I think Sir Hari Singh Gour was entitled to say that as the document is in print it might be fairly treated as being put forward with the authority of the members of the Chamber?—On the other hand, subsequently there was a Committee meeting.

308. I am coming to that. The memorandum as printed must be regarded as having been put forward at the time as representing the views of the members of the Chamber? That is the first step?—Yes.

309. My learned friend has pointed out that since then there has been some revision. I do not blame you in the least, but I want to understand it, just he does. I understand the revised views you have expressed today are expressed not on your personal behalf, but on behalf of the Committee. How big is the Committee?—Ten members.

310. Have you had a meeting of the Committee specially?—Yes, last week.

311. We could not help noticing that when Mr. Stanley was speaking just now in this interesting way he was in part reading from a document, a note or draft. Are the opinions or suggestions contained in that draft things which were agreed upon by the meeting of your Committee?—We have the entire consent of the Committee behind this revision.

312. One is entitled to know how it comes about. Was your committee meeting one at which the suggestions were discussed?—Mr. Stanley gave a full exposition of the memorandum as he has given it today.

313. But there has been no opportunity of circulating it to your members apart from your Committee?—No.

Sir Hari Singh Gour: Nor is there any resolution of your Committee on what Mr. Stanley mentioned to them. There is no resolution adopting this modification?

Chairman: If you mean the formal thing I do not care a button. I should like to ask this. I make no complaint, nor does Sir Singh Gour.

Sir Hari Singh Gour: Quite.

314. *Chairman:* We do not complain that the Committee should have the candour, and I think

the public spirit, to come forward and state quite frankly it has modified its view. It is necessary everybody should do that if it is so. I wonder, however, whether you could find some means of circulating to your members the modification as you have suggested it today, and whether later on you could let the secretariat know whether the modified opinion you have given us is accepted by your members, or whether they prefer the original view?—Certainly.*

315. *Chairman :* Dates do not matter, but authority does matter?—Yes, certainly.

316. Will you do that?—Certainly.

317. *Sir Hari Singh Gour :* Mr. Stanley, you have spoken of the static period and said that within that static period provincial autonomy would be created; in other words, everything within the blue line would be given to the provinces after the static period of seven years or whatever it may be, and after that you speak of the central subjects. Those subjects, I understand, would be transferred to a responsible government, but not a provincial government. Do I understand you to mean that after the static period, when full provincial autonomy is in force, all the provinces become autonomous provinces?—(*Mr. Stanley*) *:* Yes, the major provinces.

318. Then we have reached the blue circumference and we are dealing with the red circle. After that, to whom will you transfer the subjects which come within the red circle, the central subjects? Will it be to a responsible Cabinet in the Central Government?—Agreement has to be come to by the various provinces, as a unit, as to the form in which they desire to work certain central subjects in an autonomous manner.

319. All the provinces must join together in asking the Central Government to transfer all the central subjects, parcelling them out amongst the provinces?—No. There is no question of the provinces being able to take over responsibility from the Central Government; it is merely a question of making some form of alteration in the existing central Constitution by agreement among the various provinces.

320. Then you want to make an alteration in the Central Government depend on the volition of the provincial Governments?—On the provincial legislatures, who, as a body, will say to the Imperial Parliament: "We would like to take over certain central subjects and work them in this manner."

321. *Sir Hari Singh Gour :* You wish to place the Central Government at the mercy of the provinces under this scheme?

Chairman : I do not think he has worked it out in detail. Let us see if this expression is at all helpful to you. I am only trying to understand it. It seemed to me, when I listened to you just now, that you could express your idea in this way. When you have filled up the blue space, you suggested there would be a united resolve by all the provinces. That is as it may be, but supposing there was some central subject which was not going necessarily to be reserved outside the red line, it would be rather like starting diarchy at the centre?—It would be diarchy.

Chairman : I think that is the effect of it, that when you have exhausted all the provincial topics and filled up your blue circle, then the time will come for considering whether there may not be some central subjects which could be under ministers subject and responsible to a Central Legislature. On the other hand, he thinks there are other central subjects (such, for instance, as defence or international relations) which, according to his view, would be beyond that, because they would not only be outside the blue moon, but outside the red sun as well.

322. *Sir Hari Singh Gour :* Your position, then, amounts to this, that as regards central subjects you give the provinces a voice in determining what measure of diarchy shall be introduced in the Central Government?—That is correct.

323. And to what extent and subject to what limitations?—We have not gone into details, but if they put up their proposals to the Imperial Government, it was up to the Imperial Government either to accept those proposals or give the grounds for refusing to accept them.

324. Then there are two breaks; you provide for two. One is the veto of the Governor, and the other is the veto of the Governor-General. It then comes to this, that there are only two obstacles to the full grant of autonomy, namely, the veto of the Governor and the veto of the Governor-General?—No, not at all. In the case of full provincial autonomy it has got to be ratified by the Governor and Governor-General. In the case of any of the central subjects that are transferable being taken over by the volition of the provinces to form a new Constitution so far as the Central Government is concerned that is subject to the ratification of the Imperial Parliament.

325. You say you do not want to see the Statutory Commission again in this country, but the Imperial Parliament is not likely to do anything without the advice of a Commission?—An amendment of the Canadian Constitution is subject to the assent of the Imperial Parliament.

326. As regards the provincial Government, you introduce the Cabinet system into the provincial Government, page 220?—(*Mr. Stanley*) *:* Yes, but we modify that, as a matter of fact. We think on the whole there must be joint responsibility.

327. Here again you depart from the memorandum passed and circulated to your members?—Yes.

328. One more question as regards the veto of the Governor. You have a Cabinet form of government with joint responsibility, and supposing the Cabinet and the legislatures had decided one way, could you ask the Governor then to exercise the veto? Will the Governor act in consultation with the Cabinet or without consulting the Cabinet?—I am unable to answer that question.

Chairman : We are very grateful to you, gentlemen.

Appendix.

Copy of letter No. 10 Pn. 39 dated the 14th December, 1928, from J. R. N. GRAHAM, Esq., V.C., Chairman, the Karachi Chamber of Commerce, to the Secretary, Indian Statutory Commission.

"I have the honour to state for the information of the Indian Statutory Commission that the amendment made in the oral evidence of this Chamber *re* Law and Order has been ratified by Members of the Chamber. This is in fulfilment of the undertaking given by the undersigned to the Chairman that this would be ratified in due course."

* *Vide* Appendix, p. 246.

Memorandum submitted by THE ALL-SIND HINDU ASSOCIATION.*

Introductory.—This Association was started in the year 1924, and held its first conference in Hyderabad (Sind), at which 380 delegates attended from all parts of Sind. Its primary object was to ventilate the legitimate grievances of Sind Hindus and to protect their interests, whenever necessary. While anxious to co-operate with other Hindu organisations in Sind for the attainment of common objects the organisers of this Association desired to avoid methods that might prevent Hindus who were not extremists in politics from joining them in their efforts for the advancement of the Hindu community in Sind. This Association is open to all sections of Sind Hindus, and counts among its members leading citizens, merchants, landlords, educationalists, and professional men.

This Association would be failing in their duty if at the very outset they did not draw the special attention of the Commission to the disabilities from which the Hindu community in Sind has been suffering owing to a change in the policy of the Local Government during recent years. When the British conquered Sind, they professed to be the deliverers of the people, especially the Hindus, from the oppressive misrule of the *Mirs*. The Hindu community loyally co-operated with them in their efforts to evolve order out of confusion; and looking back to the progress of Sind under British Rule during the last eighty years the Sind Hindus can legitimately claim that they have contributed more than any other Indian community to the political, economic, educational and social advancement of Sind. Though a *minority*, they have never asked for any special protection or privileges for themselves; all that they have been pleading for is security for their person and property in the rural areas of Sind, and freedom from vexatious restrictions on their enterprise, energy and ability. And yet, during the last thirty years or so, with but occasional interruptions, the officials in Sind have been pursuing a determined policy of discrimination against the Hindus and of favouritism to the other communities, regardless of all consideration of justice and fair play towards all citizens of the State. The introduction of communal principle in the composition of the legislature and its recognition in the public administration of the country has aggravated the evil and made the position well-nigh intolerable.

In the opinion of this Association, the principle of communal representation and separate electorates is incompatible with the conceptions of nationality and responsible government, and they are firmly of opinion that no extension of reforms of 1919 will do any good to the country, especially to Sind, unless this blot on the constitution is immediately wiped out. The Lucknow pact which accorded *excessive* representation to the Muslim community on the Bombay council has given the Muslims a key position in the Bombay council, which they have utilised to the full for bargaining with Government for communal and individual ends at the expense of Hindus in Sind. The union of the official block with the Non-Brahmin and Muslim blocks has made it very difficult for Sind Hindus to secure fair treatment at the hands of Sind officials, and is responsible for a distinct fall in the standard and tone of the administration.

Far more potent for mischief than even the Lucknow pact has been the extension of its vicious principles to local bodies, services and educational institutions, etc. The authors of the Lucknow pact fondly imagined that communal representation will be strictly confined to the legislatures and took care to state this expressly; but the poison which they introduced into the body politic has spread itself to almost every department of the State. A Muslim Minister of Local Self-Government introduced into the local bodies in Sind, not with a view to protect a minority, but to permanently place a credal majority in power. The solemn declaration of the Court of Directors in their despatch No. 44, dated 10th December, 1834, accompanying the India Act of 1833, to the effect that "the meaning of the enactment we take to be that there shall be no governing caste in India, and that whatever other tests of qualifications may be adopted, distinction of *race and religion* shall not be of the number," has been ignored, and appointments to public offices in Sind from the highest to the lowest are now made openly and on a large scale on the basis of the *creed* which the applicants profess. The magnitude of the injustice can be easily realised from the fact that during the last 25 years, not a single Hindu has been nominated *directly* to the Executive Branch of the Provincial Service in Sind, though quite a fair number of Hindu Sindhis have proved their fitness for appointment to the Indian Civil Service at the open competitive examination held in London.

This Association desire to draw pointed attention to the fact that though in the process of Indianising the services the rights and interests of European servants have never been encroached upon, the Mahommedanising of the services in Sind is being carried on in utter disregard of the rights of Hindu employees who entered the various services when the rules of Government clearly laid down that promotion and appointments would go by seniority and merit. The Hindus in services have been superseded not only by Mahommedans, but also by Christians, much junior to them. (*See* Appendix II for some cases of supersession.) The advocates of communal principle in services often argue as if the point at issue is the just distribution of offices between the diverse *communities in India*, losing sight of the fact that it is *individuals* and not *communities* that are appointed to offices. Religion is a *personal* affair of the individual, and the State has no moral right to make any enquiry about the creed of an applicant for an administrative job, much less to make an invidious distinction against individuals whose only crime is that they happen to be born in a particular *creed* or community. The adoption of this communal policy in the matter of appointments and promotions in services, irrespective of seniority and merit, has had a very pernicious effect on the administration of this Division. It has affected adversely the standard not only of efficiency but also of purity among the public servants. It has infected some of the public servants with the *communal spirit*, with the result that they inspire little confidence among the public for their *impartiality*. Moreover, this vicious policy of promotion and recruitment is a violation of the principle of religious neutrality of the State as it tends to encourage conversions from one religion to another. In the long run, this policy of favouritism conduces neither to the efficiency nor to the stability of the State. Ability cannot be suppressed for ever; its righteous discontent is bound to seek a revolutionary outlet if it is not allowed a fair scope in the State. In this connection, this Association cannot help inviting the attention of the Commission to the full implications of the reply to their representation on this subject from the Private Secretary to His Excellency the Governor of Bombay, a copy of which is submitted herewith for convenience of reference (*see* Appendix II).

A word may here be said as to the inconsistency of the Muslim demands in this connection and the peculiar position in which the Sind Hindus find themselves in this Presidency. While the Muslims in Sind do not desire to allow the minority an open door to the public services, the Muslims of U. P., Bihar, and C. P. are actually enjoying as a minority a share of the posts in the public services, much in excess of their population ratio. It is obvious that the Muslims cannot have it both ways. If it is wrong for a *majority* to reserve for itself the lion's share of public services and so prevent able members of a minority community from capturing the number of offices they deserve, it cannot be right for Muslims in Sind to impose a restriction on the number of posts the Hindu minority can capture in Sind through an open door of recruitment. If the Muslims are to be

* The Appendices to the Memorandum have not been printed.

given any concession as a *minority* in the Bombay Presidency, either the same concession should be extended to the Hindu community in Sind or Sind should not be treated as a *unit by itself* for recruitment to services, and Hindus of Sind should be allowed to compete freely for posts in the Presidency as a whole.

The introduction of communal principle into the Local Boards has told seriously on their efficiency. The latest official report on the working of reforms admits that during the preceding three years, the growth of Hindu-Mahommedan tension in certain parts of Sind has had " a *serious* effect on the administration of the local self-governing bodies," that " in nearly *all* the Districts of Sind, the School Boards elected under the Primary Education Act of 1923 consist mainly of Mahommedans and many of the members have little education or administrative experience," and that " the appointments of administrative officers so far have been made *entirely on communal grounds* " (page 117, Report on the Working of the Reformed Constitution 1927). The entire policy of the Taulka and District Local Boards is dominated by a desire to secure *exclusive* benefits for the members of the majority community. Almost every question is determined on *communal* considerations. As the latest report on the reforms puts it, " so far there has been little or no signs of a growth of political party feeling in the local bodies. Members as a rule are divided into communal groups, and vote on communal grounds." Even schemes of taxation are devised with a view to penalise the minority community, as was admitted by even the Muslim Minister of Local Self-Government in his answer to an interpellation on 30th September, 1927, in the Bombay Council, reproduced below :—

Mr. Jairamdas Doultram (Eastern Sind) :—Will Government be pleased to state—

(*a*) Whether it is a fact that the District Local Board of Hyderabad Sind has forwarded its recent proposals for taxing professions irrespective of income to the Commissioner in Sind for sanction through the Collector of Hyderabad;

(*b*) Whether it is a fact that the Collector of Hyderabad returned the papers to the District Local Board for reconsideration suggesting that certain professions followed practically exclusively by Muslims which had been exempted by the Board should also be taxed;

(*c*) Whether it is a fact that the District Local Board rejected the suggestion and refused on various grounds to tax the Muslim professions which had been exempted;

(*d*) Whether it is a fact that the proposed taxation has been criticised in the local Press as unfair in its incidence and designed to fall largely on Hindus ?

The Honourable Sir Ghulam Hussain :—(*a*) *to* (*d*) *Yes.*

Worse than even this is the mentality of Muslims when in power to suppress even the *Official* reports against the local bodies in which the Muslim Community is in power, as is clearly shown by the refusal of the Muslim Minister of Local Self-Government to reveal even to the Bombay Legislative Council the contents of the Collectors reports on the Local Boards in Sind (vide Bombay Council Proceedings on the 28th of July, 1927).

The Education Department has made itself no less notorious for its policy of injustice to Hindus. All sorts of devices have been used to supersede able Hindus by Muslims (*see* Appendix IV for a few examples). The tragedy of the whole affair is that an educationally *advanced* community is being forced to have its children educated by members of an admittedly backward community in Sind. Even areas which are predominantly Hindu are being compelled by a policy of favouritism followed in the admission of teachers to the Government Training College to prefer inferior Muslim teachers to superior Hindu teachers.

The police is predominantly Muslim owing to a wrong policy of recruitment, and in the present phase of communal tension inspires no confidence among the Hindus, especially in the rural areas where a sense of insecurity at present prevails among the Hindus. Kidnapping and kidnapping for the sake of conversions is on the increase, and no serious efforts are being made to bring the offenders to book, or to break up the organisation which there is reason to believe exists for the purpose.

Even Justice is not free from a suspicion of being influenced by political pressure. The resolutions of the Muslim Association and the pressure brought to bear on the Local Government through the Muslim members of the Council in the Larkana Riot Case has seriously undermined public confidence in the impartiality and independence of the Magistracy. That the Police and Magistracy should have failed to prevent a serious riot in broad daylight accompanied by loot and murder in Larkana, a district headquarter town, or to find sufficient evidence against even one real culprit reflects great discredit on the police and the judiciary. No adequate explanation has ever been given why persons against whom complaints were lodged by responsible people, and whose names were disclosed in the evidence recorded by the special magistrate who tried the Larkana case, were not arrested and brought to book as early as possible (*see* Appendix V). Subsequent events have not only weakened the prestige of the Executive, but have also produced a painful impression on the public mind that the Bombay Government in their desire to secure the votes of the Muslim block of the Bombay Council is prepared to go any length to please the Sind Muslims and to tolerate any behaviour on their part. As a result of the Muslim agitation against Mr. Brown, I.C.S., the Collector of Sukkur, he was suddenly transferred from the district. No heed was paid to the demand for some action being taken against those Muslims who at the Muslim Conference at Sukkur on the 20th February, 1927, made inflammatory speeches against the Hindus and indulged in open threats and ridicule against the officials, as can easily be seen from the following sentences taken from a Press report of these speeches :—

> " Mr. Brown carried on correspondence for filing a case against me and Sheikh Abdul Majid. If Collector Brown had got the case filed, we would have taught him a lesson and along with him the Hindus also."
>
> " I have given the name of Mr. Rewachand to Mr. Rieu (Commissioner) and I shall give a Hindu name to Mr. Brown."
>
> " Anyone following the footsteps of Mr. Brown would like him be summarily bundled away."

The attention of the Commissioner in Sind was drawn by this Association to the rabid writings of the Muslim Press; but the reply which they received to their representation was to the effect that Hindus should not read such writings (*see* Appendix VI). The " Zabardasti " (high handedness) that is sometimes allowed to prevail in rural areas is revealed by the fact that during the Moharum of 1927 one Sayed in *Talti* issued an order that " Hindus should accompany the Tazias bare-headed, and on their refusal to do so, they were attacked with drawn swords," and that during the Moharum this year, in the village of Gulam Nabishah in Samaro Taulaka, " Muslims forcibly removed the headwear of the Hindus, put dust into their heads and beat them, because they refused to accompany the Tazias."

Constitutional reforms have no meaning for a minority community confronted with such a situation. As *a preliminary to any constitutional advance* that the Commission may recommend for the Bombay Presidency, this Association therefore urges that

(*a*) Communal representation and separate electorates for the Legislative Council be abolished

at least in all Districts and Divisions in which the Muslims form a majority of the population or of the voters.

(*b*) No minority be given representation on the legislature in excess of its equitable share on the basis of a uniform principle applicable to all communities.

(*c*) That no local body be constituted on the basis of the communal principle.

(*d*) That recruitment to posts carrying a salary of more than Rs. 100 per mensem be made on the results of open competitive examinations.

(*e*) That the Judiciary be made subordinate to the High Court which should be completely independent of the provincial executive and the legislature.

(*f*) That adequate constitutional safeguards be provided for preventing legislatures and elective bodies from discriminating against any individual on the ground of his birth, caste or creed in the matter of (1) admission to educational institutions maintained or aided by the State, (2) appointment to any post, office of power or honour in the public administration of the country, (3) and purchase and sale of land or exercise of any trade or calling.

(*g*) Minorities of every territorial unit of administration be given the right to demand a commission of enquiry from the Provincial Government in the case of local bodies and from the Central Government in the case of Provincial Governments into allegations of discriminations against them, and provision be made for enforcing the recommendations of such a commission.

I. THE REPRESENTATIVE SYSTEM AS APPLIED TO BRITISH INDIA.

(*a*) *Basis of Franchise.*—The existing scheme of Franchise appears to the Association to be based upon no principle whatsoever. The Southborough Committee adopted for the most part the varying proposals of local Governments but made no attempt "to correlate the size of the suggested electorates with the progressiveness of the provincial populations whether judged by *wealth*, *education* or *political activity*." The distinguished authors of the Montagu—Chelmsford report said in para. 225 of their report, "we must, in fact, measure the number of persons who can in the different parts of the country be *reasonably entrusted* with the duties of citizenship," but the Committee seemed to have paid no heed to this test while laying down their recommendations. They ignored education altogether, and while adopting property rating as the basis for franchise, "made no comparison of the property qualifications" which they proposed in various provinces, nor did they explain the variations they recommended between *different parts of the same province*. (Para. 4, Fifth despatch on Indian Constitutional Reforms.)

The most obvious defect in the existing electorate is the small proportion of literate and intelligent voters among them. In the sparsely populated areas of rural Sind, practically without roads and other means of communication, it is impossible to keep in touch with the voter unless he is literate. The Southborough Committee did not think it "fit to impose any literary test although this course was urged by some witnesses, since this would exclude many electors who are competent to manage their own affairs." But that was hardly a justification for not recognising literacy, especially literacy in English, as a sufficient qualification in itself for voting at elections to the local legislative councils. So far as Sind is concerned, this would not have increased the number of voters to any such inordinate length as to create any practical difficulty. According to the census of 1921, the total number of Muslim literates in Sind above the age of 20, including many who already have a vote, was only 32½ thousands, of which the males numbered only 29 thousands. Among the Sind Hindus the total number of adult literates was only 87 thousands, of which nearly 79 thousands were males. It is, moreover, far more democratic in the conditions prevailing in Sind to enfranchise all the literates than to lower even substantially the property qualification, for the bulk of the people have no proprietary interest in the land. Out of a total population of 32 lakhs, only 52,000 individuals own holdings of more than 25 acres of land; and the number of adults over 20 years of age must be much smaller. Incidentally, the enfranchisement of all literates would act as a great incentive to the spread of education in the country.

Another most glaring defect in the existing arrangement is the almost invidious distinctions between different provinces and between even different districts of the same province in respect of the qualifications for voting. There is no valid reason why the minimum income necessary for a voter at the elections to the Council of State should be 5,000 in Burma, 15,000 in the Punjab, 20,000 in Madras, and 30,000 in Bombay. Similarly, there is no rational explanation available for fixing the necessary minimum income for a vote at the Legislative Assembly elections at Rs. 2,000 in Madras, U.P., C.P., Burma and Bombay and at Rs. 5,000 in Bengal, Delhi and Punjab. Even more unjustifiable than this is the differentiation between Muslims and non-Muslims in Bengal and Bihar in respect of franchise qualifications for elections to the Central Legislature.

Apart from extending the franchise to all literates in rural areas, this Association is not in favour of any further increase in the number of voters in Sind, as the political education of the electorate has not yet been taken in hand seriously even by professional politicians or candidates for election to the councils and as any great extension of franchise would only increase the power of the Zamindar and the rich capitalist to buy votes.

(*b*) *Method of Election.*—This Association is not in favour of reversion to the method of indirect elections. While recognising that the Muslim electors in rural constituencies in Sind have been lacking in political sense, they believe that it will be a retrograde step to deprive the councils of the real constituencies to which they are likely to become more and more responsible with the growth of primary education among the masses.

In the opinion of this Association one of the most serious obstacles to the *political* education of the voters is the existence of *communal electorates*. There appears to be no justification whatsoever for their continuance, especially in Sind where the Muslims form a majority and the minority community (viz. the Hindus) has never asked for them. Joint electorates and Territorial constituencies, each electing three or four members by means of a single transferable vote, would be a great advance on the existing system which encourages the voter as well as the councillor to think exclusively in terms of his own credal community and which effectively prevents the members of educationally and politically advanced communities from taking in hand the political education of backward communities and from directing their energies to constructive measures for promoting the welfare of the people as a whole rather than that of a particular section of them.

(*c*) *Adequate representation of certain interests.*—The existing distribution of seats on the Bombay Council appears to this Association as very inequitable. The excessive representation accorded to the Muslim community at the expense of the other communities admits of no valid justification. For instance, no fair-minded person can tolerate an arrangement under which the Eastern non-Muslim constituency of Hyderabad, Thar and Parkar and Nawabshah districts with a male population of 253,000 and 21,000 electors is given *half* the representation accorded to the Muslim constituency of Thar and Parkar with a male population of only 139,000 and an estimated

number of electors of only 14,000 in 1919 (now reduced to 4,000 only). Neither population, income, property, education, nor commercial and industrial position entitles the Muslims to the number of seats reserved for them at present. Even their so-called political importance cannot be called in aid to justify their existing privileges in this presidency, for excepting in Sind they were not the rulers of any part of it on the eve of the British conquest. Even the Lucknow Pact on which the Southborough Committee based its recommendations has now been scrapped by the All-Parties Conference held recently at Lucknow. No class of people have a right to demand any *special* privileges based upon the *religion* of its members; all that a minority can legitimately demand is *equality* of treatment and a method of election that will ensure its representation in proportion to its real strength in the electorate.

Even if a minority be given any special privileges, it is better to reserve for them seats in proportion to their voters or even their population with liberty to contest any number of general seats. But in that case the proper unit to take is not the *province as a whole* but a plural constituency or at *most a Division.* For instance, the Muslims form a majority in Sind and will be in a majority in most of the plural constituencies that can be devised for Sind. There is thus no reason why they should be given the privileges of a minority community in Sind at all. It is the Muslims in a minority in other divisions and the Hindu minority in the rural constituencies of Sind who alone can legitimately claim the concessions due to a minority. It is not *Religious* Communities as *such* that are entitled to any concession in matters of political representation, it is *only* the minorities in different parts or constituencies who can legitimately claim their due share of representation or even exceptional protection. Apart from these fundamental objections to the existing distribution of seats on the Bombay Council, this Association wishes to invite attention to certain facts that demand a change in the existing scheme. The Muslim population of Sind at the Census of 1911, which was taken as the basis by the Southborough Committee, was 26 millions; at the Census of 1921, it was only 24 millions, calling for a reduction in the number of seats reserved for them. The Muslims in the Karachi District were given two seats on the assumption that the number of electors would be about 6½ thousands; as a matter of fact the number of electors at the last election was only 4,030.* Larkana Muslims got three seats on the basis of 14 thousand electors; actually the number is only 10,601.* The Thar and Parkar Muslims were allotted two seats in the belief that the number of their electors would be 14 thousands; the recent figures show the number to be only 4,475 electors.*

Even a casual examination of the relevant figures will reveal the extent of injustice done to the Hindus of Sind by the Southborough Committee. In spite of their admitted superiority in respect of education, wealth and political consciousness, the weight attached to a Hindu vote is much smaller. In the city of Karachi 8,330 Muslim electors have one seat reserved for them as against one seat for 18,057 non-Muslim voters in the same city. Thirteen Muslim seats in rural Sind had only 50,000 electors in all, in spite of a very low qualification for franchise in Upper Sind Frontier District which has a swamping majority of Muslims; the average thus works out to be 3·8 thousand electors per seat. The Thar and Parkar District had two seats for only 4,475 Muslim electors, the average being only 2,238 per seat. But the whole of the non-Muslim Eastern Constituency has been given only one seat, although the number of its electors was estimated at 21 thousands by the Southborough Committee and is at present 24 thousands. Similarly the non-Muslim Western Constituency with its 26 thousand voters is entitled at present to only one seat on the Bombay council.

* *See* Bombay Council Proceedings, 11th Oct. 1927.

The present distribution of seats is exposed to the charge of inequality of treatment not only between Hindus and Muslims but *also between Sind Hindus and Presidency Hindus.* The Southborough Committee assigned one seat each to Surat with its 7,000 electors and Sholapur with its 6½ thousand voters but left out the City of Hyderabad with its 12½ thousand electors and the town of Shikarpur with its 8½ thousand voters. East Khandesh Hindus with their voting strength of 33½ thousands were assigned three seats but the Hindus of Sind with their voting strength of 46½ thousands were given only two seats. The average number of electors per non-Muslim seat in the Presidency (except Sind) was estimated to be about 10 thousands. The number of voters in the Eastern constituency for Sind was estimated at 21 thousands and that for the Western constituency at 25½ thousands; while the recent figures show the number of non-Muslim electors in these constituencies to be 24 and 26 thousands* respectively. The highest number of electors for a non-Muslim rural seat (Broach) was 15½ thousands in the Presidency and 25½ thousands in Sind (non-Muslim Western Sind constituency). The lowest number of non-Muslim electors for an urban constituency in the Presidency proper was 7 to 6½ thousands (Surat and Sholapur) and that for a rural constituency was 6 thousands (Satara) as against 13 thousands and 21 thousands respectively for Sind in the year 1918, and 18 thousands and 24 thousands in the year 1926. Judged by the figures quoted above, in order to place on a footing of equality the non-Muslims of the Presidency and those of Sind, the existing distribution of seats should be modified so as to give the urban non-Muslim population of Sind two seats for Karachi and one each for Hyderabad and Shikarpur and the rural non-Muslims at least three seats more.

In the opinion of this Association the urban classes have not been given adequate representation on the various legislatures. The Franchise Committee itself admitted the justice of the principle that the superior standard of wealth and intelligence of the urban population, the larger interest evinced by them in political questions, and their extended experience of the use of franchise justified the representation of urban constituencies on a liberal basis. The Government of India, in their fifth despatch on Indian constitutional reforms, rightly pointed out that "after religion and race, the boundary between town and country is the greatest dividing line that runs through the Indian people. It corresponds closely with the division between progress and conservatism; between English education and vernacular; between experience of self-government and lack of such experience; between the existence of newspapers, professions, bar, libraries, societies etc., and their absence. It is roughly the difference between the old India and the new, the forces that are pressing us forward and those that are holding us back." (Para. 28.) This Association begs leave to point out that the Southborough Committee has made very inadequate allowance for the factors referred to above in the case of India in general and have ignored altogether all these considerations in fixing the seats for Sind Hindus, who are predominantly an urban community in Sind. Out of 104 elected members of the Assembly only 22 represent urban interests as against 82 representing rural classes, though the main taxes of the Central Government, customs and income taxes affect the former more than the latter. The Hindus of Sind, urban as well as rural, have been given only one seat on the Central Legislature. Conditions are no better in the local councils. Far from getting any special consideration because of their urban character, the Hindus of Sind get, as has already been pointed out, much less than their *ordinary* fair share of the non-Muslim seats in the Presidency as a whole, although they pay nearly 40 per cent. of the land revenues as owners and lessees of land, and the bulk of the Excise and Stamps in Sind.

* *See* Bombay Council Proceedings, 11th Oct. 1927.

Even the special interests of Sind in commerce, trade and agriculture have not been accorded recognition so far. The Indian Merchants' Chamber of Karachi, which is a growing city of considerable commercial importance, has no seat either on the Bombay Council or the Central Legislature. The Sind Work Merchants of Hyderabad, who are vitally affected by all that pertains to trade and commerce both outside and inside India, have not been accorded representation on any of the councils. The Hindu Zamindars in Sind, who pay nearly 40 per cent. of the land revenue and represent a progressive force in Agriculture, have been ignored altogether.

The Association hopes that the Commission will look into these long-standing grievances of the non-Muslims in Sind and redress the inequality that exists at present.

II. REDISTRIBUTION OF PROVINCES.

This Association is quite aware of the fact that the existing boundaries of different provinces have been determined by accidents; but they desire to emphasise the fact that we are not writing on a clean slate and cannot ignore *historical* accidents that have built up various ties and associations between the people of the existing provinces during the last 80 to 100 years. An historical accident that has acted as a centripetal force for several generations overcoming separatist tendencies that existed in the past is not to be despised merely because it was a fortuitous accident originally. Any scheme of redistribution that stimulates centrifugal tendencies in India is to be deprecated strongly. There are no *smothered* nationalities, longing for self-expression in any part of India; and the problem before India at the present moment is not to create new nationalities or to wake up the dying memories of old nationalities but to transfer political power from the British Government to the Indian Nation and to distribute authority from the common centre so as to carry on the administration more effectively *and intelligently* in the various parts of the country.

It is true that some of the existing provinces are too unwieldy to be ideal units for the successful working of self-governing representative institutions. But the proper time for subdividing such unwieldy provinces as Bengal, Bihar and U. P. does not appear to be near at hand. The need for additional funds for nation-building activities is at present so insistent as to make it very unwise to divert such funds as are available to the increase in the cost of administrative machinery, inevitable in the event of increase in the number of existing provinces. The level of taxation is already too high and any further expenditure on objects that do not tend to increase the taxable capacity of the people would wreck all prospects of trade recovery, economic development and expansion of nation-building departments. On these grounds this Association is opposed to any increase in the existing number of provinces. They would rather reduce the administrative cost by amalgamating some of the existing provinces, wherever possible.

Apart from Military considerations there are no valid reasons for maintaining as separate provinces small, barren and backward areas such as Baluchistan and N. W. F. Province. Nor is the continuance of Delhi, Ajmer-Merwara or even Assam as separate units of administration conducive to the political, economic and educational progress of the people of these areas.

In view of the Muslim demand for the separation of Sind from the Bombay Presidency and its constitution into a separate province, this Association would like to state briefly their grounds for strongly opposing this demand in particular.

The demand is in its inception frankly communal. Right up to 1920 the Hindus and Muslims of Sind were generally opposed to the separation of Sind and their united demand was for a more integral connection with the Bombay administration by the repeal of that archaic piece of legislation known as the Sind Commissioners Act. There the matter rested till suddenly it was put forward by the All-India Muslim politicians as a condition precedent to their acceptance of joint electorates. There was no logical connection between the two; and the census figures of minority population in different provinces showed clearly that acceptance of joint electorates involved a greater sacrifice on the part of Hindus as a community than what the Muslims would be called upon to make in areas in which they form a minority. Attempts to explain the inward meaning of the Muslims' block demands by some of the leading politicians by a theory of balance of power, of "external" checks, of "Political equipoise," revealed their communal mentality in all its nakedness and showed that the separation of Sind was being demanded with the object of increasing the number of provinces in which the Muslims shall rule as a majority community, thus securing a *set off* or *additional hostages* as against the advantage which the Hindus have over the Muslim minorities in other provinces. The dangerous implication of such a basis for national unity can easily be realised; and the Hindus of Sind cannot but oppose strongly a demand that will make them hostages for the good behaviour of Hindus elsewhere. In the opinion of this Association the creation of new provinces primarily or solely with a view to increase the number of provinces in which a particular community shall be in a majority is fraught with danger to the growth of sound nationalism in the country, and will increase the area of communal conflict and endanger the relations between the two communities not only in the area immediately affected but throughout India. The Indian Muslim League laid down in 1924 that no province should be so added to or reorganised as to reduce the Muslim majority into a minority therein; and yet they now propose to transfer the control of Hindus in Sind from the Hindu majority in Bombay to the Muslim majority in Sind by separating Sind from Bombay and constituting it into a separate province. The only wise course in the circumstances of India is that no redistribution of any province should be allowed without the consent of a substantial proportion of at least the two major communities. Unless this is done, communal considerations are bound to influence the demand for redistribution of provinces and seek to divide India into Hindu India and Muslim India.

Attempts have sometimes been made by opportunist politicians to support the Muslim demand on the theory of linguistic redistribution of provinces. Apart from the patent insincerity of this plea in this particular case, this Association considers such a basis for redistribution of provinces *detrimental to* the growth of nationality in India inasmuch as it will tend to make India a congeries of linguistic nationalities and so stimulate centrifugal forces, *impracticable* because of the multiplicity of provinces it will lead to and of the intervention of the native states between parts of British India speaking the same language, and highly *undesirable* from the financial and administrative point of view, for all linguistic areas, even when compact, have neither the financial resources to run modern and progressive administrations nor sufficient political and administrative ability and experience to conduct successfully experiments in responsible Government without the assistance of and association with more advanced communities in the neighbouring areas. Even if the linguistic principle be accepted as a sound principle for the redistribution of provinces, it is not correct to assume that it can legitimately be applied *first* to Sind. Among the thirteen principal languages arranged in order of importance in para. 195 of the last Census Report, *Sindhi* does not figure *at all.* Nor are the financial resources of Sind greater than those of other linguistic regions. Apart from a desire to placate the Muslims, there is no valid reason why even on the linguistic principle the case of Sind should be taken up *first.*

This Association does not deny that there is an element of truth in the linguistic theory. It may be desirable from an administrative point of view to

bring together under *one.* administration people speaking the same languages but scattered about under two or three different administrations. But this has no bearing on the problem of Sind at all. The Sindhi speaking people are *already* under one administration.

A common language in a compact area is undoubtedly an administrative convenience. But the administrative *Divisions* of Bombay are even at present *linguistic* areas and as such already enjoy this convenience. Sindhi is, so far as possible, even now the medium of instruction in primary and secondary schools in Sind; it is the language of official business and of Law Courts quite to the *same extent* as it would be in a separate province of Sind; and so far as Sindhi language can correspond to a special variety of culture, traditions and of literature, the administrative connection of Sind with Bombay does not act in any way as an obstacle to its development. Bombay does not propose to interdict the use of Sindhi language or use its political power to force Gujrati or Marathi on the Sindhis. Nor will any reasonable Government in a separate province of Sind forbid the use of Gujrati in the business world of Karachi or as the medium of instruction in the city of Karachi or the District of Thar and Parkar. The transformation of a linguistic *Division* into a *province* will bring about no change whatsoever in these respects and therefore the philosophy of linguistic principle sometimes called to the aid of the Muslim demand for the separation of Sind is *irrelevant* to the main issue.

The primary consideration in questions of this sort should be the *welfare* of the people of Sind as a whole and their associations at present. A dispassionate examination of the history of Sind during the last 80 years will reveal even to the most superficial observer the immense progress Sind has made during the period of its administrative connection with Bombay. Various ties and associations, administrative, educational, political and social have been built up during this long period of 80 years. Under these circumstances the *onus* lies heavily on those who assert that in spite of this rapid and substantial progress, of common efforts towards the solution of common problems, of 80 years' historical associations and common sentiments, and notwithstanding the unity of administrative and educational systems, Sind should be separated from the other Divisions of the Bombay Presidency. That burden of proof has never been discharged.

Apart from this negative argument, which alone is quite sufficient to dispose of the Muslim demand for separation of Sind and its constitution into a separate province, many positive arguments point to the conclusion that from the point of view of the people's welfare, it will be very unwise to accede to this demand.

Politically, the step suggested will prove to be a retrograde step. The existing facts of economic and political life in Sind practically rule out the possibility of giving Sind the same form of Government as an advanced province like Bombay has at present or will have in the near future.

The case in support of this statement cannot be put more strongly than in the following paragraphs taken from the memorial which the Sind-Mahommedan Association submitted to the Right Honourable Baron Chelmsford and the Right Honourable Montagu in the year 1918 :—

"Your memorialists do not wish to refer to other parts of India but will confine their observations to Sind. This Province is not yet ripe or ready for democratic Government. Its history, tradition, the heredity and disposition of its peoples, its want of homogeneity or community of interests, social, religious or of any other kind, all point to the other way. Less than a century ago, it was from time immemorial under the rule of a monarchical government. The short time that since elapsed is not sufficient even under the beneficent influence of the benign British Government and the blessings of Western education, to evolve the spirit sentiment, and disposition essential to the success of democratic institutions (para. 4 of the memorial) . . . As regards the method of appointment of the so-called popular representatives on the council, namely by election directly by the people, your memorialists have no hesitation in saying that neither the community they represent nor other Indian communities in the provinces are sufficiently educated and independent to make a right and proper use of this purely exotic method (para. 5 of the memorial). Speaking of our province particularly, and of the relation between the two communities generally, it appears to us that apart from a common homeland and a common language, the two communities have so many conflicting interests that there cannot really be any satisfactory mutual agreement between them which is not safeguarded by legal and constitutional guarantees."

There is no evidence whatsoever that during the decade that has elapsed since this was written, a real revolution has taken place in the conditions of Sind so as to justify the Muslim Associations' demand for a more advanced form of responsible government than what they objected to ten years ago. In point of literacy, the Sind Muslims are not only behind the other people of the Bombay Presidency, but also behind those of even Baluchistan and the North-West Frontier Province. Apart from literacy, it is difficult to think of any effective means of political education in a sparsely populated area such as Sind, with its few cities and extremely inadequate means of communications. Nor is the character of the electorate any way encouraging. Statistics of serious crime in Sind, the testimony of such careful observers as Mr. P. R. Cadell, a retired Commissioner (*vide* his speech at the last Sind Dinner, London), and the report of the cattle lifting committee including the non-official minutes of dissent—all reveal the stuff of which the electorate in Sind is made. The results of the last three elections show clearly that the Zamindari and reactionary elements will largely dominate the Sind Council and that quite a large percentage of the members will be unfit for real council work. The absence of strong and organised public opinion and a vigilant, fearless, and well informed press in Sind will be another serious handicap in the working of self-governing representative institutions. The policy of differential treatment of various provinces recommended in paras. 142, 198 and 238 of the Montagu-Chelmsford Report and followed by Parliament in its varying schedules of reserved and transferred subjects indicates that, in the circumstances described above, no case can be made out for transferring to the ministers in Sind the same subjects as are under ministerial control in Bombay.

On the other hand, it is fairly certain that an advanced province like Bombay cannot long be denied full provincial autonomy with ministerial control over practically all departments. The result would be that under a separate Sind Government, the people of Sind will be denied not only the advantage of a further instalment of reforms but also a part of the popular control which they now enjoy in association with the other people of the Bombay Presidency. Moreover, a separate Sind Provincial Government can never have the same influence with the Government of India and the Secretary of State as one of the oldest Presidency Governments like that of Bombay. The conclusion seems irresistible that the constitution of a separate province in Sind will throw it into the category of backward provinces and place it under the control of a reactionary, unprogressive, obscure and petty administration.

The deterioration in the general standard of administration will be no less serious. A small province has necessarily a small cadre of service; it will necessarily offer a lower scale of salaries; at any rate, it will have fewer posts in the higher scale and so it cannot offer adequate scope to able and ambitious men in the services. Undeveloped Sind, which needs the supervision of experts more than any other province, will thus be deprived of the valuable advice and supervision that it now gets from the Bombay

headquarters. This is bound to produce deterioration in the various departments of administration; and the loss will be specially serious in the case of education and irrigation.

The financial consequences of separating Sind from Bombay and constituting it into a separate Governor's province will be nothing short of a disaster. One of our members, a reputed economist, estimates the extra cost to Sind in case the proposal is carried into effect at over 1½ crores per year. According to the figures obtained by him from the Accountant-General's office, the total expenditure on Sind, excluding account heads 19—Interest, 21—Avoidance of Debt, and the expenditure in England under the control of the Secretary of State amounted in the year 1927–28 to 470.3 lakhs. Excluding the amounts under account heads 14—Interest on Works for which capital account accounts are kept, 55 minus 16—construction of irrigation work minus the amount paid towards the interest on Sukkur Barrage from the Famine Insurance Fund, and 60—Civil works not charged to revenue, the deficit from Sind amounted to 52 lakhs in 1927–28. Adding five lakhs for famine insurance for a separate province of Sind and another seven lakhs for expenditure in England, the deficit would amount to 64 lakhs, excluding debt charges. The debt charges for a separate province of Sind are estimated at 52 lakhs on the basis of calculation indicated below :—

	Lakhs.
(1) Interest on 3.3 crores, the total sum at charge on irrigation works up to the end of 1915–16 due to the Government of India, the total for the Presidency being 32.8 lakhs in 1927–28	12.15
(2) Interest on 304 lakhs, the irrigation capital expenditure on Sind from 1916 to the end of 1921 (*vide* figures given in the reply of the Governor of Bombay to a Sind Deputation on the 5th of August, 1922) at 5½ per cent.	16.50
(3) Interest on the funds borrowed for Sind irrigation between 1922–1925 (later figures not available) the increase in sum at charge being 97,28,194	5.00
(4) Interest on the probable share of Sind in the debt for other purposes estimated at one-quarter of the total 437 lakhs (*vide* the Finance Member's budget speech 1928), at 5½ per cent.	6.00
(5) Repayment and Sinking Fund, except for (1) on the basis of repayment of (2) and (3) in 60 years and repayment of (4) in 30 years ...	10.20
(6) Guarantee of loss given to the Government of India on one feeder railway (4 lakhs in the first 5 years, and 2 lakhs in the second 5 years)	3.00

Assuming the following to be the minimum additional amounts necessary under each of the following heads for a separate Governor's province in Sind, the additional cost on administrative machinery will run up to at least 55 lakhs :—

	Lakhs.
(1) General Administration	18.4
(2) Land Revenue (Survey and Settlement and land records)	3.3
(3) Excise and Stamps (Superintendence only)	.9
(4) Forest (General Direction only) ...	.4
(5) Justice	2.9
(6) Jails (Superintendence only) ...	.6
(7) Police (Superintendence, Special Training School Superintendence, C.I.D.)	1.4
(8) Education (Direction, Special Education and contribution to other Universities)	2.9
(9) Medical (Superintendence and contribution to the Medical College, Bombay)	1.1
(10) Public Health (Direction and Contribution to Vaccine and Pasteur Institutes)	4.5
(11) Agriculture (Superintendence, Research, Propaganda, Development, Veterinary Instruction and Co-operative Department)	3.6
(12) Industries (Direction Superintendence, education, development, etc., only)	.7
(13) Miscellaneous Departments ...	2.0
(14) Increase in Pension charges and Superannuation allowances and expenditure in England	6.0
(15) Interest on initial expenditure on buildings, equipment, etc., etc. ...	5.0
(16) Increase in expenditure due to the creation of more commissionerships and circles for various departments	3.0
	55.0

The total under all these items comes to 171 lakhs. Allowing a reduction of 21 lakhs for any margin of error in these calculations and for possible retrenchment, the *minimum* amount that Sind will have to find in addition to its present income works out at Rs. 1½ crore. This means that Sind must double its taxation or rather more than double its income from land revenues and irrigation, there being practically no other source of revenue to tap in Sind.

But matters do not stop here. Sind is one of the least developed parts of India, and needs therefore large development expenditure. It needs, for instance, more irrigation works and better communications. Even if half a dozen railway lines projected at present are taken in hand, the railway authorities would insist on a guarantee of not less than 20 lakhs a year for a number of years, and because this alone will eat up quite an appreciable percentage of Sind's small revenues, railway development in the province will have to be put off indefinitely. It is, therefore, beyond the means of a small administration with slender resources and slender credit in the open market and with the Government of India to develop an area like Sind. A small province, and Sind is much smaller than even Assam, the smallest of the existing Governor's provinces, is from the economic point of view, a very serious handicap in the race for progress. The financial and economic considerations thus tell decisively against the separation of Sind from Bombay.

In addition to these general objections to separating Sind from Bombay, there are special reasons why the Hindus of Sind are stoutly opposed to the proposal. As has been already pointed out, the demand is inspired by a dangerously communal mentality; it has created for that very reason alarm in the Hindu mind; and in the present phase of communal tension in Sind, it is impossible to ignore this psychological factor. Democratic government implies power for the majority; but that majority should be *political* and not credal. Political power carries with it certain moral obligations; but the majority of the Muslims in Sind are not yet ready to accept the moral obligations of a majority community by giving up their demand for reservation of seats in the Legislature, in the local bodies, in educational institutions and in services. The wishes of a credal majority cannot be justly regarded as sufficient to settle the matter if power is given to it to impose the additional taxation necessitated by separation from the Bombay Presidency in such a manner as to make it fall mainly on the Hindu minority, which not only does not demand separation but is stoutly opposed to it. The Muslim

community has as yet offered no guarantees against additional taxation of this sort or against unfair discriminations against the Hindus in the matter of beneficent expenditure on nation-building departments or against vexatious restrictions on their economic freedom. The policy of the local boards in Sind and the mentality of Muslim politicians as revealed by their public utterances clearly proves the dangerous implications of this demand for the separation of Sind, and amply justifies the solid opposition of the Hindus to this proposal.

On all these grounds this Association is strongly opposed to the separation of Sind from Bombay and they feel that they have in this matter practically the entire Hindu community in Sind behind them. For further information on this subject the Association wishes to invite the attention of the Commission to the pamphlets sent herewith.

III. THE SELF-GOVERNING BODIES (Municipalities and District Local Boards).

(*a*) The Association sees no justification for the introduction of communal representation on the local bodies and feel that it has accentuated communal differences in Sind. They desire its early abolition as an essential step in National evolution, and urge that a clause be introduced in the Government of India Act, preventing provincial legislatures from introducing communal representation and separate electorates in the local bodies. The interests of minorities can easily be safeguarded by the system of a single-transferable vote and by the creation of a special machinery to investigate complaints of unfair treatment of minorities or of charges of maladministration on the demand of a certain minimum number of members of the Legislative Council, with ample powers to enforce its decisions.

(*b*) This Association is of opinion that there is a grave danger of deterioration in primary education if the experiment of transferring practically the entire control of primary education to the District Local Boards is persisted in, and that the older system of control and administration by the Education Department, now under ministerial control, is likely to give better and quicker results with the same amount of funds as are intended to be released for primary education. For the same reason, they are not in favour of relaxing the control of the provincial medical department in matters relating to medical aid and administration specially in rural areas. They feel that it is very necessary to put a stop to the temptation to abuse the power of patronage in the matter of appointments carrying a salary of Rs: 100/- p. m. and over, and would suggest the creation of one cadre of service for all the local bodies to be recruited by a special Appointment Board, or failing that a system under which the choice of the appointing authority is restricted to a panel of candidates recommended by independent Selection Boards.

IV. THE PROVINCIAL GOVERNMENTS.

In the opinion of this Association, the system of divided responsibility, the existence of official block and communal representation have proved to be serious obstacles to the success of the experiment in responsible government in the provinces. Unless all these three hindrances are removed, no real advance in this direction is possible.

In the present circumstances, it is not possible to evolve political parties, to give real power to a Provincial Legislature to choose its executive and have full control over its Cabinet, and to create a sense of joint responsibility among the members of the Cabinet.

This Association is not a believer in unrestricted provincial autonomy. India is and must remain one; and the Central Government must be clothed with sufficient authority to prevent internal disruption, unhealthy provincialism and intolerant communalism. It must continue to be the supreme unifying authority in all matters in which unity is a help to national progress and should be free to step in, whenever and wherever Provincial Governments cannot *effectively* promote *national welfare* or are likely to dissipate their resources in unnecessary duplication. It must, in no case, be reduced to a mere military and revenue collecting agency or divested completely of its ultimate responsibility for the moral and the material progress of India. Local governments should have freedom, where freedom is a help and not a hindrance to the progress of India as a whole. Such an arrangement is not capable of being defined rigidly; it can only grow by understandings and traditions in accordance with the varying needs of a growing nation. *Legally*, the Central Government in India should have *full* power to make laws for peace, order and good government of the whole country as is provided for in section 59 of the South African Constitution. Legally, it should not be prevented from doing what the Federal Government in Germany can do, viz., "to establish *uniform* rules for the promotion of *social welfare* and for the protection of public order and safety" (Article 9), "to prescribe by law *fundamental principles* concerning the rights and duties of religious associations, education including higher education, libraries for scientific use," "the land law, the distribution of land, settlements, and homesteads, restriction on landed property housing and distribution of population," (*vide* Article 10) "to prevent imposition of excessive burdens in restraint of trade, tax discrimination against the products of the other provinces" (*vide* Article 11), and to insist on every Indian having "the same rights and duties" in every province as the residents of that province (*vide* Article 110) and on "all citizens without distinction being eligible for public services in accordance with the laws and according to their ability and services" (*vide* Article 128). How much of all this will in *practice* fall into disuse depends as much on the use which different provinces make of their opportunities to promote the welfare of their people as on the dynamic force of the Central Government. But on no account should the Central Government allow a backward province to live a life of isolation from the general march of progress or bring the country to the verge of a civil war by communal tyranny or discriminations against other provinces.

V. THE CENTRAL GOVERNMENT.

But if the Central Government is to discharge these beneficent functions efficiently it cannot remain *irresponsible* to the Central Legislature for any length of time. A representative legislature and an irresponsible executive cannot work together in harmony. A reversion to the past is out of the question; the only alternative is to concede an advance in the direction of responsibility of the executive to the legislature. Few politicians claim the transfer of the military and the political departments at the present moment. An impartial Tariff Board can easily ensure the same treatment to British trade and industry as is accorded to them by Dominion Governments. The interests of British capitalists already in India can be easily protected by constitutional guarantees and the institution of a special tribunal to investigate complaints of unfair discrimination against them and to advise the Viceroy to exercise his veto in any particular case. With a second Chamber, properly constituted, it should not be difficult to protect minority interests and prevent the passing of any measure in haste. If India is to be conciliated, a substantial measure of responsibility in the Central Government must be conceded; otherwise the country will drift on to a state of affairs that will be a serious menace not only to the British Government but also to those elements of India's population that are anxious for its peaceful evolution towards a great democracy.

X. THE SERVICES.

A country so vast, so undeveloped and so backward as India is, needs for its public services men who are

not only very able but also progressive and patriotic. It is impossible to get such men except by open competitive examinations without any reservation in favour of any particular caste, colour or creed. The Civil Service in India must be loyal to no smaller unit than the nation; it must not therefore be recruited on any principles that encourage its members to think of themselves primarily as members of a particular race, creed or caste. For a long time to come, India would need Englishmen of first rate ability, not so much for the purposes of ordinary administration but for development departments. But they must come through an open door and not by a reserved gate, on terms of equality with other competitors and not on specially privileged terms. They must be inspired by a passion to serve India and help her to become a worthy partner in the British Commonwealth. With British Universities so well staffed and equipped, there is no danger whatsoever of Englishmen failing to get through an open door quite a substantial share of the highly-paid posts in India. And times are gone when first rate Indians were available on much smaller pay than Englishmen. The present system of fixing percentage in services for Englishmen only makes them special targets for attack, and creates a sense of righteous indignation against their privileged position among the ablest and the most sensitive Indians. If all the highly-paid posts go to the best men, all talk of Indianization or Europeanization will automatically cease. The vicious communal basis for recruitment of services, of which so much has been said already, will likewise disappear.

The principle of recruiting services on the basis of merit and merit alone implies that the Ministers must have no patronage in their hands and that a Public Services Commission, properly constituted should be the only recruiting authority in the case of all important posts.

KARACHI.

Dated 13th November, 1928.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE BOMBAY PROVINCIAL COMMITTEE.

Deputation from the ALL-SIND HINDU ASSOCIATION.

The deputation consisted of—

1. Professor H. L. Chablani, M.A., Head of Economics Department and Dean of the Faculty of Arts, Delhi University.

2. Rao Bahadur Hiranani Khemsingh, B.A., LL.B., Zamindar and Ex-President Hyderabad (Sind) Municipality.

3. Mr. Dialmal Doulatram, B.A., LL.B., Ex-Sessions Judge.

4. Mr. M. L. Chablani, M.A., Principal, Model High School, Karachi.

5. Seth Swoukatrai Vehromal, Merchant.

6. Mr. Harchandrai Tahilram, President District Local Board, Tatta Division and Ex-President of Tatta Municipality.

7. Mr. Mulchani Kauromal, President Sahti Community.

8. Seth Chellaram of Shikarpuri Community.

9. Mr. Bhagvandas Ahuja, Merchant.

10. Mr. P. T. Advani, Zamindar and Miller.

11. Dr. D. G. Advani, D.P.H., L.M., L.R.C.P., M.R.C.S., Secretary, All-Sind Hindu Association.

1. *Chairman :* I understand, gentlemen, that the principal spokesman of the deputation is Professor Chablani ?—Yes.

2. We know that you are a Professor of the Delhi University. I understand, sir, that you come from Hyderabad ?—I am a resident of Hyderabad and I have also a house at Karachi.

3. Among others there are also here Dr. Advani, who is the Secretary of the All-Sind Hindu Association, Mr. R. B. Hiranani, ex-President of the Hyderabad Municipality, a lawyer of Hyderabad, Mr. Dialmal Daulatram, retired Sessions Judge, and other gentlemen whose names we have before us. There seem to us, Professor Chablani, to be two main compartments in your memorandum, and I had better consult the Conference as to whether they had better be dealt with in turn. One has to do with the position of the Hindu community, its representation and so on in Sind, and the other has to do with the very difficult question of the possible separation of Sind. Is that not so ?—Yes, sir. There are some other general points also relating to the whole of India.

4. Yes, but we are rather anxious sitting here in Karachi to consider in the first instance at any rate these two matters, and I will include what you refer to as the general constitutional position under the first head. To begin with, would you like, Professor Chablani, to deal with the general constitutional considerations leaving over the question of separation of Sind, or would you like to deal with the separation of Sind first ?—I would like to deal with the general questions first.

5. *Chairman :* Would you like to address us shortly first ?—Yes, sir. At the very outset I would like to remove a possible misconception as to the object of the contents of the first five pages of the memorandum. We have mentioned various particulars showing the position of the Hindu minority in Sind not with a view to recall the unhappy past, but with a view to indicate how the public administration of this country has been affected by the vicious principle of communalism and how necessary it is to provide safeguards against the recurrence and the repetition of the events that have happened in Sind during recent years. That is the object of the first part of the memorandum. So far as our Association is concerned, our general position is exactly the same which, sir, you yourself mentioned to be the object of this parliamentary enquiry, namely, to render justice between man and man. These various incidents have been referred to only to emphasise that justice between man and man has not been the ideal of the present administration in recent years, and that that excellent maxim has been departed from with disastrous consequences. We ask for no special privileges for the Hindu minority in Sind. We only ask for equality between all the citizens of the State. In the matter of franchise, we wish some glaring anomalies to be removed. We wish that the income qualification laid down for the non-agriculturist population should be made equivalent to the land-revenue qualification laid down for the agriculturists. We wish that the Hindu agriculturists of Thar and Parkar districts should be placed on a footing of equality with the Muslim agricultural element in the Upper Sind Frontier.

6. *Chairman :* May I just ask you to explain one phrase you used to save time ? You said that you wished that the income-tax qualification should be made equivalent to the land-revenue qualification. I imagine that that can be done in more ways than one. What is the practical step which you would recommend ?—We can come to an agreement as to the possible and probable income of agriculturists paying a certain amount of land-revenue, and we know the income of people who pay taxes based on income. The same possession of property or income ought to entitle the people to the same privilege. That is our point.

7. Professor, I want you to give us a practical application ?—For example, the payment of Rs. 32 of land revenue is a qualification in the rural areas for agriculturists. Generally twice the land revenue is supposed to be the profit of the agriculturist. But in some of the areas probably it goes up to four times. Taking the maximum four times 32 makes 128. A man with an income of Rs. 128 whether

an agriculturist or a non-agriculturist, should therefore be entitled to vote.

Similarly, sir, we want that the land revenue qualification in Thar and Parkar should be reduced to Rs. 16 as is done in the Upper Sind Frontier, for precisely the same reasons for lowering the franchise exist in both the cases.

Then, sir, we wish that education by itself should be given some importance and weight in accordance with the maxim laid down in paragraph 225 of the Montagu-Chelmsford Report, a reference to which we have made on page 230 of our memorandum.

So far as the electorate is concerned, our position is that only joint electorates are compatible with responsible government. We wish the voter to think in terms of the common weal. We wish the representative of voters to be judged by his service to the common weal. We wish that members of advanced communities should have the privilege and the opportunity to educate backward communities in the exercise of their political power. We wish that the ministry should have a joint responsibility. And we think that these things are not possible so long as we have separate electorates.

So far as reservation of seats is concerned we feel that reservation in favour of a majority is inconsistent with responsible government. Responsible government implies a replaceable majority and a removable executive. If you fix by statute the proportion of a majority community, that majority can never be turned into a minority nor the executive turned out of office. The opportunity to the minority to convert itself into a majority by political propaganda is an essential process in responsible government—a process which is lacking in the present system, and hence we propose that under no circumstances should there be reservation for the majority community.

We oppose excessive representation for any minority community, but if the principle of excessive representation be adopted for any particular minority, it should be extended to all. We wish that equal weight be given to a Hindu voter or a Mahomedan voter. At present, our special grievance is that we are treated on a different footing from the presidency Hindus as well. We want no special privileges for ourselves; we want equality before the law and the public administration of the country. That, sir, is the general position of the Hindu community in Sind.

So far as Provincial Governments are concerned, our association is against diarchy and in favour of provincial autonomy in the subjects classed as provincial, but we are not believers in the millennium of unrestricted provincial autonomy. We believe that the Central Government should have some reserve powers. We have mentioned in our memorandum what we consider as irreducible legal power which the Central Government should possess.

Regarding the division of functions between the Central Government and the Provincial Governments, we are very anxious that the line of approach adopted should not be influenced by communal considerations. We think that the line of approach, so far as the division of functions is concerned, ought to be the supreme test of public welfare, and not the consideration that the Central Legislature will have a Hindu majority. So far as the Central Government is concerned, our position is that some element of responsibility—and that a considerable one—ought to be conceded. All legitimate objections can be met if only the objections are clearly stated. If the fears of certain communities are reduced to a definite shape or form, it is not difficult to devise adequate safeguards.

So far as the services are concerned, our position is that the services must be national in outlook. Its members must not think that they are in office because they belong to a particular community or that they are expected to serve the interests of a particular community. We wish therefore that the appointments should be in the hands of the Public Service Commission and that no distinction of race, colour or creed should be made.

That, sir, is briefly the position so far as the general case is concerned.

8. *Chairman:* Thank you for the summary Turning to page 229 of your document, I see there are a number of suggestions made, and I should like to ask you one or two questions on these. "(*a*) Communal representation and separate electorates for the Legislative Council be abolished at least in all districts and divisions in which the Muslims form a majority of the population or of the voters." Is your proposal that this should be the rule if the Mussulmans form either the majority of the population or the majority of the voters, or are these two different schemes?—We have simply mentioned two possible alternatives; we are only indicating what is the possible line of approach.

9. It is not sufficient to find out the possible lines of approach, but we would like to know how far you will be able to guide us down on the right line. Which of the two alternatives you would advocate?—So far as we are concerned, we would favour the test of voters.

10. I will just ask you a question to ascertain the fact. Do you know, on the present voting list of Sind, whether Hindus or Mahomedans are a larger total?—The Hindus are slightly in excess of the Mahomedans, the former having 67,000 voters and the latter 60,800. I think in the Press report of yesterday's proceedings, the figure for Mahomedan voters given was 59,000, which is a mistake.

11. We got the figures from official sources.—Mine too are from official sources. Government in reply to an interpellation in the Bombay council supplied the figures I rely on.

Chairman: If you think that there is some mistake, we will be grateful if you will send us a little memorandum showing what the mistake is.*

12. You say that "No minority be given representation on the legislature in excess of its equitable share on the basis of a uniform principle applicable to all communities." Do I understand rightly that this means that representation in the legislature must in every case be strictly in proportion either to the voting strength or the population strength of each community?—Yes, sir. What I submit is that if a particular minority fears that it has no chance of being represented through the general open seats, all that it has got a right to ask for is representation in proportion to its voters and nothing more.

13. Supposing there are two communities and votes are divided between them. If the minority community is to get a figure which is exactly in proportion to its strength, it would follow that the majority community would also get a figure which is exactly in proportion to its strength. Is not that so?—Yes. But the minority has to thank itself for the consequences resulting from a permanent communal majority.

14. You will then leave it to the choice of the minority?—Yes.

15. Would you mind referring to clause (*f*) on page 230 of your memorandum? You say that "adequate constitutional safeguards be provided for preventing discriminations against any individual" in various matters that you mention therein. When you say "adequate constitutional safeguards" do you mean a section in the Imperial Act of Parliament?—Yes.

16. I can imagine what is in your mind. There should be a section in the Imperial Act of Parliament saying that notwithstanding the powers conferred upon legislatures or elective bodies, any law or regulation which discriminates in the way described is beyond their powers?—Yes.

17. That being in the constitutional instrument, recourse would have to be had to law courts by

* Vide Appendix, pp. 246–7.

anybody who, right or wrong, wants to challenge any law as *ultra vires* ?—Yes, sir.

18. I can see the importance and value of this suggestion, but I should fear that such an arrangement would lead to a good deal of litigation ?—It is not an easy job to go to law courts; the question of expense always comes in.

19. I am not in the least condemning the scheme. We are considering it very very carefully. I only wanted to know whether you do not think that there is the possibility of this leading to a very great deal of litigation ?—Possibly, but we can trust to the force of public opinion as a corrective.

20. *Lord Strathcona :* On page 228 of your memorandum, towards the bottom of the second paragraph, you say " the officials in Sind have been pursuing a determined policy of discrimination against the Hindus and of favouritism to the other communities." Is that an accusation against British officials or against British and Indian officials ?—Both.

21. Do you make that accusation against the present day officials ?—The position in the last two or three years has slightly changed for the better so far as certain departments are concerned.

22. Still you make the accusation against the present-day officials ?—Yes, taking everything into consideration.

23. *Lord Burnham :* I want you to clear up one point that has been made. In reference to the validity of the statute law when it is passed and the prohibitions such as I understand you wish to put into the constitutional arrangements that are made, are you in favour of an appeal from the legislature to the law courts for enforcing the safeguards for minorities which you want to be inserted ?—I submit that my suggestions have to be taken together. Ordinarily, people would not like to go to the law courts. Probably they would like to have the protection afforded by a commission of enquiry and that would suffice ordinarily.

24. Why should it suffice when many countries that have popular institutions, for example, the United States, have as a matter of common concern appeals against the validity of law, for instance, both against the Congress and the State legislatures ? Would you make the protection of minorities dependent on the supremacy of the law court over the legislature ?—Yes.

25. *Colonel Lane-Fox :* Do you suggest that any appointment to any post should be the subject of litigation ?—It would not be if the Public Service Commission makes the recruitment. But if the local legislature constitutes a Public Service Commission with certain conditions, for instance, suppose it lays down that seats should be reserved for particular communities irrespective of the superior qualifications of the other persons, surely that ought to be contested in law courts; but, ordinarily, if recruitment is by the open door of competitive examination conducted by the Public Service Commission, then there will be no need for any litigation.

26. Do you suggest that the recommendations of the Public Service Commission should be subject to appeal in the law courts ?—No; what I have in mind is that sometimes the discretion of the Public Service Commission is fettered by the legislature. Whenever the legislature tries to fetter the discretion of the Public Service Commission then the validity of that should be contested in the law courts; not otherwise.

27. *Major Attlee :* On page 230 of your memorandum you say : " Any great extension of franchise would only increase the power of the Zamindar and the rich capitalist to buy votes." That implies, does it not, that votes are being bought at present ?—To a certain extent it is so.

28. To what extent ?—At present it is not a great scandal, but there is some truth in the reports one hears occasionally.

29. If we increase the electorate, will votes not be more difficult to buy ?—It is more paying to buy, especially if you have got large numbers of men who have the vote and are at the mercy of the Zamindar.

30. It has been stated to us that the poorer classes of the rural population are at present in the hands of the moneylenders; is that true ?—I think both the moneylenders and the poorer classes are at the mercy of the Zamindar in Sind.

31. How is the moneylender in the hands of the zamindar ?—The moneylender lives in isolated villages and he wants the protection of the Zamindar. He cannot carry on his business without the protection of the Zamindar.

32. Then the Zamindar and the moneylender are in alliance ?—Yes. It is an alliance of a slave to his master.

33. But the poor agriculturist is at the mercy of both ?—Certainly.

34. And you would not give him a vote ?—Not that I would not give him a vote. I want that certain rights should be conferred on him first so that he can use his vote well.

35. What safeguards do you suggest ?—Let the council consist of men who will sympathise with the poor agriculturist. Limit the size of the holding of the Zamindar and confer tenancy rights on the poor agriculturist in Sind.

36. How will that help against the moneylender ?—Of course, you have to provide safe investments for his money. In fact, the moneylender is not anxious to lend money to the Hari in Sind for he has no stake in the land. He is anxious to invest it better if he can. It is the want of suitable investments that makes him resort to human exploitation.

37. *Khan Bahadur S. N. Bhutto :* I understand that most members of the deputation belong to the Hyderabad Amil class ?—No; only five of them.

38. You say in your memorandum that the *bania* in the village is not safe. Have you got instances where the bania in a village has ever complained against the zamindar ? Who guaranteed him protection in that case ?—Whole villages are being evacuated by the banias owing to a feeling of insecurity created by *zabardast* zamindars.

39. Have you got any instances of that ?—Of course.

40. Will you kindly quote them ?—For instance, the village of Serani in Badui where a representation was sent to the Collector.

41. Kindly give us two or three instances.

Chairman : Do you want individual names to be mentioned ?

42. *Khan Bahadur S. N. Bhutto :* I want one or two instances of places where this thing has occurred ? —The Mangwani village, Nawabshah.

43. You say that the moneylender is not willing to lend money but is forced by circumstances to lend money. Do you know that most of the moneylenders within the last ten or fifteen years made fortunes by earning lakhs and lakhs ? They are worth half a crore now while they started with an income of only Rs. 10 per month ?—I am not aware of any such instances. Even if there be one, he may owe his property not to moneylending but to his trade.

44. Whereas they started only with an income of Rs. 10 a month they are now worth lakhs and lakhs ?—I am not aware of the history of any man who started with an income of Rs. 10 a month and earned a fortune by moneylending in Sind.

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46. You have mentioned in your memorandum about the Larkana riot. We are not going to dispute about that. But you will admit that whether it was right or wrong, the riot lasted only for twenty minutes ?—We are not aware that it lasted only for twenty minutes.

47. Are you aware that almost all the officials who investigated the case were Hindu gentlemen and most competent officials too ? For instance, Mr. Ramnath was the sub-inspector, Pratabh Chand, inspector; the prosecuting inspector was a Hindu ?—Who was the committing magistrate ? A Muslim. —Who was the district magistrate ?

48. Please reply to my question. The investigating officers were all Hindu gentlemen?—Mr. Barker was not a Hindu.

49. The sub-inspector was a Hindu. The public prosecutor was a Hindu?—There was a Muslim superior officer. My contention is that there is a suspicion of political pressure behind.

50. Have you got any proof to support your allegation?—The very resolution of the Muslim Association quoted in the Appendix to our memorandum proves it.

51. They passed a resolution?—Yes.

52. And this was a result of that resolution?—Yes.

53. Nothing beyond that?—My whole point is that the public confidence in the judiciary has been weakened by this incident. I do not like to mention names. But the fact remains that a big riot took place in broad daylight in a district headquarter town and no one has been convicted.

54. *Chairman:* Surely the point for us is that you are speaking on behalf of your deputation desiring to represent the feelings of your community; that is a fact?—Yes.

55. *Khan Bahadur S. N. Bhutto:* You know that three or four Muslims died in jails and it cost Rs. 80,000 and the accused were honourably acquitted?—I am not here to answer questions relating to such facts.

56. You have made certain allegations in your memorandum?—All I have stated is that in broad daylight one man was killed and about one hundred people looted and there was not one man who was punished and that this reflects great discredit on the police and the judiciary.

57. Since the British raj came I think about 22 lakhs of acres of land have passed to the Hindus, that is, during the last 80 years, while they had only a few thousands of acres before?—I have not come here to answer questions relating to the transfer of land.

58. You will not say you have not been prosperous?—That has been in spite of the circumstances, not because of them.

59. You do possess now land to the extent of 22 lakhs of acres?—We possess about 28 per cent. of the land which is not more than the population ratio.

60. You monopolise the services? About 75 per cent. in all the services are Hindus?—We do not monopolise the services. The police is not monopolised by us; the education department is not monopolised by us.

61. Does not the very fact that your voting strength is greater than the Muslims show that during the last 80 years your community has prospered more than the Muslims?—Is it our fault that we have prospered and the Muslims have not?

62. Your voting strength is greater than that of the Muslims?—We are more enterprising. We are educated far more than the Muslims and our complaint is that the backward community tries to arrest our progress in every way and to bring us under their control.

63. Would you please tell us what is the percentage of the Hindus in services such as the Public Works Departments and Forests?—I am not acquainted with the percentages in each department. I have not investigated into it.

64. I wanted to get at this point. You have mentioned about the United Provinces. I have got the figures for the United Provinces and they show that the minority community there enjoy about 16 per cent. of the posts in the subordinate services and 40 per cent. in the executive, while the figures in Sind show that you enjoy 75 per cent. Do any other minority in India enjoy as much percentage as they do here?—My contention is that whereas in the United Provinces there is no decree of Government restricting the right of Muslims to enter the services, here in Sind we have a decree passed by the executive preventing the recruitment of the Hindus into the services above a particular ratio. While there is no ratio fixed for the Muslim minority in the United Provinces, we have here certain measures restricting admission of Hindus into the services.

65. *Chairman:* I wish you just to give me an instance of that. You speak of the authorities laying down a ratio? Is that for Sind?—Yes.

66. What is it?—Government have ordered that the Muslims should be represented in a particular ratio in certain departments.

67. *Khan Bahadur S. N. Bhutto:* May I know where it has started, in which department?—In almost every department. The directions are there, they are to the effect that 50 per cent. of the men should be recruited from the Muslim community.

68. But you will admit that that only remains on paper and if you compare the figures of 20 years back with the present figures you will find that there is no difference in the matter of recruitment of the two communities?—That is because few Mahomedans, even with minimum qualifications, are available.

69. And yet you cry?—I protest against this policy of discrimination against capable Hindus.

70. *Khan Bahadur S. N. Bhutto:* You have mentioned some quotations from some unknown persons regarding Mr. Brown and Mr. Rieu?—I did not know that Messrs. Abdur Rahman and Abdul Majid were unknown persons in Sind.

71. Are there not such irresponsible people in your community, and do not they belong to the extremist class of people?—At any rate I do not protect them.

72. You say in your statement that Muslim members in the Bombay legislative council have been taking advantage of their position in bargaining with Government in their own individual and communal interests. What is your authority for that statement? Can you give me any instances where they have bargained with the Government?—It is a matter of common knowledge. There can be no legal proof in matters of this sort.

73. But you can give no instance?—I can give several.

74. Give me one please?—The modules scheme was abandoned because of the political pressure of the big Muslim zamindars in the council.

75. Was the modules scheme given up in the interests of Muslims or in the interest of zamindars?—It was given up in the interest of big zamindars at the upper end of the canal, mostly Muslims, and at the cost of the poor agriculturist at the tail.

76. There are big Hindu zamindars as well?—A few. But that does not prove that political pressure was not used to have it cancelled.

77. Supposing for argument's sake that it is so, are not the Hindu community 40 per cent. strong in Sind?—I repeat that it was all due to communal and individual pressure. If the Commission sends for the records of the case, I believe there will be startling revelations.

78. But this does not amount to communal or individual pressure?—Certainly. Besides it is notorious that certain appointments were made under pressure of certain individual members of the council.

79. So far as the reforms go, will you admit that the reforms have proved successful due to the co-operation of Mussalmans and because of their not creating obstacles in the way of Government? So you call that fact, namely, their not creating any obstacles in the way of Governement, a bargain?—Well, there may be two opinions about that. Government fell into the hands of Muslims because the Swarajists refused to take office.

80. You say that there is rather a disproportionate representation of Mahomedans in service here, but the figures I have got here rather go to disprove that statement. Do you know how many deputy superintendents you have got in the police department? I cannot say.

81. But you have got there your proper share, more than the Mussalmans?—We have not got our proper share in the police department.

82. But the Civil List shows that you have got more number?—But the Civil List will also show you

several capable Hindus have been superseded by inferior Muslims, and not one Hindu from Sind has been appointed by direct recruitment as deputy collector during the last thirty years or so. That is enough to prove my point.

83. Do you know that only two days back for the sub-inspectors' posts out of fifteen, ten Hindus have been selected ?—I am not aware of that. I have not been taken into confidence by the police department.

84. You complained of district local boards. Will you kindly tell me how many Muslim chief officers there are in municipalities in Sind ?—I do not care twopence whether a Mussalman or a Hindu is the chief officer. I want to know if Hindus highly qualified have been rejected or not by the district local boards only because they were Hindus. Can you give a single instance of a capable Muslim having been passed over by a municipality in order to provide a berth for an inferior Hindu ?

Khan Bahadur S. N. Bhutto : There is not a single Mahomedan, sir, as chief officer in any municipality in Sind.

85. *Chairman :* The chief officer is what we call in England Town Clerk ?

Khan Bahadur S. N. Bhutto : He is the chief executive officer.

86. *Chairman :* Does he hold office more or less permanently ?

Khan Bahadur S. N. Bhutto : Yes, sir.

87. *Chairman :* How many municipalities are there in Sind ?

Khan Bahadur S. N. Bhutto : There are about five major municipalities.

88. *Chairman :* And in charge of each of which there is a chief officer ?

Khan Bahadur S. N. Bhutto : Yes.

89. *Chairman :* And you make the observation that out of these chief officers, none of them are Mussalmans ?

Khan Bahadur S. N. Bhutto : Yes, sir. At the same time, there is this complaint about the district local boards.

90. *Sardar Shivdev Singh Uberoi :* May I know, sir, what is the duty of the chief officer ? Is it laid down in the Municipal Act ?

Khan Bahadur S. N. Bhutto : The municipality appoints the chief officer.

91. *Sardar Shivdev Singh Uberoi :* The appointment is made by Government in the municipality of Bombay ?

Khan Bahadur S. N. Bhutto : Yes.

92. *Sardar Shivdev Singh Uberoi :* What are his duties ?

Khan Bahadur S. N. Bhutto : He is the chief executive officer in the municipality.

93. *Chairman :* I gather that Khan Bahadur's point is this. What he says is there are five major municipalities in Sind, and, notwithstanding the fact of the Muhammadan predominance when it comes to selecting a chief officer, they have in each case got a chief officer, who is not a Mussalman, but probably a Hindu. Is that your point ?

Khan Bahadur S. N. Bhutto : Yes.

Witness : Muslims do not predominate in the municipalities. The municipalities have got a majority of Hindu and a minority of Mussalman population.

94. *Chairman :* Your real point then, Professor, is this, that however that may be you would contend that the best and the most qualified man has a right to be appointed—Precisely so, sir.

95. *Khan Bahadur S. N. Bhutto :* How many Hindu chief officers are there in district local boards ? —Some of them have been practically thrust on the local boards by Government ?

Khan Bahadur S. N. Bhutto : Certainly not. Jacobabad has selected its own; Larkana has elected its own. What I wanted to bring out, sir, by my question was this, that the Mussalmans having a majority in district local boards have appointed five Hindu chief officers out of seven districts, whereas there is not a single Mussalman as chief officer in municipalities where the majority is Hindu. So I say we have been treating them very fairly.

Chairman : Do you mind my saying that really I think we fully appreciate both points of view ?

96. *Khan Bahadur S. N. Bhutto :* If you want me to, sir, I shall drop these points. I find various allegations made in the memorandum unsupported by facts. (*To the witness*) *:* The Hindu officers that you complain of were already in Government service and they had been lent to district local boards by Government ?—As a matter of fact, the local boards refused to accept them as administrative officers of school boards, even though Government offered to pay their salaries for some years, only because they were Hindus.

97. But the Muslims taken up were already in service, and they were lent by Government ?—They were made to supersede the Hindus above them in the cadre of service.

98. As regards your inadequate representation from Sind in the council, is it not a fact that the Mussalmans of Sind have consented to give certain concessions to the Mussalmans in the presidency ? On the same principle the Hindus in the presidency are not giving similar concessions to the Sind Hindus ?—No; I am not aware of any concession by the Mussalmans of Sind. I thought the Presidency Muslims got more from the Southborough Committee.

99. The Mussalman population in Sind is over 24 lakhs and in the presidency is 13 lakhs. So to help their own Mussalman brethren in the presidency they decided on having half and half. Would the Hindus do that ?—I do not know if there was any negotiation between the two sections of the Mussalmans.

100. They were recommendations made by Government ?—They were not recommendations made by the two sections of the Mussalmans.

101. *Sardar Mujumdar :* Professor, what should in your opinion be the basis of franchise ?—I have already mentioned it; some kind of property or income qualification, and education by itself.

102. If literacy were the basis of franchise, as you say ?—Not the only basis, I have mentioned both income and education.

103. But would that help to advance education ?—Certainly, it will be an incentive to people to educate themselves, if education by itself is recognised as a sufficient qualification.

104. What is the relation between land revenue and the zamindari income in Sind ?—It is in the ratio of 2 to 1, generally, and 4 to 1 in some parts.

105. Is it a fact that the Hindus are taxed more by some of the district and taluka boards in Sind ?—Yes. The presidency local boards have doubled their local cess for the purpose of finding additional funds for education, but in Sind they raised it by only 25 per cent. The rest of the burden they attempted to throw on non-agricultural incomes and they devised the professional tax in such a way as to make the incidence fall on Hindus and not on the Mussalmans.

106. *Dr. Suhrawardy :* Am I right in saying that the Hindus predominate in most of the services in Sind ?—In some departments, but not in all the branches.

107. In some departments the Mahomadans are predominating in the services ?—Yes; for example, the police.

108. If I am not mistaken, you said that your complaint is that the backward community is a drag on the whole of the province ?—Yes.

109. If you were at the head of the administration, and if you have absolute authority over appointments, what would you do to remove this drag of the backward community on your province ?—I would give education. I would certainly go in for rapid economic development and for better means of communication in Sind.

110. In other words, you would give special facilities for education to the backward communities. You will also give them some facilities for getting a share in the services ?—No; I will give every

facility to everybody who is too poor to educate himself.

111. You will give them special educational facilities?—I will give that to all poor men, no matter to what community they belonged.

112. But you have a Muslim population here which is in a majority and they are backward, and you have also said that the backward communities are a drag on the whole of your province. As the head of the administration how are you going to get over it?—A. When I remove the economic disabilities, I do it for all.

113. I am speaking of the backward community? —Surely the backward community would profit most by such an arrangement because it has a much larger number of poor individuals. But, it is the poor man as such and not as a Hindu or a Muslim who will be the object of my care.

114. You will give to the Mussalman community the most?—I would not exclude any poor man.

115. But you said they are a drag on your province? —They are.

116. In reply to a question by Major Attlee you admitted that votes are sold in municipal elections?—I never said that everywhere they are sold.

117. I did not say everywhere, but somewhere?—There are occasionaly cases of that sort.

118. Can you tell me when such buying and selling takes place? Is it just on the eve of the election, or a few months before the election? Have you any experience of that?—I have not been an electioneering agent myself. I cannot say.

119. I am not asking you whether you are an electioneering agent or not. I only want your view on the question. Is it a fact that the market value of the votes increases as the election draws near and that sometimes for buying votes money is advanced by moneylenders?—I am not aware of that.

120. You are for the abolition of separate electorates and you want joint electorates in Sind. Is it out of pure love for an ideal or because you think that the abolition of separate electorates will result in the return of Hindus to the legislature in larger numbers than the Mahomedans?—I do not care whether a Hindu or a Mahomedan gets into the legislature, so long as vigorous and capable men with a non-communal outlook get elected.

121. You are for vigorous men. But I want to know whether as a result of the abolition of communal electorate, Hindus will be worse than they are to-day? —So far as the mofussil in Sind is concerned I feel they would probably be worse off because the mofussil people are illiterate and rural Sind is dominated by Muslim zamindars. The Mahomedan zamindars will seldom allow votes to be given to a Hindu candidate.

122. *Sir Hari Singh Gour:* Professor, I understand you to mean that so far as your community is concerned you are anxious to preserve a high standard of efficiency in the public services?—Certainly.

123. And you wish to ensure an equal chance to all communities commensurate with their ability, efficiency and experience?—Certainly.

124. You wish to give the backward communities no privilege merely because they are a backward community?—No.

125. The result of it would be that the backward community will rule over the advanced community and with their lower standard degrade public life and public institutions. Is that what you mean?—Yes.

126. As regards the backward community you [illegible] to give them special facilities, otherwise they have[illegible]main always backward?—I would give facilities will re[illegible] backward individual no matter to what to every [illegible]he belongs. I will not, for instance, community [illegible] Hindu who is handicapped by poverty exclude a poo[illegible] himself merely because he belongs to from educating [illegible]munity.
an advanced com[illegible]ust recognise that there is such a

127. But you m[illegible] aptitude—certain communities thing as congenital have aptitude for certain work which other communities do not possess?—But nurture can do even more than nature. If education was open to all poor people and provided by the State, it will at the most take only a few years for the backward communities to come up to the level of advanced communities.

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128. *Sir Zulfiqar Ali Khan:* Professor, will you look at page 228 of your Memorandum? You say in paragraph 3, "In the opinion of this Association, the principle of communal representation and separate electorates is incompatible with the conceptions of nationality * * *" India has got a peculiar position you must admit, and the question of nationality in India is one of paramount importance because round it revolves the whole problem. Could you please tell me what is your idea of the community of interests which form a nationality?—I do not exactly follow you. I feel that there is no conflict of interests between Hindus and Muslims so far as political ideals are concerned.

129. What I want to know is whether India is inhabited by people who profess one religion, who have one common tradition, one history and also common social institutions?—I do not believe that a common religion is a necessary element in every nationality. The United States has not got one religion, Canada has not got one religion and England has not got one religion.

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131. *Sir Zulfiqar Ali Khan:* With regard to the services will you please look at page 228 of your Memorandum. You say therein that "While the Muslims in Sind do not desire to allow the minority an open door to the public services, the Muslims of the United Provinces, Bihar and the Central Provinces are actualling enjoying as a minority a share of the posts in the public services, much in excess of their population ratio." May I ask you whether the Hindus in Sind do not form 27 per cent. of the population and the Mahomedans form the rest of the percentage?—Yes.

132. Do you not believe that though the Mahomedans in the United Provinces have an excess share of posts there, yet they do not enjoy the same privilege here?—My contention is that I am being prevented by administrative rules from entering through an open door.

133. *Chairman:* Professor, let me now put two or three questions on the separation of Sind. Taking all the considerations together, do you advise the Conference or do you not to adopt the proposal for the separation of Sind and making it a separate province? —I oppose it strongly.

134. I suppose you recognise that Sind has an area which is to some degree more separated from the rest of the Presidency of Bombay than, say, Deccan? —Certainly.

135. You admit that there are administrative and other considerations which do make Sind stand out from the rest of the Presidency to a degree which is exceptional?—No. I do not think that the differences between the Deccan and Gujrat are less than those between Sind and Gujrat.

136. What is your principal reason for advising that Sind should not be separated?—From the point of view of peoples' welfare, it is not desirable that a backward tract like Sind should be separated from the Bombay presidency.

137. Sind being in your view more backward than many parts of the Presidency do you consider it is better for it to be yoked with the rest of the Presidency?—Yes.

138. Do you think the area and population of Sind in the circumstances are such as would justify creating a separate province?—No; it is too small.

139. I am not expressing any view but am merely putting a question. You have, I know, gone closely into the financial question in your pamphlet which I have read. Let me say that we cannot enter into the financial question in great detail now. But tell me

this: According to your estimates and calculations, if we could separate Sind out, do you think, in recent past, that it has been an area which has been paying for itself, or an area which has been, if treated by itself, incurring deficits?—Incurring deficits and those, too, increasing deficits.

140. Many of these things are controversial. Is the view which you have formed at all affected by the fact that very important capital works have been undertaken recently in the Sind area?—Certainly.

141. You might explain in a sentence or two why you regard that as having a bearing on your conclusions?—The very success of a big scheme like this requires an experienced administration. I feel that even the financial estimates made of the barrage may prove to be wrong and the period of redemption postponed still further unless economic principles are adopted not merely on the technical side of the management but also on the commercial side of the land sales. Judging from the proceedings of the Bombay council, the Sind zamindari element is likely to predominate in the Sind Council and will not allow sale of land on commercial principles which will be, really speaking, very necessary for the success of the project. Not merely that. Scientific irrigation means control of supply of water for every individual; it therefore requires that the administration must be free from popular pressure. The zamindari element and the cultivator will have to change by force of economic necessity their methods of cultivation; a more economical use of water will have to be resorted to, otherwise the barrage will not pay. Then, the entire labour problem requires careful handling. Sind being an undeveloped tract, hardly one irrigation project is finished before another will have to be taken up. Railway communications and feeder railways are absolutely necessary to take off the new supply of produce that will come from the increased acreage of land; that means more money required for giving the Government of India guarantee against loss in the early stages of feeder railways in Sind. A small province with slender resources cannot afford all this.

142. *Major Attlee:* Sind, I take it, is poorer than any other part of the presidency?—I do not think it is poorer than the Deccan; the Deccan is a greater drain on Bombay than Sind.

143. I thought it had one-sixth of the population of the presidency?—Yes.

144. I want to know why you have taken one-fourth when suggesting that so much should be paid by Sind and so much by the rest of the presidency and not one-sixth? Is it artificial? It is not based on population?—No, not on the basis of population, but on the basis of divisions. A division is one unit of administration and needs therefore the same amount of expenditure on administrative machinery, whether it contains a large population or a small one. As a matter of fact, the scale of salaries in Sind is higher than in the other divisions of the presidency owing to higher cost of living and defective communications; and so even one-fourth share is an underestimate.

145. *Lord Burnham:* In regard to the Sukkur Barrage, do I understand that it is bound to benefit Sind?—It is bound to benefit Sind, but whether from the point of view of finance it would benefit Government is very difficult to say at present. Increased acreage of cultivable land certainly means more prosperity to Sind even though financially it may not pay Government even the interest on its cost.

146. *Chairman:* Is it not that much of the success of the Sukkur Barrage depends on the efficiency with which water is administered and the charge made for lands?—That is so.

147. *Lord Strathcona:* If or when in future a financial case and an administrative case can be made out for the separation of Sind, would you still be opposed to it on other grounds?—What is meant by an administrative case? Supposing communications improve and on that account it becomes possible to educate the people by compulsory education, which is not now possible, due to lack of communications, and supposing there is greater prosperity and education as in Australia or in Canada, and within thirty years the whole aspect of Sind life becomes different, and people take to agriculture as a scientific pursuit, it will then, of course, be a different matter altogether.

148. Apart from all other considerations, is it your opinion that on economical and financial grounds alone Sind cannot be separated?—Yes. Not at present.

149. You mean you will be faced presumably with two alternatives, either to cut down the cost of administration to such a point that the efficiency in services will suffer or you will have to increase your taxation out of all proportion, is it not?—That is one thing. But much more than that I feel that with regard to the Sukkur Barrage, which has just now been taken in hand, the economic development is bound to prove in the initial stages very costly, though, in the long run, it may more than pay its cost. And not only schemes in connection with the Sukkur Barrage but a number of other schemes need to be taken in hand in the near future. Even if you increase taxation to meet the existing deficit, you will have to provide funds for interest and sinking fund charges for development loans; and then there will be no room for the ever-increasing expenditure on the nation-building departments like education and sanitation and industries.

150. *Syed Miran Muhammad Shah:* If the Hindus in Sind are given privileges and facilities similar to those which are now enjoyed by the Muhammadan minorities elsewhere, would you then be in favour of the separation of Sind?—No, for the general objections still remain.

151. Why?—Taking the financial grounds alone. Surely, the fact that there will be a high rate of taxation on land does not mean that I do not pay the taxation. I have to share the consequences.

152. Is it not a fact that in 1917 the Provincial Conference in Sind appointed a committee to enquire into this question and it recommended that Sind should be constituted as a separate autonomous province?—Certainly not. The last paragraph of their report cancels all the previous ones. They made it clear that they agreed on only one point, viz., that the powers of the Commissioner of Sind should be curtailed and the conference, as a whole, rejected without a single dissentient the proposal for the separation of Sind. The same decision was reached at the subsequent Political conferences till 1920. These are the real facts and I am prepared to hand over the relevent papers to the Commission for their perusal.

153. I want that the Report of the Committee should be handed over to the Chairman?—I shall made an attempt to secure it. I know that Mr. Ghulam Ali Chagla, the Muslim president of the Provincial Conference in 1919 definitely rejected the proposal.

154. I think your object to the separation is on financial grounds?—No, but the economic argument is certainly a very important one since it has a bearing on the political development as well.

155. Supposing an independent committee is constituted to enquire into this question and it finds that the province can support itself financially, then will you be in favour of its separation?—No. What is the standard of administration you wish to maintain in Sind? There are many examples of areas which with a revenue of one lakh of rupees support a separate administration. I am not prepared to lower the present level of administration. You have to raise and not lower the existing scale of expenditure on beneficent services, on police, education and so on. If anybody can show me that in the next twenty years a separate Sind will be economically more prosperous and that educational progress in it will be accelerated, then I am prepared to consider the question.

156. Supposing it is shown to you?—But even then the political argument does not vanish.

157. Supposing the financial objection is removed, then also you object to the separation?—Yes. Education for instance will deteriorate apart from the financial burden.

158. I do not want to discuss educational matters with you. You referred to the Sukkur Barrage and stated that the revenue will not be able to meet the cost in the initial stages. I think the Government of Bombay is not providing from its revenues the expenditure on the Sukkur Barrage or any other project on which a capital expenditure is incurred. The debt is incurred by the Government of India?—No province can incur debt except on the security of its revenues; otherwise nobody will lend. The Bombay Government is giving you that guarantee and meeting a portion of the interest charges from its revenues.

159. It was the Government of India that borrowed the money?—On whose security?

160. *Chairman:* I think that Mr. Muhammad Shah is right in saying that the Government of India has borrowed the money for the Sukkur Barrage and it has borrowed the money on the securities and resources of the Government of India, which has lent the money to the Government of Bombay. But in the last resort what you say is correct?—I submit that there is another aspect of the thing to consider. The Government of India is not going to raise crores of money on behalf of a provincial Government whose revenue is only Rs. 1,64,00,000.

161. *Syed Miran Muhammad Shah:* Do you think that the Government is not morally bound to constitute the backward areas into a province?—It has also to consider the risks.

162. Supposing the Sukkur Barrage pays for itself and it will bring prosperity to the people and every pie that you spend is got back?—Every project is subject to some risk of failure.

163. Risks have to be faced?—Yes, but there is a difference between the smaller provinces and bigger provinces in respect of the risks they can incur.

164. It is the duty of the Mother Government of India, the Central Government, to see that the backward area is developed?—I do not believe any Central Government is prepared to borrow money on behalf of a Provincial Government irrespective of the revenues of the province. At least there must be some proportion between its revenue and its borrowings.

165. *Rao Sahib Patil:* Supposing as a matter of argument Sind is constituted into a separate province, do you think there would be sufficient work for a legislative council in that province?—I think you as a member of the Bombay Council know better than myself what contribution the Sind Muslim block makes to the Bombay Council.

166. I want to know whether you think there will be sufficient work for the legislative council of the province?—It depends on the men who enter the council and I think there will not be sufficient men who have either the will or the ability to do the work.

167. You are opposed to the separation because Sind people are not competent to do the business?—Because Sind is likely to return people who know nothing and who are too mediæval in outlook to run a modern administration.

168. You know that even before the Reforms Sind was a deficit province?—Right up from 1843.

169. You think that in view of the present financial position Sind, if constituted into a separate province, will not stand on its own legs financially at least for a generation or more?—Yes.

170. Supposing Sind is made a separate province, do the Hindus feel that their interests will not be safe in the hands of the Muslims?—It is not a case of Hindus feeling safe under Muslims as Muslims. Our interests were quite safe in the hands of the late Mr. G. M. Bhurgri. It will be a case of the advanced community falling under the control of people who are backward and who are still living in mediæval times.

171. As the Muslims are in a majority and as they are incompetent you fear that the interests of the Hindus will not be safe in the hands of the Muslims?—I cannot make such a statement about Muslims in general. All that I can say is that the class of Muslim zamindars who are likely to form the majority in a Sind council cannot safely be entrusted with the control over the destinies of an enterprising, progressive and advanced community like the Hindu minority in Sind.

172. *Raja Nawab Ali Khan:* In reply to the Chairman you have stated that you oppose the creation of Sind as a separate province from the point of view of the welfare of the people in Sind?—Yes.

173. I want to know who is the best judge of the welfare of the people, you or the people themselves?—The people must have a self before they know what their real interests are.

174. You mean that they do not understand what they demand?—There are human beings in that category.

175. But is it not a fact that the Muslims in Sind demand separation?—What do you mean by that? Have they gone to the voters and asked them as to their willingness to pay for the additional expenditure?

176. The great majority of the people are in favour?—We deny it.

177. You do not agree with that?—I do not agree that they have understood anything of the business. If we were to tell the people that they will have to tax themselves further, I am sure they will oppose the proposal.

178. That question was put yesterday to the Muslim deputation and they said that they were prepared to be taxed?—We do not know what their authority is for saying that. Let them take a referendum and ask the voters as to their willingness to bear more taxation on land.

179. If it is found that the great majority of the people are prepared to agree to the separation, then will you have any objection?—I shall still oppose it because I feel that it will not conduce to the welfare of Sind as a whole. I am not prepared to admit that the common people know what the consequences of the separation will be. If somebody is going to appeal to the communal sentiment of the Muslim saying that they will get Muslim Raj and so on, they may be prepared to agree. But if the real facts are put before them, if they are explained what the consequences of the separation will be and if the whole scheme of separation in all its financial and administrative aspects is placed before them then they will oppose the separation. The Muslims of Sind are not yet in a position to understand all that.

180. You say on page 232 that "no redistribution of any province should be allowed without the consent of a substantial proportion of at least the two major communities." What do you mean by "the two major communities"?—The Hindus and the Muslims here.

181. You are only 26 per cent. and you want to hold up the 74 per cent. of the population from carrying out what they want?—We are not holding up the progress of anyone. I might as well take the population of the Bombay Presidency as a whole and say that 24 lakhs of Sind Muslims are holding up the whole of the Presidency. The Hindus are in the majority in the Bombay Presidency and this majority is certainly entitled to say "we won't allow a portion of a majority to be converted into a minority without their free consent."

182. *Dr. Suhrawardy:* One of your objections to the separation of Sind from Bombay proper is the smallness of the size of Sind. May I know if Sind is smaller than the province of Delhi?—Delhi is a province only in name; it is not a reformed province; it is only an administration directly under the Government of India.

183. Supposing Sind is separated and created an administration like Delhi with a university of its own just as Delhi has a university of its own of which you are the professor, would you still have any objection?—Yes; as I stated before the Hartog Committee education in Delhi is suffering because of the smallness of the Delhi province. That is my complaint against the present arrangement.

184. As regards the financial difficulty, supposing the Central Government provides funds which are now being provided by the Government of Bombay for Sind, would you still have any objection?—I consider, constitutionally speaking, that it is a fantastic proposition, because no Government is going to provide funds without having the power to control expenditure.

185. But supposing they provide funds, however fantastic the proposition might be, just as the system of communal electorate is also considered to be fantastic, then what is your view?—I am also a taxpayer of the Government of India and as such I must object to it. Though I belong to Sind I pay income tax and customs duty and as a taxpayer of the Government of India I have also a voice there. Why should they take a course that is bound to lead to irresponsibility and extravagance?

186. Why are they pouring money into Sind? What advantage do they derive? You yourself stated that there has been a deficit. Are you so fond of Bombay that you will not on any account like the idea of separation from Bombay or have you got any other reason?—It is not a question of fondness, it is a question of public welfare.

187. Supposing the Government of India were to find funds?—Even then there are other objections, *e.g.*, political; and moreover I object to it as a taxpayer of the Government of India.

188. One of the grounds for your opposition to the separation of Sind, if I understand you aright, is that it will result in the domination of people living in mediæval times over advanced people. Do I understand you to say that the Muslims are people who live in mediæval times?—Most of them do so in Sind.

189. *Dr. Suhrawardy:* Have you such a thing as the caste system among the Hindus?—Practically none in Sind.

Dr. Suhrawardy: I am very glad to hear that you have got over this mediæval institution.

190. *Sir Hari Singh Gour:* May I ask you one question? Have you any objection to amalgamation with your neighbouring province of Punjab?—That is entirely a different proposition. It is certainly not open to the same objections as an autonomous province of Sind.

191. You have not considered that?—It was considered some time ago, and both Hindus and Mahomedans were opposed to it mainly on two grounds. Firstly, the general feeling was that the Punjabi would oust out the Sindhi from the economic life of the province. And the second reason was that the Punjabi would always have more influence with the Punjab Government, and since irrigation would have to depend on the control of a Government situated at Lahore, the administration would not be fair to Sind so far as the distribution of water from the Indus was concerned. It was far better to continue to be attached to the Bombay Government, which is strong enough to fight for our interests against the Punjab, in the matter of any big irrigation project, dependent on the river Indus.

192. *Chairman:* The impression that we received recently from a Mahomedan deputation was that though they expressed a strong wish that Sind should be separated from Bombay, still they did not at all wish to be joined with Punjab?—That is exactly what I say.

193. I gather that you would agree that association with Punjab would not suit Sind?—We agree that association with the Punjab is not desirable. But at the same time we consider it less objectionable than the separation of Sind.

194. *Sardar Shivdev Singh Uberoi:* One of the grounds mentioned by your Association is about the backwardness of the Mussalman community in the matter of education compared with Baluchistan and other places. Would you give us some figures illustrating that point?—I have given it in one of my pamphlets at page 36—Sind Mussalmans only 37 per mille; Baluchistan 47; North-West Frontier Province 50; Bombay Presidency, including Sind, 95; India as a whole 82; Hindus of Sind 266.

195. How does it compare between the two communities—Mahomedans and Hindus?—There is a great difference in education between the two, the literacy figure being 37 in the one case and 266 in the other.

196. Have you formed any opinion about the political effect of the separation of Sind?—Yes. The first thing I feel is that separation would mean that the entire power would be in the hands of a small oligarchy of big Muslim zamindars. As I have already pointed out, most of the people are landless labourers. They cannot have any influence and the entire council would be dominated by the big zamindari element, which would take care of its own interests only and nothing else. That is one. The second of course is a more general consideration. We are so near the border, and even now there is so much of migration into the Upper Sind Frontier district. In fact Sind has taken upon itself the function of civilising the border tribes of India. We are having, as it were, a constant stream of people from across the border and the consequence of separation would be, I fear, that on some side, especially the frontier side, more of those border influences than Indian influences would prevail, and I do not look upon it, from a national point of view, as at all desirable.

197. *Sir Zulfiqar Ali Khan:* Would you tell me please whether you demanded the separation of Sind on the occasion of the Montagu-Chelmsford reforms?—No. Not only we did not do it, but the Mahomedan leader, Mr. Bhurgri, did not do it.

198. But what about yourself?—We have never demanded separation of Sind.

199. Professor, with regard to the problem of separation you know that the most paramount consideration is one of finance. You know also that in the Punjab one district, that is the Rajpuri district, alone brings in a crore of rupees. Do you not think that the new scheme, viz., the Sukkur Barrage, by which it is intended to irrigate such a vast area will bring in an enormous amount of money sufficient enough to carry on the administration?—I cannot prophesy what will happen thirty years hence. It all depends on the energy and the enterprise of the people and the quality of administration during the interval.

200. Do you not think it is likely?—Not as the Sindhi hari is at present. He will have to change his ways.

201. You fear he will not?—My hopes in him may not be realised rather.

202. You know, professor, that Travancore, a native State, with an expenditure of 205 lakhs carries on a very efficient administration?—I have not been to Travancore. I doubt if it is better than British administration.

203. You also do not know perhaps that Gwalior with 140 lakhs carries on an efficient administration?—I do not think that Gwalior depends entirely on irrigation.

204. You are sure of it?—Facts speak for themselves.

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205. *Syed Miran Muhammad Shah:* At page 228 of the first part of your Memorandum you say that the Mussalmans in certain places are "enjoying as a minority a share of the posts in the public services, much in excess of their population ratio." I only want to have just a rough idea as to whether your community in Sind has not an excess of the population ratio in services?—But it has more than a population

ratio of graduates. I have not got the figures here, but if you want I shall get them for you.

206. I want to know if you believe in an efficient and strong administration, or a just and sympathetic administration?—I do not believe there is necesarily a choice between two evils. You can have a strong, efficient and at the same time, sympathetic administration.

207. *Chairman:* I want to ask you, professor, as an authority on public economics, one or two questions which have to do with the economic aspect of the separation of Sind. Do you recognise in dealing with the subject of public debt that there is a distinction between the debt that a State may incur which has no present assets to represent it, for example, the debt due to a great war, and the sort of debt that may have to be incurred for the purpose of providing itself with an asset?—Yes; that is, of course, very important.

208. So that before we can consider the possibility of separation and the question of what we have to do with the debt which is partly associated with that idea, it is, is it not, important to ask the question, "Is not the debt represented by assets which will be held by the new Government which takes over the debt?" You agree, I am sure, that in the science of public economics it is an important distinction?—Yes.

209. If you have to take over the burden of the national debt due to past wars, you have nothing in the form of visible assets to represent it. But, if you take over the debt due to existing public works, you may have an asset which has been bought by expending the money. You agree so far?—Yes.

210. I take it that on the subject of taking over the sort of debt which is associated with the Sukkur Barrage it would be fair to say that it rather is of the class of a debt incurred for the purpose of providing a great asset?—Quite, but an asset which has not necessarily to be valued at the estimated cost.

211. I quite agree with you. So far so good. Now comes the question as to whether or not if you take over the debt and take over the asset, the asset will really be in the hands of the new Government adequate to meet the debt. It does not follow, of course, that it will be adequate merely because an immense sum of money has been spent with a determination to repay the money that has been borrowed. Is that not so?—Yes.

212. You can tell me from a study of the various projects in different parts of the world whether there are any big irrigation schemes which in fact have not paid their way?—As a matter of fact, I think the Sukkur Barrage is easily the biggest scheme.

213. Are there cases in other parts of the world which, as a matter of fact, have not produced a sufficient return?—Within what period of time?

214. Would you draw a distinction between contemplating taking over this asset just when the construction work is finished and the possibility of taking it over after it has been proved to be a real revenue bearing asset?—Yes.

215. I am merely trying to get your help as an authority on public economics. It seems to me that it is one thing to contemplate taking over such a thing just when it is being built, and quite another thing to contemplate the possibility of taking it over in thorough working order when it has been proved to be a revenue-bearing source?—Yes, sir; this is quite true.

216. Do you believe that if a thing like the Sukkur Barrage is going to be a big source of revenue, it will be necessary not only for the engineers to construct it well, but also for the administration to administer the water and to sell the land at a proper value?—Quite right; that is what I myself emphasised.

217. Do you think that the Government of India, if it were going to contemplate this separation, would be likely to consider whether such subjects as Land Revenue and Irrigation in Sind could be made purely transferred subjects?—I do not think so far as irrigation is concerned it would agree to make it a transferred subject.

218. After all it is the Government of India that is answerable for repaying the money?—Quite.

219. People who lend the money are entitled to look to the borrower, and the borrower cannot merely say that he has handed over the assets to somebody else. So that the Government of India will remain answerable for the money?—Quite.

220. I have no information at all on the subject, but it occurs to me that it is a very serious thing in Sind to consider whether it is likely that this immense asset could be handed over which has been built out of money borrowed by the Government of India unless the Government of India retained control over the revenue from irrigation?—That is so.

221. We do not have the advantage of any analogous case for guidance. You will tell me if you know of any, but I should think that from the point of view of public economics that is the sort of analysis that perhaps we ought to bear in mind?—Certainly.

222. *Chairman:* We are much obliged to you, professor, and you, gentlemen of the Association, for your evidence. You have touched on most controversial topics on which there is the sharpest difference of opinion, or rather I would say the sharpest difference of inclination. No doubt there is a very large body of opinion here which, right or wrong, declares itself in favour of the change. We are much obliged to you, sir, and we quite realise that these are some of the difficulties which you, whatever community you may belong to, have to got face.

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Appendix (vide *Q.* 11, *p.* 238).

Copy of letter dated, Hyderabad, Sind, the 18th November, 1928, from Prof. H. L. CHABLANI, M.A. (Spokesman), Sind Hindu Association Deputation, Karachi, to the Chairman, Indian Statutory Commission.

As desired by you, I beg to send herewith a copy of the statement showing the number of the Muslim and non-Muslim voters for the Bombay Legislative Council election in the municipal and district local board areas in Sind, supplied by the Honourable Mr. J. E. B. Hotson to the Bombay Legislative Council on the 11th October, 1927 (*vide* pp. 631–632 Bombay Legislative Council Debates, Vol. XXI).

It will be seen that the total number of Muslim voters is 60,838 and *not* 59,000 as you have been led to believe.

A detailed examination of these figures shows clearly how erroneous is the impression sought to be produced on your mind that Muslims are likely to lose heavily in elections under a system of joint electorates. *If the City of Karachi is excluded,* the total number of Muslim voters in the rest of Sind is 52,508 against 49,030 non-Muslim voters, giving the Muslims a clear majority. The Sind Hindu Association has claimed a seat each for the City of Hyderabad and Shikarpur, and Karachi is already a separate constituency both for Muslims and non-Muslims. At any rate, this is bound to be the case under joint electorates in view of the total number of voters in these cities. If the City of Karachi be given three seats, the number of Muslim voters is sufficiently large to return one member under the system of a single transferable vote. Excluding the City of Hyderabad, the total number of Muslim voters in the *district* of Hyderabad is 7,919 against 3,059 non-Muslim voters. Excluding the City of Karachi, the district of Karachi will have 4,030 Muslim voters against 1,814 non-Muslim voters. Excluding the City of Shikarpur, there are in the district of Sukkur 6,897 Muslim voters and 6,919 non-Muslim voters, giving the Muslims practically an equal chance of success in a contested election. The district of Nawabshah has 6,517 Muslim voters and 5,442 non-Muslim voters, giving an appreciable advantage to Muslims. In the district of Larkana, there are only 6,329 non-Muslim voters against 10,601 Muslim

voters—a preponderating majority for Muslims. In the Thar and Parkar district, there are 4,475 Muslim voters against only 2,834 non-Muslim voters; while the Upper Sind Frontier district has 3,988 Muslim voters against 1,717 non-Muslim voters. It is clear that these detailed figures for each constituency effectively dispose of the superficial view based on the totals for the whole of Sind without reference to each constituency separately.

Statement showing the number of Muslim and non-Muslim voters for the Bombay Legislative Council elections in the Municipal and District Local Board areas in Sind. (Vide *Council Proceedings*, 11.10.27, *pp.* 631–32.)

Name of Municipal Area.	No. of Voters.		Name of District Local Board Area.	No. of Voters.	
	Muslim.	Non-Muslim.		Muslim.	Non-Muslim.
Hyderabad	5,566	12,454	Hyderabad District	6,755	1,650
Hala ...	268	326			
Matiari ...	373	289			
Tando Allahyar	144	301			
Nasarpur ...	254	163			
Tando Muhammad Khan ...	125	330			
Karachi City ...	8,330	18,057	Karachi District	3,710	847
Tatta ...	173	451			
Kotri ...	118	376			
Manjhand...	13	80			
Keti Bunder ...	16	60			
Larkana ...	754	1,565	Larkana District	9,080	3,373
Kambar ...	281	467			
Ratodero ...	288	541			
Sehwan ...	81	226			
Bubak ...	117	157			
Sukkur ...	898	3,228	Sukkur District	5,542	2,216
Shikarpur ...	2,515	8,462			
Garhi Yasin	68	337			
Rohri ...	302	908			
Ghotki ...	87	230			
Mirpurkhas	265	844	Thar Parkar District	4,143	1,618
Umarkote...	67	372			
Tando Adam	116	1,384	Nawabshah District	6,192	3,400
Shahdadpur	209	658			
Jacobabad	471	1,058	Upper Sind Frontier District	3,517	659
Total ...	21,899	53,324		38,939	13,763

Total Muslims 60,838
Total non-Muslims 67,087

Memorandum submitted by the Khans of the NORTH-WEST FRONTIER PROVINCE.

We, the representatives of the aristocracy, and of the rural population of the North-West Frontier Province, respectfully submit the following proposals for the extension of constitutional reforms into our Province, and hope that our views will meet with your approbation.

1. We earnestly request you to help us in obtaining full reforms that may be sanctioned, as a result of your deliberations, for India, and in this respect we feel confident that our request will receive your support.

2. We beg to lay stress on the fact that the reforms which may be conceded to our Province, will contain all the progressive elements similar to those that are conferred on the other Provinces of India, viz. :—

> A full Provincial Council in accordance with the approved scheme of reforms should be established, endowed with full power to pass laws and regulations for the benefit of the Province, and to exercise all other powers and functions with which the Council can be invested, according to law.

3. We, however, realise that the condition of our Province is not, in all respects, similar to the conditions of the other Provinces of India, and on that account the constitution and expense of the Council, as well as the creation of new appointments that are a necessary concomitant of the reforms, will require modification, so that they may fully conform with the local circumstances.

4. In this connection we will, with your permission, briefly describe some of the factors which in our opinion afford cogent reasons in favour of the proposal in para. No. 3.

This Province consists of only five settled districts, is small and though the population is homogeneous, its financial resources are very limited. The contiguity of the Province with Independent Territory and Afghanistan, the free intercourse between the people on both sides of the Border line, the similarity of their ideals, customs, and mode of life, and specially their descent from the common stock, strongly distinguish the people of our Province from those of the rest of India. We, therefore, feel that sudden and violent changes in the administrative machinery of the Province will be productive of serious harm. We are, however, sanguine that the proposals, which we are submitting below for your consideration, if accepted, will be consistent with the introduction of reforms, and will also contribute to their successful working.

5. We beg to propose that the Council should compose of two-thirds nominated members and one-third elected members.

6. The Khans of the Province have throughout the British Rule been associated with Government officers in the work of administration. They are the natural leaders of the people by whom they are recognized as such; they settle their private disputes out of court; ameliorate their troubles and difficulties and they treat them like their children. The sudden introduction into the Province of an elective system for filling the seats in the Council will, in our opinion, disorganize relations of trust and confidence between the Khans, and the people, and will also lead to discord. We have, therefore, proposed the constitution of the Council in the above-mentioned manner so as to preserve the influence of the Khans who, according to their merit, will be largely nominated by the Head of the administration, and their majority will be thus assured. The elective system will also be cautiously introduced into the Council, and in that way the demand of the middle classes for reforms will also be met.

7. We beg to append a separate note to this representation about the services of the Khans, and we feel sure that the cause of good administration will not suffer by their being nominated to the majority seats in the Council.

8. We hope that four seats will be reserved for our Province in the Legislative Assembly and three in the Council of State, when the new scheme of reforms is inaugurated.

9. We are prepared to concede special concessions to our Hindu brethren in proportion of those conceded to Mussalmans by Hindus in Provinces in which the Mussalmans in the minority.

10. It will not be out of place to direct your attention to the important position which this Province holds on the North-West border of India. From times immemorial India has been invaded from this corner, but that danger has been eliminated by the sturdy martial races who stand as vigilant sentinels for the safety of this sub-continent. They supplement by their willing services the British Military power and we feel sure that the peace of India has been fully assured. We hope that India will recognize our willing services in the same manner as the British Government have always been doing.

11. In the end, we hope that as the notables of the Province on account of their lavish hospitality towards the trans-border tribes incur large expenses, they will not be deprived permanently of the grants of Government land which they have been previously receiving.

Memorandum of the Services of the CHIEFS OF FRONTIER.

It will be fully established that according to the old system in this province, the Afghan tribes look upon their Chiefs with the same amount of respect and confidence which is prevalent among the nationals of the Independent adjacent territory. The Khans of this Province are ever ready to serve the Government to the best of their ability on each and every occasion of emergency. The people also follow their national leaders without any objection or demur and willingly join Military Operations for the service of the Government, when occasion arises. For instance, in the year 1848 the Sikhs surrounded and besieged Sir John Lawrence in Rang Mahalat, Peshawar. The Khans came with an army of their followers to his help and extricated him from that difficult position. This fact can be elicited from Government Records. In that occasion the Sikhs suffered severe losses. In those days the Chiefs of the Province were ever ready to serve the officers of the British Government, even in opposition to the Durani Chiefs of the time. Those were delicate times for the Government of India, but the Khans of the Province by their loyal services saved the situation. It may be said with justice that it was as a result of the services of the Frontier Chiefs that the dignity and might of the British Government remained inviolable during these troublous times in the Punjab and other parts of India. In the first Afghan War of 1841, in the second war of 1878, and also in the third Afghan War in 1919 the Chiefs served the Government zealously and loyally. The services of the Khans of the Frontier in the Mutiny of 1857 were a determining factor in the destruction of the rebel army. The Khans of the Frontier have always been prominent in preserving peace on the Border and saving the countryside from the raiders of the trans-border tribes. In the Great War the services of the Frontier Chiefs were unrivalled in India. All the Chiefs vied with each other to serve Government to the best of their ability, even at the sacrifice of their family members, their property and their own safety.

PESHAWAR.

Dated 19th November, 1928.

MORNING.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), MAJOR NAWAB AHMED NAWAZ KHAN, THE HON. MAJOR NAWAB MAHOMAD AKBAR KHAN, NAWAB SIR SAHIBZADA ABDUL QAIYUM, RAI BAHADUR KARAM CHAND.

KHANS' DEPUTATION.

The Deputation consisted of :—

1. Khan Bahadur Abdul Ghafur Khan, Khan of Zaida (Spokesman).
2. Nawab Dost Muhammad Khan, O.B.E., of Taikal.
3. Nawab Habibullah Khan of Dera Ismail Khan.
4. Nawab Allahadad Khan of Dera Ismail Khan.
5. Khan Baz Muhammad Khan of Teri.
6. Nawab Muhammad Zaffar Khan of Walai.
7. Raja Haidar Zaman Khan of Khanpur.
8. Khan Bahadur Khair Muhammad Khan, Bannu.
9. Khan Bahadur Sher Ali Khan of Takhtikel.
10. Khan Sahib Muhammad Khan of Ghoriwala.
11. Khan Bahadur Arbab Mir Ahmad Khan, M.B.E., of Landi.
12. Khan Bahadur Arbab Muhammad Akram Khan of Landi.
13. Captain Hisamuddin Khan, C.I.E.
14. Khan Bahadur Sarfaraz Khan of Chamkani.
15. Khan Bahadur Muhammad Zaman Khan of Akora.
16. Khan Bahadur Mian Musharraf Shah, Nowshera.
17. Khan Sahib Sarfaraz Khan of Mardan.
18. Arbab Tehmas Khan of Taikal.
19. Nawab Habibullah Khan of Toru.

1. *Chairman :* Khan Bahadur, you are going to be good enough to act as spokesman ?—*Khan Bahadur Abdul Ghafur Khan :* Yes.

2. Would you like in the first instance to address us ?—Yes.

The witness thereupon read the Memorandum submitted by the Khan's Deputation, with the Memorandum of the Services of the Chiefs of the Frontier attached thereto (*see* page 248).

3. *Sir Abdul Qaiyum :* May we hear the signatures read out ?

Chairman : Yes. (To the witness) : Will you be good enough to read out the names ?

The Witness read out the signatures.

Nawab Mahomed Akbar Khan : It is from all the other Khans also.

4. *Chairman :* You read out the signatures ?—Yes.

5. Is it within your knowledge that the contents of this document—the substance of it—are approved by other Khans besides ?—This representation was prepared in consultation with the majority of Khans here, after a long deliberation lasting for two days and portions of two nights. After that we came to certain conclusions which are contained in this document. Then I drafted it in English. After that I explained it word for word and translated it into Urdu. Every gentleman here knows exactly every word of the contents of this document, and they approve of it.

Sir Abdul Qaiyum : I should like to know if the signatories are the same as those who are here before us in this deputation and whose names are given in the list, or if there are any absent, and if so, why they are absent, and if there are any new names among the signatories who are not down on the list.

Chairman : What I suggest we might do is this. Mr. Gidney would perhaps be kind enough to have a list made of the gentlemen who are here, and another list prepared of those who have signed this document.

Sir Abdul Qaiyum : Yes, showing which names are missing and which have been added.

Chairman : I follow that. Those two lists will help us to see.

Nawab Mahomed Akbar Khan : This is given as their unanimous opinion. Only a few have come and attended here, but the rest hold the same opinion.

6. *Chairman :* I am not disputing it at all; I am merely asking for those two lists to be made, and then they will be available later on. I understand the Khan Bahadur says that the document was drawn up as the result of a consultation with a large body of Khans, that you spent two days on it and, I think, part of two nights, that it was translated into Urdu and that the recommendations are therefore recommendations coming from a very representative body.

Later on, if anyone wants to ask a question they can do so, but I should like first of all to put a question or two myself. I should like to ask you this first of all. Your proposal is to have a council one-third of which would be elected. Have you formed any view (either as a deputation, or personally) as to what the franchise should be ?—The question of the franchise has not been discussed, because according to the previous procedure a separate committee was

appointed to settle the question of franchise in India, and I thought it quite possible that a similar committee would be appointed on this occasion and, taking into consideration the condition of our own province, that committee would settle the question of franchise.

7. Very well. It is enough for the purpose of the moment to know that the question of what the franchise should be is not a question that the Khans for whom you are speaking have specially considered at this stage?—Quite so.

8. At present in the North-West Frontier Province are there any examples of bodies which are elected by ballot?—I belong to a rural area. I am not aware of it.

9. For instance, am I right in thinking that the municipality of Peshawar is a nominated and not an elected body at present?—I know the district board is nominated.

Rai Bahadur Karam Chand: The members of the municipalities and district boards throughout this province are nominated.

10. *Chairman:* I thought so. The introduction of the method of election would therefore bring in a change in this province?—Yes, exactly.

11. Another thing I should like to know is this. You suggest two-thirds of this council should be nominated. Who would nominate them?—The head of the province.

12. The Chief Commissioner?—The Chief Commissioner, though by that time he might be designated the Governor.

13. At any rate, the head of the province?—Yes.

14. Is it your idea that he would nominate afresh for each council, or would he nominate so that once he had chosen a man that man would continue to be a member?—As a rule, nomination to these seats continues for the lifetime of the council, and these nominations should, I think, continue to that extent.

15. *Sir Abdul Qaiyum:* Would they be hereditary?—No. I said for the lifetime of the *council*.

16. *Chairman:* I think the Khan Bahadur means there would be fresh nominations whenever there was an election?—Yes.

A member of the Deputation spoke in Urdu.

Sir Abdul Qaiyum: He says that after three years they should be changed.

17. *Chairman:* I should like to ask a question about elections. You know that in some parts of India there are separate constituencies for separate communities?—Yes.

18. In other places the plan of a joint electorate, where Hindus and Mahomedans vote together, may be found. Have the Khans come to a clear view as to whether the elections should be with separate electorates or with joint electorates?—The Hindu population in this province is so infinitesimally small that even if the system of joint electorates were to be the system applied throughout the province, it would not affect the Mahomedan population. In my view it would be better if the Hindus were given separate electorates for themselves.

19. *Chairman:* The Hindus and the Sikhs together form, I think, 7 per cent. of the population?—*Nawab Mahomed Akbar Khan*?—Yes.

Witness: The majority of the Hindu gentlemen who would be eligible for election to the councils or who would be qualified to sit in the legislative council live in the cities, and in some places there they may even be in a majority, so they would not be affected by the large population of Mahomedans in this province.

20. *Chairman:* It comes to this, that you think on your scheme the Hindus should have a separate electorate?—Quite so.

21. *Sir Arthur Froom:* In connection with this very interesting document which you have just read, may I ask whether it is the general opinion of the Khans that it would be better for matters to remain as they are? Has this proposal been put before us as what you wish for in the event of some reforms being given? Do I make myself clear?—Yes, I understand.

22. I suggest there are two sides to the picture. One is that things should remain as they are. Do you think that would be a satisfactory arrangement, or is this put forward to us as your considered opinion if there are reforms given?—You are asking me my opinion, are you not?

23. Might we have your personal opinion, and also the opinion of the other members of the deputation?—I will give you my personal opinion. The world is moving ahead, our own world of India is also moving quite progressively. The Reforms are a step in the direction of enabling the people of the country to have a fairly large share in the administration of their own affairs. Therefore, on that account, irrespective of the fact that we have great confidence in our European officers and in the Government, we still think that we should have a share of all those Reforms which had been introduced before, but from which, somehow or other, we have not yet been benefited, and therefore we want the Reforms. I am not implying any reflection on the administration in any shape or form, but I simply mention that there is a larger consensus of opinion in asking for the introduction of these Reforms, and that is also my personal view as well of the Khans.

24. Supposing it were possible that no further Reforms were given anywhere in India, would you be satisfied with things as they are in this province?—Change is in the nature of the world, and in the nature of human beings. We shall still persist in the improvement of our administration whether it is in the hands of the Central Government who directly manage it, or whether some element of making it more popular is introduced by the inauguration of a Council of persons fit to be entrusted with the management of their own affairs. We therefore urge that this province also, should have a share of the reforms.

25. I am asking this question because I have read some other memorandum which has been put before us from some of the Khan Sahibs in which it is suggested that the province is not in a position to welcome new Reforms. This document which you have read to us would perhaps rescind the previous memoranda. It is a further considered opinion, is it?—Our humble representation to the Joint Conference contains all the elements which, in our humble opinion, will to a certain extent reconcile all views that are held here, and it is with some difficulty that we have managed to bring forward a certain formula before this honourable Commission so that they may consider our peculiar condition, and then also consider the feasibility of introducing suitable reforms into our province. The proportion of the nominated members which we have suggested is really due to the fact that we, by that method, meet all objections. We also see the financial difficulty, and it is on that account that we have also considered that aspect of the case. We know that our memorandum is not a very long one; and it is not a very argumentative one, but I think in a concise manner we have put forward our case to the best of our ability.

26. *Raja Nawab Ali Khan:* Hindus and Sikhs are very few in this province?—4 per cent. only.

27. Therefore you advise separate electorates for them, because you want to be fair to them?—Exactly, in fact, we have indicated that we are quite willing to extend the hand of friendship to the Hindu element.

28. But if they want joint electorates you will not have any objection?—No.

29. You propose that the council should be composed of two-thirds nominated members and one-third elected members; is not that so?—Yes.

30. And you say later on that you propose the constitution of this council in the above-mentioned manner so as to preserve the influence of the Khans:—Yes.

31. You do not specify anything here in your paragraph 5. You say "members." They need not necessarily be Khans?—In this province it is the

aristocracy, *i.e.*, the heads of the nobility, who mostly help the administration under the orders of the local authorities. Other people also to a certain extent are employed.

32. You believe that the great majority of the nominated members will be Khans?—Yes. One word more. We have absolutely no objection to the nomination of any capable gentleman who may not be actually a chief or a Khan, provided our majority is assured. So far, the two-thirds and one-third proportion need not be considered as an absolutely inviolable one. We do not stand upon that. We simply want to preserve in the proposed council the majority of the Khans, and the reason of course, is that we want to see that our province may not suffer from the sudden introduction of those changes that are bound to create discord.

33. *Sir Hari Singh Gour :* You have said that the Hindus in your province are 7 per cent.?—With the Sikhs combined.

34. Would they pay a large percentage of the tax, 80 per cent. of the income tax?—It may be; I do not know.

35. They are educationally far in advance of the other communities?—I do not think so, not in the towns. In the rural areas, perhaps. It is only in the towns where they have the facilities for obtaining education, but even now the Khans and the well-to-do families of the province are taking advantage of education, even at a great sacrifice. You are asking only about the income tax, but the bulk of the revenue is land revenue. The revenue of this province is fifty-eight lakhs. Out of that I am sure that much more than seven-eighths is contributed by the Mussalmans.

36. *Chairman :* It comes to this. The fact is quite indisputable, from the figures I have looked at, that the small minority of Hindus of this province pay far the larger proportion of income tax. In the other hand, it is equally clear that the Mahomedans of the countryside pay by far the largest proportion of land revenue.

Nawab Ahmad Nawaz Khan : That is right.

* * * * * * * * * *

38. *Sir Hari Singh Gour :* The next point is this. You have said very rightly that with the spirit of reform abroad your province wants a proper share of the reforms for the democratisation, the liberalisation of your institutions?—Yes.

39. You say that the Khans of the province have treated their people as their children. Now, of what educative value would this reform be to your children?—By degrees they will be associated with us in the council, and by their progressive knowledge of the world and their patriotism and their friendly spirit of co-operation, which will develop even among the backward classes, they will be fit to be included in larger numbers in the council when the changes take place.

40. Will you give them a helping hand now?—We are giving them a helping hand.

41. In this way, I mean, that a proportion of the elected persons or the nominated persons should be drawn from the people, apart from the Khans—from the peasants, from the tillers of the soil?—Pardon me, I do not understand you.

42. You said that you wished to treat the tenantry, the ryots, the tillers of the soil properly, and my point was that in this liberalising measure of reforms would you not give the tillers of the soil some share in the local councils for the better administration of the province?—When they are fit we will give them their share, of course.

43. But do you think they are fit or they are not fit at present?—They are not fit now.

44. How would you make them fit?—They are receiving education. Their resources are always limited. Their mode of life is different, their profession is different; they are tillers of the soil; they are working in the fields, and have no property. All these things combined keep them more or less in a low social standard. By degrees we are trying our best to evolve the schemes for their education and for their intellectual knowledge, and I think by degrees they will also enable themselves to enter into more or less responsible positions, which the Khans now, mainly hold.

45. How will you form the electorates—of Khans only?—No, but that is a question which I have not considered. The question of franchise we have not discussed.

Chairman : I think on this point it stands like this. This deputation is proposing that two-thirds of the council should be nominated, and it leaves in the hands of the head of the Government the nomination. It is a question for the head of the Government from time to time to exercise his judgment on. These gentlemen are not dictators, and they tell Sir Hari Singh Gour quite frankly that their own view is that the Khans are the natural leaders of the people. That is that. The other point, I think, is this, on the subject of who should have the vote for the other third. I understand that the Khan Bahadur says, on behalf of his deputation, " We have not gone into that, because just as Lord Southborough had a committee, so probably there would be a committee here too." That is really his answer.

Nawab Ahmad Nawaz Khan : Quite right.

46. *Sir Hari Singh Gour :* A general question in the matter of elections. Would you allow your tenants to have a vote?—Certainly, why not? It will be a question of holding so much property, a question of education, a question of services, a question of positions in the army. All those things will be considered.

47. This is a deficit province? There is a deficit here in this province which is made good by the Central Government?—Yes.

48. Do you think the Khans would be prepared to pay the additional taxes necessary to pay the expenditure of the province?—We want to ask for your co-operation in our petition. If you see the last paragraph of our Note you will find that we have put forward certain suggestions for your consideration. The people of the province are not rich, and the province is poor, we are already paying very heavy taxes, we cannot bear further financial burdens. We expect financial help from the rest of India.

49. *Chairman :* It seems to me the position is this, according to you. There is no doubt, as Sir Hari Singh Gour has pointed out, there is in this province an actual deficit. Many authorities think there would be a deficit even if you confined yourselves to the administered areas, and therefore the balance of money has to come from the Government of India?—Quite so.

50. Well, no doubt it is a difficulty, it is a complication—everyone will admit it—to set up an authority over finance if its own constituents do not provide the money. There is no doubt that it a difficulty, but you think it is a difficulty which, on the whole, has to be got over?—We have made it very easy for this Commission to consider the question of finance. You will see we have been most willing to forego large expense—even the question of the expense of council has not been urged to a large extent in our memorandum and that expense we want to reduce, but one thing is very necessary, and it is this, that this province is so constituted that we naturally expect and hope that greater financial assistance will be given to us that we may be able to develop ourselves with the help of the Government of India. The province has been reduced to its present size not on account of our own representation or on account of anything that we wanted, but by a certain policy which the Government of India thought fit to adopt. We have not included in this memorandum any remarks as to how to remedy the question of the finances of the province, though we can easily suggest to you so many remedies——

Chairman : I think we had better not go into the details now, because my learned friend has brought out the point which you admit, that as things are there is a deficit.

51. *Sir Abdul Quaiyum:* May I say one word. I understand that as long as we pay our taxes, income tax or land revenue, at the same rate as the rest of India, it does not matter to us where the rest of the money comes from as long as we are part and parcel of India. If we pay these taxes at lower rates than the rest of India, then our taxes may be raised to that standard. Otherwise it is no concern of ours whether we are a self supporting or a deficit province. That is what I think the Khan says.

Witness: Only with a little difference. This province is, as I say, a sort of midway house between independent frontier territory and India. We are strenuously serving India in every possible manner. We are poor, our natural indigenous resources are not very flourishing, the province is small. With all those things, we naturally expect, and strongly hope, that the local income may be further supplemented, and more largely supplemented by the Government of India, than now.

52. *Sir Zulfiqar Ali Khan:* Will you please inform the Conference whether you have been agitating for these Reforms for a long time?—I think we have been agitating for a considerable time.

53. *Sardar Shivdev Singh Uberoi:* Three or four years, or five years?—Yes.

54. *Sir Zulfiqar Ali Khan:* You started agitating in 1927?—There was a deputation to the Chief Commissioner, Colonel Keene, on the subject of Reforms, and we strongly put forward the plea that full Reforms be granted to us. Subsequently, I think, some other gentlemen also presented applications for the extension of the Reforms. Verbal communications also went on between the Chief Commissioner and some other gentlemen here.

55. *Chairman:* I think we can save time. It comes to this, does it not? There is no doubt that the view you are presenting on behalf of the Khans to-day represents the result of a gradual advance of opinion. That is fair, is it not?—Yes.

Chairman: That is really all one needs to say.

56. *Sir Zulfiqar Ali Khan:* Do you think that the people of this province expected the Bray Committee to give you some measure of reforms?—Yes, I was myself examined as a witness by that Committee, and I strongly put forward the plea for reforms, and I believe other gentlemen who were examined also did so. The majority did so. I do not know about everyone, but I think most of them were asking for reforms.

57. In what year did that Committee function?—1922.

58. Do you think that your people feel disappointed on account of no satisfactory result having accrued from the investigations of the Bray Committee?—Yes. We have been always clamouring for reforms all along.

59. You feel disappointed?—Yes.

60. Could you please let me know whether the present agitation, and some kind of boycott, is due to disappointment?—I do not know.

61. With regard to the nomination question, you want two-thirds to be nominated by the head of the administration?—Yes.

62. Could you give me the approximate number of Khans of this province?—There are different degrees of Khans. You may take us to be over 200. I want to give the definition of Khan. Khan means independent chief.

63. *Sir Zulfiqar Ali Khan:* No. I mean what you would consider as belonging to your class?—We must have about two hundred families or more.

Sir Zulfiqar Ali Khan: Let us say approximately two hundred.

Several Members of the Deputation: Much more.

The Witness: Perhaps many more.

64. *Sir Zulfiqar Ali Khan:* Well, can you give me a rough idea. I do not want the exact number.

Nawab Mahomed Akbar Khan: The best thing would be to ask the Chief Commissioner.

Chairman: I have already asked for that information to be obtained.

Witness: I may be wrong. At any rate, it is quite a large number. My friends behind say there are many more than two hundred.

65. It really comes to this, I think. I have no doubt it will turn out that there are recognised and important khans running up, it may be, to the number of two hundred?—About that number, from whom capable men can be chosen.

66. *Chairman:* And probably there are others who are entitled to the designation who are not quite so important as the leaders. Is not that so?

Nawab Ahmad Nawaz Khan: Yes.

67. *Sir Zulfiqar Ali Khan.* (To the witness): In your opinion, could a constituency of these two hundred be formed for the election of members of your class to the council?—That is not our idea. We want to liberalise the council; we want to include other gentlemen, on the basis of services rendered, qualifications, public-spiritedness and so on.

68. What I mean is this. You want two-thirds of the council for your class?—Yes.

Nawab Mahomed Akbar Khan: Not for our own class; for everybody.

69. *Chairman:* I think there is a little misunderstanding, Sir Zulfiqar. I understand this gentleman and the Khans to say they want two-thirds of the council to be nominated by the head of the Government. They are not insisting that every one of those shall be a Khan; they would leave it to the head of the Government to make what he thought to be a proper choice.

Witness: We simply want and hope to be assured of our majority.

70. I quite follow that?—There may be other people who may be nominated.

71. *Sir Zulfiqar Ali Khan:* If you want a majority in the council, and that is your sole idea, you do not care whether it comes by nomination or election?—I may again explain our position. The temperament and peculiarities of the people in this part of the country are such that if elections are suddenly introduced there is a chance of bloodshed, and so on, at the time of elections. We have tried by the method we now propose to ensure peace, for if discord or trouble results from a large number of elections, the council will suffer. We want to ensure its stability by having the larger number of seats reserved for the element which will be recognised as the leaders, by the common population, and thus the council will work satisfactorily.

72. Perhaps I have not been able to make myself clear. I want a very precise answer to this. Supposing the 30 or 40 gentlemen sitting here now were formed into a constituency, and you were required to elect four or five of this number, do you think if this method of election is introduced and you start electing your members from among the candidates there will be bloodshed among you?—There will be less chance.

Several Members of the Deputation: There will be no bloodshed.

Nawab Mahomed Akbar Khan: There will be no bloodshed, but there will be a tremendous lot of bad blood and bad feeling.

Chairman: I think the position has been made perfectly plain. It stands like this, I think. These gentlemen, Sir Zulfiqar, have put up a scheme. I do not think it is very much use arguing with them at length that we have a better scheme. I want to hear in terms the schemes of a series of delegations, and leave time for each. These gentlemen evidently take the view that it would be better to have the two-thirds nominated, and I am prepared to leave it at that, and accept that as their view.

A Member of the Deputation: There would be no bloodshed at all; I can answer for that.

73. *Sir Zulfiqar Ali Khan:* In the new scheme which you outline, do you think you would have Ministers?—You must have someone in a responsible position. The Bray Committee has made suggestions about that.

74. What is your idea about the Minister? Would you have him chosen out of your own body?—Certainly, we would like to have a Minister from among the Khans.

75. *Sir Zulfiqar Ali Khan:* Would you object if anybody from outside came in as Minister?

Chairman: I understand he would be selected by the head of the Government?—He would be selected by the head of the Government, but anybody else would not be a popular appointment, according to us.

76. *Sardar Shivdev Singh Uberoi:* You have suggested a council two-thirds of the members of which should be nominated and one-third elected, but you have not said anything about the constitution of the local bodies, which are now entirely nominated bodies?—We have not considered the municipalities, but the district boards should be in the same proportion.

77. You want reformed representative government for this province?—Yes.

78. The foundation of reformed government is the management of the local bodies, and in provinces where reformed government has been introduced the local bodies were managed by members who were for the most part elected. Do not you consider it advisable that that experiment should be introduced first in this province, the local bodies being entirely elected, so that there may be some training in representative government first, after which you can go forward to the local council? In that way you will be able to train your people to manage their own affairs?—We have already had sufficient training in administrative matters. There is a large body of men who have been doing useful work, and there is no reason why those people and all the Khans who have been dealing with administration in different ways should not be entrusted with council work immediately, and so we demand the reforms immediately.

79. In paragraph 9 of your Memorandum you say: "We are prepared to concede special concessions to our Hindu brethren in proportion to those conceded to Mussalmans in provinces in which they are in a minority"?—Yes, the same extent of seats.

80. May I know whether there are not Sikhs also holding very important positions?—We include the Sikhs among the Hindus. Here the Sikhs also belong to the trading classes. Five per cent. is the figure for both.

81. Is it 5 per cent. or 7 per cent.?—Five per cent.

Nawab Mahomed Akbar Khan: Seven per cent.

Sir Abdul Qaiyum: It is 7 per cent. for all non-Mahomedans, not necessarily Sikhs and Hindus alone.

Witness: My information is that it is 5 per cent.

82. *Sardar Shivdev Singh Uberoi:* In the Punjab the Sikhs are given separate representation in the council. Will not you extend that privilege to the Sikhs here? They are separate from the Hindus?—There are very few of them.

83. But they have separate interests, separate shrines, separate business, separate educational institutions; do not you think it would be unfair for a separate entity of the population like that not to be given separate representation?—I do not think so.

Chairman: We shall hear what the Sikh deputation thinks this afternoon.

Sardar Shivdev Singh Uberoi: I want their opinion, because they are the majority community in this province.

84. *Chairman* (To the Witness): What do you think about that? The Sardar Sahib asks you for your personal view, or the view of your deputation, as to whether you think the Sikh community here, which is a small one, should have the privilege of separate representation?—I have replied that I think there is no necessity for it, on account of their small numbers; not for any other reason.

Nawab Mahomed Akbar Khan: It is for you (the Sikhs) and the Hindus to decide.

A Member of the Deputation: Yes; that is exactly our point.

85. *Dr. Suhrawardy:* You have just said you have no objection to the non-Mahomedan minority combined getting the same protection here as is accorded to Mahomedans elsewhere?—Yes.

86. Are you prepared to give the Hindus, Sikhs and other non-Muslim minorities combined the same protection which the Mahomedans in the Presidency of Madras, for example, are enjoying at present under the Montagu-Chelmsford reforms, or which they may enjoy?—I do not know what they are, but we are prepared to concede to them rights in the same proportion as Mahomedans receive in other provinces.

87. I may tell you that in Madras the Mahomedans form 6 per cent.?—What seats are they allowed?

88. More than their population basis?—Yes, we accept that basis.

89. Am I right in saying your deputation represents the conservative element in the country?—We are not divided politically according to English standards.

A Member of the Deputation: Yes, yes; we do.

90. *Dr. Suhrawardy:* Sir Arthur Froom has pointed out to you that in some of the memoranda some Khans express themselves as entirely against the introduction of reforms. Am I right in saying that not long ago some Khans, whose imagination was fired by the recent reforms in Afghanistan, demanded full-fledged reforms, or reforms on the lines of the Montagu-Chelmsford reforms, with an elected majority?—I do not know personally.

91. *Dr. Suhrawardy:* May I show you this letter to refresh your memory? (Document handed to Witness.)

Chairman: What is this letter?

Dr. Suhrawardy: It is a circular letter, dated 25th February, 1926, referring to a resolution passed at a meeting of the Khans at which the Khan Bahadur himself moved a resolution asking for full-fledged reforms.

Witness: You are speaking of the meeting of the 25th September?

92. No, the 25th February?—I was not there.

93. *Sir Abdul Qaiyum:* I think he refers to a meeting of all the Khans from which a deputation was sent to the Chief Commissioner, a deputation of which you (the witness) were the spokesman and which demanded certain reforms. Most of the gentlemen sitting behind you were signatories to that, and it asked for full-fledged reforms, with an elected majority?—I do not remember anything about a resolution in which the Khans conceded the desirability of introducing reforms into this province with an elected majority in the council. I do not remember any such resolution myself.

94. *Dr. Suhrawardy:* You yourself have said that the representation you have placed before us this morning was the result of two days' deliberation, and represents not so much the gradual advance of political opinion as a compromise between those who do not want the reforms and those who want full-fledged reforms. The result of that compromise is this document in which you demand certain reforms?—Yes, but I do not remember that we presented any memorandum, memorial or representation to the Chief Commissioner.

Dr. Suhrawardy: I am not now referring to that.

95. *Chairman:* I thought we had cleared this up before. You told me, I think an hour ago, that there was no doubt that the view you now put forward was not exactly the view that everybody would have held some time ago?—Yes.

A Member of the Deputation: That is right.

96. I understood you to tell us it was in a certain way a compromise?—Yes, after full deliberation and consultation.

97. I rather understood, too, that probably some at your meeting were rather doubtful about going so far, and that others would have liked to go further, but that you held a meeting and discussed it and came to the conclusion to recommend what is in this

document?—I do not know what was the result of any previous consultations or deliberations, but when I came here we naturally discussed various aspects and eventually we came to this conclusion. I was not here before; I came here only on the evening of the 14th.

98. *Dr. Suhrawardy :* Did you consider the question of a second chamber in connection with this, a second chamber consisting of Khans, to be nominated?—No, we have not considered any such thing, because, you see, our province is so small that it would have been a preposterous proposal.

Chairman : I think we must take the spokesman. I was going to ask Nawab Nawaz Khan first of all if he wished to put any questions.

99. *Nawab Ahmad Nawaz Khan :* Only one, sir. I am not talking about the past; the past is past. If I understand rightly, you wish that the reforms should be in such a modified form as may suit both politically and financially the Khans as well as the local government. That is your chief desire?—No—also to satisfy the demands of the middle classes to a certain extent.

100. As the spokesman of the Khan class would you say it is the function of the Government to see that all other classes should be taken in, but you want reforms in a modified form suitable politically to the Government, and financially, too, and to your own class also?—Yes, and also to the people.

101. That is your chief desire?—Yes. We are the representatives of the people also.

102. Quite right; but you do not want the full-fledged reforms?—I do not understand full-fledged reforms. I think the Government of India Act covers our suggestions. They are absolutely according to law.

103. *Chairman :* I think it is clear, Nawab Sahib, that this particular document, which has been very carefully drawn up, is proposing a modified application.

Witness : We want to reconcile all sides.

104. *Nawab Mahomed Akbar Khan :* I should like to ask one or two short questions. Do you think that the younger generation of the aristocracy have received or are receiving liberal education?—Yes.

105. Also are facilities available for the education of children of the Khans in this province?—There are many educational institutions, but I personally would like a separate institution on the lines of a public school, for the education of the younger generation of the aristocracy.

106. You have had a long experience both of the Punjab and of the North-West Frontier Province. What is your experience of the work of the younger generation of the aristocracy, both in the Punjab and in this province, and how does it compare with the work of members of the middle classes?—I myself have had a number of young gentlemen from the upper classes, from the nobility, serving in the Punjab in the provincial services in various capacities, and so far as I could see, their work was quite good. Of course, there may be brilliant men among the other classes, but the former fairly compared with all. They were not inferior, so far as one could see. If anything, in certain administrative matters, they were usually more useful.

107. What I mean is this. When compared to the members of the middle classes, what were the feelings of the people over whom they were exercising their powers?—People having some hereditary claim to their position naturally are looked upon, irrespective of the democratic spirit, with greater respect than persons who may not have that claim.

108. And what is your experience, particularly in the North-West Frontier Province, about this question?—I think here we have got quite a good number of officers from the Khans' families, and they are doing fairly well, and in the King's Commission rank mostly. Of course, in the army, the members of the aristocracy have been taken in this province and have given satisfaction.

109. Those who are serving in the superior civil service, their reputation is good?—I have no doubt they would not be there unless they were men of character, integrity and ability.

110. What proportion of the superior services in this province would you like to be reserved for the members of the aristocracy of this province?—I would like half the posts in this province, in the superior services.

111. Whatever is thrown open for the Indians, you would like half of it for the aristocracy?—Yes.

112. Whatever is thrown open to Indians, you would like half of that to be reserved for the aristocracy?—Yes. In the Punjab the rule was that some posts were thrown open to competition, which meant that anybody could come and compete for those appointments. Here, if we have reserved two appointments for the upper classes and two for competition in that way, I think our purpose will be served fairly.

113. But you would like half, at any rate, of the posts thrown open to Indians reserved for the aristocracy?—Yes.

Sir Abdul Qaiyum : This matter is so important that it is practically a life and death question for the province. I will begin with a little explanation. The witness happens to be my class-fellow and my countryman, and so I have the privilege of putting a few simple questions to him, and I trust that he will not mind if I put them.

Chairman : Few and simple are most admirable words.

114. *Sir Abdul Qaiyum :* I see that you do not like to use the words "full-fledged," but in your Memorandum you speak of reforms to which other people are aspiring?—It means full-fledged. I quite accept the word full-fledged to be applied to our representations.

115. I am rather glad that we are on the same platform as far as the introduction of reforms in the North-West Frontier Province is concerned. We want these reforms?—Yes.

116. The second question, on which there is a difference of opinion, is as to how the council is to be constituted. You suggest two-thirds nominated and one-third elected, is that so?—Yes. It is not my personal opinion entirely. It is the opinion of all the gentlemen who are sitting behind me.

117. I am just coming to that point. You know that ever since the Bray Committee Report there is this agitation and demand for reforms in this province?—Yes.

118. May I know whether you presided over a meeting held as late as the 25th September last, in which a resolution was passed asking for the so-called "full-fledged" reforms?—Yes.

119. Do I understand rightly that in that resolution no suggestion was made of two-thirds nomination?—Quite.

120. Do I understand rightly that as late as the 12th November, at a meeting of all parties of Muslims, the same demand was reiterated?—I do not know. I was not there.

121. I will read out the passage: "We repeat our emphatic request for all the reforms that are prevailing in other parts of India, and if by any reason we cannot get all those reforms as a separate unit, then we request that the five districts may be re-amalgamated with the Punjab, so that we may not be losing our rights in future and we shall give the Hindu and other non-Muslims minorities the same protection as is given elsewhere." Members of this deputation sitting behind you were there. What I should like to explain is that even up to the 13th there was no mention of nomination. The idea of nomination came between the 13th November and the 15th November, when the Khan Bahadur Sahib, the spokesman, gave the lead, and the idea sprang from some eight or ten persons and that their Memorandum had not seen the light of day up to the moment we came into this hall?—I protest against the last word.

Chairman : Would you forgive me for one moment, because we want to keep order here. Everything that has passed this morning has been very helpful to us, and I am obliged to you, Nawab Akbar Khan, for mentioning what you have mentioned; but, after all, the important thing for all of us in a Conference of this sort is to try by co-operation and listening to what others say to arrive at the best course. I do not blame anybody because he changes somewhat his view. I shall change my own view a good many times before I come to the end of this Statutory Commission.

Sir Abdul Qaiyum : Quite.

122. *Chairman :* I think it is quite right to have the fact brought out, and it seems to be the fact that some of these distinguished gentlemen were not quite so clear as to their present view as no doubt they are to-day. It happens in all countries. People pass resolutions, you know, and then afterwards they consult together and they come to the conclusion that it would be better to express their view in a rather modified way; and so it is not a fair way to put it to say that the Khans, or many of them, have at one time made a very advanced demand, and they have passed resolutions even in this very month expressing it, but we should remember that what they are now suggesting through the mouth of this gentleman is a revised view. We have been told it is the result of a discussion, and we must not treat it as though it had been the fixed opinion of everybody for a very long time past. Does not that put it fairly ?

(Several members of the deputation rose and expressed approval.)

Witness : Quite right, sir.

Sir Abdul Qaiyum : I could only expect this reply, *i.e.*, that a man is changeable in his views and his ideas, even at the eleventh hour. I am quite satisfied, sir. I have no objection to that.

Witness : If you will ask your question I will answer it.

123. *Sir Abdul Qaiyum :* What is the underlying motive in suggesting this two-third nomination ?—It is to ensure the majority of the Khans.

124. You have stated in your Memorandum that the Khans exercise almost life and death influence ?—No; these are not my words.

125. If the Khans exercise considerable influence with their people, as stated in your Memorandum, why should you fear that the Khans will not be elected in a system of election or is your suggestion meant to strengthen the hands of the local administration ?—I have not stated a word about influence in my Memorandum. I simply stated that they are the leaders of the people. You have got the Memorandum with you and you can see it.

Sir Abdul Qaiyum : It says that the Khans exercise great influence.

Chairman : Let me try and help you both. I think the position stands like this. The Memorandum speaks about the Khans, how the people follow their national leaders and so on. That means really that the Khans exercise leadership and I am sure they do. Then you put the question, Sir Abdul Qaiyum, very naturally. You ask if the Khans exercise such leadership on their followers is it really necessary to secure the Khans' position by nomination and whether they would not get their position secure even by election. People will have different opinions; but the opinion of this deputation is that that may be the system, but they still would prefer two-thirds nomination.

Witness : I also want to say one thing with your permission, sir. It has been stated that our Memorandum was finally settled this morning. I protest against it.

126. *Sir Abdul Qaiyum :* I said that it saw the light of day this morning, though it was settled on the 16th ?—It was printed, published and shown to every one.

127. If the world had seen it the co-opted members would also have seen it ?—I do not know if I have to advertise by beat of drums that such and such a thing has been done. Everybody has signed it and everybody has seen it.

128. *Chairman :* I quite agree that it is not necessary that it should see the light of day at a particular moment but as a matter of fact this document has been prepared only quite recently ?—It has been prepared after consultation with everybody concerned, and I simply drafted it.

129. As a matter of fact I never saw the document myself until I sat in the Chair this morning. So it is quite right to say that the actual document is only quite recently prepared ?—It was written long before.

130. *Sir Abdul Qaiyum :* Then you propose a council of your own with powers of legislation for the North-West Frontier Province with a majority of two-thirds nominated members ?—Yes.

131. May I know what is the underlying object of having this nomination instead of election ?—I have given my reasons in the Memorandum. I may say that our object is to reconcile every interest in the province, and at the same time to preserve the influence of the Khans for which we want to be assured of a majority and we think we have a claim to it.

132. You think that if an elective system is introduced the Khans may lose their influence ?—Yes, to a certain extent.

133. If they are the natural leaders and they possess great influence, may I know why they should lose influence when they are elected by their own constituency ?—We do not want to introduce a system to which our people are not accustomed. We do not want that any uncertainty may happen.

134. You know we all have those Khanships. Were they elected or were they nominated by somebody ?—I personally think that it is the prerogative of the Crown to select or nominate people to high positions. Our kings had always exercised autocratic powers in old times. I do not know the history of each and every family. But each of the members of the deputation here claims a descent from remote times.

135. So also the King or his representative has the power to create Khan Sahibs, Khan Bahadurs and Nawabs ?—I have not said a word about that. I am talking only about the men for whom I am speaking here.

136. If people are made Nawabs, Khan Sahibs and Khan Bahadurs, do they come on the same level with the rest ?—Yes, naturally.

137. Then you mean the list of Khan Sahibs and Khan Bahadurs, etc., is unlimited ?—I do not know about that. All I say is that our position is hereditary and Government has recognised us so. As for the distinction you make, it may be of recent growth or otherwise. We do not in any way object to the position held by any gentleman or to the appointment of anybody to a high position by the Government. We are speaking here about our own selves.

138. I do not mean to criticise you. But what I was saying was that if these Khan Sahibs, Khan Bahadurs and others were included in the list of Khans, there would be no limit to it ?—I do not know about that.

139. I have not got the answer to my question regarding nomination. Is your object not to impair the authority of the administration or not to impair the position of the Khans ?—The object is what I have already stated.

140. Is your Memorandum the result of consultation among you at a meeting ?—Yes.

141. *Chairman :* He said that they had a meeting for two days and they discussed it at that time.

Do you not think that it is on the whole fair that we must take it that this document does represent at present the views to which these gentlemen are committed; but it is open to the criticism—to which I am fully alive—that it has not been a long standing view and it has been the result of some change of opinion ? Is not that fair ?

Sir Abdul Qaiyum : It is quite fair. But the point I was trying to bring out was that this represents the view of not more than eight or ten persons, that they were trying to get many signatures to the document, that they have failed to do so and that they have failed to get the signatures of even those whose names are given in the Memorandum.

Witness : I do not know anything about that. That is not correct.

Nawab Mahomed Akbar Khan : I may state that on the 19th of May there was a meeting held and it was then distinctly mentioned that two-thirds should be by nomination and one-third by election.

Chairman : I think we do not want to hear more about that. If there is anybody who wishes to let us have any further memorandum on the subject either explaining how the document came into existence or adding further signatures or contrasting different resolutions, you may be quite certain that the Statutory Commission and our colleagues will be very glad to listen; but we will not spend any more time on this subject this morning. There is a Hindu deputation—which is a very important one—waiting and we must not keep them waiting too long.

Sir Abdul Qaiyum : I now simply want to say that all these posters, etc., which the Commission see are for the introduction of reforms in the province and I want to impress that there is no real boycott.

142. *Rai Bahadur Karam Chand :* How many Mahomedans belonging to the city signed this Memorandum?—Only Captain Hisamuddin Khan who belongs to our party and is the only representative of the Khans in Peshawar city.

143. Is he a Government official?—Yes, but as a Rais of Peshawar he signed the document.

Memorandum submitted by the HINDU PARTY, North-West Frontier Province.

The case of the Hindus in the North-West Frontier Province is summarised below :—

RESOLUTION OF THE PROVINCIAL HINDU CONFERENCE.

1. The Resolution of the Provincial Hindu Conference, which was laid before the Sub-Committee of the Royal Commission, represents the view of the vast majority of the Hindu Community accurately. It ran as follows :—

"(*a*) The Reforms Scheme, in its entirety or otherwise, will neither be workable nor beneficial in the North-West Frontier Province, owing to the peculiar conditions, geographical, financial and political, obtaining in this Province, and that it is sure to be detrimental to good government and highly prejudicial to All-India interests;

"(*b*) The introduction of Election in the Local Bodies is not desirable in the interests of public tranquillity and communal harmony."

The question of Provincial autonomy, with a grant of full-fledged reforms on population basis, and Special Electorates for different communities, is not acceptable to the Hindus. The Hindus in this Province are not wanting in a desire for political advancement along with the rest of India, but situated as they are, are opposed to reforms on communal basis or population strength. The former is the negation of nationalism for which they stand here as elsewhere, and the latter gives no real indication of the All-India or Provincial importance of the minorities.

THE MEMORANDUM.

2. Weighty reasons in support of the Hindu opposition to the introduction of constitutional changes would be found in the Memorandum submitted by Rai Bahadur Thakur Datta, Retired District Judge, the spokesman of the Hindu Deputation now before the Commission.

3. These may briefly be categorised as follows :—

(*i*) The reasons, which led Lord Curzon to separate the North-West Frontier Province from the Punjab, were purely strategic and political. His Lordship was of opinion that the Gateway of India should be controlled by the Central Government, and it has since been so controlled. These reasons, which led to the formation of a new Province, still hold good, and indeed, with greater force in view of the momentous changes taking place in its immediate vicinity.

(*ii*) The inseparability of the settled Districts from the unadministered Tracts, which are inhabited by wild, fanatic and warlike tribes with whom the Pathan population here have close ties of kinship and sympathy.

(*iii*) This province is a heavy deficit province, its revenues are supplemented by large contributions from the Indian exchequer. There is no possibility that this province will ever be self-supporting. It is inconceivable that the Central Government, or the Central Legislature will forego its control over a province which is maintained mainly from the resources of the Central revenues. The Hindu Conference thinks that this ground alone should suffice to dismiss the question of any cataclysmic changes as beyond the range of practical politics.

(*iv*) The people living in the North-West Frontier Province are only geographically separated from the Kingdom of Afghanistan. Any constitutional changes, which weaken the executive authority in the settled districts, must be impolitic and dangerous to the peace of the Empire, and shake the confidence of the non-Pathan population in the competency of Government to defend them against internal commotion, and the ever-increasing external pressure which in a very short time may alter the History of India.

(*v*) The importance and complexity of the problems of defence require the matter always to be left in the hands of Central Government. A large majority of the inhabitants belong to turbulent, excitable Pathans and quasi-Pathans with their feuds and factions.

(*vi*) The Hindus want to be on terms of peace and amity with their Mahomedan neighbours, and do not like to make any reflections on Pathan mentality, or their possible dreams of the reconquest of India some day when the Central Authority weakens. Even if this were impossible, it must shake the foundation of security of the people not only of the inhabitants of the North-West Frontier Province but of the Punjab too. Hindus have unfortunately been made too weak in this Province. by separation from the Punjab, to be of any real help.

(*vii*) The trans-frontier tribes are a standing menace to the peace and good administration of the settled districts. It is well-known that their raids and dacoities, kidnappings and murders, are mainly directed against the Hindu population who offer suitable targets, being inoffensive by nature but wealthy as a class. Moreover, belonging as they do to a different religion, for which the fanatical element on the border has a deep-rooted aversion, and engaged in money-lending business, are looked down upon with contempt and hatred as *karars* and *kafirs*. The Forward Policy is the only sound measure to secure peace and order on the Frontier, but this can never commend itself to the Pathans. Though they occasionally suffer with us from depredations of the border tribes, yet they sympathise with their love of independence and bravery, having ties of blood and religion with them: and consequently disliking this Policy would always thwart and weaken the same by their opposition.

(*viii*) It is a notorious fact that one-third of the Indian Army costing about 20-25 Crores of Rupees is maintained for the defence of the Frontier, and that another one-third is maintained for what is technically known as covering troops. The result being that about 40–50 Crores of Rupees from the revenues of India are annually spent for defending the frontier. With the rapid development of the air force, by independent kingdoms, aided possibly by certain hostile European powers, there will be a growing pressure upon its resources to keep pace with the armaments strengthened to destroy British Imperialism in India. Nothing should be done which may, for keeping internal peace, make larger demands on our military resources.

(*ix*) The Khans have been and are the natural leaders of men on the Border, but their power and influence, which has been the bulwark and an important safeguard against the unruly elements in the Province, are likely to suffer.

4. The policy of separating the five settled districts from the Punjab, and placing them under a Chief Commissioner concerned with the administration of comparatively uncivilized tribes, has resulted, as a pure accident of that policy, in reducing the Hindu minority from about 40 per cent. in the Punjab, to 7 per cent. in the N.-W. F. P. We believe that it could never have been intended to benefit the Mahomedans here at the expense of Hindus, with a view to weaken the latter's importance or influence.

5. The religion of the Hindus does not influence their political action, but unfortunately the action of the Mahomedans is largely a matter of their religion. The Hindus of the N.-W. F. P. feel that the outlook of their Mahomadan brethren in asking for full-fledged Reforms in a deficit miniature Province, close to Afghanistan and to the unruly wild tribes, on the basis of their numerical strength, is not purely political but Islamic; not merely on unselfish patriotic grounds, but in a vague ambition to attain uncontrolled domination for ever over the helpless minorities, including a major community in the rest of India, practically as a sort of hostage to secure their peculiar demands under influence of Pan-Islamism.

6. As long as the dominant community in this Province has not reached that stage of political education and advancement, where politics is dissociated from religion, and religion from the affairs of public life, any Government savouring of democracy could not safely be entrusted to it, and provincial autonomy on communal lines would not be at all acceptable to the Hindus.

7. As at present situated, we are extremely alive to the sense of a great real danger to All-India interests, and to the British Administration, or the authority of the Central Government itself, by a sudden transfer of power from British Officers to a Muslim majority, determined to work the Reforms on purely communal lines.

8. Our Conference thinks that the immediate problems calling for action can best be dealt with by a neutral government, such as we have at the present moment, but in order to assist that government in getting acquainted with the needs of the people, as also to give them training in the working of political institutions, we shall have no objection to the formation of an Advisory Council, the constitution of which should not proceed upon any artificial consideration of racial ratio, but upon the broad grounds that those who make the largest contribution to the revenues of the province, and have imbibed the spirit of modern progress and democratic principles, should be associated in the work of preliminary political education. It may be pointed out that according to the Census of 1921, out of 12,22,379 Muslim males, only 32,326 or less than 3 per cent. were literates, and of these only 3,979 knew English; whereas out of 1,37,283 Hindu males, 47,608 or nearly 35 per cent. were literates, and 6,041 English educated.

9. In order to assure both communities of the solicitude of Government, that a further political advancement would be given to the province as soon as it is suitably equipped, we would suggest that the Central Government be empowered by statute to hold periodical enquiries into the desirability of further extending self-governing institutions into the province, as time and occasion may demand and justify.

10. Our Conference further desires that since the Central Government is responsible for the good government of the Frontier Province, it should be adequately represented in the Central Legislature, and for such representation we would suggest that two Hindus and two Mahomedans be returned to the Legislative Assembly, while from a joint electorate three members be returned to the Council of State.

11. The Hindus of this province pay as much as about 80 per cent. of the income tax, and their share of the land revenue is also considerable as they still possess some lands. They, therefore, claim that their representation in the Local and Imperial Councils should be commensurate with their contributions to the Provincial and Indian exchequers.

12. Side by side with the political development of the inhabitants on sound non-communal lines, the educational and industrial development of the Province should be vigorously pushed forward, so that in due course of time the Province may become financially self-supporting, and be no longer a burden, as at present, on the general revenues of India.

13. We are opposed to the policy of favouring any one community at the expense of the other, and strongly object to the Mahomedanisation of the services which has been going on for years in this Province. We advocate the recruitment of the public services, in practice as in theory, without any regard to caste, colour, or creed, on personal merit and qualifications alone, and not on grounds of religion or family influence, and as far as practicable by free and open competitive examinations conducted by the Civil Service Commissioners.

14. We are strongly in favour of the judicial amalgamation of this Province with the Punjab, under the Lahore High Court, with a Bench of two judges stationed at Peshawar, and regard it as a measure calculated to secure full public confidence

in British administration of law and order, so vital to the good interests of India as a whole. The resolution to this effect was passed in the Legislative Assembly on 21st September, 1921, but we have not been able to understand on what grounds the Government has not carried out its recommendations. A small province like ours with only five districts cannot possibly ensure that degree of judicial efficiency which is a bulwark of peace and contentment for the people of British India.

15. We would respectfully but strongly urge that the Land Alienation Act, which accentuates the existing divisions and creates statutory castes, should be repealed without delay. Expropriation of small holders, for whose protection the act was professedly passed, is going on, though they do not get the full market price for their land. In this the Hindus have, moreover, a real grievance; their lands may be sold to others, but they are debarred from acquiring proprietary rights in land, and are thus precluded from taking up agriculture as a profession. The economic and real interests of the province suffer because they can not invest their capital for its improvement by scientific methods.

Deputation of the PROVINCIAL HINDU CONFERENCE.

The Deputation consisted of :—

PESHAWAR.

1. Rai Bahadur Beli Ram, M.A., LL.B., Advocate.

2. Rai Sahib Mehr Chand Khanna, Municipal Commissioner, Member, Cantonment Beard, and Honorary Secretary, N.W.F.P. Hindu Sabha.

3. Rai Sahib Ramnath Lamba, Municipal Commissioner and President, Sanatan Dharma Sabha.

4. Mr. Gian Chand Dhawan, B.A., LL.B., Vakil, and President, Arya Samaj.

5. Mr. Parmanand Khanna, Honorary Magistrate and Member, District Board.

6. Mr. Charanjit Lal, B.A., LL.B., Vakil.

7. Lala Vazir Chand Kahar, of Messrs. Mool Chand & Sons.

8. Mr. Ganesh Das, Banker, of Messrs. Isher Das Muttra Das.

DERA ISMAIL KHAN.

9. Rai Bahadur Thakur Datta Dhawan, Retired District Judge and President, V.B. College Council.

10. Rai Bahadur Sukkur Ram, Honorary Magistrate.

11. Rai Bahadur Jessa Ram, Municipal Commissioner.

12. Rai Sahib Ruchi Ram, Municipal Commissioner and President Hindu Sabha.

13. Lal Das Ram Bagai, B.A., Honorary Munsiff and Landlord, Secretary, Brathri Sabha.

HAZARA.

14. Rai Bahadur Diwan Chand, B.A., LL.B., Advocate.

15. Rai Sahib Parmanand, Barrister-at-Law, Vice President, Municipal Committee.

16. Rai Sahib Isher Das, M.A., LL.B., Honorary Magistrate.

17. Mr. Sukh Deva of the firm of Rai Sahib Chukar Lal & Sons.

KOHAT.

18. Rai Bahadur Eshwar Das, Barrister-at-Law.

19. Seth Ram Chand, Banker.

20. Pundit Ramji Lal.

21. Seth Ladha Ram.

BANNU.

22. Rai Sahib Kishen Chand, Municpal Commissioner, Vive-President, Hindu Sabha.

23. Seth Gulab Chand, Muncipal Commissioner.

24. Lala Neb Raj, Honorary Magistrate.

25. Lala Tikkal Lal, Contractor.

144. *Chairman :* Rai Bahadur Thakur Datta, you are going to act as the spokesman for the deputation? —Yes; but with your permission I would ask my friend Rai Bahadur Diwan Chand to read out the case for the Hindus.

(*Memorandum read out, see* p. 256.)

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145. *Chairman :* You wanted to address us, Rai Bahadur Thakur Datta?—Not particularly, sir. I am here to give the Conference any information they may require. The only point that I wanted to make clear was that the Hindus here do want protection. They want their rights and privileges to be safeguarded, because in the matter of education, political advancement, and commercial interests the Hindus in this province are in exactly the same position as the Europeans are in the whole of India. In the whole of India they are given greater representation and also certain privileges simply because they are politically advanced as also in the matter of education, and also because their commercial interests are superior to those of all the others. On these grounds we submit that we have to ask you to give us our rights. The other ground that we have urged in our Memorandum is that we were separated from the Punjab for no fault of ours. There we had been 40 per cent. of the population and whatever might have been the outcome of these constitutional changes, we would have got 40 per cent. voting strength.

146. *Chairman :* I am impressed with that point, and I may say everybody would be. You do not

mind if I just correct the figure which you gave just now, because we have been studying it in the Punjab. The fact briefly is that in the Punjab the Hindus are just over 30 per cent. of the population. Even if you were to include everybody except Mahomedans and Sikhs, they would only be 32 per cent., but in fact the Hindus are just over 30 per cent. of the population. I quite appreciate your point. Your point is that had it not been for the separation of the North-West Frontier which is very largely due to considerations which were not domestic considerations, but were due to special difficulties connected with the Frontier policy, had it not been for that, you gentlemen who live in this neighbourhood would have found yourselves joined up with a very large number of your own community. As it is, you are in numbers a very small body, but of course in commercial importance and intellectual standing you are a very important minority?—That is exactly our submission, sir. One thing I may say is this, that the sentiments of the Sikhs when we were separated from the Punjab in 1901 were with us. There has been some cleavage since, but we always think that the sympathies of the Sikhs, if any question of communal importance comes up, will mostly be with us, and so we include Sikhs also with us.

147. Even if you include Sikhs with the Hindus you may only get about 7 per cent.?—You have got the latest figures, but I speak of 1920–21. Then the Mussalmans were 54 per cent. and the others were 46.

148. You are talking about the Punjab?—Yes, sir.

149. You need not trouble yourself about that Here the Hindus and Sikhs added together will be about 7 per cent.?—Yes.

150. I think you will agree with me that in order to save time and get at any rate some of the questions done, we need not go over this Memorandum again, because, if I may say so, I regard this document, which has been read to us and your own document, as extremely clear and full, and they provide me at any rate with a great deal of the arguments from the Hindu point of view which I wanted to know. Therefore we need not spend time in repeating by word of mouth what has been clearly laid down in the Memorandum.

You have referred at the beginning of your memorandum to the Resolution of the Provincial Hindu Conference, which was laid before the sub-committee of the Royal Commission. That was a document which was presented to two or three of us who visited the Frontier on behalf of the Commission in February. That document I see is signed by Mr. Mehr Chand Khanna as the Secretary of the North-West Frontier Provincial Hindu Conference, and it reads: "The representative Hindus of Peshawar, Dera Ismail Khan, Bannu, Kohat, and Hazara, assembled in a Provincial Conference held at Peshawar on 27th March, 1928, place on record their considered opinion that"—and then follows what is given in this Memorandum?—If you will allow me, sir, I will only say that resolutions to this effect were also passed in 1926 by the various Hindu Sabhas of this Province, and copies of these resolutions have also been given as an appendix at the end of my Memorandum.

151. *Major Attlee:* In your paragraph on constitutional advance you suggest the formation of an advisory council. Would that in your opinion be a nominated or elected body?—I have given some details there, but what I want to make clear is, it is not as if we suggest an advisory council. I say that if Government decides upon giving that on the lines suggested, we shall have no objection. As regards how they should be nominated, I have said that we have got a very good electorate now in the municipalities and district boards. The district boards and the municipalities are nominated bodies, but they represent fully the different classes of the population, as also their various interests. The district boards and the municipalities can be given a right to elect among themselves by what you might call an indirect method of election. That I believe was the case before the Montagu-Chelmsford reforms began.

152. *Mr. Cadogan:* In paragraph 14 you suggest judicial amalgamation of this province with the Punjab. We have received a certain amount of criticism of that suggestion on the score that it will involve a very intolerable delay?—We have provided that a Bench of two judges should sit at Peshawar with the same powers that the judicial commissioners exercise now. What we submit is that as regards judicial commissioners we have not got the proper persons to enlist from, and when even temporary vacancies occur one has to come from the Punjab and the other comes from Bombay. This province has not got the material to provide for the higher posts. And another thing I want to suggest is that the judicial commissioners here do not have the same respect for their decisions as the High Court judges have. The High Court judges will have higher status when hearing cases. And there is a third reason, and that is that when the two judges disagree sometimes there will be available a third judge in the Lahore High Court to decide whose decision should hold good. Therefore, if you have a High Court to draw upon, then the status of the judges will increase and you will have a safer remedy in the case of differences of opinion.

153. *Lord Strathcona:* . . . Have you considered what form of franchise you would suggest?—The members of the district boards and the members of the municipal committees. Those are the members who will be electors.

154. Do you mean that there should be a franchise for appointment to the district boards and municipalities, etc.?—No.

155. *Chairman:* You mean the district boards will be the electors?—Exactly, and the municipal committees.

156. *Lord Strathcona:* At page 111* on the question of services you say that the number of British civilians should be increased, and so on. Do you mean that to be only a special recommendation as applied to the North-West Frontier Province?—Yes, exactly. Because here the communal question owing to the Pathan mentality is very acute, and also we have had some experience. We are not saying that merely on theoretical grounds, but we have experience that if we get city magistrates, or subdivisional magistrates from one community or another, there are always grievances, and there are always complaints, and the only way in which to neutralise all this is by having civilians for the three posts, viz., deputy commissioners, city magistrates, and sub-divisional officers.

157. Will it be fair to say that in your opinion there are not sufficient British officers?—Yes. I will say that not only it is not sufficient, but that there ought to be more civilians in the province.

158. *Dr. Suhrawardy:* You claim adequate representation for the Hindus in your memorandum. Am I right in inferring that you claim separate electorates for the Hindu minority?—As regards separate electorates, it should be decided as an All-India question; we are opposed to election for this province.

159. You say that you claim adequate representation. It involves the question of separate electorates?—No.

160. Will you kindly explain what you mean by saying that the representation of the Hindus in the local and imperial councils should be commensurate with their contributions to the provincial and Indian exchequers?—I have explained in my memorandum that the advisory council should elect members to the Legislative Assembly, and the Chief Commissioner will nominate members to the Council of State. My idea is that the advisory council will elect the members if Government decided to constitute it.

161. And there the Hindu representation should be commensurate with their contribution to the provincial and Indian exchequers?—Yes.

* Memo. by Rai Bahadur Thakur Datta Dhawan not printed.

162. Can you give me an idea of what you mean by saying "adequate representation?" You claim that on the ground of your wealth, education, and other considerations you should have adequate representation?—What we mean is that the representation should be equitable. We have stated that two Hindus and two Muhammadans should be returned to the Legislative Assembly, and three members from a joint electorate to the Council of State.

163. And what about the local council which you mention in paragraph 11?—It means an advisory council.

164. You have given reasons in the memorandum for opposing the introduction of constitutional changes. Were these reasons advanced before the Bray Enquiry Committee?—That committee had nothing to do with the constitutional changes. The question then mainly was whether we should be amalgamated with the Punjab or not.

165. But the amalgamation with the Punjab involved the introduction of reforms. Were these reasons for your opposition to the introduction of the reforms placed before that committee?—That could not be done then. Had the Government sanctioned the amalgamation, the Hindus would have been 40 per cent. of the population on the whole.

166. But you are now giving strategic and political reasons?—Those are admitted by all including the Bray Committee, so far as the Frontier Province is concerned.

167. May I take it that these reasons are advanced now for the first time?

Nawab Ahmad Nawaz Khan: May I say that at that time when the enquiry was made these gentlemen were for amalgamation with the Punjab and they wanted full-fledged reforms for these five districts? Now they are opposing the reforms for these districts on different grounds. These reasons were not advanced then because they wanted amalgamation with the Punjab.

168. *Chairman:* I think it must be so, because I have read the Bray report. I rather gather from what I have just heard that this is the position: that at the time of the enquiry presided over by Sir Denys Bray in 1922 the body of opinion—a very important body of opinion—which is now before us, was disposed to urge the amalgamation with the Punjab of at any rate a portion of the North-West Frontier Province, feeling that if they were thus amalgamated the Hindu community living here would find itself associated with the Hindus of the Punjab. If there was an amalgamation of that sort of the five administered districts with the Punjab, naturally the constitution of the Punjab would apply to these districts. Now then the position is that very formidable arguments—right or wrong—have been put forward which in the view of some people show that there is some difficulty in amalgamating the five districts with the Punjab. That being so, the Hindu deputation has, of course, to reconsider its position, and I gather that in that new situation the view they are disposed to take is this: "If there was not going to be the rejoining of the Hindus here with the Hindus of the Punjab, and if we have to depend entirely upon local rearrangement, then in that event we take the view which is set out in this memorandum." That is a fair account, I suppose?—Exactly. I may also state that if these districts had been amalgamated with the Punjab the Pathan members who would thus have gone to the Punjab council would have been only five or six per cent. and would have been Indianised. Taking the Pathan mentality here into consideration we cannot accept their domineering over us. There is another point. The agitation with regard to the Bray Committee was due to the fact that there was raiding and kidnapping going on at that time, and we could not bear it. Hence the forward policy of the Government which subsequently followed, as a result of which raids and kidnapping have almost ceased now and the case then put forward for amalgamation with the Punjab almost disappears.

169. *Dr. Suhrawardy:* You have just stated that you are not in favour of the amalgamation of your province with the Punjab?—That is my personal view. We have said nothing about it in the memorandum.

170. You are entirely opposed to the introduction of reforms in this province?—Yes.

171. It is not only your personal view, but that of the whole community?—Yes.

172. What do you mean by saying representation on communal lines? Do you mean that there should be separate electorates for Hindus and Muhammadans?—We do not want election.

173. If you do not want election, then the objection to communal lines disappears?—What we say is that if these reforms are thrust on us as a result of their introduction all over India they should not be on communal lines.

174. Are you prepared to withdraw your opposition to the reforms if there is a joint electorate in the North-West Frontier Province?—No. If it is a settled fact that there should be reforms all over India and if you are going to thrust them on us too, then we say whatever form you are giving to India, you will give us also.

175. Then how do your other reasons disappear? What has the joint electorate in the rest of India got to do with the reasons which you have advanced here? Will the Pathan mentality change? Will the dreams of Mussalmans change? Or do you think that the abolition of communal electorates in other parts of India will make the position of the Hindus in the Frontier Province so strong that you will not then object to the introduction of reforms?—If the whole of India gets another instalment of the reforms and there is a Legislative Assembly the Hindus will have a majority in the Assembly and we may be able to seek protection at their hands and let us hope that the Pathans here will not be able to persecute us. But we run the risk.

176. In other words you object to the introduction of the reforms because it will result in the domination of the Mussalmans in the legislature here?—Of the Pathans.

177. If your argument were to prevail, then the Mussalmans of the Madras presidency may advance the same arguments and say as they are in a minority there and the Hindus are in an overwhelming majority, no reforms should be introduced there?—The conditions here are quite different from those of Madras.

(Rai Sahib Mehr Chand): I beg to submit that in the first place the same peculiar conditions which prevail here do not prevail in Madras. As the leader of the deputation Rai Bahadur Thakur Datta has mentioned, there is the question of the Pathan mentality. In the next place, unlike the Muhammadans in Madras, we Hindus here have great stake in the shape of commercial interests, in the shape of political advance, in the shape of education and so on.

178. That may be a claim for your getting separate representation in the event of the introduction of the reforms in proportion to your numerical strength as well as on the ground of your education?—(Rai Bahadur Thakur Datta): We only wanted to meet your argument.

179. You say you do not want the introduction of the reforms here because it will result in the domination of the Muslims over the Hindus?

Chairman: What the witness says is that it is not a complete parallel. It may be quite true that the Muhammadans of Madras are a very small minority just as the Hindus in the North-West Frontier Province; but he says there are two differences. In the first place—rightly or wrongly—the Hindu minority here are deeply concerned with what he calls the Pathan mentality and there is

nothing corresponding to that in Madras. Secondly, he says, it is true that we are a small minority but intellectually and commercially we are very important and that it is not the same in Madras. I do not say that I quite agree with him but that is his position.

180. *Dr. Suhrawardy :* I want to know whether you are in any way connected with the Hindu Mahasabha and whether your Deputation share the views of the great Hindu leader of the Nationalist Party whose premature death the whole of India laments, I mean Lala Lajpat Rai?—No; we never went to them nor were we ever invited.

181. I am referring to the resolution passed by that Sabha in March, 1928?—They never invited us, nor did they visualise our peculiar position.

AFTERNOON.

Deputation from the PROVINCIAL HINDU CONFERENCE—*continued.*

1. *Nawab Ahmad Nawaz Khan :* Rai Bahadur Sahib . . . I think that you are opposed to the introduction of full-fledged Reforms (not partial, as you have recommended that) on three main grounds, communal, political and financial. Is that so?—You have not said geographical.

2. I take it in a sense political includes geographical also. Your first ground is communal, that is the Hindu point of view, and in regard to that, I quite agree with you that you are entitled to have that. The other two are political and financial. You have seen my memorandum and I have also not agreed for full-fledged Reforms for this province on those two grounds, viz., political and financial. Therefore I do not want to discuss those two points. But as regards the communal grounds on which you have based your opposition it leads me to think that there are still two points to be considered. One is whether a Hindu or a Mussalman opposes the Reforms on account of his bigotedness. That is out of the question. The other point is this that you are afraid of the interests of your own community and that you want to safeguard them. Therefore, supposing such a form of Reforms were granted to the province which would not interfere with the present or the future rights of your community, would you welcome those Reforms?—Our objection to the Reforms is not on communal grounds, but it is based on the mentality of the Pathan community. They will be fighting among themselves and crime will increase involving everyone. And I believe that all this will occur whether there are Hindus here or not, and our Hindu point of view is that these Reforms will prove a great disaster.

3. *Sir Abdul Qaiyum :* If such Reforms are given in which your rights are well protected and safeguarded, then you will not object to that?—In the present circumstances that is impossible.

4. If it is impossible it is another matter. But if it is possible?—That is a hypothetical question. I know that it is impossible anyway.

Chairman : His view is that taking a practical view of the situation it does not seem to him that it will work.

Witness : Yes, sir.

5. *Sir Zulfiqar Ali Khan :* Rai Bahadur I have only one question to ask and it is this, that as a minority do you think that you have a right to prevent the advance of a whole people?—In their own interest, yes.

6. In whose interest?—In the interest of the majority—the Pathans.

7. But they want it. Are you their guardian?—I am not their guardian, but I know what will happen. The agitation is recent since the Bray Committee of 1922 by a few persons; prior to that, no one heard of reforms for this province.

8. And they do not know it?—They may or may not know it. They will fight between themselves. Also I submit that what I say is in the interest of the whole of India. If there were trouble here, then the whole of India will have to suffer. Besides, one crore and thirteen lakhs of rupees a year (Budget 1928-29) are contributed by the Indian Government for the civil administration of the settled districts and they must have a voice in it. Another one crore and twenty-five lakhs is given for the frontier tribes in the Agency Tracts. It is really an Imperial question.

9. * * * It is my general impression that your fear is that in the present condition of affairs beyond the frontier, if a measure of Reforms is given to this province, the Hindus will suffer?—The Hindus will suffer, and also all the Indians for the matter of that. The Hindus are after all only a part and parcel of the whole of India. The separation of the two parties is impracticable.

10. Do you think that an awakening of the Muhammadans is taking place and that the Hindus will take part in it?—There is no such awakening in the masses. If there is any awakening, we will not object to it. As at present, it will only excite passion which will injure people for nothing.

11. But do you not think that there is perfect peace in Afghanistan and other countries bordering on India?—That is a new thing you are saying. You speak of Amir Amanullah. He has got his own peculiar way, and we have yet to see what it is, and he may ultimately find that things are not happening according to his own views. Anyhow, that, I believe, is outside our sphere.

12. *Nawab Mahomed Akbar Khan :* Rai Bhadur, supposing a council is granted to this province, have you any objection to its composition in the way put forward by the Khans, that is, two-thirds nomination and one-third election?—Any legislative council here will be a great disaster to the country, but if the Government is going to give it, I would rather have two-thirds nominated. I am not for it, but out of the two evils I will select the lesser one.

13. Do you think that one-third election in the council will have some effect on the influence and power of the Khans of this province?—Oh! Yes. As one-third goes there by election, you will find that the power of the Khans will diminish, because the others will probably be intellectually abler than the Khans. If the intellectually abler lawyers will go there, the Khans will get lesser influence.

14. *Nawab Mahomed Akbar Khan :* Do you think that the officers recruited from the aristocracy of this province compare better with those of the middle classes? You have long experience of the North-West Frontier Province. What do you say?—I would not give an answer, if you do not press it.

15. All right. May I ask you how a reduction in the number of British officers in the civil administration will affect the administration in this province?—Most injuriously.

16. *Sir Hari Singh Gour :* You have been put questions as if there was a competition between the minority and the majority community. I understood that your view-point is entirely different. Your view-point appears to be this, that you class yourself as a politically advanced community and you base your claim upon the fact of your political advancement, and it does not matter whether you are in a majority or minority, you want special rights because of your advancement?—Yes, and also because of our commercial interest.

17. And you have large commercial interests?—Yes.

18. Now, as regards the questions put to you on the subject of the creation of an advisory council, supposing an advisory council were instituted for this province, and the rest of India were to get a larger measure of Reforms—we will assume that—would you not think that that would be a ground for the Frontier Province to cry for more, or will they possibly accept that position which is assigned to them of having only an advisory council?—Hence we are opposed to it.

19. Do you not think that because the Central Government keeps you up by making a large annual subsidy, if you have a larger representation from the five districts and also a Frontier provincial committee to co-operate with the Foreign secretary, that would sufficiently meet the case?—Yes, that will do.

Chairman: You have described it as a Frontier provincial committee. Would you mind developing it a bit? Is that committee to be nominated or elected?

20. *Sir Hari Singh Gour:* (To the witness) You find that the facts are these, and you have to face the facts. The Central Government for a long time to come has to maintain the balance between the revenue and expenditure in the frontier districts. Consequently it is outside the pale of practical politics, so far as you can see, that the Central Government should finance you and have no say in the matter at all. Therefore, you must give some voice to the Central Government. Now at the same time you have an aspiration that you must advance along with the rest of India. Supposing you have a larger representation from the five frontier districts of, say, five or seven members—I shall come to the question of how that representation should be later; that is a different question—and you have also the Foreign Secretary in the Government of India, who generally supervises the work of the local Government, and this committee along with the Foreign Secretary becomes a sort of quasi-council to deal with the Frontier Province, now you will have the control of the Central Government, you will have the control of the Viceroy and the Legislative Assembly generally, and you will have your special interests represented in the special committee dealing with the special questions. Would that not satisfy your legitimate aspirations?—Would we be allowed to go to the Legislative Assembly?

21. Of course it will be a part of the Legislative Assembly comprised of the members of the province?—We are for it.

22. *Chairman:* It is only a sketch and I understand the idea to be that the representatives in the Central Legislature of the five districts in the North-West Frontier Province will be increased, so that they will have in the Central Legislature more voice. But in addition to being members of the Central Legislature they will be members for the North-West Frontier Province of some sort of council or something of the kind which would have (I do not know whether it will have advisory or other powers) at any rate, advisory powers with the Foreign Secretary in reforms to local affairs. That is the kind of scheme?

Sir Hari Singh Gour: Yes.

Witness (Rai Bahadur Diwan Chand): Such a thing will give us an opportunity to place our views* before the authority and on the information we place before them they will be able to take any action they think fit.

Witness: (Rai Bahadur Thakur Datta) On the supposition that we shall have sufficient representation there.

23. *Chairman:* That is another point. If we are simply to say that the voters in each of the five districts should elect a representative each, it does not seem very probable that the representatives would be representatives of the Hindu feeling. I think then you would not have a very good chance. But perhaps you would be prepared to consider as part of the scheme the idea that some places should be reserved for Hindus?—To my mind it may weaken the Hindu voice in the Assembly.

24. *Sir Hari Singh Gour:* Consult the members of your deputation and let us have your considered views. At any rate I suppose you are disposed to consider the details?—We do not know the details now.

25. You will work out the details and you will be quite prepared to submit a memorandum?—Yes.

26. *Lord Burnham:* Would that be leaving the members of the Assembly as they are at present?

Sir Hari Singh Gour: I suppose the number of the members of the Assembly will have to be increased.

Lord Burnham: To how much?

Sir Hari Singh Gour: To 250.

27. I just wish to read to you a passage from the Memorandum of the Advanced Hindu Party. It is stated therein: "The root cause is that the Indian officer is a servant of the foreign masters, and does not care what his Indian fellow subjects think about him. The European officer who controls his destiny has no contact with the mass of Indian population." You have stated that you would like to increase the strength of the European officials in this province. Do you agree with the statement I have just now read?—No.

28. Have you any suggestions to make in view of the fact that Parliament has declared the policy to be the larger association of Indians in the administration of their country? Do you think that if Indians with unbiassed minds were appointed to the Frontier Province, the difficulty would be solved?—Yes, I think so.

29. What you really want is unbiassed and efficient men and not exactly Europeans?—Yes, and at present we see these qualifications only in the British officers.

30. You have stated in your Memorandum that you claim adequate representation. What would be a fair proportion of Hindu representation for these five districts as compared with the representation of the Mussalmans, say in a Legislative Assembly or any council that may be constituted for the Frontier Province?—Forty per cent.

31. *Raja Nawab Ali Khan:* You say: "To avoid intrigue and faction none but British officers should be appointed deputy commissioners, sub-divisional officers and city magistrates." This applies only to the North-West Frontier Province?—Yes.

32. Not to the rest of India?—No.

33. Why?—Because in the rest of India the people who get into the service are not of the same mentality as the Pathans here.

34. There is no intrigue and faction there?—There may be, but the conditions are quite different.

35. *Sir Abdul Qaiyum:* Is it on account of the incapacity of the Muslims of this province you are afraid of the introduction of the reforms or is it on account of the insecurity of your rights and privilleges?—On both the accounts

36. Can you tell me in what way the reforms are going to affect you. Are you afraid of the mentality of the Mussalmans after the introduction of the reforms more than what you do now?—Yes; because the Pathans will get more power then.

37. How do you think they get more power?—Taking the present reforms in the Punjab into consideration, do you know what are the transferred subjects administered by the Ministers?—Yes.

38. Do you think that improving a few roads here and there or the opening of a few schools here and there or some other similar things will put you in a more dangerous position?—That is only a part. If there are reforms, there will be a legislative council with great powers. They will have votes and they

* *Vide* Appendix, p. 264.

will be able to pass laws which may affect us adversely' and they will also have a voice in the apportionment of finance. All these things will follow the reforms. Then again the Ministers will have a voice in the general administration of the province because they will be associated with the Government. They will be part and parcel of the Government, having authority to enact laws.

39. There will be the right of veto?—That right of veto cannot be exercised on many occasions. That is a very inconvenient thing and it might be exercised once in a way, but it cannot be exercised forty or fifty times. It can be exercised only in emergent cases, and it will not be exercised in the case of every measure that the Pathans will enact. If the Governor begins to exercise his power in every case he will be called autocratic and so on.

40. You do not remember any cases in which you have raised your voice saying that the authorities were autocratic without any control from the people and that the country was lawless and so on and wanted reforms?—I do not follow the question.

41. Do you not think that even now there is a hue and cry occasionally from both the Muslims and the non-Muslims that the present rule is autocratic, that the people want more control, some sort of control over their affairs or more association with the Government and so on?—As practical men we have to see which is the greater of the evils. The greater evil is the Pathans getting power. As regards autocracy my own view is that the British officer cannot be autocratic, because he is bound by certain codes, rules and regulations while I cannot reconcile myself to the view that if we had a Pathan deputy commissioner, he will ever care for the rules and regulations.

42. You are afraid of the Pathan deputy commissioner?—I say it only as an example.

43. You object to the laws being elaborate or the public being consulted in the framing of laws and you would rather leave it to the Central Government to enact the laws for you?—If it is the Central Legislative Assembly, we have got both the Hindus and Mahomedans there and we need not fear anything. (*Rai Bahadur Diwan Chand*): I would like to add one thing. This province can only be gradually fitted for the reforms. At present in view of the Pathan mentality, democratic institutions cannot be safely entrusted to them. If better times come we shall have no objection to the introduction of the reforms.

44. *Sir Abdul Qaiyum:* When this question of Muslim mentality comes in I can hardly control my feelings; but I shall try to be quite mild and will put you the question. Considering the happenings in other parts of India do you think that our mentality is worse than that of other Indians elsewhere?—(*Rai Bahadur Thakur Datta*): I do not say worse. I say you are excitable, you are passionate, you go to factions and in no other part of India do these conditions exist.

45. If we fight we fight amongst ourselves; how does that harm you? If we get reforms you will also have the advantage?—When the fire begins to burn it does not make a distinction. When you fight among yourselves the Hindus will be trembling, being afraid that it may be their turn next. They too suffer on account of your fights. We do not want you to fight. We want that you should change that mentality.—(*Rai Sahib Mehr Chand*): May I give one example? You had your Shia and Sunni fight at Kohat some time ago and on account of that the Hindus who happened to be in the Shia territory numbering about 400, had to leave the territory and suffered great hardships.

46. In the tribal area the Hindus are in a small minority. How do you find the Muslim mentality there? Are the Hindus ever being touched by the Mussalmans?—(*Rai Bahadur Thakur Datta*): My information is that the Hindus in the tribal area are not considered to be equal to the Mussalmans. They are considered to be dependents or serfs. They have no freedom to do anything. We do not want to be reduced to that condition. If we Hindus here are to be treated in the same way as the Hindus in the tribal area are treated, then we would rather leave your province and go elsewhere. This is the reason why we object to your getting the dominance in this province.

47. I quite see that your fear is that you being in a minority, if the Mussalmans who are in a majority are given more powers, you will suffer at their hands. So it is more a question of safety for your own community than the mentality of the Mussalmans. Because I may say, whatever the Pathan crimes and offences are, they are for personal gain; that is, whenever we have anything to gain, then possibly we may go in for committing a crime. But do you agree that we have not in the last decade or even the last thirty years committed any crime, like the murder of Mr. Day in Calcutta or similar crimes in other parts of India?—Such crimes elsewhere are only sporadic. You have it in your memory that six hundred Hindus and Sikhs were expelled from the frontier simply on account of their religion. The Kohat tragedy was based on religion. The Pathan mentality here is quite different from any conditions elsewhere in India.

48. What do you think of the Kartarpur mentality where people were burnt alive?—I say these are only sporadic cases due to fanaticism on the part of some people. They are only rare occurrences. But here it is an everyday occurrence. That is due to the mentality here. In the cases you quote, the moment the Government controls the thing it disappears and you hear no more about the incident. But here it is a permanent recurring thing notwithstanding the best efforts of Government and of its officers.

49. Can you give me any instance where a riot of the magnitude of the Kohat riot has been compromised in any other part of India, while we on the frontier have compromised our differences?—Has a riot of that magnitude occurred anywhere else?

Sir Abdul Qaiyum: I remind you of the incident at Nagpur where your community has an overwhelming majority.

Chairman: I think, Sir Adbul Qaiyum, the difference between you and the witness is quite clear. You recognise that he has expressed his view—right or wrong—and you have indicated quite clearly the grounds on which you criticise it. May I suggest with great respect that we shall not get much further on that question. We are only ascertaining the view of this deputation and you do not expect to bring them to a different view.

50. *Sir Abdul Qaiyum:* You have also mentioned some financial difficulties which may follow the introduction of reforms. May I know whether in the formation of provinces in India the important question is the financial question or the linguistic question to be considered or the tribal question?

Chairman: I do not think I shall attach very great importance to individuals answering to the question. We shall all agree, I am sure, that of course financial considerations are important. I perfectly understand that the North-West Frontier Province should be regarded as performing a function in the matter of defence for India as a whole, and in so far as it is performing a function for India as a whole it is quite reasonable that India as a whole has to help to bear the burden. That is quite fair and I do not think it is a matter for the witness to say.

Witness: I may say that the revenues of India are contributing one crore and twenty-five lakhs a year for the tribal territory. That is one thing. The settled districts which get another one crore and thirteen lakhs a year are doing nothing for the defence of India.

51. *Dr. Suhrawardy:* Do I understand you aright to say that in the event of communal electorate being abolished in the rest of India, you will have no objection to the introduction of reforms in this province?—No, I have never said so.

52. *Sir Abdul Qaiyum :* Is this the opinion of the whole Hindu community or is there a class of Hindus who want the introduction of reforms ?—This is the opinion of the vast majority of the Hindus and if some Hindus have been put up by intrigue or otherwise to say something contradicting us, they should show whom they represent.

53. Recently it was published in papers that there was a meeting of 5,000 people in your town where a resolution was passed urging the introduction of the reforms ?—I was then present at Dera Ismail Khan. Out of that number you may take away 4,500. Out of the remaining only a few were Hindus and out of these Hindus one who presided is a Hindu who has got no business at all; and the other is a motor driver.

54. Is not the person who contributed so many articles to the Press not a respectable person ?—I have not seen those articles.

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Appendix (*vide Q.* 22, p. 262).

Letter from The Honorary Secretary, Provincial Hindu Conference, North-West Frontier Province, Peshawar, to The Chairman, Joint Free Conference, Peshawar.

Sir,

With reference to the suggestion made in the afternoon of 19th instant that the Frontier question might be solved by securing the election of five or seven members from the five settled districts of the N.W.F.P. to the Legislative Assembly and that these members with one or two others, if necessary, might constitute the North-West Frontier Committee with the Foreign Secretary as their Chairman, to advise upon all matters within the purview of the Punjab legislative council specially the framing of regulations which have the force of law in this province. We are directed to say, after careful discussion with the members of the Conference that they are unanimously of opinion that the suggestion is an ideal one to cope with the peculiar situation in this province.

2. The advantages of such an arrangement will be as follows:—

Firstly, It retains a sufficient measure of control in the Central Government who have to make good the annually recurring deficit.

Secondly. The Government of India will as at present retain a hold upon the Frontier Province which has a strategic value.

Thirdly. It satisfies the legitimate ambition of the people of this province to a greater participation in its administration and the fact that the deliberations of the committee will ordinarily be held away from the atmosphere charged with communalism, would be conducive to a better understanding between the two great communities resident therein.

Fourthly. It will give the representatives of this province an advantage of acquiring a wider experience in the art of government, which they could not possibly hope to do even if a full-fledged legislative council were installed here.

Fifthly. It will be the most economic arrangement, as it will entail no extra cost.

The members of our Association, therefore, feel after mature consideration that it should accord to the suggestion their fullest support and they do so accordingly.

3. We may add in this connection that if the number of Frontier members in the Assembly is raised to five, two seats should be allotted to Hindus, and if the number is fixed at seven, then three seats.

4. We further think that the election should be an indirect one for the present, till the general constituencies are educated up to understanding the meaning of a vote, which we hope they will soon be able to do. We would leave the question of election procedure and whether it should be separate or joint electorate for future consideration, in case the Commission be pleased to refer this question to us. We shall then convene another meeting of our Conference to decide the question.

5. Our Association need scarcely add that this province be also sufficiently represented in the Council of State.

We have, etc.,
Mehr Chand Khanna,
Rai Sahib,
Hony. Secy.,
Provincial Hindu Conference, N.W.F.P.

Rai Bahadur Thakur Datta, Spokesman.
Prov. Hindu Deputation,
N.W.F.P.

Dated Peshawar, 20.11.28.

Memorandum submitted by the SIKHS of the North-West Frontier Province.

The Sikhs in the N.W.F. Province are in a minority. There are two sister communities, who are in majority, so far as Sikh minority community is concerned. They have to have their rights and interests safeguarded in these peculiar circumstances. The Sikhs though a minority are all the same an important minority, and have got interests in the Province at stake, which require special attention. Though a very small minority they pay a very substantial portion of the Indian tax and being a commercial community contribute very largely to the Octroi duties. They have got three High Schools in their own buildings, one at Peshawar, the other at Bannu, and the third at Haripur. Besides these they have got many girls, and middle schools too. There are many historical and other Gurdawaras of theirs; e.g., Gurdawara Bhai Joga Singh Ji, Gurdawara Bhai Biba Singh Ji, Shahid Bunga, Gurdawara Guru Nanak Sahib, Guru Nanak Sahib's Chashma, and others. They have always been in front of every other community in sacrificing their all in protecting the honour of their Country and the King, whenever the occasion arose; the last Great War is an instance in point. They were the last rulers of the Punjab, from which this Province was carved out in 1901.

The position of the Sikhs with regard to the introduction of the reforms may be briefly summarised thus :—

1. As everywhere the enlightened public opinion desires to have a greater share of the responsibilities in the administration of the affairs of the country, if the authorities or the Statutory Commission would recommend their introduction, the Sikh community would not stand in its way.

2. That the election to the Council may be by a joint electorate.

3. That 25 per cent. of the seats in Council, a representative in Cabinet and the same percentage in all the departments of administration is secured to them.

4. That 50 per cent. of the high posts may be filled by competition.

5. That the Gurdawara Act may be introduced; and

6. The Land Alienation Act may be repealed.

The SIKH Deputation.

The Deputation consisted of :—

1. Sardar Raja Singh, Advocate, Peshawar (Spokesman).

2. Sardar Jagat Singh, Banker and Municipal Commissioner, Peshawar.

3. Sardar Kirpal Singh, Peshawar.

4. Sardar Sant Singh.

5. Rai Sahib Harnam Singh, Bannu.

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56. *Chairman :* May I ask you this question? What according to your estimate is the population which is Sikh? What percentage is it about?—I think it is one per cent.

57. And the Hindus we are told are about five to six per cent.?—Yes, about that.

58. So that the two together make six or seven per cent. of the population and practically the whole of the rest is Mahomedan?—Yes.

59. With regard to No. 3 of your Memorandum, you are urging that 25 per cent. of the seats in council should be secured to the Sikh community. Have you formed the view as to whether the Hindu community in the province should have a percentage of the seats secured to them?—So far as I am concerned, my community regards both Hindus and Mahomedans as quite distinct from them.

60. I am sure it does?—Their interest is to have their views heard effectively, and unless and until there is some substantial representation, such as 25 per cent., there will be no effective representation of a community which is financially and industrially important, though in a very great minority.

61. What you are putting forward is, quite properly, primarily for the Sikh community; you are not discussing other things in detail. I wondered, however, whether in thinking it over your deputation had considered whether, if the Sikh community got 25 per cent., the Hindu community would not have to have at least the same?—Yes.

62. Then, if you have 25 per cent. Sikh and 25 per cent. or more Hindu, it follows that the remaining community, which comprises something like 93 per cent. of the population, will not be in a majority?—We are used to that here. In the municipal committees there are 16 members at present, of whom eight are Mahomedans and the other eight Hindus and Sikhs.

63. That is very interesting. That is all by nomination, of course?—Yes, by nomination.

Nawab Ahmad Nawaz Khan : That is according to the Punjab law.

Chairman : You mean that according to that the majority community got one-half and not more? That is what I understand, and I am obliged to the Nawab of Dera for telling us. I understand that as regards municipal self-government here the thing really depends on the old Punjab law. When the North-West Frontier Province was cut off, there was a provision made that the previous law that applied here, such for instance as the Punjab Municipal Act, would continue to apply, and the result is that although to-day it is a separate province from the Punjab the constitution of municipalities is by nomination but in the same proportions as it would be or might be if it was in the Punjab; and they have not, in the municipalities or district boards, introduced elections at all.

Sardar Shivdev Singh Uberoi : The system of election was introduced in the Punjab many years before 1900, and it is surprising this principle was not extended to these districts.

Chairman : Is not the answer (you know, probably, very much better than I do) this, that the Punjab Municipal Act did not in itself decide whether a particular local body should be elected or nominated, but it authorised the local body to be constituted by Government either by election or nomination according to what the Government thought best; and here before the two were separated in fact they were constituted by nomination. The Sardar Sahib is right when he says that before 1901 some municipalities in the Punjab had elected members.

Nawab Ahmad Nawaz Khan : They were not introduced here because it is a frontier district.

64. *Chairman :* The real truth is that in the old days when the Lieutenant Governor of the Punjab was responsible for Peshawar, the Peshawar Municipality was regarded as one of these frontier municipalities and a system of nomination was adopted for it. Is not that right?

Nawab Ahmad Nawaz Khan : Yes.

Witness : With your permission, I should like to say a word. The old Act, in force when this province was carved out, has long been repealed, and a new Municipal Act was passed in 1911. That Act was passed after the separation of this province, and though it was laid down that all Acts applicable at the time of separation to the Punjab would be applicable to this province, this 1911 Act has been introduced into this province, although it is a Punjab Act. It is not because we were separated at that time that we are governed by it; it is that another Act passed by the Punjab legislature has been extended to this province, and the Government in its wisdom has though it fit to keep the number again eight and eight.

65. *Chairman :* There was an Amending Act in 1911 which the Punjab legislative council passed for the Punjab, and the Government here, as they are entitled to do, applied that Act to this province? —Exactly so.

66. *Sardar Shivdev Singh Uberoi :* Out of the eight non-Muslims in the local municipal committee, how many are Sikhs?—Two.

67. That is a quarter?—Yes.

68. *Sir Zulfiqar Ali Khan :* You want 25 per cent., that is 25 in 100, or one quarter?—That is so.

69. If a reformed constitution is granted to this province, out of 100 members of the council you would have 25, and the Hindus, who form 5 per cent. of the population, should have five times your number?—Not necessarily.

70. That would leave nothing for the Mahomedans?—In polities we must not always be too logical!

71. *Sir Hari Singh Gour :* In your point 2 you say "the election to the council may be by a joint electorate"?—Yes.

72. Do you think your community would be sufficiently safeguarded in a joint electorate in this province?—My idea is not only this province; I had in view when I wrote this that if the system of joint electorates is adopted all over India I shall be in favour of it.

73. I am asking you a question about your own province, apart from the rest of India?—Can it be considered apart?

74. I wish to ask you this with reference to your own province. In your province do you think your community would be sufficiently safeguarded if the electorate is a joint electorate?—You must take into consideration our clause 3 also.

75. You mean, with reservation of seats?—Yes. I would like the Hindus, Mahomedans and Sikhs to come on to a joint electorate without distinction but with reservation of seats.

76. *Nawab Ahmad Nawaz Khan :* You are in favour of the introduction of reforms if there are five safeguards for your community, as you have said?—Have we said that?

77. I am going to inquire. Are you in favour of the introduction of the reforms?—I say I am not against them. I say if it is to be given I will not stand in its way.

78. *Chairman :* If others want it, you do not oppose it?—That is it.

79. *Sir Abdul Qaiyum :* I have no quarrel with the Sikhs; they have put their case very clearly; but there is one little point I wish to mention. I believe you are aware there has been a certain amount of crying (I will not call it agitation) for election for municipalities for some time past?—Yes.

80. The urban population especially understand what election means, and that representatives elected by the people are more useful for their purposes than the present system of nomination?—It is natural [illegible] would think that.

they sho[illegible] comes to the point of election for municipalities (let us confine ourselves to municipalities) you will prefer a joint electorate to separate electorates?—Provided that there is a certain reservation of seats.

82. *Nawab Ahmad Nawaz Khan :* If there is no reservation of seats, would you prefer separate electorates?—No. So far as I am concerned, I would prefer everywhere a non-communal basis for representation, if it is at all feasible.

83. Joint or separate?—I would prefer joint everywhere.

84. Whether there is reservation or not?—I would prefer that, if it is extended throughout India and not confined to this province alone.

85. It should be for the whole of India?—Yes. If it is extended to this province only it must be taken with No. 3; I would read the two together.

86. Does that mean that if No. 3 is not read with that you do not want it?—Not necessarily, to my mind.

87. *Nawab Mahomed Akbar Khan :* Do you know of any municipality in this province where the number of nominated non-Muslim members is greater than the number of Muslims? Do you know that in Bannu, for instance, the number of non-Muslims in the municipality by nomination is greater than the number of Muslims?—It may be; I do not know.

88. And do you know that the number of Muslims in the population is greater than the number of non-Muslims?—I do not know. There may be differences of taxation; it may be a question of who pays the most taxation.

89. You do not know how these numbers were fixed, and how long ago, and whether there is any serious agitation for their being revised?—I do not know of any serious agitation for their being revised, and I do not know when they were fixed.

90. Do you know that in this very city for several months past this has been going on, and that notices were posted that they were going to block your and our way to the municipal hall, as we both happened to be municipal commissioners? Has not agitation been going on every Friday for months past?—There was some demonstration by the Khalifatists on the point.

91. Did not the Khalifatists say in their manifesto that their demonstration was simply for election to municipalities?—I have not seen that.

92. *Nawab Mahomed Akbar Khan :* What part of the total population of Peshawar consists of Khalifatists?—I think about 5 per cent. at the most. My friend here says they are very few in number (not even ½ per cent.).

93. *Sir Abdul Qaiyum :* I want to know whether in this particular case of elections in municipalities the agitation was confined to Khalifatists only?—That is my idea.

94. I have it here in the resolution that it is from every class of people?—I am only giving you my idea.

95. *Rai Bahadur Karam Chand :* Here in this Conference there is a discussion going on about the percentage of Hindus and Sikhs being 7 per cent. You want separate representation or combined with the Hindu community?—I want quite separate representation.

96. You have just mentioned in your Memorandum that your community fought in the War. How many Sikhs were serving in the army from this province?—I think Sikhs formed the backbone of the army. The question may be asked how many Hindus from this province are serving in the army.

97. I know the backbone of the army might have been from the Punjab, but I mean from this province?—I do not know. The figures are obtainable from the official statistics.

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100. *Sardar Shivdev Singh Uberoi :* May I inquire how the Sikh community stands in the way of education in relation to the Hindu community and the other communities?—We have three high schools, as I submitted, and the majority community, the Mahomedans, I think have three.

101. What is the proportion of Sikhs so far as education is concerned?—I think we excel every other community.

102. Can you give any proportion?—I think about 91 or 95 per cent., or thereabouts.

103. You are well advanced in education?—Yes.

Deputation from the ADVANCED MUHAMMADAN PARTY (together with certain Khans sharing their views).

The Deputation consisted of :—

1. **Khan Bahadur Saaduddin Khan, Judicial Commissioner.**
2. **Sardar Aurangzeb Khan.**
3. **Khan Bahadur Abdur Rahim Khan, M.B.E.**
4. **Nawab Saifullah Khan.**

126. *Chairman :* Gentlemen, we are told there is a number of gentlemen here, some of whom are Khans, who rather sympathise with your advanced point of view, and if you have no objection we might ask them (the Khans) to sit down. You will have a word with us first, and afterwards there may be an opportunity for them to say something. I understand that you, Khan Bahadur Saaduddin Khan, are going to address us on behalf of the Advanced Mahomedan deputation that is before us. We appreciate, of course, that you are in addition a judicial commissioner and have a long official record, but, of course, you are speaking here in your character as a private individual?—(*Khan Bahadur Saaduddin Khan*): Quite. My case is briefly put. We are all for the reforms, and full-fledged reforms, and think we should have in no way less than what prevails in the rest of India. We want to be considered as part of India. We have been part of India, and we want to be treated as such. Our case for reforms is so ably put in the Majority Report of Sir Denys Bray's Committee, and all the arguments for and against have been so clearly set forth and dealt with there, that I need not say anything more, because I cannot hope to improve upon that statement.

127. May we take it that your deputation is here to urge the adoption and the putting into practice of the Majority Report of Sir Denys Bray's Committee?—Quite.

128. We have all studied that carefully.—With this addition, that we think any further reforms which may result from your deliberations should also be extended to us along with the rest of India.

129. Do you mean by that that supposing (I am merely making a hypothesis, of course) in some part or parts of India there was what is sometimes called full Dominion Status, that here in this province, you would desire to move from your present position right to the position of Dominion Status at once, without any intervening step at all?—For that, my answer is very short. If the rest of India gets Dominion Status, necessarily the British Government is not going to keep this tiny province under British control. They will necessarily give up this province and leave it to its fate under the Dominion government granted to India. Otherwise, whatever form of constitutional government is granted to the rest of India we shall be perfectly satisfied with here.

130. Let me put the question rather differently because it may be the phrase I used was a little confusing as between the central and provincial governments. Let us suppose that in some province or other the change took place which some people—though by no means all—urge, of getting rid altogether of diarchy and of establishing an absolutely complete system of ministerial responsibility in all departments, law and order and justice and everything else—Then our prayer will be the same.

131. Is it your representation that here in this province that should be done, too?—I do not see any difficulty or objection to that.

132. Then I may take it you consider the situation of the North-West Frontier Province, or rather of the five administered districts, for all constitutional and practical purposes is indistinguishable from that of any other five districts in any other part of India?—Quite.

133. That is your view. Is it your view or not that the five administered districts should be under a different government from the frontier tribes?—If the Imperial Government thinks it would not be possible to carry on the unadministered area on the same lines as Sir M. Young suggested, there will be no harm done if the tribal area is under a separate Chief Commissioner.

134. But I understood you to say your deputation was in favour of all the views which would be found in the Majority Report of Sir Denys Bray's Committee?—Yes.

135. A very important feature of that report was this; was not it, that the Majority came to the conclusion it was quite impracticable to divide the government of the five administered districts from that of the unadministered tracts?—Yes.

136. Is that your view?—I do not see any difficulty in administering the settled districts on the same lines as those on which the rest of India is administered, and also to administer the frontier tribes or tribal area on the lines on which it is at present administered. There is no clash of interest between the two areas.

137. I want to be entirely clear. Is it your view that it is possible or impossible for purposes of government to separate the authority which governs the districts from the authority which governs the tracts?—In what way?

138. It is a possible suggestion that the districts might be governed by one governmental authority and that the tracts might be governed by another. At present they are governed by the same?—The Governor might be the same and the system of government might be different.

139. I am looking at page 9 of the Majority Report of Sir Denys Bray's Committee, which you approve of, and which says: "The conclusion forced by the sheer process of reasoning . . . is this. In existing conditions it is not merely inexpedient, for all practical purposes it is impossible, to separate the districts and the tracts." I understand you agree with that?—Even at present, so far as the administration is concerned, we have nothing in common.

140. But you are not suggesting, are you, that that proposition of Sir Denys Bray's Committee is not at present being observed in practice? At present the authority which governs the districts and the tracts is the same?—Yes.

141. I want to know what your view is?—The authority will be the same; for instance, the Chief Commissioner will be the same, adminstering both tracts; but the system of government here even now is different from that of the tribal portion. There will be no difficulty in that.

142. No difficulty?—No.

Chairman.—I see. I think I understand your view.

143. *Colonel Lane-Fox :* On that question of administering the tracts, would you consider that law and order could be administered in the same way

if it was handed over to a minister responsible to the council? Would he have the duty of administering the tracts?—In the settled districts?

144. If law and order was transferred as you suggest, do you suggest its administration in the tracts would be carried out by the minister responsible to the council?—No, the minister will have nothing to do with the tribal area.

145. Then it would not be the same authority?—The authority would be the Chief Commissioner, who will be directly in charge of the tribal area.

146. Have you considered the financial side of this?—The question of finance I have never been able to understand. This province, as you all know, was separated for Imperial purposes, and even in the Swaraj Constitution which has been published, the Nehru Report, this province is kept as a separate entity, in spite of the fact that they know this province is a deficit province; they have accepted the situation that this province should remain as a separate entity for their own purposes. If they want to keep this province as a separate province, I do not know why they should grudge us the money necessary to keep the province.

147. I am not asking you about the Nehru Report; I am asking your own view. Are you prepared to see extra taxes put on industry in view of the increased expenditure of ministers and a more expensive administration?—Yes, the increased expenditure which will be necessary will be met by the Government of India from central revenues.

148. But if the Government of India are paying a large portion of their expenditure, will not the Government of India expect to have control?—The Government of India is controlling us all right.

149. Yes, of course, they are, now?—And will be controlling us all right.

150. They are paying a large part of your expenditure now, and they have got the control?—The control of the expenditure now.

151. You are taking away the control from them, and expect them to pay your expenditure. Is that a reasonably proposition?—The question is simple enough. We are serving them as the doorkeepers. Whatever the Government of India give us they give us as wages, and I have never heard a master say that when wages are paid the servant should not have control over his wages.

152. *Lord Burnham:* Is not it the army that is the doorkeeper?—No, the army is not to be controlled by ministers.

153. But is not the army the doorkeeper?—The doorkeepers are the people here. We are supporting the army. The army alone would not keep the door.

154. *Colonel Lane-Fox:* But why do you say you are supporting the army?—Whenever there is anything happening the brunt of the whole show falls on our shoulders. The army fights, no doubt, but look at our people who volunteer their services, who come forward, who do everything that is necessary to keep internal peace.

155. Do you think that the rest of India will agree to pay a large share of your expenditure?—But the rest of India has already agreed in the Nehru Report. They knew we were a deficit province. They knew that this province had to be a separate province.

156. Who have accepted it?—The Nehru Report.

157. We are not talking about the Nehru Report?—The rest of India and the Assembly has accepted the report. Take the case of the Assembly. You deliberately pass a resolution in 1926 with all this report before you, that it was a deficit province, and that the Government of India will always have to contribute towards its expenses, and the Assembly unanimously accepted this resolution that notwithstanding all these difficulties the Reforms should be extended to this province, and full-fledged Reforms should be granted. That was in 1926. If you find that it is almost impossible to contribute money to keep up this separate province, then we have got no objection: send us back to the Punjab.

158. *Lord Strathcona:* If you would like to have a legislative council in this province, how many members would you suggest to serve on that council?—The number of members is, I believe, given in the Nehru Report as 30.

159. Would that satisfy you?—It will be quite enough for us for the present, though we must say that we are for the franchise on a liberalised basis.

160. The 30 members would be sufficient in the legislative council, you think?—Yes, for a small province 30 members would be quite enough.

161. *Dr. Suhrawardy:* You just now referred to a resolution of the legislative council passed unanimously, you said, in 1926?—Yes, March, 1926.

162. I think you are referring to the motion of the 14th March, 1928, adopted without a division?—It was in 1926. That is the second one.

Sir Abdul Qaiyum: Yes, that was the second one.

163. *Dr. Suhrawardy:* Was the first one passed unanimously?—Yes, that was without division.

164. *Mr. Hartshorn:* Was not that the occasion when all the Swarajists walked out?—That is why it was unanimous?—They considered the case was so very strong they could not resist it.

Sir Abdul Qaiyum: The walkout was long before the resolution.

165. *Dr. Suhrawardy:* In 1928, in March, the legislative council again voted a motion without a division?—Yes.

166. And the Hindu leader of the National Party, Lala Lajpat Rai, spoke in support of it, and appealed to the Hindus of the province for support?—Yes, that is the fact.

167. *Chairman:* You will excuse me. I think Mr. Hartshorn was quite right, and the correction was a mistake. I have been looking in the book. On the 16th February, 1926, a resolution was moved in the Legislative Assembly recommending that the provisions of the Government of India Act should be extended to the North-West Frontier Province. Then I read: "The actual initiation of the debate coincided with the walk-out of the Swaraj Party with the exception of some of its Muslim members." So I think Mr. Hartshorn was quite right.

Witness: May I submit one thing there, that the Swaraj Party's leader is Pandit Motilal Nehru, and he is responsible for a report in which he has completely accorded us what we ask.

168. *Chairman:* You cannot tell us what the arrangements in that report about the finance of this province were?—Quite, because probably, sir, you may have read in the papers that Pandit Motilal Nehru tried to give a reply to this question, and he said as they were going to start with a clean slate it would be then time to consider that.

Chairman: A clean slate without any finance. I see.

169. *Dr. Suhrawardy:* You say the advanced Mahomedans want the same measure of responsible government here as might be granted to the rest of India?—Right.

170. Do you realise that the rest of India at the present moment is in the enjoyment of what is known as a diarchical system of government, whereas you have none?—Quite.

171. And you have not had any experience, either, of an elective system even in local bodies?—Yes.

172. Then in view of this, as a practical statesman, would you still say that you should have the same measure of advance which may be granted to the rest of India, or would the political aspirations of the Advanced Party be satisfied with the first instalment of reforms under the Montagu-Chelmsford scheme?—Most decidedly not. We say that we are educationally, socially, and in every respect just as good as the rest of India. Why should we be left?

173. I know. I have said in view of the fact that you have not had that experience which the rest of India has had for the last ten years?—So far as experience is concerned, across the border in

Afghanistan they had not the experience of A, B, C and they are going to start a full-fledged Parliament.

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175. *Sardar Shivdev Singh Uberoi :* May I know if literacy in this province extends to 3 or 4 or 5 per cent. of the population ?—I do not know about that, but one thing I know, that our percentage of literacy is not very much less than in the Punjab, and especially in the northern part.

176. It is about 8 per cent. ?—I can tell you that in 1901, when we separated, our percentage of literacy among the males was 2·1, while the percentage of literacy in the Punjab was 2; and in 1906 (of course, we have not been enjoying the Reforms; their ministers have been able to extend education) the percentage of male literacy was. 9·32, in the Punjab, while our percentage was 5. Then I would also say that when you take the case of the whole of the Punjab it is not fair. If you take the case of those districts which are contiguous to us, and I would go so far as to say Jhelum and Rawalpindi, our percentage of literacy is far higher.

177. You said that the council you recommend would be of 30 members ?—Yes.

178. You recommend also that it should be an elected council ?—Yes.

179. What is your idea about giving any separate representation or protection to the minority communities ?—Precisely the same as the Muslim community is enjoying in other provinces.

180. You include the Sikhs also as a separate entity for their representation ?—Yes.

181. You know the present financial condition is that this province is deficit by 83 lakhs or 73 lakhs per annum ?—Yes.

182. And you think that by the introduction of reformed government, having ministers, the expenditure will go up very considerably ?—Yes.

183. And you consider that all this should be met by the Government of India without it having any authority over this province ?—As I have already said, the only workable plan, the plan which I think appealed to the authorities here some time ago (I do not know about now) was that a central revenue might be fixed for the administration of this province, and when that percentage was fixed, then the budget should be left with the council to deal with.

184. *Lord Burnham :* What is called a free grant ? —Yes.

185. *Sir Zulfiqar Ali Khan :* It is impossible not to sympathise with your aspirations, especially when the soul of the whole nation is conscious of its destiny, but all your friends naturally would desire you to have a peaceful time when you take the destiny of the province in your own hands ?—Quite.

186. Do you not think that under the circumstances, as you are situated now, when there are sharp conflicts of opinion and divergencies of view and interest, it might sadden the hearts of your friends to see that instead of improving your lot by taking the administration of affairs into your own hands you may perhaps plunge the country into internecine war and fights and quarrels ?—I am surprised to find that such should be the idea. I should be surprised to find that Reforms brought internal disputes. Is it such a bad thing for the rest of India ?

187. *Dr. Suhrawardy :* That is what the Punjab people are asking.

Witness : Our position is that we want to sink or swim with India. If an integral part of India, we want to be in the same boat. If Reforms is a good thing, as all of them say it is a good thing, then it should be increased. If it had been a bad thing, nobody would have said that further instalments should be due, and if it is a good thing why should we be deprived of it ? I do not know that the conditions in this province are in any way worse than the conditions in the rest of India.

188. *Sir Zulfiqar Ali Khan :* I am not speaking of intercommunal differences, because your numbers here are such that you can very well see to yourselves. The question is whether among yourselves you may not have such differences of opinion as may lead to conflict rather than peace ?—So far as that is concerned, I should say, what is the number of Mahomedans in Madras or in the Central Provinces ? If the number is standing in the way——

189. I am not talking of that; I am speaking of the conflict of interest ?—Why should there be any conflict of interest ?

190. You cannot shut your eyes to existing conditions. For instance, there is the Khan class and there is the class which you gentlemen represent. I, for example, as an educated man, would see that all classes in a provinces were self-governing and that there should be no conflict, by which the progress of the province would suffer. That is why I ask you if you have thoroughly understood this point when advancing your views with regard to this ?—Up to this time I was aware only of the distrust being expresed by our Hindu brethren. I never knew there was a class opposed to this system, the Khans. I have with me, as a matter of fact, about ten representations in which all these Khans join with us in asking for full-fledged Reforms.

191. A deputation came before us this morning which did not want that ?—Everybody is entitled to change his view at any time, of course, but they should have some solid reasons for changing their views. From 1920 until two or three months ago, on at least ten or twenty occasions these Khans never expressed any dissent. They themselves led our deputations and expressed their desire for full-fledged Reforms. In 1926, when the resolution was before the council, these very Khans who have been to-day giving evidence before you, interviewed the Chief Commissioner here and asked the Chief Commissioner to send a special message by wireless to say that all the Khans unanimously wanted the introduction of full-fledged Reforms.

192. *Chairman :* Can you give me a document which explains to me what this metaphor means ? "Full-fledged Reforms" does not help me much; I do not know what it means. Did they ever send any message which explained that demand ?—I have here a copy of the proceedings at a meeting of these Khans, and this is the resolution passed on that occasion : "We should be given full-fledged Reforms, like the Reforms that are now in India, at once."

193. "Now in India" ?—Yes.

194. That was saying that by "full-fledged Reforms" they meant diarchy and the reservation of law and order ? Is that what they mean ?—They said that as long as other Reforms were not given for the present, those Reforms should be at once extended. They go on further to explain that when there is a further instalment of Reforms that also should be extended to this province without the least whittling away of it. They proceed : "And when the second instalment of Reforms is extended to India that instalment should also be extended to this province."

195. All I want to do is to see it is put perfectly fairly. I think their position is this : That resolution seems to urge, and I think your deputation now is really urging, not so much that a particular arrangement, in view of the conditions here, is good or bad, but that whatever is done for the rest of India should be done here too ?—Yes. That is what I have been submitting. All these Khans at that time considered themselves as part of India.

196. *Sir Abdul Qaiyum :* How many were present ? Was there anybody from Dera Ismail Khan ?—This was held in Peshawar.

197. It was the Khans of the Peshawar district only ?—It is only to-day we hear the notes of dissent. Last year a memorandum was presented to Lord Burnham.

Lord Burnham : Yes.

198. *Sir Zulfiqar Ali Khan:* I have every sympathy with you, but I would see you go along the paths of peace and not of strife. Do you think when you hold the reins of government in your hands the interests of those who concur with you now as to the rate of advance will be safe in the hands of the popular party?—I do not know of any particular interests of theirs which will be unsafe.

199. I do not think it is fair to ignore the interests of others, and when you plead the cause of a people and of a province the best thing is to take into view all the existing conditions?—Yes.

200. You say you are aware of no other interest?—I do not know what particular interest the Khans have above or below that of the population living here, and which has to be particularly safeguarded. Until now they have been asking for the same education for which we are asking; they are asking for the same criminal procedure code and civil procedure code; everything is just the same. I do not know where the difference comes in.

201. While asking this question, I should like to know whether it is your firm conviction that a state of affairs will not arise in your province which would rather be detrimental to your province, that is to say, if you want full constitutional advance which other parts of India enjoy?—May I submit that . . .

202. Because for one thing I would rather help you in your aspirations if you had, for example, a juster estimate of your conditions than if you wanted too much, and so lost our sympathy.—You mean to treat us as quite separate from India, perhaps as outcasts?

203. *Sir Hari Singh Gour:* I take it from what you have said that you and your friends are fired by emulation that in the race of Reforms, while the rest of India is progressing, you should not be left behind. It is a very laudable desire?—Quite.

204. Every government must develop itself. Yours is a backward province, and consequently you must have more education, possibly a university, more roads, public works, and general development in the nation-building departments; otherwise what is the good of a government, unless that government is a progressive government?—Yes.

205. That means more money?—Yes.

206. You will prepare every year a budget of your requirements?—Yes.

207. And you will expect the Central Government to finance you to the extent of the budget prepared by your council?—Not quite that. I never meant that. That would be a tall order, which is far beyond the most I can ever expect.

208. But would not your expenditure be a progressive expenditure?—It will be a progressive expenditure, and so will the contribution by the Central Government. If the percentage is fixed, that will give elasticity enough.

209. If the percentage is fixed and the revenues of the Government of India suffer, then your percentage will go down?—Just in the same way when revenues go down you have to retrench; when they go up you can expand your operations.

210. Your development will not depend upon the will of the minister and the will of the council, but will be contingent upon the progress of retrogression of an outside agency, the Central Government?—It is the case in every province that a minister cannot be independent of the resources he had at his command.

211. The essence of a ministry of a province is that the minister should impose taxation.—If there is any possibility of imposing taxes, if there is any margin and if such taxes are imposed in the rest of India, there will be no obstacle here.

212. I am not asking of the rest of India. You understand what a responsible government means?—Quite.

213. If we give you the same sort of government as the other provinces will have, then it follows that your ministers will have the right of imposing taxes?—Quite.

214. And all the nation-building departments must be financed out of the taxes raised by yourselves?—Yes, along with the contribution.

215. I am not talking of contributions. I take it, therefore, that so far as the taxes are concerned you do not want to tax the people, and whatever development takes place you expect the Central Government to pay for it?—It will be a case of co-operation.

216. That is the co-operation you want from the Central Government?—Yes. We will have a fixed percentage coming in. We will say, "Well, this is the amount we shall get as a contribution from the Government of India. We want for a certain progressive scheme so much money. Well, the rest of it, can we find it?" Then we will see our conditions and whether there is a margin for imposing fresh taxation. There will be no difficulty if there is any margin.

217. *Chairman:* You speak about a fixed percentage from the Government of India?—Yes.

218. Do you mean that the Government of India would be called upon to give you a percentage of your own expenditure?—No.

219. A percentage of what?—A percentage of the central revenue.

220. You mean that if the central revenue was Rs. 100,000, you ought to have a certain percentage out of that Rs. 100,000?—Yes. At present we have a certain deficit. Well, we can very well estimate within the next 20 or 30 years, if the thing is to progress reasonably, what will be the amount of the deficit. On that deficit you may strike out the percentage, 1 anna in a rupee or 2 pies in a rupee, that may be given to this province for its support.

221. That seems a rather strange arrangement. I suppose you want from the Central Government enough to make up your own expenditure?—That is exactly what I am asking, sir.

222. If you are going to get from the Central Government a percentage of the Central Government's expenditure, the amount you get will depend on what the Central Government raises?—Quite. That would be the case in every province.

223. *Sir Abdul Qaiyum:* May I be allowed to put it? I suppose what you really mean is this, that there is this land defence of India, just like the sea defence of India. They spend enormous sums on the navy in order to defend the three corners of India, and one corner of 1,400 miles is to be defended from the borderline?—Quite.

224. So the Government of India might be permitted by the Parliament Act to allot one pie a rupee or two pies a rupee from the revenues of India for the land defence purposes? That whatever share of that allotment is allowed to you for the North-West Frontier Province should always be available to you for expenditure?—Precisely.

225. And as long as you pay the same rates of taxes as the rest of India, in income tax, in land revenue, in customs and in every other matter, it does not concern you what the deficit is if you are going to be utilised as a separate unit for Imperial purposes. Do I understand that this is what you really mean?—Precisely.

226. *Chairman:* There is just one thing I should like to understand. I follow what you put, Nawab Sahib, except on one point. You spoke of the contribution of the Government of India for defence purposes?—Yes.

227. Let us suppose the contribution is made, is the provincial government here going to spend the money it receives on defence purposes?

Sir Abdul Qaiyum: What I thought he meant was that if the two causes are inseparable, and if the border area and the settled districts are to form one unit, then there will be a classification of expenditure, so much for Imperial purposes, such and such heads will come under Imperial and such and such heads will be left for provincial purposes. The provincial

purposes, as I understand from the witness, will not be so expensive, but if we exist for the defence of India, then we shall be entitled to a share of that contribution to the extent for which we are to be utilised in that defence.

228. *Chairman :* I should like to get it entirely clear; I do not care about leaving things that are not clear. We are arguing, are we not, self-government in a province consisting of these five districts?

Sir Abdul Qaiyum : Yes.

229. *Chairman :* It is not suggested, I understand, that the self-government would descend to the five administered areas, only to the five districts?

Sir Abdul Qaiyum : Yes.

230. *Chairman :* Is it your idea that the Central Government would make a special contribution to the five districts?

Sir Abdul Qaiyum : The expenses of the province are for the defence of India, when the province itself is created for Imperial purposes.

231. *Chairman :* I am afraid I have not followed it. I am talking of the setting up of a legislature in the province, which I understand is to legislate for the five districts and not for the unorganised area. Do you contemplate that the legislature and the government for the five districts are going to get a contribution from the Government of India?

Sir Abdul Qaiyum : Yes.

232. *Chairman :* And then they will dispose of the money?

Sir Abdul Qaiyum : Yes.

233. *Chairman :* Do you suggest the legislature for the five districts is going to spend that money on the defence of India?

Sir Abdul Qaiyum : The province itself forms part of the defence of India. This is because we are not of our own creation; we were created into a separate province to serve a certain purpose, and as long as we serve that purpose we are entitled to this treatment. If we do not serve any particular purpose, then, as my friend has already put it, let us be re-amalgamated with the Punjab, and we will have no objection to it.

Witness : May I say one thing? As I understand the situation, if you find it is absolutely impossible to solve these financial difficulties, will that be a ground for depriving us of our elementary rights? Send us back to the Punjab. There are districts in the Punjab which are not so productive as the rest of the Punjab is. Take the case of Mianwali and Attock; they cannot pay their own way, but the Punjab supports them.

234. *Chairman :* Do not imagine for one moment that it is necessarily thought by everybody that every district should be necessarily self-supporting. What I was asking about was quite a different point, which has nothing to do with that. I thought there was a possibility of confusion, because it almost seemed to be suggested that if the Government of India were to make a grant to this new self-governing province the grant would be spent on the defence of India, and that is not so; it would be spent on education, roads or whatever it might be.

Witness : What the Nawab said was that the whole province was a unit for the defence of India, including education, roads and, say, hospitals; it is all part of the defence of India.

235. *Sir Hari Singh Gour :* If the Central Government makes a free grant every year to your province for the defence of India, would not you give the Central Government the power to decide whether you are or are not contributing to the defence of India and how far you are utilising your money for the defence of the land frontiers? Would you give them that right?—The Government of India, for the sake of the defence of India, gives us 10 per cent. of their revenue. When that 10 per cent. is allotted to us, out of that 10 per cent., 2 per cent. or 3 per cent. is fixed for the provincial expenditure, and the rest for purely defence purposes—for militia and levies and so on.

236. I give you Rs. 10 to do a certain job. Have not I the right to see you do that job?—But you are giving me Rs. 10 not for doing a certain job, but as my wages because I am doing that job.

237. Have not I the right to see you do the job properly?—I have never heard a master has any right to see that a servant to whom he pays wages spends them properly.

238. It is not a question of wages.—If we do not serve your purpose do not pay us our wages; send us back.

239. *Chairman :* I think you must let me try to summarise this. As I follow it, the view taken by this gentleman and by the deputation is this, and up to a certain point I think it would probably appeal to many people: They say it by no means follows that every area, taken by itself, can be self-supporting, and that is quite true. There will be some areas in India, for example, which will do more than pay for themselves, and some, I dare say, will do less.

Witness : This province is being kept for Imperial purposes. In this province you will find that in almost every district and perhaps in every-*tahsil* you have cantonments. The protection of those cantonments requires huge local police and levies.

Chairman : I was trying to sum it up for you, but we will let it stand like that.

240. *Sir Abdul Qaiyum :* You have not so far referred to the Imperial City of Delhi, which is formed into a separate province and is a source of great expense?—Quite.

241. You mean that if that little province serves an Imperial purpose at the centre of government, similarly at the gate of the Empire, you require a similar machinery?—Yes.

242. Another thing which Sir Hari Singh Gour and the Chairman put to you was whether money spent on education was really spent for the defence of India. I suppose you mean that Imperial India will not care to keep an uneducated, ignorant gatekeeper, who may open the door to some undesirable person, and that you will like to give your gatekeepers a very good education in order to fit them for their position? Is that what you mean?—Yes. I sum up the whole situation in a few words. I say "Everything connected with this province is part of the defence of India."

243. Whatever little can be spared for transferred subjects will be taken from that contribution from the central revenue, and the rest spent on political purposes, levies and constabularies. Is that what you mean?—That is exactly what I said. If you give us 10 per cent., the Act can lay down that out of that 10 per cent. 8 per cent. is to be spent on purely technical defensive measures and 2 per cent. on provincial matters.

244. *Nawab Mahomed Akbar Khan :* When you say the money is to be spent on defence, is not the army defending this part of India?—Yes.

245. When you get the money for the army, will not you be interfering with the army?—The army is not going to be transferred.

246. You say that at some places there are cantonments, and you want money for their improvement, and you say "We will spend it on defence." When you are spending it on defence, will not you be interfering with the General's work?—In what way? The army is not to be given over.

247. *Lord Burnham :* Perhaps he is thinking of tribal levies?—That is also an Imperial purpose. It has nothing to do with the General's work.

248. *Nawab Mahomed Akbar Khan :* Then if the defence of India is maintained by the army, you need not worry about that?—All right. If the view taken is that the defence of India is to be done by the army, and we are discharging no duties, why keep us separate?

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Khan Sahib Sardar Gulhan Khan : I should like to say a word or two, if I may. In the first place, there was some difficulty being mentioned about the tracts and the five settled districts as far as their distinction was concerned. I think when I say that our Chief Commissioner has got a dual post and he is called Chief Commissioner and Agent to the Governor-General that question will be explained by it. For the five settled districts he will be our Chief Commissioner, and for the tracts he will continue to be Agent to the Governor-General. In this case that difficulty, I think, can be passed over. As far as the financial position is concerned, I think if you think parochially and not Imperially, and also intend acting parochially, further discussion on our part would be unnecessary. Our province has got a peculiar position, and for this it is necessary that the honourable Conference should think not parochially but Imperially.

249. *Chairman :* If you will allow me to say so, I think the best thing to do is to think practically. Practically is the better way to regard it, surely, is it not?

Khan Sahib Sardar Gulhan Khan : I was coming to that, Sir. So in this case, when the financial position is considered, just as Sir Denys Bray said in the Assembly the finance question should not come in, because if that question comes in we can at once ask; "Why have you given reforms to Madras? If Madras was not protected by the navy, where would Madras be?" So as far as the expenditure is concerned, I think, Sir, either we should have reforms without any consideration being paid to the financial position, or, if we cannot have it, as our spokesman said, then we want to be re-amalgamated with the Punjab. There are three positions: either we can have this separate entity, or we can be amalgamated with the Punjab, or there is a third position, that if it is small enough we can take a portion of the Punjab and have it added to this province, for instance, a portion of Multan and a portion of the Rawalpindi divisions; but if that is not suitable, the question is that we have been separated from the Punjab. If we are wanted to be a part of India, in that case we want reforms: and if we are not wanted, if this manly and virile race is not wanted, then we can be told at once, and in that case I would suggest that we may be left alone.

250. *Lord Burnham :* I understand the point you are making is that the whole of India, you included, is protected at the cost of the British taxpayer by the British Navy, and that therefore, as Great Britain pays for the defence of the whole of India at sea, so you are entitled to a contribution for the support of all India for the land frontier?—Exactly.

251. Some curious arguments follow from it, as of course you see?—If the whole of India is one entity, and we are part and parcel of India, and we are wanted to be in India, in that case reforms must be given.

Sir Abdul Qaiyum : And we have it on the authority of Sir Denys Bray that the peace and tranquillity of India depend to a large extent on the contentment of the North-West Frontier Province.

Khan Sahib Sardar Gulhan Khan : The honourable Conference has been interrogative. May I put one question to the honourable Conference—whether we are wanted or not? If the answer is in the affirmative, of course, I think the financial position can be easily overcome; but if we are not wanted, in that case we will think for ourselves, and we will see, because it is our right that we should determine ourselves for our self-development. Another thing that was asked was whether, when the second instalment comes to the rest of India, we should have that along with it or not. So in that case probably it was thought that because we had no training we could not manage it. I may tell you, Sir, that Pathans are born politically-minded, and when I remind the honourable Conference that before the separation of this province, when our five districts formed part of the Punjab, out of these five districts my district stood first in the whole of the Punjab.

Chairman : I should just like to say a word to you before we leave. I would like to assure you that the whole Conference is very much impressed with the importance and the gravity of what you have been urging. We are bound to put questions to you for the purpose of bringing out your answers to the difficulties, because there are great difficulties, no doubt, for all those who wish to face the questions that arise in this part of the world in a really practical and statesman-like spirit. It is not very difficult, of course, to use metaphors and dispose of the thing in a phrase, but, of course, you are helping us to consider the thing from the point of view of practical statesmanship. If I may speak for myself, I feel a very great deal of sympathy with the view of those who say that if there are practical difficulties in the way, they are not of their own making, and that they are entitled to have very special consideration, because it is really in the interests of India as a whole that these areas are maintained separate to this day. You may be quite sure that we shall bear that consideration very fully in mind. And if I may address the last speaker, although for some purposes the difficulties are very great, that does not mean that we fail to understand the respects in which communities in this part of the world have made great and most valuable progress. At the same time, gentlemen, this is one of the most difficult practical questions connected with the future constitutional arragements of India, and the desire of the Statutory Commission here is to listen most impartially and carefully to all that is said, and we welcome all suggestions that are made, and you may be quite sure that if we are able to reach any recommendations at all, they will be reached as regards this part of the world with the most sincere desire to see that your case has full weight.

Khan Bahadur Saaduddin Khan : We are thankful to you for giving us such a patient hearing, and for the sympathetic words that you have been pleased to say.

Chairman : I understand that the Khans who are here are here to show us that there is a substantial body of opinion among the Khans which is generally sympathetic with this deputation, more sympathetic to that point of view than to the point of view put this morning.

Khan Bahadur Saaduddin Khan : That is exactly it. Thank you very much.

Memoranda submitted on behalf of the ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA.*

NATURE AND EXTENT OF ORGANISATION.

This Memorandum, as will be seen from the statement given in Appendix A,† has been authorised by a conference of representatives of the Anglo-Indian and domiciled European community from all parts of India held at Calcutta on the 3rd, 4th, and 5th May, 1928, under the Chairmanship of Col. H. A. J. Gidney, M.L.A., I.M.S. (Retd.), and may be taken to embody the views of the entire Anglo-Indian and domiciled European community in India. It is therefore the only authoritative memorandum on behalf of the community and any other memorandum which may have been submitted separately can only claim to embody the views of less comprehensive bodies on matters of sectional interest. The accompanying map‡ will show that every part of India was fully represented at the Conference.

THE COMMUNITY.

The community is composed both of Anglo-Indians, being persons of mixed parentage and of European descent in the male line and of Europeans born or domiciled in India "and not established there for temporary purposes only." Together they are in common parlance known as the domiciled community.

Despite their economic difficulties, which will be set forth later in the Memorandum, they continue to maintain the religion, modes of living and social habits of their European ancestors. They are decidedly a literate people in a country where but 6 per cent. are literate, and, since their political and economic interests are everywhere identical, they are more markedly homogeneous than any other community in India.

So far as occupations are concerned, the community may be said to be largely urban, with a special aptitude for technical and industrial pursuits, and by their courage, initiative, and reliability have proved themselves eminently suitable for employment in the railways, telegraphs, customs, police, Indian medical department, and other allied services. Anglo-Indian women, too, form the mainstay of the nursing staffs of all hospitals, and are entering public services and mercantile offices in large numbers.

The domiciled community has always been a source of strength to the Government and could be made a very valuable asset to the country, as a reconciling medium between alien races.

HISTORY.

We feel that no account of our present disabilities and expectations would be complete without some reference to the varying fortunes of the community, which go far to explain the position that it occupies today in the eyes of the Government and the people and the curious and conflicting views which prevail as to its quality and calibre.

Time was when the British in India were only too willing to recognise the importance and utility of the Anglo-Indian community, indeed, they made themselves directly responsible for the results of the deliberate policy of bringing into being a mixed population, and it is not apparent how the Government, who are the successors of the East India Company, can repudiate the claims of the Anglo-Indian community to legislation that will effectively guarantee their future in this country. It cannot be too often repeated that in times of emergency they have again and again been called upon, or volunteered for active service. In the early days of the establishment of British power in India, they filled posts of respectability and responsibility, and fought and perished by the side of their British fathers on many a field of battle. Their glorious deeds are written indelibly on the pages of Indian history, but the time came when Anglo-Indians outnumbered the British in India and began to be looked upon as an element of potential danger. The result was the crushing order of the East India Company, in 1791, precluding the appointment of Anglo-Indians to the civil, military, and marine services of the Company. This was the first step in the gradual degradation of the Anglo-Indian and his relegation to a position of permanent inferiority.

Time has its revenges, and perhaps no better instance of the irony of history can be found than the events which followed the report of Lord Valentia to the Company in 1806 on the Anglo-Indian menace. "Their increase in India," he remarks, "is beyond calculation, and though possibly there may be nothing to fear from the sloth of the Hindus and the rapidly declining consequence of Mussulmans, yet it may be justly apprehended that this tribe may hereafter become too powerful to control. . . . . With numbers in their favour . . . . what may not in future time be dreaded from them?" The Sepoy Mutiny of 1857 proved how much was to be "dreaded from them." Brendish saved the Punjab; Hearsay saved Calcutta; Forgett saved Bombay; the Martiniere boys defended the Lucknow Residency; the Madras Fusiliers covered themselves with glory. Indeed, the military annals of the country abound in Anglo-Indian names known to fame. There is abundant proof to establish the claim that during the dark and stormy days of the 1857 Mutiny, when England was beset with enemies, the Anglo-Indian community remained loyal. The military services rendered by the community during this period should alone entitle it to special consideration. Indeed, at the time, the Metropolitan of India, Bishop Cotton, in his sermon in St. Paul's Cathedral, Calcutta, on 28–7–1860, recommended that public thanksgiving "to Almighty God for deliverance from the Sepoy Revolt" should take expression in the formation of schools for the children of the community, "that had stood so nobly by England in her hour of need and had shed their blood for their kinsmen across the seas." Lord Canning joined *con amore* with him.

Subsequent to the Mutiny, when the attention and energies of the Government were devoted to the stabilisation of the civil administration of India, it was again the Anglo-Indian community that came to its assistance, and continued, as in pre-Mutiny days, to aid British administrators to build up stage by stage the most important revenue-yielding departments of today, to which separate sections are devoted in the following pages. No one will deny that it was the British and Anglo-Indian administrations and the Anglo-Indian workmen who helped to bring the Customs department to its present-day high revenue value. It was also the same community who helped to develop roads, railways, river transport, and the telegraph system. They can also claim to be the pioneers, along with the British, in the development of such departments as Excise, Salt, Opium, Forest, Survey, and Government of India and Local Secretariats from all of which they have been practically eliminated.

After the Mutiny, when the Volunteer Corps were reorganised, members of the domiciled community formed a very considerable part of them. So great was the enthusiasm and so spontaneous the enlistment on the formation of the Indian Defence Force during the Great War that elimination parades had to be held to bring the Force down to manageable dimensions; the community, however, formed the bulk, and this after thousands of Anglo-Indians had already enlisted into the British Army, both Regular and Ancillary Branches, and into the Anglo-Indian Force and Batteries. The community also contributed many hundreds of men to the Indian Army Reserve of Officers, some of whom were subsequently drafted into the standing Army; a considerable

* A Memorandum from the Anglo-Indian Association, London, is printed in Vol. XVII.
† Not printed. ‡ Not reproduced.

number received military decorations, and more were mentioned in despatches; the first zeppelin in the war was brought down by a member of the domiciled community. In addition large numbers of our women were employed as Army Nurses, while others helped to form working clubs at which comforts were prepared for the use of our troops at the Front. Almost 80 per cent. of the manhood of the community was engaged in every theatre of war besides in the I.D. Force—a record of service, we feel sure, is unparalleled in the annals of the British Empire and for which a gracious recognition was conveyed in the message of His Royal Highness the Prince of Wales to the deputation that waited on him in India in 1923:—

> Gentlemen, you may rest assured that I now understand the conditions under which you live in India and the useful and honoured place which you fill as citizens in the Indian Empire. Your aims and aspirations have my sympathy. Your devotion to the cause of India, the land in which you live, and your desire to maintain an honoured place for her within the Empire do you credit. I shall watch the progress of your community with the closest attention. You may be confident that Great Britain and the Empire will not forget your community, who are so united in their devotion to the King-Emperor and who gave such unmistakable tokens of their attachment to the Empire by their great sacrifices in the War.

Many promises were held out to those who went to the front by Government and their employers, but very few materialised, and although land was given as a reward to various Indians who served during the war, we do not know of a single instance in which an Anglo-Indian has been so rewarded. Meanwhile Government continue to draw upon our loyalty as a source of strength and stability. Repeatedly we have been placed in the unfortunate position of open economic and political antagonism to our Indian brothers. It may, indeed, almost be said that our present insecure position and the manifest hostility with which we are regarded by a section of disaffected Indians, in consequence of our share in the maintenance of law and order is our only reward for our loyalty and we fear it may still further recoil on our descendants.

Such briefly has been our record of service and, in view of the part we have played in the evolution of the India of today, we feel that we have a special claim with the Britisher to statutory protection of our economic interests. Moreover, we are the sons of the soil, who not only have our roots in the country's past, but will live, work, and die here in the pursuit of our avocations.

STATUS.

In accepting our position as statutory natives of India we do not consider we are called upon to abandon our individuality as a community. In this connection we would refer to Earl Winterton's definition of our status in the House of Commons in December 1925, when, in answer to questions, he said:—

> For purposes of employment under Government and inclusion in schemes of Indianisation, members of the Anglo-Indian and domiciled European community are statutory natives of India. For purposes of education and internal security, their status, in so far as it admits of definition, approximates to that of European British Subjects.

But there is an unfortunate tendency at present for both European and Indians to reverse the application and disown and disinherit the Anglo-Indian. For example, as members of the Auxiliary Force, we share the task of internal defence with the British Army, but when it comes to a question of admission into the army we are asked to accept the conditions of service of an Indian Sepoy. Again, to all intents and purposes, we are ineligible, for appointments reserved for the European and yet under the scheme of Indianisation, the Indian refuses to recognise or accept us as Statutory Natives of India, as is evidenced by the numerous interpellations by Indians in the various legislatures; *e.g.*, in a debate in February last on the railway demand for grants Mr. K. C. Neogy, M.L.A., remarked that, while they had been crying for Indianisation, Gidneyisation had been proceeding apace; he wanted "pure-blooded Indians, *i.e.*, Indian Indians" for the railways. And at the fourth session of the All-Indian Railwaymen's Convention in 1927, the President complained that "99 per cent. of the superior appointments were held by Anglo-Indians; *this was not Indianisation.*"

If in our allegiance to the British we have succeeded in estranging the Indian element to such an extent that our demands have come to be scrutinised with jealous vigilance, amounting at times to open hostility, we are entitled to expect that our legitimate claim as statutory natives of India to inclusion in any scheme of Indianisation should be placed beyond dispute or challenge.

With the proviso, therefore, that our military, educational, and economic claims are not prejudiced, we unequivocably accept and endorse the status which has been accorded to us of "Statutory Natives of India."

PROTECTION.

Time was when the Anglo-Indian community was liberally employed in all departments of Government and filled posts of responsibility in the Services, but the process of excluding Anglo-Indians may be traced back for many years, and every measure of reforms granted to India has witnessed the process of Indianisation of the services accelerated at the expense of Anglo-Indians and domiciled Europeans, who have been replaced steadily and insidiously, by Indians. With the policy of Indianisation itself and the legitimate aspirations of Indians, the Anglo-Indian community, themselves statutory natives of India, have never been and can never be inimical. As one of the permanent communities of India, we wish to affirm our loyal acceptance of and support to the reforms and our full sympathy with the progressive realisation of self-government on well-measured lines for India within the Empire. But, as a people who have built up and worked the various departments of Government and who have deserved every consideration at the hands of the Government and of India, we strongly protest against the manner in which the policy of Indianisation has been manipulated to our disadvantage.

This is exemplified in the sudden changes which have been made in the system of recruitment into the provincial and some of the higher services. For some time prior to the 1919 reforms appointments to these services were made by nomination from suitable Anglo-Indian and Indian candidates. The former were required to hold a Senior Cambridge or equivalent secondary school final examination certificate. The latter were required to possess a University degree. The reason for this difference was not, as many have supposed, a preference given to Anglo-Indians, but because for such appointments an Indian who had a secondary education only was not considered to be sufficiently qualified in English, a disability that did not apply to the Anglo-Indian whose mother-tongue is English. Consequently, while Indians qualified by passing through universities, Anglo-Indians stopped short at the limit of secondary education; and when Government suddenly made a University degree a *sine qua non* for admittance into these Services, Anglo-Indians were taken at a serious disadvantage. This was aggravated by the fact that the educational syllabus imposed by Government on European Schools was not designed to lead up to Indian Universities, but was devised to meet the requirement of Europeans and Anglo-Indians under the old conditions, and it needs adjustment to adapt it to the changed circumstances of the

present-day India. If any blame attaches for the existing state of affairs it cannot be placed at the door of the Anglo-Indian community, which has never been consulted in the matter of European education. How this adjustment may be effected is dealt with elsewhere in this Memorandum in the section on Education, and when this has been effected the Anglo-Indian will assuredly take his place with the other peoples of India in fair and open competition. Even now a large number of Anglo-Indians are passing through the Universities and rendering a good account of themselves in open competition with Indians, but in the meantime how is the Anglo-Indian to maintain himself if not adequately protected in the presence of ever-increasing competition from educated and progressive Indians?

The figures given below will show how the community has been replaced by Indians in Government departments, particularly in the higher provincial services.

Clerks in the Indian and Bengal Offices in Calcutta from 1840–1890.

Year.	Authority.	Percentage of Anglo-Indians.	Percentage of Indians.
1840	Scott's Directory	90·56	0·44
1890	Accountant-General's Statement	18·17	81·85

Provincial Civil Services, Deputy Magistrates and Deputy Controllers.

Year.	Anglo-Indians.	Indians.	Percentage of Anglo-Indians.
1862	67	145	31·6
1922	12	319	3·6

Sub-Judges and Munsiffs.

Year.	Anglo-Indians.	Indians.	Percentage of Anglo-Indians.
1862	23	56	29·1
1922	0	293	0

Provincial Services of Bengal.

No. of Anglo-Indians	75
No. of Indians	3,030
Percentage of Anglo-Indians ...	2·5
Do. of Indians	97·5

So far has this displacement proceeded that in the postal department, in the judicial services and in some of the provincial services, very few Anglo-Indians are to be found to-day. In the Government of India and Provincial Secretariats, in the forest department, the salt department, the survey department and the excise, an almost similar state of affairs exists. The cumulative effect of this displacement has been that members of the community have been forced to seek subordinate employment in the railways, the telegraphs, and the customs. But, even here, we feel that, under the stress and the misapplication of Indianisation, we are being gradually pushed out.

The community has been criticised for its unpreparedness, but the critisicm is in a large measure undeserved, for no one could have foreseen the sweeping changes of the 1919 reforms. We cannot be blamed for the false sense of security into which we were lulled, for it cannot be denied Government did nothing to discourage the belief that, as a people, who had played such a large and important part in the development of this country, our just claims would not be ignored. In the circumstances, therefore, our conviction remained unshaken that any changes which might be introduced would be of such a gradual nature as to allow us time to prepare ourselves to run a level race with the Indian, as is demanded of us by Government to-day.

It is obvious that if ever we are to succeed in our struggle against such stupendous odds, we must have every facility for equipping ourselves educationally to meet the situation. The improvement of educational facilities is therefore the first requisite, and the whole question is exhaustively treated in the attached note on Education. But, linked with that question is the necessity for protecting the community from further displacement in the services. For the education of the child is mainly dependent on the economic security of the parent. Provided the Anglo-Indian is given constitutional safeguards for at least 50 years, we have every confidence that he will hold his own with the Indian in fair and open competition. The British Government owes this temporary economic protection to the Anglo-Indian community as a debt of honour to a people for whose presence they are responsible and who have rendered them loyal and invaluable service in the past. The right thinking Indian, also, will not deny the Anglo-Indian this moral claim to protection against revolutionary changes in order that he may bring himself into line with the other peoples of India and so continue to be as valuable an asset in the coming 'National India' as he has been under the old régime, which is now passing. No scheme of self-government can afford to ignore the rights of minorities and where, as in the case of the Anglo-Indians, a blood relationship exists with almost all the peoples of India, the element of sentimental attachment and racial responsibility should help to reinforce the political plea for protection.

It is neither expedient nor proper that there should be a sudden disturbance of economic conditions, and the community must be given the opportunity of adjusting itself to changing circumstances. This principle is, in a measure, supported by the Government of India, for in the recent "railway" debate in the Legislative Assembly, the railway member replying to a violent attack by Indian members on the alleged excessive employment of Anglo-Indians and Europeans on railways, said it was because Anglo-Indians had attained such a position in the railways service that it formed an important factor in the economic organisation of their community, and in any measures which might displace the community "the Government of India ought to proceed very cautiously."

It is noteworthy also that many moderate and enlightened Indians admit the claim of Anglo-Indians to a reasonable share in the emoluments of office in departments which have been built up by them, such as the railways, the customs and the telegraphs. Indeed, when all is said and done, the numbers involved are so infinitesimal as compared with the teeming millions of India that any protection that may be afforded, while it would be the salvation of our community, would hardly be felt by the Indian.

Nevertheless, it is obvious that the Indian's age-long attitude of jealousy and resentment towards the Anglo-Indian cannot be removed in a day. Until time has healed the wounds of acrimony and common sacrifices in the cause of a united India and have created a sense of fellowship, the belief that the Anglo-Indian is an alien will naturally continue to operate as an incitement to differential treatment wherever Indians are placed in power. This is but human and involves no reflection on the character or sense of fairness of the individuals concerned. Indeed, most Indians, if not all, look upon any one who calls himself an Anglo-Indian as an antagonist in all fields of employment and as much as foreigner as a Britisher.

We would here refer to the action taken by some provincial governments, who, in recent circulars, *e.g.*, "Recruitment Rules for Bengal Services for 1928" issued by the Bengal Government, clearly demonstrate that their chief desire is to satisfy the extravagent demands of Hindus and Muslims for certain fixed percentages in all departments; (the allotment for Muslims in the Bengal circular being 45 per cent.) unmindful, except as an unimportant afterthought, of the interests of the domiciled community who helped to build most of these departments. Indeed, the decision of communal percentages seems to be the outcome of pacts between the Government on the one hand and Hindus and Muslims on the other, with little or no consideration for the domiciled community. Again, in all arrangements between Indian political parties, it is always a question of Hindu *versus* Muslim, the Anglo-Indian being regarded by both as an alien and outside the pale of their consideration. This exclusion is due no doubt to the fact that percentages are calculated on the basis of population. We submit that this is unjust, as it is not the entire Hindu and Muslim population which is in competition with Anglo-Indians for these appointments, but, merely the literate sections who possess a secondary or higher education. It is, therefore, necessary that the system of calculating percentages should be revised. Consideration should also be given to the fact that in India, where every employment tends to develop into a caste, certain communities have grouped themselves for generations into particular services, thereby acquiring a special aptitude in these departments, *e.g.*, Madrasis in finance, Sikhs and Gurkhas in the Army, Bengalis, in offices and law and Anglo-Indians in the railways. It is to the advantage of the State that communities should continue to be employed in those services for which they are best fitted.

We would point out that the Montagu-Chelmsford Report made special reference to the need for our protection in para. 346, and that there is a definite safeguard provided in the "Instrument of Instructions given to the Governor-General and Governors." If we are to remain statutory natives of India without danger to our economic existence, these or any other economic safeguards will need to be rigidly enforced. That paragraph admits that the Anglo-Indian on historic grounds has a strong claim on the consideration of the British Government, and that Government must acknowledge and must be given effective power to discharge the obligation to see that his interests are not prejudicially affected. In 1923, a communal representation was received in deputation by the Secretary of State for India which set forth our grievances, but, it was because we continued to feel that these grievances had not been redressed and that the powers given to the authorities had not been adequately exercised to safeguard our interests that the community in India sent a deputation to England in 1925 which was received by the Secretary of State for India. When it is borne in mind that, notwithstanding all these statutory safeguards, the economic interests of the community have been prejudicially affected by the Reforms already granted, it cannot be denied that we have some justification for viewing the future with grave apprehension. In saying this, we have no desire to oppose the progressive realisation of self-government in India, but, to point out that it is proceeding at a rate which is prejudicial to the vested interests of the Anglo-Indian community which more than any other has a claim to consideration equally on historical, moral and economic grounds.

We would here refer to the speech made by Col. Applin M.P., in the House of Commons on the India Office vote in 1926 and Earl Winterton's reply:

Colonel Applin: "But we have one responsibility in regard to which I hope the noble lord will try to do something later on, that is, the responsibility to those people known as Anglo-Indians. We are personally responsible for their existence. They are neither British nor Indian, but they are in an extraordinary position. Under our laws we have called them statutory natives of India; under another law we call them British subjects. They fall between two stools. Whenever any form of real self-Government comes to India I want to ask the noble lord if Lord Birkenhead has come to any decision as to the status of the Anglo-Indian in India, and whether any hope has been held out to them in regard to the only services, in which they are fit to take part. The Anglo-Indian is only able to take part in certain activities. He is quite unable to do ordinary labour. He has in the past lived as a servant in the Government in some subordinate position. He has aspired to the Indian Medical Service. Except very rarely the Anglo-Indian does not hold a high position but occupies various subordinate positions. These are gradually being taken by Indians. It is up to us who still have all the appointments in our Civil Service, to see that the Anglo-Indian has fair play, is given the same work in India as a British subject, and is given some sort of status there."

Earl Winterton: * * * Then there was a question with regard to the position of Anglo-Indians, and I should like to say that everyone must sympathise with the difficulties and disabilities which that community suffers. The hon. and gallant member who raised this question will agree that those difficulties and disabilities, which may have been aggravated by the Government, are mainly due to quite other causes. Their status and their future, and the question as to what can be done for them by the Government in order to reduce their difficulties, are under consideration at the present time. A number of them came to this country on a deputation a year or so ago, were received by the Secretary of State and had a full opportunity of putting their views before him. Communication has gone on since between the Secretary of State and the Government of India on the subject."

How great a menace displacement from the Services is to the community will be appreciated when it is pointed out that these are its main avenues of livelihood, and, if they are closed, no others are open to it. The community being accustomed to European modes of living, has an economic standard much above that of the Indian, which makes competition with the Indian entirely impossible. The Anglo-Indian cannot take to menial or agrarian occupations. Emigration owing to the colour bar, is possible only for a few. The Army is practically closed to it. Vocational training is advocated for Anglo-Indians with a view to greater employment in industry. Some advantage might be gained from this if European business firms, such as Jute mills, factories, etc., would, instead of importing labour from the United Kingdom, undertake to employ and train the youth of the community, as is to-day being successfully done for the Jewish community by Jewish mills in Bombay; but, while a bright industrial future lies ahead of India, it is questionable, judging from present indications, that the Indian will allow Anglo-Indians any great share in the expansion. We might here quote a paragraph from "India, 1925–26" with advantage:—

"It should be noted at the outset that, with the exception of the Anglo-Indian community, and the educated Indian middle classes whose case has been already discussed, there is broadly speaking no unemployment problem in India. Even to numbers of the educated middle classes, unemployment is not normally the ruinous disaster which it is to their confrères in Western countries for the joint family system, which is one of the outstanding features of Indian social life, guarantees them the means of existence if nothing more. It is a very

sorry substitute for employment, but even this source is denied to Anglo-Indians."

It is said the British Parliament gave the present Reforms to India, as an award, in appreciation and gratitude, for her services during the past great War. While the operation of the Reforms has helped to protect the economic interests of Indians it cannot be denied that being placed as we are between East and West, the Anglo-Indian and domiciled European community has suffered and will continue to suffer from the effects of these Reforms more than any other community. We are therefore tempted to ask the British Parliament:

Is this to be our only reward for our war services and loyalty extending from the old John Company times to the present day? If this be so, then India's gain will be our loss. Surely the British nation does not intend this? It is to obviate such an eventuality that we have devoted various chapters of this Memorandum detailing our past and present positions in various Government Services and have referred to our record of service to the Empire as our greatest asset and our main claim for protection, if not permanently, at least for a stated period, within which we desire to so equip ourselves as to stand on our own feet.

We would accordingly request that adequate safeguards be provided for a stated period in the Provincial Civil Services, Provincial Judicial Service, Municipal Offices, Government of India and Provincial Government Secretariats, Salt, Forest, Survey, Police and other such services, and that, with regard to Railways, Telegraphs and Customs, in view of the fact that these departments have been practically built up and maintained by us, since their inception the recognition of our claim should be enacted in specific terms in the Statute that will be the outcome of the Simon Commission's Report.

THE SERVICES.

Since our problem is more an economic than a political one, we propose in the following chapters to deal with the more important of the Services in which Indianisation has seriously affected our economic position, owing to the bias from both the Indian and European and as is very well illustrated by the conduct in two different sets of Services; on the one hand, *i.e.*, in the Railways, Telegraphs, Customs, the Police, and the Postal Service aimed at depriving us of our right as statutory natives of India to share in the benefits of Indianisation, and on the other hand, *i.e.*, in the Army and the Indian Medical Department, aimed at depriving us of our just claims as European British subjects.

RAILWAYS.

Position on Railways.—The position of the community on the Railways is one of the most important matters with which this Memorandum deals, because this service affords employment to 14,000 Anglo-Indians and about 3,000 domiciled Europeans, male and female. Of these, about three-fourths are married, and allowing three children per family, one obtains a total of about 68,000 men, women and children, either employed or dependent on the Railways: in other words, nearly one half of the domiciled community.

Past History.—It is an undisputed fact that it was with British capital that the pioneer Britisher and his offspring the early Anglo-Indian and domiciled European laid the first railway sleepers in India about 70 years ago. These pioneer workers are represented on the railways to-day by their third and fourth generations. In early days their salaries were mere pittances, as compared with the present day attractive rates of pay. Famine, small pox, cholera, malaria and other diseases took their daily toll from among these workers, who were scattered over the country, living in the jungles with no social amenities and, at times, far removed from medical aid, which, itself was in a primitive state. They toiled on from day to day and year to year, sustained by their loyalty to the country and the Government. Time was not so long ago when every engine-driver, guard and station official was either a European or Anglo-Indian and many of them rose to the highest positions, some becoming successful agents and general traffic managers, and in some railways about 50 per cent. of officials were promoted subordinates. The risks and privations attaching to railway work were too great and the salaries too small to attract the Indian. It was the Anglo-Indian who helped to build up and develop the railway systems in India, while the Indian was content to let us do the spade work. In 1920 there were not many Indian employed on the railways except as menials or lower subordinates. The railways in time became a source of steady revenue to the Government of India, and the Anglo-Indian community is entitled to claim that their share in the development of the trade and commerce of the country, in this sphere at least, is one which it would be impossible to value adequately in terms merely of rupees, annas and pies.

That in the past we have enjoyed a high percentage of appointments and even to-day hold a fair number of posts, especially in the upper subordinate grades, is due, in the first place, to the fact that, until quite recently, there was no competition; secondly, to our past continuous service and greater trustworthiness and loyalty to our employers; and thirdly, to the fact that labour and living were cheaper than they are to-day. As a result of continuous and more or less hereditary employment the Anglo-Indian community became an integral part of Indian Railways and our economic weltare was intimately linked with the prosperity of the railways. While so employed we served with the old Volunteer Force and the I.D.F., and in course of time compulsory enlistment into the Indian Auxiliary Force became a rigid condition of Anglo-Indian and domiciled European employment on all Railways. To-day the Railway Battalions form the backbone of the Force, and are frequently called upon to protect railway property and quell strikes, thus playing an important part in the internal defence of India. The various railway mechanical and carriage and wagon workshops were also almost entirely manned by the community, and, as the need for importing covenanted employees, such as drivers, guards, firemen and others in large numbers from England gradually decreased, their places were filled by Anglo-Indians.

It was in this atmosphere of economic contentment and apparent security of employment that the Reforms commenced to operate in 1920. Neither official nor subordinate received any hint from the Government as to the far-reaching changes that were to follow. Under the stress of the clamorous demands made by Indian members, who early showed a marked hostility to the position occupied by the community on the railways and demanded such a speedy rate of Indianisation that, if granted, could only result in inefficiency and the throwing out of employment large numbers of our community, the Government of India showed unmistakable signs of yielding. That they were influenced by the clamour of the Indian is clear from the fact that, in their desire to help the community they tried to conceal from the Indian members the exact number of Anglo-Indians and domiciled Europeans employed on the railways, and so we find in the Railway Board Administration Report for 1924–25 Anglo-Indians are not shown as such, but as a separate class, and are classified as such nondescripts as "other classes." It is this vacillating and hesitating policy on the part of Government that is causing us such grave apprehension. If Government are in favour of the retention of a large proportion of Anglo-Indians in consideration of their past services, their loyalty, and devotion to duty, their fidelity and their superior worth, it would be to the interest of all concerned if they openly admitted it, but it seems as if Government are doing their best to evade answering the

many questions on Anglo-Indian Railway employment that are being asked daily in the Legislative Assembly and though they realise that our community furnish more reliable, if slightly more expensive, railway workers, they do not seem to have the courage to say so to the Indian M.L.A. questioner. In their anxiety to conciliate these questions, they overlook the fact that, for employment purposes, Anglo-Indians are statutory natives of India and that a service manned by Statutory Indians cannot possibly be more Indianised; and thereby expose themselves to the charge of perpetuating a difference between Anglo-Indians and Indians. Their answers seem to convey the impression that the community is being retained on the railways, not for its intrinsic worth, which has been abundantly proved, but, by favour of the European official who himself is being pressed by Government to put into effect the policy of Indianisation. Although agents state they cannot run the railway efficiently without their Anglo-Indian and domiciled European workers, Government insist, not only on the appointment of a larger number of Indians, but, on their rapid promotion to the upper subordinate grades, apparently to show in each year's Railway Budget a marked increase in Indianisation, possibly with a view to winning over the Indian opposition to their demands for grants. There are numerous instances in the Legislative Assembly where Indian members have moved large cuts on the plea that Indianisation of the Services is not being given effect to, the attacks being directed at Anglo-Indians.

Assurances of protection have, it is true, from time to time been given to the community by various Commerce Members and even by the Right Honourable the Secretary of State for India; and the Government of India have, we sincerely believe, made a genuine endeavour to carry them out, but their resistance seems to have proved unequal to the yearly increasing pressure for Indianisation. To-day, although we still enjoy a favourable percentage of appointments on the railways, our future position s anything but assured. Indeed we consider it is in jeopardy and, unless protection is afforded us in the shape of a definite enactment, it will not be long before we meet the same fate in the Railways as we have met in other Government Departments. This would be a poor reward to a community on whom Government relies whenever Indians go on strike, as evidenced by the 1923 East Indian Railway strike, when even Anglo-Indian school children cleaned the railway carriages and our lads left their schools to work this railway to enable H.R.H. the Prince of Wales to travel in comfort and safety when he visited India. Again, in 1927, it was our loyalty that kept the Bengal Nagpur Railway open to traffic and prevented the strike from spreading to other railways, and in the present East Indian railway strike we are again witnessing the part ever played by our men who are performing even menial work in their efforts to keep the Howrah Railway Station open to goods and passenger traffic and to prevent the present strike from spreading.

That the Government are appreciative of our services and are fully alive to their responsibilities on our behalf has been clearly enunciated more than once by the official spokesman in the Legislative Assembly. Only last March the Honourable Sir George Rainy, Commerce Member, in the course of the Railway Budget debate, remarked: "The point I want to make plain, if I can, is this. There are certain things that we cannot do. For one thing, we could not—I think my friend, Sir Charles Innes said so before—oust Anglo-Indians from the appointments the individuals actually hold in order to replace them by Indians. There is also another aspect of the case to which I think it is necessary to refer here. When, as a matter of history, members of a particular community have held a very large number of appointments of a particular class, inevitably the whole economic organisation of the community becomes involved with that fact. That is a point that the Government of India cannot possibly ignore and to take measures which would summarily involve a *sudden violent dislocation* of the economic existence of an important community would clearly be a matter in which the Government of India ought to proceed very cautiously. I want to give that warning."

This was supported by the Honourable Mr. A. A. L. Parsons, Financial Commissioner, Railway Board, in the speech he delivered in the Legislative Assembly when he said: "I must now turn to a wider and I think a more difficult subject which was briefly touched upon at the beginning of Pandit Kunzru's speech. There is a community whose interests are most ably represented in this House by Colonel Gidney, who by their energies did obtain a very considerable proportion of appointments with which we are now dealing. There is a community whose energies were given to the great benefit of railways at a time, I think I am right in saying, when railway work of that character did not make the appeal to, at any rate, some other classes of the inhabitants of this country which it now does. We are not dealing here with any question of providing in accordance with the policy of the Government, for the representation of a minority community in certain services. Those orders are well known and I do not think affect the present case, for it is certain that the Anglo-Indian community have at least their share of these appointments. On the other hand, times have changed. The Railway Board recognise that there are now members of other communities who would like to come into these appointments and I am sure my honourable friend himself has no objection to these appointments being thrown open to them and has no fear that his own community will in the long run suffer by a severer competition in a wider field. I am attempting to make an appeal to this House to deal in a spirit of no heat with an important question. The position actually is, therefore, that the Railway Board have informed agents that they consider that Indians should be given the same opportunities of showing their aptitude and capacity for these posts as Anglo-Indians, with the result that they are obtaining an increasing number of these posts. The latest figures I have got show for example, that in 1927, among the subordinates drawing Rs. 250/- per mensem and over, there was a reduction of 50 Europeans, a reduction of 44 Anglo-Indians, an increase of 121 Hindus, an increase of 38 Muslims and an increase of 50 of "other classes." I think that is all that it is right I should say on that question. I hope I have made it clear that the Railway Board do not consider Indians of any community unfitted for these particular appointments and I have made it clear that where there are vestiges of racial discrimination left, if they are brought to our notice, we are prepared to examine them, and, if we can, remove them. We do not want to have different grades of pay or different terms of service for any particular community in this country, and, while hoping that we shall still retain the services of that community which has served us so well in the past, we do hope to see a larger number of young Indian boys coming into these subordinate services."

While we are grateful for these individual assurances which afford protection to the present employees they carry no permanent protection or safeguard even for a stated period; on the contrary they not only imply that more Indians will be employed in the future, a claim we do not and cannot dispute, but, also, that in the policy of Indianisation of Railways the community apparently occupies the position of a separate class, apart from all other Indian communities. But how can Anglo-Indians, who are statutory natives of India, be replaced by other natives of India, *i.e.*, Indian Indians? Surely Indianisation does not imply ex-Anglo-Indianisation.

Indianisation, however, has been proceeding apace, and during the year 1924 many of our men were

discharged from the railways, in some instances to make room for Indians on a cheaper rate of pay; while the years 1925–26 and 1926–27 witnessed a phenomenal increase in the employment of Indians.

Despite the fact that we are admitted on Railways as Statutory Natives of India, and though Government stresses it in the Legislative Assembly as entitling us to equal rights with all other communities, the Indian refuses to accept it. It would be idle to deny the right of the Indian to employment on Railways, but we, who built the Railways, strongly protest against any definition of Indianisation which would spell usurpation of Anglo-Indian employment on the Railways. We regret to state that to-day to almost every Indian, whatever be his political creed, the Anglo-Indian is for occupational purposes as much an alien as the purest-blooded Britisher. The Indian wants the Anglo-Indian to declare himself an out-and-out Indian before he will recognise his equal claims. This will be evident from a perusal of the Legislative Assembly debates in which occur hundreds of interpellations from the Indian showing resentment at the position we have earned on the Railways and further desire to deprive the Anglo-Indian of his right, as a Statutory Native of India, for continued employment. Indeed, the Honourable Member representing the community on the Legislative Assembly, Colonel Gidney, has frequently been accused of sailing under false colours. Mr. Rangachariar, a former Deputy President of the Legislative Assembly, who was very emphatic about the terms on which the Indian would accept the Anglo-Indian and include him in his proportions of employment, in a memorable speech in 1923 remarked that "not until the Anglo-Indian thought as an Indian, did as an Indian," in other words, not until he threw aside his statutory position and British heritage, would the Indian accept him. Mr. K. C. Neogy, M.L.A., in a speech delivered on the 24th February, 1928, in the Legislative Assembly went further and said, during the discussion of the Railway Demands for Grants, that he spoke for the "pure-blooded Indians"—"the Indian Indians"—and not for those who claim an admixture of other blood. All this goes to prove that the Indian resents the present employment of Anglo-Indians and Domiciled Europeans on the Railways and that, while avowing that he does not wish to oust him, he is anxious to get rid of him as soon as he can and that by Indianisation he practically means ex-Anglo-Indianisation. There is also, we regret to add, evidence that the policy of Government is one of appeasing the Indian and that each year they are weakening in their resistance to Indian clamour. Under such conditions it is surely not surprising that the community, which has rendered time honoured service to the Railways in India, and which, by such employment, is consequently so closely welded to Indian Railways, is apprehensive of its future and resents this endeavour on the part of the Indians to displace them.

The table of statistics, as given below, extracted from the Government of India Report by the Railway Board on Indian Railways for 1925–26 and 1926–27, Volume II, giving the grand totals of the various communities employed on all Indian Railways for all grades of employees from the menial to the official, will show that in 1926–27, out of a total of 7,62,553, there were 4,998 Europeans, 14,007 Anglo-Indians and 7,43,548, Indians and "other classes" which works out to a communal percentage of—

Anglo-Indians 1·88, Europeans 0·69 per every hundred Indians.

It might be said that, as this total of Indians includes all types of menials it is not a fair method of working out communal proportions. Even if we accept this, it must be remembered that a large number of Anglo-Indians are to-day employed as booking clerks and on the Crew system on Indian wage rates. Many Anglo-Indian youths are to-day being employed as English-speaking *agwallahs* (*i.e.*, firemen) on Indian wages; indeed, the tendency on most railways to-day, especially on new extensions, is to reduce all salaries to the present Indian rates. This is detailed to show that there are many Anglo-Indians who, rather than face the ghastly privations of unemployment are working to-day on Indian wages, though their standard of living is much higher.

A more accurate estimate can be obtained by ascertaining the actual number of Anglo-Indians employed as lower subordinates; take our total employment on Railways; *i.e.*, 14,007 in 1926–27; deduct from it 3,765, which represents our total upper subordinates and 168, which represents our total officials; the balance of 10,073 represents the number of Anglo-Indians working as lower subordinates, drawing salaries from about Rs. 35 to under Rs. 250 p.m.

REPORTS BY THE RAILWAY BOARD ON INDIAN RAILWAYS FOR 1924–25, 1925–26 and 1926–27.

VOLUME II. APPENDIX C.

Statement of Number of Servants of all races employed on all Railway systems (open lines only) at the close of the years 1924–25, 1925–26 *and* 1926–27.

Years.	Number of Servants Employed.					
		Statutory Indians.				
	European.	Hindus.	Muslims.	Anglo-Indians.	Other Classes.	Total.
1924–25	5,567	542,430	164,389	—	*32,830	745,216
1925–26	5,008	542,239	168,086	13,675	22,595	751,603
1926–27	4,998	550,925	168,322	14,007	24,301	762,553

* The number of Anglo-Indians was concealed under the guise of, and together with "Other Classes."

PERCENTAGE OF COMMUNAL EMPLOYMENT.

Anglo-Indians 1·88 per 100 Indians.
Europeans 0·69 per 100 Indians.

STATEMENT SHOWING TOTAL INCREASE IN MILEAGE ON INDIAN RAILWAYS.

—	1924–25	1925–26	1926–27
Route Mileage	34,424·57	34,695·82	35,131·95
Track Mileage	47,211·67	47,752·04	48,497·52

Upper Subordinates.—Whereas, about a decade ago there were very few Indians as upper subordinates, a reference to the statistics as given below, extracted from the Reports by the Railway Board on Indian Railways for 1925–26 and 1926–27 Volume I, will show that in 1925–26 there were 1,572 and 1,693 in 1926–27, replacing nearly 800 Europeans and in 1927–28 replacing 44 Anglo-Indians—a fact which supports the belief that, in response to the clamour of Indians, Indian subordinates and office clerks are being promoted to appointments as upper subordinates at a phenomenal rate, promotions for which our men have had to serve 20 to 25 years and for which hundreds of them are to-day still patiently waiting to obtain. Although we hold more upper subordinate appointments than Indians to-day, the totals for the year 1926–27 work out at Europeans 2,076, Anglo-Indians 3,765, and Indians and other classes 2,454, demonstrating that, whereas but a few years ago Europeans and Anglo-Indians were almost exclusively employed as upper subordinates, in 1926–27 Europeans held·25 per cent., Anglo-Indians 44·4 per cent., and Indians and other classes 29·6 per cent. These statistics also show that within the year 1926–27 the number of European upper

subordinates had decreased by 50 and Anglo-Indians by 44, while the number of Indians including " other classes " had increased by 216. If this rate is continued it will not be long before there will be no European or Anglo-Indian upper subordinates on the Railways.

REPORTS BY THE RAILWAY BOARD ON INDIAN RAILWAYS FOR 1924–25, 1925–26 AND 1926–27.

VOLUME I. APPENDIX F.

Statement of Subordinates drawing Rs. 250 per mensem and over or on scales of pay rising to Rs. 250 per mensem and over, employed on Class I Railways.

Item.	Total.		
	1925.	1926.	1927.
TOTAL—			
Europeans	2,412	2,128	2,076
STATUTORY INDIANS—			
(*a*) Hindus	1,482	1,572	1,693
(*b*) Muslims	239	247	285
(*c*) Anglo-Indians ...	—	3,809	3,765
(*d*) Other Classes ...	*3,689	419	476
Total...	7,822	8,173	8,295

* The number of Anglo-Indians was concealed under the guise of and together with " Other Classes."

COMMUNAL PERCENTAGE—

(1) Europeans ... ... 25·0 per cent.
(2) Anglo-Indians ... ... 44·4 per cent.
(3) Indians including other classes 29·6 per cent.

Superior Services.—The statistics as given are obtained from the Reports by the Railway Board on Indian Railways for 1925–26 and 1926–27 Volumes II, show how the various communities are situated. Whereas a decade ago, there were very few Indian Railway Officials, it will be seen that, in 1926–27 Europeans held 1,520 appointments; Indians, including " other classes " 454, and Anglo-Indians 169, which works out to Europeans about 70·9 per cent. Indians and other classes 21·1 per cent. and Anglo-Indians 8 per cent.

REPORTS BY THE RAILWAY BOARD ON INDIAN RAILWAYS FOR 1924–25, 1925–26 AND 1926–27.

VOL. I. APPENDIX F.

Statement of GAZETTED OFFICERS *of corresponding rank employed on Class I Railways.*

Item.	Total.		
	1925.	1926.	1927.
TOTAL—			
Europeans	1,485	1,496	1,520
STATUTORY INDIANS—			
(*a*) Hindus	252	294	342
(*b*) Muslims	45	56	58
(*c*) Anglo-Indians ...	—	152	169
(*d*) Other Classes ...	*166	47	54
Total...	1,948	2,045	2,143

* The number of Anglo-Indians was concealed under the guise of, and together with " Other Classes.

COMMUNAL PERCENTAGES.

(1) Europeans ... ... 70·9%
(2) Anglo-Indians ... ... 8·0%
(3) Indians including other classes 21·1%

A reference to the speech made by the Honourable the Railway Member in opening the 1928 Railway Budget Debate increases the apprehension of the community with regard to its future as far as official appointments are concerned. Speaking in the Legislative Assembly when presenting the Railway Budget, with reference to Indianisation of the Superior Railway Services, Sir George Rainy said : " I have some general remarks to make as regards the financial position of the Railways, but, before I come to them, there is one other matter to which I should like briefly to refer, I mean the progress made in recruiting Indians for the superior services on the Railways. Members will find a very full account of what has been done in the past two years on pages 66 to 72 of the Railway Board's report on Indian Railways for 1926–27; but, I am in a position to supplement the information there by some further and later figures. 32 per cent. of the permanent gazetted appointments created in 1925, and of the vacancies which occurred during that year in such appointments on State-managed Railways were filled by Indians. In 1926–27 the percentage practically doubled; it was over 62 per cent. This year, on the latest available figures; it seems probable that 42 Indians will be appointed to Superior Railway Services, including the 13 candidates who, as announced last week, were successful in the examinations for the Indian Railway Services of Engineers and the Transportation and Commercial Departments of the State-managed Railways. We are only expecting 18 European recruits this year for the State-managed Railways, so Indians are likely to obtain 70 per cent. of the appointments. We are rapidly reaching the percentage recommended as our aim by the Lee Commission. So far I have only been referring to permanent appointments. But we have also succeeded recently in obtaining a much larger proportion of suitable Indian recruits for the temporary Engineers posts on the State-managed Railways which our large construction programme requires. When, in 1925, we began to recruit temporary Engineers in large numbers, we first of all advertised in this country for them; but the immediate response was not as good as we could have wished, and we only succeeded in obtaining 28 sufficiently well-qualified men of whom seven were Europeans. In order not to hold up the programme of development we had therefore to obtain recruits from England through the High Commissioner and we got from him in all 43 temporary officers on three year agreements, of whom 9 were Indians and the rest Europeans. Subsequently, in January, 1927, we advertised again for recruits in India and obtained a much more satisfactory response; we have consequently stopped the recruitment of temporary engineers in England altogether. Since January, 1927, we have obtained 20 temporary engineers in India of whom 18 are Indians, and we have now got arrangements for maintaining a register of approved candidates for employment, to whom appointments are offered as they fall vacant. I am conscious that this reference to Indianisation breaks the sequence of my speech, but, I thought the House would be glad to have these figures before the general discussion on the budget takes place."

Thus it will be seen that the Government of India have Indianised 70 per cent. of Superior Railway appointments created within a few years, though, the Lee Commission recommended 75 per cent. in about 25 years or more If. this 70 per cent. included a fair proportion of Anglo-Indians and Domiciled Europeans there would be no need for apprehension, but, as far as is known, 95 per cent. of these recent 70 per cent. Indian appointments have been given to Indians—very few to Anglo-Indians. The reason for this is not far to seek. In 1925 the Railway Board issued regulations governing the entrance into most superior railway services which insisted on a degree qualification through a severe competitive examination. The Government of India was well aware that there were very few Anglo-Indian

graduates and that by this sudden alteration the door was being practically closed to us, who, up till then, in return for our work and worthiness, had been able to enter the Superior Services by promotion from the subordinate grades, on some Railways to the extent of about 50 per cent. To make matters worse, and almost synchronising with this, the Railway Board passed orders that only 15 per cent. of subordinates were to be promoted to the official grades. Thus again the opening was considerably narrowed, and it will be seen that the Government of India have not only practically closed the door to us, but have opened it wide to the Indian. In other words the community that helped to build up the Railways, and who, but a few years ago supplied a high percentage of their officials has, in less than a decade, been denied adequate consideration by the Government in its desire to satisfy the clamour for Indianisation. To add to our difficulties the Anglo-Indian upper subordinate, however efficient, finds it very difficult to enter the official grade to-day because the majority of the 15 per cent. promoted subordinates are selected either from covenanted Europeans or Domiciled Europeans.

A further prejudicial factor is disclosed by a reference to these statistics, in which the total for Anglo-Indian officials in 1927 is shown as 169. As there was a suspicion that this total included a large percentage of acting official appointments, enquiries were made from Railway Agents and from official replies so far received it appears that about 40 per cent of these 169 Anglo-Indian official appointments are of a temporary or officiating character, and, which, unless confirmed, are of little value to the community, whose employment as officiating officials means to the Government the extraction of first class labour at a minimum wage on a temporary basis until such time as a permanent imported European or degreed Indian is available. We would point out that these appointments are of particular importance to the Community as it is from these grades that Selection Committees are formed to recruit subordinates.

At this rate of Indianisation of the Superior Railway Services 70 to 80 per cent. of officials will be Indians within the next 10 to 15 years. Prejudicial and unfair as this is to those of us who aspire to become officials, it will react with even greater intensity on the Anglo-Indian lower-subordinates, *i.e.*, the firemen, ticket collectors, etc., who eventually become the upper subordinates, because they are appointed weekly by Selection Committees consisting of Railway officials. Anglo-Indians are seldom on these Selection Committees, because we have so few permanent officials in the community. If in time 70 per cent. of Railway Officials are Indians, then, these Selection Committees must necessarily be composed of a larger number of Indian Officials and it is only natural to expect that they will appoint Indian applicants as subordinates in preference to Anglo-Indians. That this apprehension is not imaginary has lately been proved when an Indian Railway Official, delegated to select men for a new Railway system, exhibited marked communal preference. "Indianisation of the service is, of course, a political as well as an administrative problem, and it is quite reasonable to argue that as far as some of the Indian services are concerned political arguments may safely be allowed to prevail. But it will be acknowledged that the Railway is not one of these services."

In making these criticisms, we have no desire to appear ungrateful for the employment Government has hitherto given us in our struggle against great odds, though it is a generally-accepted fact that Anglo-Indians have proved themselves worthy of such treatment; nor are we dissatisfied with the present number of Anglo-Indians employed as lower and upper subordinates. It is not the present that we fear, but the future, and it is to safeguard ourselves against possible developments in the future that the following demands are suggested for the consideration of the members of the Indian Statutory Commission.

Protection.—1. That the present number of Anglo-Indian and Domiciled European lower and upper subordinates be not reduced for a further period of 50 years.

2. That owing to the manifest injustice consequent on the sudden change of policy in the matter of recruitment to the Superior Railway Services, which now demand a degree qualification, the I. A. or I.Sc. be accepted as a qualifying examination for another 30 years.

3. That 15 per cent. of Superior Railway competitive appointments be reserved for nomination by the Government of India.

4. That for the next 30 years 50 per cent. of the 75 per cent. appointments in the Superior Services reserved for Indianisation be obtained by the promotion of approved Anglo-Indian and Domiciled European upper subordinates. This will enable a fair number of Anglo-Indians to enter the Superior Services till such time as they are able to equip themselves to compete on equal terms with Indians.

5. That only those, who, have admitted themselves Statutory Natives of India receive the benefits of the above demand, to attain which

(*a*) all Railways should take necessary steps to ascertain this information;

(*b*) the question "Are you a Statutory Native of India?" should be embodied in the agreement form enlisting an employee, as is done for all Provincial Civil Services.

6. That the promotion of covenanted European subordinates be not included in the above, but, their appointments be confined to the 25 per cent. reserved for European Officials.

7. That irrespective of any other suggestion, and in view of the large numbers of Anglo-Indians in the subordinate service whose interests are at stake, a certain number of Anglo-Indian officials or non-officials be appointed to every Selection Committee when subordinates are being selected.

8. That any measure of protection afforded us be specifically included in any enactment that may be the outcome of the Indian Statutory Commission's Report.

Reasons for Demand.—The demand for special protective measures, for a limited period is based on the following facts and considerations. Any attempt to displace us too rapidly from our present position of economic security must inevitably result in crippling the education of our children, by which alone we can hope to compete with the Indian.

2. The loyal and meritorious services we have rendered to the Railways from their very inception, and to India, and the great part we have consequently played in the opening up of the trade, commerce and industries of India.

3. The accumulated revenues Anglo-Indian employees have helped to bring to the Government of India during the past 70 odd years of Railway administration in India.

4. The fact that about 14,007 of its Anglo-Indian members and about 3,000 Domiciled Europeans are enlisted in the Indian Auxiliary Force and thus constitute a valuable asset to the internal defence of India. This compulsory enlistment of Anglo-Indians and Domiciled Europeans, as a term of employment, is not exacted from Indians. The Community is very proud of the honoured place it occupies in the Auxiliary Force and would be the last to suggest any alteration, but it submits that such employment, in a measure, augments its claims for special protection in a Department it has not only built up, but, protects, and because the Community can always be depended on during strikes or other crises.

INDIAN TELEGRAPH DEPARTMENT.

The Indian Telegraph Department is yet another instance of an utility service in which the Anglo-Indian and Domiciled European Community has, in the role of pioneer workers, done the spade work, faced the dangers of isolated existence spent in the jungles, exposed to various diseases, and after continuous labour of over half a century, developed it, stage by stage to such a condition of utility and perfection, that with the improved status and enhanced salary of its employees, it began to attract the Indian. With the rapid progress of Indianisation taking place in all the services it seems certain that in a very short time the Anglo-Indian Community will be displaced by the Indian in this service also.

Past History.—It is an irrefutable fact that the foundations of the Indian Telegraph Department were laid and the traditions built up exclusively by the Anglo-Indian and Domiciled European Community. We have but to take our memories back to the 1857 Indian Mutiny to appreciate the great part played by the Department, for, had it not been for the Indian Telegraph Department, it is quite likely that the history of India would have been a different one. Apart from the services rendered to Government by this Department as a whole, the annals of the Indian Mutiny afford ample evidence of the heroic conduct of many Anglo-Indian Telegraphists, among whom the name of Brendish, to whose memory the late Lord Curzon, when Viceroy of India, unveiled a monument in the Imperial City of Delhi, will live for ever as one, who, despite the massacre of his comrades whilst on duty, displayed the greatest presence of mind and courage by standing at his post and sending that memorable message across the telegraph wires, which not only arrested the advance of the Mutineers, but enabled the British troops to take prompt and effective action and so saved for England the whole of the Punjab or, as Sir Robert Montgomery put it, "the Electric Telegraphs saved India." These words were repeated by Lord Curzon at the unveiling ceremony. It might well be contended that for this act alone the Anglo-Indian community has a special claim for protection in the Telegraph Department. From the Mutiny to the recent Great War, the Indian Telegraph Department has played a great part in all campaigns in India and Burma, as also in Mesopotamia, and not only has it nobly responded to the stress of its daily work on such occasions, but Anglo-Indian members have freely volunteered for active service, many of whom were mentioned in despatches and received honours. Moreover, the Anglo-Indian and Domiciled European members of this Department have supplied and still supply a large contingent to the old Volunteer Corps, the I.D.F. and to-day, as members of the Indian Auxiliary Force, form an effective defence, protecting in times of need telegraph offices and their lines of communication. It is also well known that Anglo-Indians and Domiciled Europeans of the Telegraph Department were almost exclusively employed in the various North-West Frontier Expeditions, Chen Lushai and Chen Hills Expeditions, and in the Burma War of 1886.

Effects of Indianisation.—Till the year 1878 every Branch of the Department was manned entirely by Anglo-Indians and Domiciled Europeans, and, although, in subsequent years, Indians were gradually admitted into it, the Government of India found it necessary, as recently as 1902–3, to make a definite pronouncement that the percentage of Anglo-Indians and Domiciled Europeans employed in the Department should not fall below 66⅔ per cent. This percentage was steadily maintained till about 1916, after which year, notwithstanding the orders of the Government of India, more Indians entered and the percentage of Anglo-Indians dropped to about 50 per cent. in 1920. It was mainly during this period, 1916–20, on forceful representations being made by the Anglo-Indian and Domiciled European employees of this Department, that Government realised its obligations towards them and raised their salaries status, and prospects. It was in this much improved and attractive condition that the Reforms began to operate on this Department, but, since the year 1920, and notwithstanding the fact that Anglo-Indians are Statutory Natives of India, their percentage has gradually but steadily decreased till to-day it has fallen to about 40 per cent. We are naturally apprehensive of a still further decrease and unless early and adequate protection is given the same fate awaits the community in this service as has overtaken it in almost every other Government Department.

Statistics.—In support of this statement we desire to quote figures of Anglo-Indian and Indian employees from one of the largest Presidency Telegraph Offices in India—Calcutta :—

	1913–1918.		
Anglo-Indians	329		
Indians	99		
	1918–1923.		
Anglo-Indians	252	(decrease 77)	
Indians	178	(increase 75)	
	1923–1928.		
Anglo-Indians	166	(decrease 163)	
Indians	242	(increase 143)	

These figures show a decrease of 50 per cent. within a short space of 15 years and may be taken as applying to the Department generally—a poor return for a community that has rendered such great and meritorious services to the Empire. It is true that to-day members of the community enjoy a large share of the Superior appointments reserved for subordinates of the Service as also the Superior Traffic Service appointments and the upper subordinate grades, this condition is not only departmentally justifiable, but, naturally right as being the just reward to subordinates, who, after long and continuous years of service by sheer merit and ability have advanced step by step to some of the highest posts. In the lower subordinate grades, however, there is a steady increase of Indians who will, in time, occupy the upper and superior appointments which are held to-day and which will be held for a few more years to come by the present generation of Anglo-Indians. We also understand that, as a result of a reduction of 25 per cent. in Home recruitment into the Superior Telegraph Services, these appointments will be recruited by open competitive examination in India, in which an University degree will be demanded and which, in itself, owing to our paucity of graduates, will practically close this door of recruitment to members of the community.

The Right Honourable Lord Birkenhead, Secretary of State for India, when he received the 1925 Anglo-Indian Deputation, acknowledged the great services rendered by the community to the Empire in the Telegraph and Railway Departments. If any further recent evidence is required it can be obtained from the Annual Reports submitted by one of the ablest Directors-General, Posts and Telegraphs, Sir Geoffrey Clarke, I.C.S., an administrator who frequently stated in public that, but for the Anglo-Indian and Domiciled European employees, the Telegraph Department in India could not be administered as efficiently as it was done during his Directorship.

We have no desire, indeed, we would not refute the right of other Indian communities to seek and be given employment in the Telegraph Department, but, we feel we have more than an ethical claim on the Government to protect the position of the Anglo-Indian and Domiciled European community in this Department, for it is our perogative, as Statutory Natives of India, to share in the full benefits of Indianisation and an adequate percentage of appointments in those departments in which we have for generations shown particular aptitudinal ability and in which

our economic interests are so intimately welded. Displacement of our labour at the rate that is being witnessed to-day is bound to react on and seriously disturb the domestic economy of a large section of the community, for it must be remembered that there are to-day about 2,000 Anglo-Indian and Domiciled European employees in this Department who, with their wives and children, constitute a total of about 8,000 of the Domiciled Community employed or dependent on the Telegraph Department.

Demands.—(1) We therefore respectfully desire that the percentage of Anglo-Indians and Domiciled Europeans employed in certain sections of this Department be raised to the level of 66⅔ per cent. for a period of 25 years, and that for the succeeding 25 years it should not be allowed to go below 50 per cent. in those branches of the Service.

(2) In those Superior Service appointments, to be recruited by open competitive examination, 33⅓ per cent. be reserved for suitable members of the community by promotion from the subordinate ranks.

Reasons for Demands.—We make these demands in return for the services the community in this Department has rendered in the development and administration of India from the pre-Mutiny period to the present day, and for the special aptitude it has shown for this employment, which may be characterised as hereditary.

The principle of employing particular communities for particular services of the Government is clearly demonstrated and practised in the Indian Army, into which recruitment from none but the martial races is allowed, such as the Sikhs, Pathans, Dogras, Ghurkhas, Punjab Muslims, etc. This recruitment from particular communities is rigidly maintained on the policy that those races have an aptitude for such employment which entitles them to be classed as martial races. In a lesser degree the same principle of aptitudinal employment is being practised by recruiting Madrasis into the Finance Department of the Government of India. We request that Government apply the same principle of reservation to the Anglo-Indian and Domiciled European Community for special employment in the Telegraph Department.

CUSTOMS.

The present insecure position of Anglo-Indians and Domiciled Europeans in the various Customs Departments in India is the cause of grave anxiety to us. There are very few Departments of Government in which the displacement of members of the Community, under the process of Indianisation, has been so marked as in this Department.

The Preventive Branch of the Service in Calcutta, for instance, since its inception in 1852, till the introduction of the Reforms in 1920, was entirely staffed by Anglo-Indians and Domiciled Europeans. To-day they fill less than 80 per cent. of these appointments. In the short space of eight years one-fifth of the Anglo-Indians and Domiciled Europeans employed in this Branch have been displaced. At this rate, within a few years the pressure of Indianisation will have squeezed the Community entirely out of the Preventive Department.

The exclusive employment of Anglo-Indians in the Preventive Branch in pre-Reform days was undoubtedly due to their peculiar suitability for the work. Apart from the responsibility of preventing contraband articles from entering or leaving the country, there was the very important duty of preventing the smuggling of arms and ammunition into India, and the realisation of the Community's inherent loyalty to the Government was indisputably the factor which influenced Government to staff this important branch of the service completely with members of the Domiciled Community. For close on 70 years these conditions prevailed. What the loyal and the devoted work of the Community during this long period has meant to the Government and to India, if only by way of preventing the smuggling of arms and ammunition into the country, cannot now be known. Nor can the value of this service, in the dark days of the Mutiny and during the many subsequent periods when India was in the throes of civil disturbances, be adequately assessed. For these services alone it was reasonable to expect that the economic position of the Community under the Reforms would receive adequate protection.

These remarks apply *mutatis mutandis* to the other important Appraisers' Branch of the Calcutta Customs Service. Till 1909 Europeans and Anglo-Indians entirely staffed this department. During the ten years that followed eight Indians were admitted. Since the Reforms, however, the progress of Indianisation has been accelerated, and between the years 1920 and 1927 14 more Indians were employed, bringing their total strength to 22 in a small department of 38 men. It will be seen from this that, although, up to 1909, the department had been entirely staffed by Anglo-Indians and Domiciled Europeans, in 1919 it entertained 26 per cent. Indians, and in 1927 the percentage of Indians had risen to 60. If Indianisation of this department proceeds at this rate, within 20 years Europeans and Anglo-Indians will be entirely supplanted by Indians. The statements of the Preventive and Appraisers' Departments, of the Calcutta Customs Service given below will bear out these facts.

In the section of Protection we have already dealt with the evils which will result to the Community if the present rate of displacement is allowed to proceed unchecked. We would point out here that in the Preventive and Appraisers' Departments of the Customs Service the best way of ensuring temporary security would be to guarantee to Anglo-Indians and Domiciled Europeans a fixed percentage of appointments for a period of fifty years, *viz.* in the Preventive Branch 75 per cent., and in the Appraisers' Branch 50 per cent.

It cannot be denied that the many hundreds of crores of rupees that have accrued to Government from this major revenue-earning service is in a large measure due to the honest and faithful work of the Anglo-Indian Community. The claim for this temporary protection cannot, therefore, be regarded at all extravagant, particularly as the number of individuals involved is so small as to be of negligible economic importance to the Indians, whereas it means the uplift and salvation of many members of our community. The total amount of revenue which has been earned by the Customs Department from the Port of Calcutta alone, from 1894 when the General Tariffs were introduced to 1920 when the Reforms came into force and Indians were admitted into the Customs Department, is Rs. 10,592·73 lakhs.

(1) *Customs Preventive Service, Calcutta.*

Years.	No. of Anglo-Indians and Domiciled Europeans.	No. of Indians.	Approx. Percentage of Indians.
1918–1919	—	Nil	Nil
1919–1920	249	5	2
1920–1921	240	14	5½
1921–1922	235	19	7½
1922–1923	230	24	9½
1923–1924	222	32	12½
1924–1925	214	40	15½
1925–1926	208	46	18
1926–1927	204	50	20
1927–1928	201	53	20¾

Sanctioned Strength :—	
Inspectors	14
Officers	240
Total	254

(2) *Customs Appraisers' Department, Calcutta.*

	No. of Indians employed.
1908	Nil
1909	1
1910	3
1914	5
1917	8
1920	9
1922	10
1924	18
1926	20
1927	22
Present Strength Indians ...	22
Present Strength Anglo-Indians and Domiciled Europeans ...	16
Sanctioned Strength ...	38

POSTAL SERVICE.

Indianisation has practically shut out the community from the Superior and Upper Subordinate Grades of this Service (excluding Telegraphs), in both of which, at one time, it held many appointments. This exclusion has been the development of many years. A reference to the statistics given will support this statement. We make no complaint against the lower subordinate appointments, especially in the mofussil, because the standard of living and the customs and habits of Anglo-Indians and Domiciled Europeans are such as to preclude them from living on such small wages and in Indian villages.

In the Probationary Superintendent's Department it will be noticed that not a single member of the Community has been appointed since 1924, and it must be remembered that it is these officers who are appointed Reserve Superintendents and eventually rise to the grade of Postmaster-General. Unless this rate of Indianisation is checked and members of the Community are appointed, we shall disappear from this Department. At present there appears to be some unwritten law that is excluding Anglo-Indians from entering the Department as Probationary Superintendents. A reference to the Postmaster grades of Rs. 700–800 and Rs. 350–650 shows that a fair number of Anglo-Indians are employed, but these are men who started as subordinates and are to-day reaping the benefits of their earlier labours. In the Rs. 250–350 grade Indians are in the majority. We desire that one-third of these appointments should be held by Anglo-Indians. It is, however, in the lower grade of Postmasters from Rs. 160–250 that the effects of Indianisation are very pronounced, for here there are 123 Indians and only five Anglo-Indians. Again, in the Grade of Inspectors of Post Offices, Rs. 160–250, in the Provinces of Bengal and Assam all the appointments, 89 in number, are held by Indians, a condition which we believe obtains in other Provinces. As regards the mofussil officials there are 1,851 Indians employed and not a single Anglo-Indian. Items 10 and 11 of the statistics given add further testimony to the fact that the Community is all but excluded from these grades, there being 1,186 Indians as against 10 Anglo-Indians. It seems that in this Service there is no room for further Indianisation.

SUPERINTENDENTS IN INDIA, Rs. 300–750.
181 APPOINTMENTS.

(1) Indian.	Vacant.	European & Anglo-Indian.
130	2	49

PROBATIONARY SUPERINTENDENTS, Rs. 200.
15 APPOINTMENTS.
(FROM 1924–27.)

(2) Indian.	Vacant.	European & Anglo-Indian.
15	Nil.	Nil.

SUBORDINATES WHO HAVE BEEN PERMITTED TO APPEAR FOR THE SUPERINTENDENTS' EXAMINATION AND WHO HAVE PASSED.

(3) Indian.	European & Anglo-Indian.
41	5

POSTMASTERS, Rs. 700–800. 4 APPOINTMENTS.

(4) Indian.	Vacant.	European & Anglo-Indian.
Nil.	1	3

POSTMASTERS, Rs. 350–650. 37 APPOINTMENTS.

(5) Indian.	Vacant.	European & Anglo-Indian.
19	3	15

POSTMASTERS, Rs. 250–650. 116 APPOINTMENTS.

(6) Indian.	Vacant.	European & Anglo-Indian.
82	2	32

POSTMASTERS, Rs. 160–250. BENGAL & ASSAM.
134 APPOINTMENTS.

(7) Indian.	Vacant.	European & Anglo-Indian.
123	6	5

INSPECTORS OF POST OFFICES, Rs. 160–250.
BENGAL & ASSAM. 89 APPOINTMENTS.

(8) Indian.	Anglo-Indian.
89	Nil.

OFFICIALS IN MOFUSSIL—TIME SCALE OF PAY.

(9) Indian.	European & Anglo-Indian.
1,851.	Nil.

OFFICIALS IN CALCUTTA G.P.O. & T.S.O.s IN TIME SCALE OF PAY. 1,020 APPOINTMENTS—Rs. 50–160.

(10) Indian.	Vacant.	European & Anglo-Indian.
1,002	11	7

RESERVE OFFICIALS IN CALCUTTA G.P.O. & T.S.O.s.
187 APPOINTMENTS—Rs. 50–160.

(11) Indian.	Vacant.	European & Anglo-Indian.
184	Nil.	3

POLICE.

That Indianisation has effected us prejudicially in the Police Service is instanced in the case of the Calcutta Police. Taking one department of this Force, the Thanas (Police Stations), we find that before Indianisation set in practically every Thana in Calcutta had a European or Anglo-Indian in charge. Indeed, 30 of these appointments were held by Anglo-Indians. To-day only four are held by them. The remaining 26, which include all the principal stations, are held by Indians. Besides this, a system of Police Outposts has been introduced to deal with work of an inferior nature, to which Anglo-Indians are preferably posted, with the result that they receive no training in investigation and are rarely appointed to Thanas. By this means the Anglo-Indian element has been almost entirely eliminated, and Indianisation is proceeding apace despite the great need for neutral officers in this Service, as was demonstrated in the recent Hindu-Moslem riots.

The same state of affairs exists in the superior grade of the Calcutta Police. Statistics show that in 1915, out of a total cadre of 12 Assistant Commissioners of Police, there were only four Bengalis, while to-day the position is completely reversed and there are eight Bengalis holding such appointments as against two held by Anglo-Indians.

THE INDIAN MEDICAL DEPARTMENT.

(MILITARY BRANCH.)

The Indian Medical Department, which is the Junior Medical Service doing duty with British troops

under the orders of the R.A.M.C., has been in existence for nearly a hundred years. It is recruited entirely from the Domiciled Community and is employed for duty only with British Troops, though a certain percentage is employed in the various Provincial Civil Medical Services, as also in Jails and Asylums. Its members to-day receive a course of five years' professional training in the Medical Colleges of Calcutta and Madras under eminent I.M.S. Professors and have hitherto received a Diploma which is of purely departmental significance, but of inferior market value to the Indian qualification. There is no need to enlarge on the past record of service of the Department. Suffice to say that, in whatever sphere of duty it has been employed, in peace or war time, in India, or out of it, members of the I.M.D. have not only proved themselves a credit to their department and to their community, but have added lustre to the annals of the Army and the profession to which they belong. Many of them have, by open competition, entered the I.M.S. and risen to the highest ranks, such as Sir Patrick Hehir, K.C.I.E., K.C.B., late D.M.S., Mesopotamia and Northern Command, India; Col. J. Sykes, Col. O'Gorman and many others.

The Army Department has always insisted on British origin as a condition precedent to recruitment into this department. In former days recruits were selected by officers commanding British regiments, generally from the sons of soldiers, who had the option of receiving their pay either in sterling or in rupees and to retire in England, if they so wished. Recruitment is still a jealous preserve and is even to-day confined entirely to the Domiciled Community —men of British origin with British traditions, culture, customs and manners.

Since the Great War, the differential treatment meted out to this Department, as compared with other departments in the I.U.L., (the Indian Unattached List) and the I.M.L. (the Indian Miscellaneous List), is a typical instance of the disabilities and injustices which attend the dual status given to us and its practical application in a Department where Anglo-Indians and Domiciled Europeans are enlisted and enrolled, not as European British subjects, but as British Warrant Officers, is so markedly unjust that it has frequently been referred to the Army Department, but so far without result. The Indian Unattached List consists of such departments as the Indian Army Service Corps, Indian Army Ordnance Corps, Military Works Corps, etc.

The Army Member stated in the Legislative Assembly, in reply to a question asked him, that this differential treatment was due to the fact that the I.M.D. (1) is recruited entirely from the Domiciled Community, and (2) is not a part of the British Army, but an integral part of the Indian Army.

We desire to draw the attention of the Commission to these two points, as they demonstrate the post-Reform attitude of Government towards the Community.

(1) It is admitted that the Department is recruited entirely from Europeans, Domiciled Europeans, and Anglo-Indians in India, but a similar recruitment obtains to-day in the I.U.L., and, though Anglo-Indians do not figure so largely in it, we know of many Anglo-Indians serving in the I.U.L. Indeed, it is not an uncommon occurrence to find an Anglo-Indian father serving in the I.M.D. while his son is enlisted in the I.U.L., or two brothers serving in different departments one in the I.M.D., and the other in the I.U.L. Moreover, all the departments in the I.U.L. and the I.M.L. are now Indian Corps formed and recruited in India. True, the bulk of recruitment into the I.U.L. and I.M.L. is from seconded men of the British Army, but, by their recruitment in India and their employment in an admittedly Indian Corps these men, *ipso facto*, accept an Indian or Asiatic domicile for employment purposes, a fact which places them on the same footing with the I.M.D. The place of recruitment is the pivotal point in regard to the determination of domicile in all other departments of the Government of India to-day.

(2) This statement is obviously incorrect. The I.M.D. is as much an Ancillary branch of His Majesty's Land Forces in India as is any department in the I.U.L. Moreover, whereas the I.U.L. are largely used with Indian troops, the I.M.D. can be attached only to British Army units (*vide* para. 43 *a* and *b*, "Regulations for the Medical Services of the Army in India"). This para. together with para. 132 of the "Order of Precedence (British Ranks) Regulations for the Army in India," establishes beyond dispute that members of the I.M.D. are "*British* King's Commissioned Officers" or "*British* Warrant Officers in the Regular Land Forces of His Majesty's Army in India." Again, Warrant Officers of the I.M.D., are, by Regulations, given precedence over every other British Warrant Officer. For purposes of discipline, the I.M.D. come directly under Army orders and not under the Indian Army Act. Moreover, a member of the I.M.D. is sworn in and attested on joining the Service the same as is a *British* soldier under the Articles of War and the Army Act. He is, therefore, as much a British Warrant Officer as any member of the I.U.L. and neither the place of recruitment nor considerations of colour can deprive him of his claim.

A survey of the past history of the Department shows that in earlier days members of the I.M.D. were attached for duty permanently to particular British regiments, under the disciplinary control of the officer commanding. When on active service, they formed part of that particular regiment in exactly the same way as the I.M.S. and the R.A.M.C. formed part of the regiments they served, before the introduction of the Station Hospital System. There is not a single regulation, order, or instance on record to prove that a member of the I.M.D. has ever been attached to an Indian regiment, except temporarily On the other hand, one has only to recall the campaigns in which British troops from India have participated to realise the extent to which the I.M.D. has been requisitioned for service with British regiments and formed part of the medical personnel. Both regimental and departmental records furnish conclusive evidence of this. One could quote authorities *ad infinitum* in support of the contention that the I.M.D. although recruited in India, is more an integral part of the British Army than any other Department either in the I.U.L. or the I.M.L. In view of this, the finding of the Army Member, to which we have referred above, cannot be allowed to pass unchallenged.

Before the Great War, all these sister Departments were treated more or less as equals. No one thought of such an entity as the "Domiciled" or the "Anglo-Indian" community as distinct or different from any other community from which the Ancillary branches of the Army were recruited. Such a differentiation is essentially a post-war phase of thought. Unfortunately, it has not only operated to the detriment of the I.M.D. but, incidentally, has caused much unnecessary bitterness by creating a cleavage between the members of these Services, with no possible object, that we can see, except to safeguard the future of the British soldier against the inroads of Indianisation. The recent liberal enhancement of pay and pensions to the I.U.L., which is nothing more nor less than a miniature Lee concession has materialised largely, as a result of the influence and pressure that members of the Department have brought to bear on the Army Authorities, through Heads of Military Departments at Army Headquarters. Incidentally, there is not a member of the I.M.D. employed in the offices of the Army Department.

This favoured treatment to the I.U.L. which will add to the already over-burdened Military Budget a sum amounting to Rs. 15,25,000, while the cost of the time scale of promotion will amount to an additional sum of Rs. 1,00,000 per annum, is rendered all the more inexplicable by the fact that

there is no dearth of candidates for the I.U.L. and the I.M.L. Their lists compare very favourably with the I.M.D., which as a result of this differential treatment, is much under strength.

Some of the concessions and increases that have been granted to the I.U.L. have subsequently been extended to the I.M.D., but in a lesser measure and from dates varying from nine months to two years later, and only after the injustice had been exposed in the Legislative Assembly and appeals had been submitted by members of the Department. Nevertheless, these belated concessions clearly indicate that the Army Department, however reluctant they may be to admit it, are cognizant of the principle of equality of status of these various Departments. And further, they have the effect of discrediting the distinction that is sought to be made between recruitment from the Domiciled Community and others, thus proving that the present-day exclusion of the I.M.D. from the benefits of Army Instructions (India) 286, 287 and 1134 is merely a reflex of the communal rivalries to which the Reforms have given birth and intensified. While it is true that, for occupational purposes, we are regarded as Statutory Natives of India, it is equally true that for Military purposes we are European British Subjects, but Army Regulations go further and classify and recruit members of the I.M.D. as *British* Warrant Officers and *not* as members of the Domiciled Community, or Anglo-Indians, or European British Subjects.

A reference to the attached statement showing the differences between the salary and allowances of fully qualified professional men of the Domiciled Community such as those that form the I.M.D., and those of British soldiers of inferior education and status, will show the invidious differences that exist. The astounding fact will be further revealed that a Staff-Sergeant promoted from the ranks receives in salary and allowances about Rs. 380 per month, *i.e.*, more than the salary of an Assistant Engineer in the Superior Railway Service, and almost double the salary of a 4th Class Assistant Surgeon of the I.M.D., and that, eight years after he becomes a Major, he receives a total salary of Rs. 1,100 per month, including allowances, as compared with Rs. 700 which a Major in the I.M.D. receives. And, yet, I.M.D. men are recruited from the best families of the community and about 12 per cent. of its members are in possession of British medical qualifications, equivalent to that of I.M.S. and R.A.M.C. officers, and are in every way superior to the I.U.L. The further fact will be revealed that the British Military Hospital nurse, who takes her orders from the Military Assistant Surgeon, is in receipt of a salary and allowances of about Rs. 400 p.m. or twice that of a 4th Class Military Assistant Surgeon of the I.M.D.

In view of the facts and considerations set forth above, we consider no Army committee has any authority to create such a difference between the various Ancillary branches of the Army, and would point out that, apart from its financial extravagance, the scheme involves a breach of the King's Regulations. We, therefore, submit that all concessions that have been granted to the Ancillary branches of the Army should immediately be extended to the I.M.D. in their entirety. Our request is :—

(1) That the I.M.D. be definitely classed as one of the Departments mentioned in Appendix XXVII Regulations for the Army in India.

(2) That Army Instructions (India) 286 and 287 as also 1134, be made applicable in their entirety to the I.M.D. with equal retrospective effect.

(3) That the revised pension rates of the I.M.D. which have been sanctioned from 1.10.1927 be given with retrospective effect from the 1st October, 1925 as in the case of I.U.L.

(4) That, should the revised pension rates, sanctioned to the I.U.L. from the 1st October, 1925, be given retrospective effect so as to include I.U.L. pensioners, who retired on or after the 1st April, 1919, the same concession should be extended to I.M.D. pensioners who retired, or, who were in receipt of the present rates of pay on or after the 1st April, 1919.

(5) That the curriculum of educational and professional studies for entrance into the I.M.D. be raised so as to enable future entrants to obtain a degree instead of being handicapped by the possession of an inferior diploma.

CIVIL BRANCH.

As in the I.M.S. so in the I.M.D., its war reserve has been utilised for more than 50 years for Civil Medical employment in the various provinces, the Railway Medical Services, Superintendents of Jails, Lunatic Asylums, and in many political appointments, as also in Iraq and Mesopotamia. The great and valuable services rendered to the country by these officers are officially admitted and received a well-earned tribute from Sir Reginald Craddock in the minute of dissent he appended to the Lee Commission's Report. If any doubt can possibly exist as to the prejudicial effect of Indianisation on the community it should be, once for all, set at rest by the evidence of its action in the case of those I.M.D. men who were employed in the Provincial Medical Services.

Before the Reforms there was a steady recruitment of capable I.M.D. men, mostly those in possession of British qualifications, into the various Provinces; indeed, admission was looked upon as a legitimate prize by deserving members, and constituted a vested interest. Since 1920, however, in response to pressure in the Legislatures, certain Provinces, such as the United Provinces, and the Punjab, have closed their doors, altogether, while other Provinces have considerably curtailed the number previously employed. Madras, for instance, will not retain their services after they have received commissioned rank, while other Provinces are expected shortly also to issue orders against their employment. We have frequently represented this matter to the Government of India, but have received no satisfaction. Indeed, the recent Communiqué issued by the Secretary of State for India regarding the reorganisation of the I.M.S. and the reapportionment of Civil Surgencies and other Civil appointments entirely ignores the I.M.D. Unless the position is rectified, the I.M.D. war reserve will soon be completely shut out from such employment and drafted back into the Military Department, causing unnecessary distress, through the enforced unemployment of many who deserve a better fate. The Civil field of service has given employment to about 250 I.M.D. officers, who, with their wives and families, form a total of about 2,000 of the community. We plead that men in the I.M.D., especially those with a record of good service or with Indian degrees or British qualifications, be allowed to enter the Civil Medical Services of all Provinces and that Indianisation should not prejudice their claims to such employment.

See *Tabular Statement Appendix*, p. 303.

ARMY.

Our allegiance and our loyalty to all that is British has been our creed ever and certainly needs no reaffirmation on our part, but, now that Government has stressed the Parliamentary Statute calling us Statutory Natives of India for occupational purposes, we are confronted with the problem of our future position in the military organisation of India and cannot allow the fact to be overlooked, that for defence of Empire purposes, we are classed as European British subjects.

The bulk of the old Volunteer Force, from which, during the Great War, evolved the Indian Defence Force and which, in its turn became the present Auxiliary Force, was and is still to-day, composed of Anglo-Indians and Domiciled Europeans. This Force which is an effective second line of defence, auxiliary

to the standing British Army, means a saving to-day of the considerable sum of about 2 crores of rupees yearly to the Indian Exchequer. We have already detailed our past military services to the Empire but, as further instance of our fitness for military service, we would refer to the record of the Indian Medical Department, an integral part of the British Army in India, and a Department exclusively reserved for members of the Domiciled Community. It was only during the War, however, and when England had need of more men and women that all ranks of the British Army and its Ancillary branches, such as the Indian Army Service Corps, the Indian Ordnance Corps and the Military Nursing Service for Women, etc., were thrown open to us and we were freely enlisted and treated on terms of equality with the British officer and soldier. When peace was declared the doors were closed again, and, to-day, we find ourselves in precisely the same position, as far as the Army is concerned, as we occupied in 1829 when Mr. Ricketts, the Anglo-Indian representative was sent on deputation to England to petition the House of Commons on behalf of the community. As in 1829, so in 1928, all avenues of employment in the British Army are closed to us, unless we deny our birth-right, or, as the Government of India advises us, we elect to send our boys to England for enlistment. The Anglo-Indian Community is the only one in India to-day that is denied the privileges and honour, as loyal citizens of the Empire, of serving as regular soldiers in the Army. Many representations have been made in vain to Government and the Indian Army authorities for the community to be allowed to form an Anglo-Indian Regiment or Battery, or, to enter the various Ancillary branches. Indeed, we understand that one Commander-in-Chief, not aware of the duality of status accorded to us by Statute, when asked for an opinion on the desirability of the employment of Anglo-Indians in the Army, replied that he thought the problem would be well on the way to solution if the community would definitely declare whether it desired to be considered Indian or European, instead of sitting on the fence. We regard this exclusion as an insult to our community.

We desire that—

(*a*) We be allowed to form an Anglo-Indian Unit, or Battery, or Signal Corps.

(*b*) We be allowed to enlist in all the Ancillary branches of the Army, such as the Indian Army Service Corps, the Indian Army Ordnance Corps, Military Works Service, as also the R.A.M.C. (Ranks), etc., etc.

(*c*) We be given 50 per cent. of commissions in the Auxiliary Force within a period of 10 years. In this connection we would point out, that though we form the major part of this Force, nearly 20,000 out of a total force of 32,000, we have in it only 110 Anglo-Indian and Domiciled European officers. The Army authorities have definitely refused our request for more officers and placed the responsibility for such appointments in the hands of Officers Commanding Battalions. When we turn to the Indian Territorial Force which has just been reorganised, we see quite a different picture, for every officer in this Corps, except perhaps the Commandant and the Adjutant, is or has to be an Indian with the same status, etc., as an officer of the Indian Auxiliary Force; and yet, it must not be forgotten that the Indian Territorial Force is the second line of defence of the Indian Army and is liable for active service abroad. When this demand was pressed from all sides in the Legislative Assembly and in Committee on behalf of the Indian Officers, and violent attacks were made on Government in connection with the Sandhurst Committee, the Army Department did not hide behind the Officers Commanding, but, frankly yielded to pressure and consented to the Indian Territorial Force being officered by Indians with equal status and a larger percentage of Indians being admitted into Sandhurst. Here you have a community, whose record of military service is undeniable and, though it supplies the bulk of the Auxiliary Force, it is denied an adequate share in the officering of this Unit. We are, in a large measure, silenced into accepting this position by the pressure of conscription on the large numbers of Anglo-Indians in the Auxiliary Force (approximating to 14,000) for whom employment on the railways is conditional on enlistment. This treatment is one more illustration of our peculiar difficulties, placed as we are midway between the European and the Indian, actually of neither, with our very existence threatened in the land of our birth, for which we have given of our best for almost two centuries. We therefore feel we are entitled to demand that within a period of ten years at least 50 per cent. of the Officers of the Indian Auxiliary Force should be members of the Domiciled Community.

LAND SETTLEMENT SCHEMES.

While the community is mainly urban the increasing pressure of Indianisation makes the exploration of fresh avenues of employment necessary, and settlement on the land should provide a ready solution for many who would otherwise be homeless and destitute. Facilities for agricultural training could be made available for the community so that the maximum benefit could be derived from the land.

For many years grants of land have been awarded by Government to military ranks as a reward for good service. The latest grant of this nature is known as the "Lower Sutlej (Nili Bar) Canal Colonisation Scheme." This provides for grants on the scale of 1½ rectangles (37½ acres) to an Indian officer and 1 rectangle (25 acres) to a N.C.O. or Sepoy. The grant of land is not free, but very easy terms have been imposed for payment of the value of the land. Although the grant of land under the Lower Sutlej Scheme was primarily intended for Indian soldiers, several cases have occurred in which such grants have also been made to Civilians for good services. The detailed terms, of course, would depend on the location of these plots, but, presumably, the principles governing the Lower Sutlej Scheme and other similar schemes would apply. As far as the Domiciled Community is concerned, tracts of land situated in such places as Ranchi, Hazaribagh, Kulu Valley, Kodaikanal (South India), the Western Ghats (near Poona), Assam and other such places which have a temperate climate, would provide a means of settlement on the land for a fair number of the community residing in or near those areas. Retired railwaymen and others who have a Provident Fund, or would commute their pensions, could pay back, in a lump sum, any reasonable price that Government may fix for the land. In view of the great services rendered by us to the country and the closure of other avenues of employment to the Domiciled Community, we feel Government should offer us special facilities to obtain land on similar terms to those offered to the army men and others.

Public Services Commission.—The proper and equitable distribution of appointments among the communities can only be efficiently controlled by a strong and impartial board independent of the Legislatures, composed of men of honesty and integrity. Considering the large number of Anglo-Indians employed in Government and Railway Services, we are of opinion that a representative of the Community should certainly have been given a place in the Public Service Commission.

Similarly, in regard to the provincial services, we would recommend the appointment of Public Service Commissions in those Provinces where none already exist and that at least one member of the Community be appointed to each of these bodies.

THE INDIAN AUDIT AND ACCOUNTS DEPARTMENT.

History of Recruitment.—Two distinct branches originally constituted the Indian Audit and Accounts Department, (1) which dealt with Civil Accounts, known as the "Enrolled List," and (2) the former "Accounts Branch of the Public Works Department', or the "Public Works List."

(1) *Enrolled List.*—All appointments up to 1886 were made in India from successful competitors at an examination of nominated candidates. The nominees at two out of every three examinations were Europeans and Anglo-Indians, and at the third were Indians of unmixed descent.

Indianisation—

The Public Service Commission of 1886 recommended for recruitment into this Department that—

(*a*) Indigenous agency should be more largely introduced.

(*b*) Open competitive examinations should take the place of competition after nomination.

(*c*) Chief Superintendents should be promoted.

(*d*) Worthy Provincial Service Officers should be promoted; and

(*e*) Government should continue the right of special selection.

All these were accepted by Government except (*b*), as they considered the reasons for the system of nomination still applied. The maximum appointments to be assigned to Chief Superintendents and the officers mentioned in (*d*) were fixed at one-third of the total, exclusive of those reserved for the Indian Civil Service. In this way it was thought that the great majority of the officers so appointed would be Indians of unmixed descent and that the adoption of this method would accordingly give effect to recommendation (*a*). These propoals were approved by the Secretary of State for India, but, nomination at every third examination was modified by the substitution of "Statutory Natives of India" for "Indians of unmixed descent."

In 1899 an important change was made in the method of recruitment of the European branch of the service. It was found that suitable European candidates were not forthcoming in India, and it was decided that they should be selected in future by the Secretary of State in England. The effect of this change may be summarised as follows :—

(*a*) Not less than 45 per cent. of the appointments were to be given to non-Domiciled Europeans recruited in England.

(*b*) Not less than 22 per cent. were to be filled by competitive examination of nominated candidates in India, such recruitment being restricted to Statutory Natives of India.

(*c*) A proportion not exceeding 33 per cent. might be given to Chief Superintendents or other Officers specially promoted, who would ordinarily be Indians of unmixed descent.

Competitive Examination excludes Domiciled Community.—In the same year the standard for the competitive examination in India was made to approximate to that of the M.A. course of the Calcutta University in Mathematics and Science; the practical effect of which, owing to the paucity of Anglo-Indian and Domiciled European graduates, was the entire exclusion of members of the Domiciled Community. In practice recruitment under (*c*) was carried out to such a small extent that there was one Indian for every two Europeans in the Enrolled List.

More Indianisation.—In 1909 the Government of India, to still further advance the employment of Indians, decided, with the approval of the Secretary of State, to regulate recruitment to ensure an equal distribution of appointments between pure Indians on one side and Europeans and Anglo-Indians on the other. The European element was to be mainly provided for by appointment in England while in India competitive examination was to be the ordinary method of selection, but, Government reserved to themselves the right to promote able subordinates and to make direct nominations.

(2) *The "Old Accounts Branch of the Public Works Department."*—In 1893 this Department was reorganised to give effect to the recommendations of the Public Services Commission, their decisions being that

(*a*) recruitment should be in India; and

(*b*) appointments should be made in three ways :

(i) nominated candidates selected by competitive examination.

(ii) promotion of deserving accountants and

(iii) transfer in exceptional cases of officers from the engineer establishment.

The nominees at two out of every three examinations held for appointments to be filled by (*b*) (i) were to be Europeans and at the third to be Statutory Natives of India. The maximum number of appointments filled by (*b*) (ii) was not to exceed one-third of the appointments filled by the first and second methods together. The Government also reserved the power of making special appointments.

In 1899 it was decided that the recruitment should be partly in England as follows :—

(*a*) In England by the appointments of Cooper's Hill men to a limit of four-ninths of the vacancies.

(*b*) In India by the promotion of deserving subordinates to the extent of three-ninths of the vacancies ;

(*c*) In India by competitive examination of nominated candidates to the extent of two-ninths of the vacancies.

The recruitment in India was to be restricted to Statutory Natives of India, but Government continued to reserve the power to make special appointments.

In its practical application a very large proportion of the three-ninths vacancies assigned to promoted subordinates had gone to men of European parentage, and, possibly, as a result of the competitive examinations being placed below the University standard, and as more Europeans and Anglo-Indians than Indians were being nominated, most of the two-ninths vacancies were also held by members of the Domiciled Community. The result was that only a small proportion of these appointments were held by Indians.

Still more Indianisation.—In 1908 Lord Morley wrote he was not satisfied that the principle of furthering the employment of Indians in posts of responsibility had yet been applied to the fullest extent possible in this Department. The Government of India were opposed to any reduction in the proportion of Europeans recruited from England, but, in order to give effect to Lord Morley's wishes, they agreed that only one-ninth instead of three-ninth's of the vacancies should be used for the promotion of Accountants in very exceptional cases and that four ninths instead of two-ninths be filled by competitive examination in India of nominated candidates who were Statutory Natives of India. It was proposed to substitute for nomination by the Accountant-General a system of selection by the Government of India. By these means and by raising the standard of the examination, Government hoped to satisfy Lord Morley and to ensure that the great majority of appointments filled in India should go to Indians.

Competitive Examination again excludes Domiciled Community.—In 1910, separate examinations for these two Departments were abolished, and since then, an annual examination for the supply of candidates to what is now called, the "General List" is held. As this competitive examination demanded a degree it resulted in the entire exclusion of the Domiciled Community which, in those days, had very few graduates. The Government of India in

meeting Lord Morley's wishes quite forgot the fact that Anglo-Indians and Domiciled Europeans were Statutory Natives of India, and were as much entitled to some consideration under such sudden changes in their schemes of Indianisation. The result of this policy has been that from 1910 to 1928 only one member of the Domiciled Community has entered by open competition into the "General List." now called the "Indian Audit and Accounts Service."

Statistics.—Recruitment by promotion of deserving subordinate Accounts Officers however, still continues and the Community, up to now, has been given a fair share of these promotions, but, whereas in 1913, the composition of the Superior Service was as follows: 70 Europeans, 42 Anglo-Indians and 46 Indians, or percentages of 44.30 Europeans, 26.45 Anglo-Indians and 29.25 Indians, in 1928 there are 44 Europeans, 20 Anglo-Indians and 112 Indians, or percentages of 25 Europeans, 11.36 Anglo-Indians and 63.64 Indians. At this rate within the next decade or so there will be no Anglo-Indians or Domiciled Europeans in this Service, and there will be no subordinate promotions because there will be no members of the community to promote.

Effect on Community.—The closing of the doors of the Department to the community by the demand for a degree and the sudden introduction of a competitive examination for the Superior Services, especially at a time when we were educationally unprepared, has affected it very adversely and it feels that it has a right to a proper share of representation, especially as many of its members have in the past made a mark in the Department and have risen to the highest positions.

Subordinate Grade.—In the subordinate grades our position is even worse than in the official grades. This is due to official response to the clamour of Indianisation by Indians and the failure of Heads of Departments to carry out the Government of India orders to protect the interests of minority communities. Losses due to these causes should be made good in both clerical and accountants' grades. Moreover our interests have been entirely neglected by Heads of Departments allowing the "Establishment Sections" of most, if not all, accounts offices to be manned and superintended by Indians, men who have power and who naturally protect the interests of their own communities. In former years there was a large number of the community in all Accounts offices in India and Burma, to-day there are very few, or practically none. Up to 1910 the community held five to seven per cent. of the posts in Accounts Offices, to-day they hold less than one per cent. of these posts. There is no dearth of qualified Anglo-Indian and Domiciled European candidates for this grade as hundreds of our boys pass the necessary examinations every year from our European Schools. Furthermore over a hundred Anglo-Indian and Domiciled Europeans are to-day yearly graduating, some of whom are available for such appointments.

Remedies.—(1) Government should apply to the Principals and Headmasters of European Schools and Colleges for suitable candidates for the lower grades and in this manner remedy what is obviously a grievous wrong.

(2) For the next 25 years, when we hope to be educationally fitted to run a level race with the Indian, we suggest that in addition to admission by open competition, 15 per cent. of the vacancies in the Indian Audit and Accounts Service should be given to the community to be filled by nomination by Government and that Principals of Colleges be asked to submit the names of suitable students.

EDUCATION.

Introduction.—We have dealt with the need for protecting the economic security of the parent for at least a period of years; we now come to the no less urgent necessity for assisting him to establish the economic security of his children by protecting, aiding and guiding European education so as to make it productive of the best results. We do not think it can be seriously contended that the brief and sharply-defined protection that we demand for a struggling community, overwhelmed by sudden and revolutionary changes, will operate to destroy its morale. Since it will be given frankly in circumstances of unusual stress and with the deliberate object of setting it on its feet, the community will not be slow to realise its responsibilities and rise to the occasion.

Historical.—Up to the time of the Indian Mutiny, the East India Company paid little attention to the education of children of European descent, although from 1813 onwards it had done much to advance the education of Indians. The defect was in part made good by individual servants of the Company, who, like Clive, accepted Britain's responsibility, at least for the maintenance and education of poor and destitute European and Anglo-Indian children, whom they rightly regarded as part of the price for Empire. When the Indian Mutiny broke out there were schools for children of European origin all over the country. They were maintained by private enterprise, and received no financial support from the Court of Directors.

When the Mutiny had been suppressed, a wave of gratitude to Anglo-Indians set in, and the British Government sought for some channel through which it might find practical and adequate expression. Lord Canning and Bishop Cotton entered into consultation, with the result that in his sermon in St. Paul's Cathedral, Calcutta, on Sunday, the 18th July, 1860, the Metropolitan of Indian recommended that public thanksgiving "to Almighty God for deliverance from the Sepoy Revolt" should find outward expression in the establishment of schools for the children of a community that had so nobly stood by England in her hour of need, and had shed their blood for their kinsmen across the seas." Lord Canning entered *con amore* into the scheme, and in his minute dated October, 1860, declared that, if neglected, the Anglo-Indian Community would become "a class dangerous to the State," and "a glaring reproach to the Government"; whereas "if cared for betimes, it will become a source of strength to British rule and of usefulness to India." He argued that Anglo-Indians "have a special claim upon us. The presence of a British Government has called them into being." Public subscriptions were raised, to which were added donations from the Anglican Church and the Government to establish "hill schools" to supplement the Christian denominational European schools on the plains. A few years later, in 1876, Lord Lytton, Governor-General, realising that the State was not adequately discharging its obligation to educate the Anglo-Indian community caused Archdeacon Baly to survey the condition of European education in India. The Archdeacon toured the country and submitted his report. It was then that Lord Lytton wrote his celebrated minute—Revenue Department (Miscellaneous Revenue) Resolution, dated Calcutta, the 31st August, 1881. In it he declared, "It has been rightly said that one very special reason why Government cannot afford to ignore the growing up in India of an uninstructed European population is that, in the case of the European, his capacity for self-maintenance depends entirely upon the education he receives. He cannot support himself in this country by working as a day labourer, or by adopting the avocations of the native peasant. An uneducated European must necessarily become an idle and profitless and often a dangerous, member of the community. On the other hand, it must be remembered that he (or his English ancestor) was brought out to India originally to do work that could only be done by the European, a fact which in itself had given him some claim to consideration. The climate is

uncongenial to him; the cost of living is necessarily disproportionate to his means, and he is deprived at the same time of the educational opportunities which are now available at home, even to the poorest of the working class. In all these respects the European parent is placed at a disadvantage, and it becomes necessary for the Government to come to his assistance." Lord Lytton created European Education into a distinct section of Public Instruction, appointed Inspectors of European Schools, and ear-marked funds for these schools. It would be a mistake to suppose that European Education so far had fared at the hands of Government no worse than the education of Hindus and Muhammadans. The East India Company had established and endowed a Muhammedan College in Calcutta in 1782, and a Hindu College in Benares, in 1791. In 1813 the Company provided for the annual expenditure of one lakh of rupees on Hindu and Moslem education but nothing for European Education. By 1877–78 the allotment for the education of Indians had reached £730,013. Thereafter the provision of funds for the education of Indians increased year by year. Still nothing was assigned to European education. The first provision of money for Indian education was made in 1813 and for European education in 1882, *i.e.*, after a period of 70 years, during which European education had to fend for itself. Allowing ten years as the normal term of school life, it was not till seven generations of Indians had received their education in schools provided or aided by Government, that the State began to discharge its responsibility for the education of European and Anglo-Indian children. To Lord Lytton is due the credit of extending to these the long established policy of providing Hindus with *tols, patshalas*, and Oriental Colleges, and the Muhammedans with *Qran Schools, Maktabs* and *Madrasahs*, and both with schools in which English was taught and in spite of the fostering care which Government has bestowed upon the education of Indians, what is the net result? Of the 60 millions of Muhammedans in British India only about 2 millions are at school; of the 320 millions in the country less than 8½ millions are receiving any education whatever; and of these 8½ millions 6½ millions are in primary and indigenous elementary schools, and 125 thousands are in secondary schools. Meanwhile, not less than 99 per cent. of European and Anglo-Indian children —boys and girls alike, are receiving formal instruction, and 22 per cent. of them are in the secondary school stage.

Necessity for European Schools.—As a result of this investigation into European education Lord Lytton declared in his Minute which has already been cited, "The Government is forced to admit the necessity of separate schools for European children during the age when their habits and principles are in process of formation." Every successive Governor-General has endorsed this pronouncement, seeing that the fundamental principles involved are the inculcation of the Christian Faith, which, in the case of Roman Catholics, who comprise 50 per cent. of the community, is compulsory under canon law—and the conservation of the British tone in the schools for Europeans and their descendants.

These principles cannot be realised in a school which admits all races in India. Government maintains Madrasahs, Qran schools and Maktabs into which only Muhammedans are admitted and Sanskrit Tols and Colleges into which only Hindus of the Higher classes are received. These institutions provide a precedent for European schools to be reserved to European and Anglo-Indians. It is essential that the education of children should be through their mother-tongue, and in living relationship with their faith, environment, and daily experiences. And when these differ as widely as they do among the peoples of India it becomes an educational necessity that there should be separate schools for those who are separated from one another by language, religion, culture, tradition and social usages. Christians want for their children Christian schools where they breathe a Christian atmosphere, are taught daily the Christian doctrine and can without hindrance live their faith and practise their worship. Almost without exception every European Secondary school is a boarding school. So also are a large number of Higher Elementary and Elementary Schools. It would be impossible for them to make provision for Hindu, Muhammedan and European children in refectories, dormitories and religious observances. Then too the great majority of European day-schools are mixed schools for boys and girls. European and Anglo-Indian parents, for obvious reasons consider it undesirable that Hindu and Muhammaden boys should be pupils of European mixed schools. In Indian schools there is co-education, but it is to be found only in indigenous and elementary schools whose pupils, boys and girls, are not more than eight years of age. It is well known that in the villages and hamlets of the country only too often neighbours are estranged by diversities of caste and creed. If Indians were to be admitted wholesale into European schools, and *vice versa*, this evil would be intensified by the emergence of race consciousness. Inevitably there would be collisions between European and Anglo-Indian pupils on the one side and Indian pupils on the other. Thus, viewed from every angle, it is imperative that the integrity of European schools should be maintained by the admission into them only of the present permissive 15 per cent. of non-Europeans, and no more.

In addition to this, it should be borne in mind that there are several European schools which owing to the circumstances of their foundation, endowments and constitution, must be reserved to Europeans and Anglo-Indians. Some schools have been established and maintained by Church and Missionary organisations with the express and exclusive object of educating the children of the permanent British population in India. These and the first mentioned class of schools cannot be thrown open to Indians, especially non-Christian Indians.

Ever since the time of Lord Canning and Lord Lawrence the policy has been to endeavour to preserve and improve the physique of European and Anglo-Indian children by removing them from the enervating and unhealthy plains of India, and providing them with schools on the hills. Government, Religious Organisations and Railways, have consistently carried out this policy for many years. Indians, however, dislike a cold climate, and have neither built themselves schools at an elevation, nor do they seek admission into European hill schools, as they sometimes do in respect of European schools on the plains. It may be mentioned that European schools, whose aggregate capitalised value is several million pounds, have been built and maintained without any financial contribution from Indians. It is not equitable therefore that they should demand admission into schools which others have built for themselves at their own expense, and for their own special needs.

European Schools.—According to the last quinquennial Report (1917–22) of the Educational Commissioner with the Government of India, there are—

6 European Colleges with 846 Scholars;

153 High Schools with 25,247 Scholars, containing Middle and Primary Departments.

130 Middle Schools with 13,322 Scholars, containing Primary Departments.

102 Primary Schools with 5,638 Scholars.

52 Special Schools with 1,547 Scholars.

1 Unrecognised School with 20 Scholars.

Their pupils are distributed as follows :—

	Scholars.		
	Males.	Females.	Total.
Collegiate Stage ...	355	195	550
High School Stage ...	1,776	1,279	3,055
Middle Stage	4,809	4,396	9,203
Primary Stage	14,897	14,851	29,748
Special Schools	1,020	907	1,927
Unrecognised Schools ...	40	23	63
Total	22,987	21,651	44,638

Statistics derived from the Census of 1921 show that about 30 per cent. of the Anglo-Indian population is between the ages of 5 and 18 years. The expectation therefore would be 36,300 children in European schools. The excess of 8,000 in these schools represents children of pure European parentage, and a modicum of non-European children, *e.g.*, Parsees, Jews, Armenians and Asiatics generally. An important fact emerges from these figures, that in a country where there is no compulsory education, no system of maintained schools, no old-age pensions, no unemployment doles, comparatively poor people by straining their every resource, even to the extent of making no provision for old age or family, are paying for the education of cent. per cent. of their children, children who in England would be participating in the privilege of receiving free instruction.

The *Census Returns* for 1921, and the statistics given in Vol. V, *Statistics of British India*, 1921, are not identical although the differences are not appreciable. From the available sources it appears that—

(A) 1 European or Anglo-Indian out of every 150 is in the College stage.
1 Hindu out of every 3,773 is in the College stage.
1 Muhammedan out of every 13,058 is in the College stage.

(B) of pupils in schools and colleges—
1 out of every 80 European and Anglo-Indian pupils is in the College stage.
1 out of every 91 Hindu pupils is in the College stage.
1 out of 269 Muhammedan pupils is in the College stage.

(C) Cent. per cent. of European and Anglo-Indian *boys* are being educated.
12 per cent. of Hindu and Muhammedan *boys* are being educated.
Cent. per cent. of European and Anglo-Indian *girls* are being educated.
1 per cent. of Hindu and Muhammedan *girls* are being educated.

Satisfactory to the Domiciled Community as are the above comparisons, equally satisfactory to them is the result of a comparison with the educational statistics in England. In the latter century 3 per cent. proceed from the elementary to the secondary stage. The corresponding percentage for Anglo-Indians is 22; and if exact figures could be obtained of the ever-increasing number of Anglo-Indian boys and girls who go to England for secondary, technical and university education the scales would turn still further in their favour. And here it should be observed that in the 444 European schools in India and Burma, there cannot be fewer than 15,000 orphans and destitute children, the sons and daughters, many of them of British fathers, who died prematurely perhaps, leaving their wives and children stranded in a distant and now more or less unfriendly land. The Poverty Commission appointed by the Government of Bengal in 1891–92 to investigate European and Anglo-Indian poverty in Calcutta, reported that 19 per cent. of these people were in utter destitution and living on public or private charity. The Pickford Committee of 1918–19 estimated the percentage at 17. This is a trustworthy account of the average economic condition of the white man and his descendants in India before and during the War. But their post-war condition is considerably worse. For Indianisation of the public services has so prejudicially affected them that they are less able even than formerly to shoulder unaided the entire responsibility for the education of the poor of their community. And yet they are bearing 65 per cent. of cost of their schools, leaving Government to meet only 35 per cent. The reduction of the educational grants during the operation of the Reforms is bringing in a crisis, for the schools find that they may be compelled to send away many of the children to whom they have been affording a home and education, unless the lost grants are made good. To some, higher education is a luxury; to others an advantage; to Anglo-Indians it is life itself. For the less education the community receives, the less will be its earning capacity, and the greater its poverty, until in want of education and consequential unemployment, cause and effect will practically merge into an identity:

Cost of European Education.—The schools for European and Anglo-Indian children are maintained by (*a*) Christian Organisations, (*b*) Railway Systems, (*c*) Private corporations and (*d*) Government. Of the 444 European Schools in India only 14 are maintained by Government. Thus, the public duty of educating a community is transferred from the State to religious bodies and private enterprise. This is clearly brought out by the expenditure in 1921–22, the date of the last Quinquennial Report on European Schools :—

EXPENDITURE.

Year.	Government Funds.	Board Funds.	Fees.	Endowments, Subscriptions, &c.	Total.
1921–22	46,70,968	21,653	49,06,770	36,73,835	1,32,73,226

Remarking on the above tabular statement the Commissioner for Education, Government of India, writes in his Report on the progress of education in India during the Quinquennium ending 1922. "The outstanding feature of the above table is the very high proportion of the cost (about 65 per cent.) which is met from fees and private sources. The corresponding figures for Indian education . . . show that only 35 per cent. of the total expenditure is met from fees &c." The Commissioner adds: "It is satisfactory to note that when the cost of European Education rose with the general rise in prices after the war, the greater part of the educational expenditure was met by the community itself in the shape of increased fees." While the cost to Government of each European scholar rose from Rs. 81/– to Rs. 103/–, the average fee paid for each scholar rose from Rs. 80/– to Rs. 108/–. In Bombay and in the Punjab the appreciation of the fee rate is phenomenal. In Bombay the cost to Government of each scholar fell from Rs. 101/– to Rs. 100/–, while the average fee rose from Rs. 68/– to Rs. 124/–. In the Punjab Government expenditure fell from Rs. 195/– to Rs. 190/– per scholar while the average fee paid rose from Rs. 113/– to Rs. 241/–. The readiness with which the Anglo-Indians pay for education fees that are generally out of proportion to their average income, is eloquent testimony to the universal recognition that the economic existence of the race lies in, at least, a secondary education.

In Great Britain the inhabitants are homogeneous and of the same culture, and there is a common line of poverty. They supply from within their own ranks every grade of labour from the crossing sweeper,

to the Prime Minister. Free education is the civic right of every individual child and the lesser educated can make a living as skilled or unskilled labourers. The Army, the Navy, the Mercantile marine, factories, mines, agriculture, and the manifold arts and handicrafts make provision for tens of thousands. Emigration affords relief to congestion. In India none of these avocations and openings are available to Anglo-Indians whose poverty line being pitched higher than that of the indigenous Indian, disqualifies him from competing with his own fellow-countrymen. A wage that offers a competence to the Indian masses, and to even those Indians who have a secondary and technical education, is a starvation wage to Anglo-Indians. Lord Lytton gauged the economic situation accurately when, in his Minute of 1881, he stated that the European or his descendant in India "cannot support himself in this country by working as a day labourer or by adopting the avocations of the native peasant." On the other hand, he foresaw that "an uneducated European must necessarily become an idle and profitless, and often a dangerous member of the community." He realised the truth of Lord Canning's warning that, if neglected, the Domiciled Community might become a "class dangerous to the State" and a "glaring reproach to the Government." Whereas, "If cared for betimes, it will become a source of strength to British rule and of usefulness to India." Accordingly, what the Government did for European education from the time of Lord Canning until the Reforms came into operation in 1920, was in discharge of a moral obligation to those "who have a special claim upon us." The presence of a British Government has called them into being." Nor has it abandoned its moral obligation for, under the Reforms it has endeavoured to protect European Education by classing it as a Reserved Subject and by providing that "The Government must acknowledge and must be given effective power to discharge the obligation to see that their (Anglo-Indian) interests are not prejudicially effected." In the next section an endeavour will be made to show how, while Anglo-Indians have been making more and more strenuous efforts to provide their children with an adequate education, and have even taxed themselves beyond their means to afford it, the Provincial legislatures have taken an opposite course by adopting a policy of reducing the grants in aid of European Schools. The alarming fact is that hitherto no Provincial Governor has been known by certification to have restored a grant to European Education which has been refused or reduced by a Legislative Council and that, in spite of the Injunctions to the Governors of Provinces. Thus, although the Instrument of Instructions took the precaution to safeguard our interests, we have nevertheless suffered through non-application of the provision made for our protection and it is for this reason that we urge that we be given specific and effective statutory safeguards.

Legislatures and European Education.—The attitude of the Legislatures to European Education comes through interpellations, motions for reductions of its Budget, and arguments advanced for such reductions. The general tenor of these has been unfriendly and even hostile.

From the time that European education has been administered separately from Indian education, it has been permissible to have 15 per cent. non-Europeans on the rolls of European schools. As a condition of grants to European schools demands have been made for Indians to be admitted into them in larger numbers and even without limit. This cannot be done without sacrificing the Christian character and British tone of the schools and thus defeating the fundamental objects for which they exist. Moreover, the present European schools do not suffice for the accommodation of the children of the Domiciled Community, and they could receive a larger number of Indians only by excluding a corresponding number of European and Anglo-Indians. The children thus deprived of admission into their own schools, could be educated only by the establishment of new schools. But for this there is no money; and, what is more, there would be no end to the opening of new schools, as each newly-established school is filled with Indians. Ultimately, the advantages which at present attract Indians to European schools would disappear and the demand for them would cease, but not before irreparable mischief had been done to the cause of European education.

European education is relatively expensive when compared with Indian education, and its costliness is urged as an argument against its receiving grants which are considered excessive. The *per capita* cost of Indian education has been put into the balance against the *per capita* cost of European education. This is both unfair and misleading. In the first place, the bulk of the expenditure on Indian education is incurred in imparting elementary education, because only an inconsiderable percentage of Indian boys and girls advance to a secondary education. The opposite is the case with European and Anglo-Indian children the cost of whose education is chiefly incurred in secondary schools. Obviously, secondary education must cost a great deal more than elementary or rudimentary education. In the second place, one of the fundamental principles of education is that it should be in organic relationship to the realities of the pupils' every-day life and environments. The social setting of Europeans and Anglo-Indians, even the poorest of them, is at a much higher cultural level than that of the Indian masses, as also is their line of poverty. They are not a rural, but an urban people, whose standard of living is necessarily scaled to the cost of living in towns and industrial centres. And not only this, living in European style in the matter of clothing, food, housing, &c., their minimum expenditure in their homes exceeds by far the expenditure of the Indian peasant or skilled labourer, or middle classes of Indians. European education is on a scale that corresponds to the manner of living and the modes of thinking of Europeans and Anglo-Indians, and cannot but be more expensive than Indian education. And if this be true, it is also true that they are bearing a larger percentage of the cost of their education than do Indians. For, as has been stated elsewhere, the latest statistics obtained on the subject show that Europeans and Anglo-Indians meet 69 per cent. of the cost of their education, while Indians bear only 31 per cent. of the cost of theirs.

With the exception of perhaps half-a-dozen, the great number of Railway schools are elementary schools. The great bulk of European and Anglo-Indian children in these schools are therefore compelled to leave home if they wish to proceed to higher grade and secondary schools. This means that they have to become boarders. In all European boarding schools, the fees for board and tuition are inclusive. If they were separated the *per capita* cost of instruction in them would be about one-fourth of the sum shown in Government Blue Books. There are several Indian schools to which are attached boarding departments. But in them tuition fees are kept quite separate from boarding fees; and it is therefore possible in them to calculate the *per capita* cost of instructions by operating only upon the tuition fees. Naturally the *per capita* cost calculated from board and tuition fees will be very much higher than the *per capita* cost calculated exclusively upon tuition fees. And mislead by *per capita* costs worked out upon different bases, the objection is raised to what is called the excessive cost of European education, by members of the Provincial Councils who demand that that cost should be reduced, and who give expression to their disapproval of that cost by making cuts in the annual budgets for European schools.

An attempt has been made, but without success, to collect statistics relating to the cuts made in the

European Schools Budgets in each Province, since the Reforms have been in operation.

It may however be pointed out that in six consecutive years European education in Bengal has lost a considerable sum of money both through the demands of the Education Department being reduced by Government and through Legislative cuts. In 1924, for instance, the Legislature accepted a cut of over Rs. 90,000/ which the Governor refused to certify. We believe that similar conditions prevail in other Provinces. Governors are vested with the power to certify the budget demands for European education, but, although they are charged to see that the interests of the Domiciled Community are in no way prejudiced, there is no known single instance in which any Governor has restored to European education, through the instrument of certification, any portion of a reduction made by Legislative Councils in the budget estimates for European education.

The Motions as detailed below for reductions or refusal of the two distinct and separate demands for European and Indian education in Bengal for 1928–29 afford a very illuminating and instructive contrast and clearly demonstrate the hostile attitude of Indian legislators towards European education.

Education (Reserved). Budget 1928, Bengal. Demand Rs. 12,89,000. Motion for reduction or refusal.

Moulvi Asimuddin Ahmed :—That the demand of Rs. 3,39,000 for European and Anglo-Indian education under the head 31/A. Direct grants to non-Government Secondary Schools be refused.

Babu Akhil Chandra Datta :—That the demand of Rs.4,11,000 under the head 31.B — Education (Reserved) Primary Direct grants to non-Government Primary Schools for European and Anglo-Indian education be reduced by Re.1.

Babu Amarendra Nath Ghosh :—Reduced by Rs. 10,00,000.

Maulvi Asimuddin Ahmad :—Reduced by Rs. 6,44,000.

Compare the above with Indian Education (Transferred) Demand Rs. 1,16,33,000. Motion for reduction :—

Rs.	17,500	Saral Kumar Dutt.
,,	17,500	Jitendralal Banerjee.
,,	17,500	Manmatha Nath Roy.
,,	1	Akhil Chandra Datta.
,,	1	Manmatha Nath Roy.
,,	1	Akhil Chandra Datta.
,,	1	Manmatha Nath Roy.
,,	10,400	Azizul Haque.
,,	1	Jitendralal Banerjee.
,,	1	Tamizuddin Khan.
,,	1	Manmatha Nath Roy
,,	1	Bhupendra Narayan Sinha.
,,	100	
,,	1	
,,	1	
,,	1	
,,	100	
,,	5	
,,	1	Six other token cuts.
,,	15,200	against Rs. 49,900 required to other items by Azizul Haque.
,,	3,000	against whole demand by Azizul Haque.

In the section "Cost of European Education" it has been shown that the European and Anglo-Indian population have bravely endeavoured to maintain and even to advance the standard of the education of their children, by making good, as far as they can, the annual decline in the sums voted by Legislative Councils. But obviously the growth of European education is receiving a set back by the attitude to it of Indian Legislatures. The whole economic life and prosperity of the Community depends upon their members being equipped with at least a sound secondary and by preference a University education. To leave their education to the caprice or mercy of Indian Legislatures is to expose their most vulnerable point to those who have not been slow to attack it If the Anglo-Indiam Community is to take its legiti. mate place in the social, industrial, and political life of their country, that form and degree of education that is essential to them must be afforded through adequate subventions from the State. To neglect their suitable education is to pursue a policy that will create a most difficult and ugly problem in the near future. The experiment of the past few years has revealed that European education had but little to hope from Provincial Legislatures and Provincial Administration, and it is therefore urged that it be made a central and non-votable subject.

Centralisation of European Education.—The experience which the community has had of the attitude of Legislative Councils to European education urges them to desire that it be removed from financial dependence upon the Provincial Legislatures by its being made a Central Non-votable Subject and for the following reasons :

Anglo-Indians and Europeans are domiciled in all the Provinces and Presidencies of India and whereas a uniform system of education is both possible and necessary for them, a diversity of educational codes, curricula, text books, and public examinations prevails in the different Provinces. The result is that children accompanying their fathers or guardians on transfer from one Province to another usually have their education interrupted, dislocated, and even retarded; and when it is borne in mind that Anglo-Indians and domiciled Europeans serve chiefly in Railways, Telegraphs, Postal and other All-India Services, it will be realised that the disability complained of exists on a large scale.

To remedy this evil it is urged that there be a uniform system of education in European schools throughout the country. But, a uniform system of education involves control from one centre, and our submission is that that centre should be the Government of India. So long as European education is administered in territorial compartments by Provincial authorities, it cannot be made symmetrical, nor can it be assured of equally distributed financial subventions from the public revenues.

We regret to say that we believe that a review of the attitude of the Provincial Legislatures towards European education, during the past five or six years, will reveal the existence of different policies, of different estimates of its claims to support and of a general tendency to cut down its grants. There has been evinced an inability to reconcile the disparity between the cost of European and Indian schools; and instead of its being recognised that the great need is for Indian schools to rise to higher educational ideals by a larger expenditure, the action taken by several Provincial Legislatures seems to be to compel European schools to approximate to the standard of Indian schools, a retrogressive step that can be taken only at the sacrifice of efficiency. Anglo-Indians and domiciled Europeans would rejoice to see Indian schools lifted to a higher plane of efficiency, just as much as they would deplore their own schools being dragged down to the lamentable inefficiency of the general run of Indian schools. They urge Indians to spend more on Indian schools, instead of demanding that there should be less spent on European schools. But, as things are, it is to be feared that so long as European schools are financed by Provincial Legislatures, supplies will not be voted on a scale which on the surface gives the impression of preferential treatment to European education.

In justification of the reduction of educational grants to European schools, some Legislatures have urged that Europeans do not make material contribution to the Provincial funds, but, to the resources of the Central Government through the payment of Imperial taxes. They argue that for this reason European education should derive its grants from the Government of India. With sentiments such as these influencing members of the Councils it is

natural that under the present system European education should experience degrees of financial assistance varying with the attitude towards it of the local Legislatures. Symmetry of treatment, it is respectfully submitted, can be secured only by European education being converted into a central non-votable subject.

If the Government of India assumes control of European education and responsibility for financing it, the present system of administering that Department of Public Instruction will require sequential modification. At present the practice is for European schools in a Province to be the whole-time charge of a member of the Indian Education Service. Where the schools are too few to allow of this, one officer inspects Indian as well as European schools, or he has control of the European schools in two Provinces. The inspectors of European schools are responsible to the Director of Public Instructions of the Province. Thus, generally speaking, European education is administered in territorial sections coinciding with the Provinces, by inspectors who are in detachment from one another and in accordance with schemes that are not correlated or equally financed. It is to remedy the evils and disadvantages arising from this arrangement that the transfer of European education to the Central Government is advocated. If it is so transferred, it is recommended that European education fall to the member holding the portfolio in the Government; that its chief administrative officer may be designated "Inspector-General of European Schools," who will be directly responsible to the Educational Member, and that under him there be inspectors of European schools, to each of them being allotted a number of schools sufficient to give them full occupation, even if they be situated in more than one Province.

The system outlined above need not be more expensive than the one now in vogue. It will make it possible for symmetry to be introduced in the regulations from grants in aid, in curricula of studies, and in the organisation of schools according to their gradation. This will give uniformity and stability to European education and standardise it for the whole of the country. Children going from one Province to another owing to the the transfers of their fathers or guardians will not suffer the disadvantages they now experience by being obliged to enter schools imparting education under different systems, with classes graduated by different standards of progress, and with curricula and syllabuses that lead up to diverse final examinations. Nor will this be the only material gain. European schools' finance will be stablilised, and cease to be, as it is now, at the whim and caprice of Provincial Legislative Councils. The Anglo-Indian and domiciled European population, scattered as it is in small groups or in isolation throughout the length and breadth of India, has a setting unlike that of any of the Indian races, and it follows that the planning of its education should be different from that which is found suitable for the education of the people of a Province, and provided by methods confined to that Province. The classification of European education as a reserved Provincial subject recognises the principle enunciated by the Government of India Resolution, Revenue Department (Misc. Revenue) dated Calcutta the 31st August, 1881: "The Government is forced to admit the necessity of separate schools for European children during the age when their habits and principles are in process of formation." But the protection afforded by the Government of India Act of 1919 is confined to the system of education prescribed by the Provincial Governments for the European schools within their jurisdiction. It has failed to protect European education financially. The experience gained by the operation of that Act during the past five or six years reveals the imperative necessity of establishing the grants in aid to European schools, for nothing is so destructive of educational progress as the anxieties caused by uncertainty of the financial position of schools. The removal of European education from the list of Provincial reserved subjects is not preferential legislation, but a statesman-like attempt to secure to a minority community its elementary social and economic needs. How greatly these may suffer is instanced in the case of Bengal when the Budget allotments of the year 1926–27 fell short by a sum approximately Rs. 300,000 for grants in aid calculated by the Local Government's own principles and pledges of financial assistance to European schools. If this evil be not altogether removed, it will be mitigated if the finances of European schools are derived from one source, namely, the Government of India. But, financial stability requires to be supplemented by educational integrity. This will be impossible so long as different ideals and different systems of European education prevail in the different provinces. The assumption by the Government of India of responsibility for European education will enable the form and scope of European education to be unified and standardised for the whole country, and its schools to be granted some measure of financial stability.

For the reasons set forth above it is respectfully urged that European education be made a central non-votable subject.

Need for Survey of European Education.—Although a uniform system throughout India is possible, and not only possible, but also imperative for European education, hitherto it has been organised Provincially. No Province has co-ordinated it with what is being done in adjoining Provinces. The result is that there is no cohesion or inter-relation between the systems of European education in the various Provinces. It is designed and administered in each Province by the local Director of Public Instruction through the agency of an inspector, Gradually curricula and syllabuses, final Departmental and Public Examinations, have drifted further and further apart, to the detriment of pupils who go from Province to Province as their fathers or guardians are moved by their employers from one part of India to another.

A plea has been put forth above for European education to be allotted to the Central Government. If this prayer is granted, the first action of that Government naturally will be to take stock of the condition and systems under which European education is being imparted. If it continues a provincial subject, that does not remove the urgent necessity of introducing a symmetry and co-ordination in the planning and administration of European education in all the Provinces.

In 1876 Archdeacon Baly was deputed by the then Viceroy, Lord Lytton, to make a survey of European education throughout India preparatory to its being made a separate branch of Public Instruction. Since that date there have been several surveys of Indian education in all its stages and branches, but none of European education. Unless it is reviewed it will not be known what progress, if any, it has made during the last half century, nor what are its present needs, nor on what lines its development should proceed. It is therefore submitted that a small Committee, on which the community is adequately represented, be commissioned by Government to tour the Provinces to investigate European education, and make recommendations for its improvement and consolidation.

The points into which the Committee may enquire may be, among others :—

(*a*) The geographical distribution of European Schools relatively to European and Anglo-Indian centres;

(*b*) the internal organisation, curricula and final examinations;

(*c*) whether these correspond to the economic condition and occupational potentialities of the permanent British inhabitants of India, male and female;

(*d*) the financial problems of the schools; their financial stability; their incomes from fees; subscriptions and endowments; the rules relating to grants-in-aid and an educational cess;

(*e*) free compulsory primary education; vocational, industrial and technological education; professional education; university education;

(*f*) the place that should be given in European schools to Indian vernaculars and Oriental Classical languages;

(*g*) the correlation of Indian Universities and European Education;

(*h*) the provision of scholarships, sufficient in number and value, for study in India and abroad, stage by stage;

(*i*) the staffing of schools; the preparation and training of Anglo-Indian teachers and lecturers for all positions in European schools and colleges;

(*j*) the fostering of instruction in the physical sciences;

(*k*) the advisability of having selected schools with a bias in favour of special services—*e.g.*, Army, Navy, Forest, Police, Civil Services (Imperial and Provincial), Commerce, Engineering, the Church, Education, etc.

Anglo-Indian Teachers.—The Anglo-Indian Community is fully conscious and appreciative of its debt to the devotion and zeal of members of the religious orders and men and women from England and America, who as teachers have done so much for European education. The time, however, has come when the Community should be allowed to take a more effective part in the education of its own children.

Teachers imported from other countries are naturally at a disadvantage in that it is difficult for them to establish that bond of sympathy and intimate understanding between themselves and children of this country, which, in the case of the Anglo-Indian teacher, follows without perceptible effort. In fact the idea that European teachers are imparting an English public-school tone to our schools is no longer true. The British teacher coming out to-day does not understand the psychology of Anglo-Indian children, the result being that a wide gulf exists between master and pupil to the benefit of neither and reacts on the children of the community by instilling in them the inferiority complex. Many of these Europeans are not superior to Anglo-Indian teachers. Yet, far higher salaries are given to them and, in certain well-known schools, the higher appointments are regarded as the close preserve for Europeans. The importance of the teaching profession to a community cannot be denied, and we would refer to the recent measures taken in England to improve its prospects and emoluments. So long, therefore, as the pay and prospects of Anglo-Indians are thus restricted, teaching can offer no attraction to them as a profession. It is for this reason that many Anglo-Indian teachers who might have done valuable work in moulding the character and increasing the self-respect and self-reliance of Anglo-Indian youth have resigned from European schools and joined other services.

In some schools, like the Martiniere Colleges, a hard-and-fast policy has been laid down by the Governing bodies insisting on the exclusive employment of Europeans with British qualifications in the higher appointments, which operates as a definite bar to the employment of the Anglo-Indian whatever his qualifications. We submit that since we provide the bulk of the pupils and more than half the funds, and there are eminent Anglo-Indian teachers available, we are entitled to a considerably larger share than we now have in the control and staffing of European schools, more particularly as it is the inalienable right of every people to fashion its education and mould its youth. We strongly resent such offensive resolutions as the one passed by the Standing Committee of the Government European Schools at Kurseong, excluding Anglo-Indian teachers from holding certain senior appointments and the continuance of the policy of deliberate exclusion of Anglo-Indians from the senior posts in schools like the La Martiniere College, Calcutta, St. Paul's School, Darjeeling, and others.

If results are any criterion of the efficiency of Anglo-Indian teachers, there are European schools, such as Christ's Church School, Jubbulpore, and Philander Smith's College, Naini Tal, entirely staffed by Anglo-Indian teachers whose results compare very favourably with schools under European management.

Be it said to the credit of the Roman Catholic Educational Institutions, to whom the Anglo-Indian Community owes a deep debt of gratitude, that these institutions have for years adopted the policy of freely recruiting into their orders men and women from the Domiciled Community, many of whom have occupied the highest positions in some of the leading educational institutions in India. The splendid work done by those Anglo-Indian teachers, who have been entirely trained and qualified in India, is proof enough that Anglo-Indians are fitted for the highest positions in European schools.

Here it should be mentioned that the Director of Public Instruction, Bengal, held a meeting of Headmasters of European schools in Bengal in January 1928, when, after a full and frank discussion, the following resolution was passed unanimously :—

> That this Conference is of the opinion that whenever appointments to the higher-paid posts in the European schools system in Bengal are being made, the claims of men and women of the Anglo-Indian and Domiciled European Communities, qualified in India or in England, should be considered before recruitment from England is definitely decided upon, and that the Department of Education and Governing Bodies of Schools be asked to reconsider their recruitment policy in the light of the recommendation.

Our own recommendation is that the recruitment from England of European teachers into the staffs of European schools should be stopped. The only schools to which it can be rigidly applied are the 14 schools maintained by Government. It is not Government schools alone, however, that we wish to affect; we desire that the spirit of our recommendation should also be observed by all schools, except such institutions as are governed by religious bodies where the staffs are employed on nominal salaries. We realise the difficulty in enforcing such a rule on educational institutions over which the Government has no direct control, but it would probably bring about the desired result if Government made grants-in-aid conditional on the more liberal appointment of suitably qualified Anglo-Indian teachers in sufficient numbers.

The Community has a right to greater participation in the management of European schools, and we desire that there should be an adequate number of Anglo-Indians on the Managing Committee of every European School in India.

We may here observe that the salaries now offered to imported European teachers, though comparatively large, are not large enough to attract men of superior attainments, although they would suffice to secure to education the best Anglo-Indian talent serving their community in their own country.

Our recommendation does not amount to the sudden displacement of the present European teachers, but we aim at it materialising within the next ten to fifteen years.

Financial Aid from Government.—We have so far only dealt with the readjustments that appear to be called for by our special educational needs. There is, however, a constructive scheme involving a special grant from Government which we believe will effectively and finally solve the problem of European education. As already indicated, we are doing everything in our power to improve European education on a basis of self-help. One of the chief activities of our communal organisations is to help children of the community with educational scholarships, and to-day we, a poor community, are ourselves giving over 100 such scholarships. We have established Higher Education Funds which are yearly

increasing. We are prepared to submit to an Education Cess. There are a considerable number of parents to-day living lives of almost penury to be able to educate their children in England to qualify for employment in the higher services and professions. But we are a poor community and we fear too heavy a sacrifice in the cause of education might result in overtaxing our resources and defeat its own ends. When it is remembered that our community is not commanding the wages of former years and that the field of its employment is becoming more and more restricted, while the Provincial grants to European education have been reduced, it will be seen that this is not an imaginary fear.

In consideration of our peculiar difficulties and our great services to the revenue-bearing departments of the Government of India, we feel we should be given a reasonable chance of answering the call of the Reforms, and we might here point out that we are in no way responsible for this inasmuch as our education has been devised for and imposed on us by Government. The system has always made it difficult for the community to enter Indian Universities and it has given us qualifications which to-day are not in demand. A literate knowledge of the vernacular, so essential in a country like India, has never found its proper place in the curricula of our schools and has, in consequence, been badly neglected. Yet we are expected to-day to compete on equal terms with the Indian for the I.C.S. Competitive Examination in which an Indian vernacular forms one of the compulsory subjects (Honours Standard). Again, in the Indian Medical Department a knowledge of Physics and Chemistry is demanded from candidates, and yet there are very few European schools that possess laboratories, and even of these only a few are up to date. The present position of the education of the community, due to the action of Government, can only be corrected by intensive Government aid to the higher education of the Community, and we would suggest for the sympathetic consideration of the Commission that the Government of India do capitalise a sum of at least 50 lakhs for a period of thirty years, the interest from which to be utilised as scholarships and stipends for Anglo-Indian boys and girls to secure higher education, both academic and vocational, in India and Europe, and this without prejudice to the customary grants-in-aid. This demand may be novel, but we stand in need of special help from Government on such a scale as will undo the wrong done us by the imposition of a system of education which has rendered us incapable of competing with our fellow-subjects for admission into the Superior Public Services. We believe that, with this degree of financial aid, we will soon be able to make up for the backward condition of our higher education and enter into open competition with the other communities of India on terms of equality—all we ask is to be helped till we are able to stand on our own feet.

CONSTITUTION.

Since our problem is more an economic than a political one, we do not feel called upon to touch on constitutional issues, beyond indicating the directions in which they affect our special problems. We trust, however, that a brief statement of our preferences and persuasions may not be without its usefulness.

We assume the deliberations of the Commission will centre round the existing machinery and that any advance that may be made will be along lines of Western democratic institutions. On this assumption we would submit that the most reasonable development would appear to be in the direction of a Federated India, with the delegation of fuller powers to the Provinces under the Governors, and the reservation of important and vital issues under the control of the Governor-General in Council. We are not able to subscribe to the popular belief that democratic institutions necessarily require the entire control of the Executive by the Legislature. This we consider to be a complete misconception of the functions of Government, and we submit that, even in so-called democratic countries like Great Britain and America, the Executive tends to gain in power. It is worth noting in this connection that when the constitution of the United States was drawn up, whereas the President was "given" powers, the powers of Congress were "limited." No Government that is at the mercy of the Legislature can hope to do good work. If Government is to be efficient as well as equitable, representative bodies must be amenable to the guidance of the Executive, and our first care should be the devising of a stable ministry and a secure Civil Service.

The fundamental responsibility of any Government must be the administration of justice and the maintenance of law and order, for security comes before progress, and no constitution is worthy of respect that neglects a practical necessity like "self-defence" in the pursuit of an ideal like "self-government." However necessary it may be to relax the too rigid control of the Executive, such control must remain the pivotal point round which all reforms revolve. In a vast and heterogeneous country like India, so steeped in racial prejudice and wedded to communal strife, and at the same time so impotent to maintain law and order or to defend its frontiers or sea coast, it is more than necessary to create a sense of solidarity by the concentration of responsibility and directing power. This must continue until the acerbities of communal rivalry are reconciled in the performance of common tasks for the good of a united India and the interests of the dumb millions of this country can be adequately represented by the Indian politician.

The next indispensable requisite of good government is the protection of minorities, a protection which is provided for in the constitutions of all new European States. Indeed, the League of Nations stands as a guarantor for what are called the "Minority Clauses." The desire of Indians to assimilate Western methods of government does not entitle them to ignore the welfare of any section of the population. When Indian politicians claim the right to make mistakes, we are entitled to ask whether we have not an equal right to be protected from the consequences of such mistakes.

The attitude of the community is not opposed to the progressive realisation of self-government for India within the Empire, but our fears are that, until Indians find themselves equal to this great responsibility, communal jealousy, religious prejudices, lack of education in the masses and inexperience of the new regime, will render the position of a minority extremely precarious in the absence of measures designed for its protection. This apprehension is present not only to Anglo-Indians, but also to all other minority communities in India, though in the case of the Anglo-Indian, in view of his connection with the dominant power, the fear is accentuated by the consciousness of popular resentment. To us, therefore, even more than to other minority communities, constitutional checks and safeguards are a vital necessity. If we wish for adequate representation in popular bodies, it is primarily because we desire to be able to defend ourselves on the lower rungs of the ladder of government. If we seek representation in the second chambers, it is because we want to sway the second thoughts of our fellow-citizens. Our desire is to influence Indian opinion at every stage. At the same time it should be noted that the Anglo-Indian community is impelled, not only by the desire to protect its interests, but also by a sincere wish to serve a larger purpose in the body politic of India.

Central Legislature.—We consider that the present powers of the Governor-General should be retained.

Provincial Councils.—The present system is unworkable, in that it gives the Legislature power to obstruct without any effective power of performance, thus stimulating a sense of irresponsibility. To that extent it also handicaps the Government, who,

instead of having to deal with a legitimate opposition pledged to carry out its own programme in the alternative, are confronted with a body of irresponsible critics such as has been, unfortunately, witnessed in various Legislatures.

Dyarchy.—The fundamental defect in the system of dyarchy is the lack of corporate responsibility. We are of opinion that the solution would mainly lie in :—

(1) The freedom of Ministers from the control of the Executive Council, though not from that of the Governor;

(2) The grant of equal status to the Ministers and Members of the Executive Council and of security of tenure for a stated period of service;

(3) The allocation of separate finances for Transferred Subjects;

(4) The appointment of an additional Minister in charge of the finances of the Transferred Subjects; and

(5) The creation of a convention of collective responsibility among the Ministers, with one of their number as Chief.

Residuary Powers.—If the veto of the Viceroy and Governors cannot be defended as an instrument of Government, the necessity for its retention cannot be questioned, and there are ample precedents in other countries that may be adduced in support of this claim. We admit the exercise of the veto should be infrequent and unobtrusive, and it is a realisation of this fact that leads us to recommend the establishment of Second Chambers to be interposed between the Governor and the popular House. We are emphatically of opinion that the residuary powers of the Viceroy and Governors should be retained; in fact, the delegation of more responsibility to popular bodies would appear to call for increased powers in such respect, and we would urge that in the Instrument of Instructions the Governor-General and the various Governors be specifically enjoined, particularly in regard to the Anglo-Indian community, to use their powers of certification or veto unhesitatingly in instances of obvious injustice or hardship.

Second Chambers—If greater autonomy is given to the Provinces, the necessity for Second Chambers becomes more pressing. In fact the Anglo-Indian community would view with considerable satisfaction the formation of such a body into which might be gathered persons who are eminent by their ability, knowledge or service to the country. Provided these Second Chambers are properly constituted, they would be an effectual brake to impetuous and irresponsible legislation, which would make for less friction between the Legislatures and the Governor. As Second Chambers may in time become the final Court of Appeal for disregarded minorities, their constitution should be strictly on a communal basis, and the Anglo-Indian Community should not go unrepresented on them. We attach special importance to the opportunity they would provide for a calmer and saner deliberation of communal issues, and contend that none but an Anglo-Indian could do justice to the case of the community at the critical stage of its passage through the Second Chambers.

Franchise.—It is generally agreed that the extension of the franchise to people not capable of using their votes with any sense of discrimination is always unsafe, a fact that must be kept prominently in mind when dealing with India, where illiteracy is so widespread and experience of Western systems of Government so limited. It is notorious that the average voter, even when he is keen and incorruptible, is incapable of appreciating the value of administrative or legislative skill, and to give a preponderating voice in public affairs to an uninformed electorate by widening the suffrage in an excessively illiterate country would be fraught with grave danger, for the more ignorant the masses are, the more they tend to fall under the sway of a few designing men and dominant personalities.

So far as the Anglo-Indian community is concerned, it is a cent per cent literate population, with a sense of responsibility which compares favourably with that of any Western community. And our submissions are that, in respect of the Provinces, adult suffrage on the basis of literacy may be extended safely to Anglo-Indians, and, in respect of the Legislative Assembly, payment of rates and taxes (including income tax) direct or indirect.

Considering, also, the important role Anglo-Indian women play, we recommend the extension of the franchise to them on the same basis as in the case of men in those Provinces, where the franchise has not so far been extended to women, as well as in the Central Legislatures. There should also be no bar to their election to seats on the various Legislative bodies. The point we here desire to emphasise is that the women, of any one community in India, if sufficiently advanced and able to undertake such work as awaits them in the Legislatures, should not be penalised because the women of other communities may be less advanced.

In concluding our submissions on the franchise, we would state, as a principle, that, in any general extension of the Indian franchise, a commensurate extension in the case of the Anglo-Indian community is sufficiently indicated.

Electorates.—The conditions that prevail at present in India make communal electorates imperative. Communal jealousies and religious prejudices are too pronounced to be safely ignored. We realise that when caste barriers are broken down and the peoples of India begin to show evidence of co-operation and to disassociate religion from politics and develop a national sense as a result of participation in common labours in the interests of a united India, it will be time to consider seriously the institution of common electorates. In the meantime, in the absence of any sense of responsibility, both to the electors and the Legislature, it would be unsafe to trust the interests of the minority communities to a hostile majority. We realise there is a disadvantage in the communal system, in that it inclines the representative to subordinate the interests of the country at large to those of his own constituency, but there is no alternative that is not attended with far more serious drawbacks under present conditions in India.

Election arrangements, from the point of view of the Anglo-Indian community, leave much to be desired. Owing to the widely scattered distribution of the community in India and the size of the Provinces, it is impossible for a representative to keep in close touch with every part of his constituency. A large proportion of the community who are employed in transport services or live in remote parts of the country find it difficult to attend at polling booths, and a very considerable number of our electors are lost to us in this way. We would therefore suggest that some method of voting through the post be instituted, with adequate safeguards against irregularities and malpractices; that more polling stations be provided; and that more days be given for the registration of votes.

The only figures we have to guide us at present are those given in the Government Census Report which we decline to accept, because we have good reason for believing that at least 50 per cent. of those who return themselves as Europeans are in fact Anglo-Indians. Owing to similarity in names it is always difficult to distinguish between Europeans and Anglo-Indians and many Anglo-Indians are therefore included in the European register thus depriving us of a considerable number of our votes. Although the inclusion of a name in the wrong electoral roll is open to challenge, it is well-nigh impossible to trace all such instances. This is a point on which the Anglo-Indian community feels strongly and the institution of measures calculated to correct the practice is essential.

MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [*Continued.*

We desire to draw the attention of the Commission to the definition of a European as given in Schedule II of the Electoral Rules of the Legislative Councils which is as under:

"A *European* means any person of European descent in the male line, being a British subject and resident in British India, who either was born in, or, has a domicile in the United Kingdom, or, in any British possession, or, in any State in India, or, whose father was so born, or has, or had up to the date of the birth of the person in question such a domicile."

We would point out that liberally interpreted, this definition could be, taken to include almost the entire Anglo-Indian and Domiciled European Community. As a result a large number of Anglo-Indians and Domiciled Europeans are borne on the European electoral roll. We consider that on principle all Anglo-Indians and Domiciled Europeans should be included in our constituency and that the definition of a European should be so modified as to exclude them. It may be argued that if a man has a legal right to claim his father's nationality, he should not be deprived of a similar civic or political right. But we submit that as Anglo-Indians and Domiciled Europeans are in certain matters indivisable and for economic purposes are classified together as Statutory Natives of India, and, as such, are occupying positions in Government reserved for Natives of India they should not be allowed to occupy a European status in the body politic of the country. We would instance the case of a German naturalised in England. An Englishman would not tolerate him securing a Britisher's economic rights while repudiating his political obligations. We would, therefore, futher suggest the constitutional remedy of making appointments of Anglo-Indians and Domiciled Europeans to posts reserved for Statutory Natives of India, conditional on their inclusion on the rolls of our constituency, which should be called the Anglo-Indian and Domiciled European Constituency and a suitable definition be formulated for it.

We also desire to emphasise the fact that we have suffered considerably from the imperfect, we should say obsolete, system of registration of those of our community who are entitled to a vote. Till 1926 the Income Tax Department of every Province furnished each electorate with a list of those who paid income tax and so considerably helped us to get into touch with our constituents. This was discontinued by order of the Government of India, though the order was suspended at the eleventh hour of the election held in 1926. We desire that the Income Tax Department continue to supply us with this information. Our complaint, however, is that the list maintained by the Income Tax Department is not complete and not kept up-to-date, especially with regard to Railways, Telegraphs, Customs and Mercantile services.

Another difficulty experienced by us is with regard to our constituents employed on Railways. When these men are recruited the custom is for the Railway Medical Officer to classify them according to what he thinks is their nationality, merely from their appearance and colour. In this way, hundreds of Anglo-Indians are to-day enlisted in Railways as Europeans, as this entitles them to a higher scale of pay and more liberal leave rules. At the 1926 election in many Railway Stations it was found that 50 to 60 per cent of Anglo-Indians, recognised members of our communal Associations, were classified as Europeans and borne on the European electoral roll. We suggest that all Railways should immediately call for a reclassification of such employees. Indeed, we would go further and suggest that the Government of India and the various Provincial Governments issue detail instructions to Heads of all Departments and Railways to see that none, but, those who are included in the Parliamentary Statute of 1870 Victoria 33, are employed as Statutory Natives of India.

Representation.—Communal representation is a necessity in a country where the lines of cleavage are so pronounced and where the ignorance of the electorates renders them liable to exploitation by the politician. While we recognise the need for making constitutional changes depends on general acquiescence so as to foster mutual trust, we consider the most careful adjustment is necessary where interests are so conflicting. Communal representation cannot safely be dispensed with in India for many years to come. In common with all minority communities we claim communal representation for the Domiciled Community. We cannot, owing to political and economic difficulties, safely allow our communal interests to be merged in any general scheme of representation. For this reason any system other than that based on communal grouping would result in our complete absorption, since, owing to our smaller and more distinctive grouping, we could never hope to secure the least measure of representation under any such arrangement. Such absorption, we fear, could never carry with it any prospect of sympathetic regard from the bulk of the Indian people. We, therefore, request that adequate communal representation be assured to us. Though numerically few, we are a larger community than the European and play no small part in the administration of the country. Furthermore, our economic interests are so insecure that we feel they can only be adequately represented by our own representatives.

If we take the Domiciled Community as a whole and postulate a cent per cent literacy, it forms nearly 3 per cent of the educated classes of India, which to-day only totals about 7 millions. The percentage would be much higher if those Indians possessing primary education only were excluded. On this score alone Anglo-Indians are entitled to better representation than they receive to-day.

Our present representation is as follows:—

Bengal Presidency	...	two elected seats.
Madras ,,	...	one ,, seat.
Burma ...	...	one ,, ,,
Bombay ...	...	one nominated seat.
Punjab ...	...	one ,, ,,
United Provinces	...	one ,, ,,
Central ,,	...	one ,, ,,
Bihar and Orissa	...	one ,, ,,

Central Government.—Assembly: No Anglo-Indian constituency. The Community is represented by a member nominated by the Governor-General.

Council of State: The Anglo-Indian has no seat on this body. He is included in the non-Muhammedan constituency and therefore the same franchise qualifications apply to him.

We are therefore in a worse position than the Sikh and Indian Christian Communities who are accorded representation on this body.

It is not possible, without knowing the exact composition and constitution of the future Provincial Legislative bodies, to say what the representation of the Anglo-Indian community should be, but, as a guide to the Commission, we indicate below what might be regarded as adequate, provided the present strengths of the various Legislatures are not increased. We submit that in view of its responsibility, education and economic importance, the community has a claim to the following minimum representation in the various Legislative Councils.

Bengal ...	...	4 elected members.
Madras ...	...	4 ,, ,,
Burma ...	...	4 ,, ,,
Bombay ...	...	3 ,, ,,
Punjab ...	...	2 ,, ,,
United Provinces	...	2 ,, ,,
Central Provinces	...	2 ,, ,,
Bihar and Orissa	...	2 ,, ,,
Assam ...	...	1 ,, ,,

In the major Provinces a larger number is indicated as the areas generally are too large to offer much opportunity to representatives for maintaining touch with their widely scattered constituents.

In the Legislative Assembly the Anglo-Indian community is at present represented by a single nominated member. We desire that our representatives be elected. We also realise that it entails a superhuman effort for a single person to keep in touch with a community widely dispersed as it is over India and Burma. Justice can only be done to the interests of the community by a weighty and influential representation. We suggest that the Anglo-Indian community be allowed to elect a representative to the Legislative Assembly from each of the following Provinces :

Bengal, Madras, Bombay, the United Provinces, Punjab and Burma, and that one additional member be nominated by Government to represent collectively all the other Provinces and those of our people resident in various large stations situated in special areas of Feudatory India as Ajmere, Hyderabad, and Kolar Gold Fields, where there are a few thousands of our people and in Bangalore where more than 15,000 of the Community reside and are, according to the present electoral rules denied, not only representation, but even a vote. While on the subject of representation it is necessary to explain that for purposes of election to the Legislative Assembly and the Council of State, Anglo-Indians are included in the non-Mahomedan electorate, but, whilst Indian candidates eagerly canvas Anglo-Indian votes and some of them have thereby secured their seats, when once elected their obligations to this section of their constituency are entirely overlooked. An Anglo-Indian has, of course, no chance of being elected in a non-Mahomedan Constituency.

In the Council of State we also plead for adequate representation.

Nomination.—We are in favour of a continuance of the nomination by Government of official and non-official members to all Legislative Councils and that they be given freedom of vote as otherwise they exercise no personal influence or power with the Indian members and are rightly considered the asphasic members of Government. With the progress of Indianisation the political prejudice against the official should disappear and a strong Indian Civil Service prove to be the most effective solution of our constitutional problems. We further consider that officials should be permitted to stand for election to all Legislatures.

Municipalities, District Boards and Union Boards.—The interests of the Anglo-Indian Community are generally not so great as to call for any special measures of protection or representation in the sphere of local Self-Government, except in the larger municipalities, such as those of Calcutta, Madras and Bombay and the larger towns in which the community is not adequately represented. However, it is not the intention or object of the Community to oppose the fulfilment of Indian aspirations and in these bodies where so much opportunity exists for real service to the country we would concede to them powers as wide as are consistent with the protection of vested interests and the preservation of Law and Order.

JURY RIGHTS.

The Code of Criminal Procedure as amended by the recommendations of the Racial Destinctions Committee gives to both the European and the mixed communities of America and also to the I. B. S. the right of trial by a jury composed of a majority of European and Americans in the case of the former and Indian British subjects in case of the latter. This equality of treatment was agreed upon as a compromise by the Committee because both Europeans and Indians felt that, if the ends of justice were to be fully served; it was imperative that the majority of a jury should consist of persons familiar with the manners, customs, habits, speech, etc., of the accused. Proof of legitimacy is not demanded from either the European, the Indian or the alien European. Yet such of the Domiciled Community as are included in the definition of E. B. subjects, sons of the soil and citizens of India, descendants of the Britisher, are treated in quite a different manner. Before these persons can claim a jury a majority of whom shall be European and American, the law demands that they produce documentary evidence in proof of (*a*) legitimacy (*b*) European descent in the male line, failing which they are tried by juries consisting of an Indian majority. In many families of this community, especially the offsprings of the pioneer Englishmen who came to India, such documentary evidence is impossible of production, and, yet, from other cumulative evidence, e.g., occupation, social status, military service, recognition by communal associations etc., it is undeniable that they are European British Subjects. There are other families descended from the early British Officers and soldiers who, when they came out to India to fight for King and Country, did not feel the need of bringing with them their birth certificates. Add to this the fact that many of the old Anglo-Indian and Domiciled European marriage and birth records were lost during the 1857 Mutiny, and that registration of births and marriages is a comparatively recent practice in India, and it will be obvious how difficult —nay, impossible—it is for most Domiciled Europeans and Anglo-Indians to produce the documentary evidence demanded by the Criminal Procedure Code. As the main and, possibly the only reason, for granting special majority juries to the European and the Indian was to afford the accused a trial by a jury of his own countrymen, best acquainted with his language, manners, customs, etc., and, as the Anglo-Indian Community, since its inception, is in these respects identical with the European, we submit, that for this reason, if for no other, an Anglo-Indian accused should be given a jury composed of a majority of members of his own Community and Europeans. To demand from the Anglo-Indian and Domiciled European alone documentary proof of legitimacy and lineage, as a passport to justice, is we consider, not only unjust but insulting and cruel and, therefore, this demand should be deleted from the Section of the Criminal Procedure Code.

We wish here to emphatically state that it is not with any feelings of distrust towards our Indian brethren that we claim a special jury; our only desire is to place ourselves on a level with both Indians and Europeans and to obtain equal jury rights.

In establishing our claim to such equality of treatment it is not necessary to refer in detail to the recommendations of the Racial Distinctions' Committee or the anomalous positions it created by the introduction of certain important amendments into the Criminal Procedure Code in 1923. We desire however, to refer to only three sections of that Code. It will be noted that the Code contains no definitions of the terms "Indian British Subject," "European" (other than European British Subject), and "American." Nevertheless ample provision is made for every one of these classes. The term "European British Subject" is, however, defined in Section 4, Clause (1) of the Code as follows :—

> "(i) Any subject of His Majesty of European descent in the male line born, naturalised or domiciled in the British Islands or any Colony, or
>
> (ii) Any subject of His Majesty who is the child or grandchild of any such person by legitimate descent."

This definition in its practical application is to our mind not only most unsatisfactory but very anomalous. The Anglo-Indian for practical purposes can come only under sub-clause (ii) of the above definition, but, in order to be accepted as such he is compelled to prove, by evidence (ample and conclusive), that he is the child or grandchild of any person named in

sub-clause (i) and that "by legitimate descent." In no other part of the British Empire, nor, indeed, in any part of the civilised world, is anyone who claims the right of being tried by his Peers, ever asked to prove his legitimacy or "legitimate descent" from any particular class of person. We are also not aware of any Code of Criminal Procedure in any country, except India, that differentiates between legitimacy and illegitimacy in a criminal trial. It will be observed that in this section the European British Subject, as defined in sub-clause (i), is not called upon to prove his legitimacy in order to obtain what he considers to be, a fair jury trial.

Under the Code "Indian British Subjects," "Europeans" (other than European British Subjects) and "Americans" are given certain privileges, but, nowhere is the proof of legitimate descent required. We feel, therefore, that, as a bare measure of justice, the words "by legitimate descent" should either be deleted from this Section or that every member of every class which is accorded any special jury privilege under the Code should, likewise, be called upon to prove that he is of legitimate descent.

With reference to jury trials the Racial Distinctions Committee arrived at the following finding (Para. 25 of the Report):—

> "The same law as to the composition of the Jury shall apply to Indians as to Europeans; that is to say the majority of the jury, if the Indian accused so desires, shall consist of persons who are not Europeans or Americans. This is already the law in Sessions Court and Section 275 should be so amended as to make it apply to the High Court also."

Accordingly, by section 14 of the Criminal Law (Amendment) Act, 1923, both the European British Subject and the Indian British Subject were given the privilege of demanding that the majority of the jury shall be composed of Europeans or Americans for the former and Indian British Subjects for the latter, and, by clause (ii) of that section, this privilege was also extended to both Europeans (other than European British Subjects) and Americans; whereas, a British Subject of European descent is in a worse position than even an alien, unless he can prove that he is a European British Subject. Indeed the term American includes persons of any blood, European, American or African, or any mixture of the same, provided they are American citizens. In this connection it is necessary to emphasise the fact that, in order to claim this privilege, none of these alien classes are asked to prove legitimacy or "legitimate descent."

Provisions similar to the above are made for trials with the aid of Assessors for European British subjects, Indian British Subjects, Europeans (other than European British Subjects) and Americans in Section 284 (*a*) which were introduced into the Criminal Procedure Code by Section 16 of the Criminal Law Amendment Act of 1923.

We have no desire to question the principle underlying these provisions, for, it is but right that the Indian should be tried by a jury the majority of whom are Indians and the European by a majority of whom are Europeans; but, it is quite possible also that an Indian may, in certain cases, prefer to be tried by a jury the majority of whom are Europeans.

We feel that if every accused were given a choice as to whether he preferred to be tried by a jury with an Indian majority or a European majority, it would not, in any way, prejudice the legal rights of anyone, while it would, at the same time, give the Anglo-Indian and Domiciled European Community the equal right of a choice of a jury a majority of whom shall be European or American. In order to equalise the position and place the Anglo-Indian on the same footing as other communities in India, as also to afford protection to Indians placed in positions of difficulty, we would suggest that the words "or Europeans as he may desire" be added to clause (i) of Section 257 and clause (i) of Section 284 (*a*) of the Criminal Procedure Code.

We would also like to point out that in accordance with the recommendations of paragraph 27 of the Racial Distinctions' Committee Report, a special procedure is prescribed by Chapter 33 of the Criminal Procedure Code, to be observed outside Presidency Towns, where the complainant and the accused are respectively European and Indian British Subjects or Indian and European British subjects or where it is expedient for the ends of justice that such a case should be tried under the provisions of that Chapter. We submit that this procedure not only overlooks the claims of Anglo-Indians and Domiciled Europeans as such, but, also omits to provide for cases where the conflict is, not between the European and the Indian British Subjects, but, between two communities, as has so often occurred recently in Hindu-Muslim riots; and, in this connection, it cannot be denied that the Anglo-Indian and Domiciled European Community is a distinctive community which is undoubtedly looked upon as such by both Europeans and Indians. We therefore feel that in all cases where a racial or communal conflict is involved, the accused, irrespective of his nationality or community, should be given the right of trial by a special procedure similar to the one in question.

In these circumstances we ask that—

(i) The words "by legitimate descent" in section 4, clause (i), sub-clause (ii) be deleted;

(ii) to Sections 275 clause (i) and Section 284 (*a*) clause (i) the following words be added "or Europeans as he may desire."

(iii) that Chapter 33 of the Criminal Procedure Code be so amended as to include cases arising out of racial conflict or communal antagonism.

SUMMARY.

In view of the peculiar position of our Community in India we have dealt, in the foregoing chapters, with our problems in some detail, we now summarise some of the salient features of our case.

Nature of our Demand.—We desire to stress first that, measured by their effect on the interests of the millions of India, our demands are negligible in extent and yet are of such consequence to our Community as to safeguard it from extinction. Because of our precarious position in India as a numerically insignificant community surrounded by teeming millions, who have in the past shown a marked hostility towards us, a claim for permanent protection perhaps would be as warranted as it would be justified by our past loyalty and service to Government and India. Nevertheless, we have endeavoured to approach our difficulties from a broader national outlook and have merely asked for a short period of protection to correct the disabilities of the faulty system of education imposed on us and to equip ourselves to take our place on equal terms with the other communities in India.

Status.—We accept and endorse the status that has been accorded to us of Statutory Natives of India; but, at the same time, we wish to be protected against the dangers of our indefinite position, which renders us liable to disinheritance on the score of being non-Indians for the purposes of Indianisation of the Services, and of being Indians for the purposes of enlistment into the Army.

Protection. In view of the fact that the economic position of our Community has been very seriously and prejudicially affected by the introduction of the Reforms and the progress of and misapplication of the policy of Indianisation, we urge that adequate safeguards be provided by statutory enactment for a stated period in the Provincial Civil Services, Provincial Judicial Service, Government of India and Provincial Government Secretariats, Salt, Forest, Survey, Police, and other such services.

We consider moreover that we have an ethical claim for many years to come on the Government, whatever form of constitution it may take, with regard to the Railways, Telegraphs and Customs,

in view of the fact that these Departments have been practically built up and maintained since their inception by us, and because with the large number of our people employed in these services their displacement would seriously upset the whole economic organisation of the Community. We desire that adequate safeguards be provided in these Services and these facts be enacted in specific terms in the Statute that will be the outcome of the Simon Commission's Report.

We give below some of the particular recommendations in relation to the principal Services with which we are connected.

Railways :—(1) That the present number of Anglo-Indian and Domiciled European, lower and upper subordinates, be not reduced for a further period of 50 years.

(2) That owing to the manifest injustice consequent on the sudden change of policy in the matter of recruitment to the Superior Railway Services, which now demand a degree qualification, the I.A. or I.Sc., be accepted as a qualifying examination.

(3) That 15 per cent. of Superior Railway competitive appointments be reserved for nomination by the Government of India.

(4) That for the next 30 years at least special provision be made so that 50 per cent. of the 75 per cent. appointments in the Superior Services reserved for Indianisation be obtained by the promotion of approved Anglo-Indian and Domiciled European upper subordinates.

(5) That a certain number of Anglo-Indian officials or non-officials be appointed to every Selection Committee when subordinates are being selected.

(6) That any measure of protection afforded us be specifically included in any enactment that may be the outcome of the Indian Statutory Commission's report.

Telegraphs.—(1) We desire that the percentage of Anglo-Indians and Domiciled Europeans employed in certain sections of this Department be raised to the level of 66⅔ per cent. for a period of 25 years and that for the succeeding 25 years it should not be allowed to fall below 50 per cent. in those branches of the Service.

(2) In those Superior Service appointments to be recruited by open competitive examination 33⅓ per cent. be reserved for suitable members of the community by promotion from the subordinate ranks.

Customs.—That a fixed percentage of appointments for a period of 50 years be guaranteed to Anglo-Indians and Domiciled Europeans, *viz.*, in the Preventive Branch 75 per cent. and in the Appraisers' Branch 50 per cent.

Postal Service.—That we be adequately employed in all branches of this service.

Indian Audit and Accounts Department.—(1) That Government should apply to the Principals and Headmasters of European Schools and Colleges for suitable candidates for the lower grades and, in this manner, remedy what is obviously a grievous wrong.

(2) That for the next 25 years, when we hope to be educationally fitted to run a level race with the Indian, and in addition to open competition, we suggest that 15 per cent. of the vacancies in the Indian Audit and Accounts Department be given to the community to be filled by nomination by Government and that Principals of Colleges be asked to submit the names of suitable students.

Police.—That we be more largely employed in a Department where employees without communal bias are of such a necessity in India to-day.

Indian Medical Department.—(1) That the I.M.D. be definitely classed as one of the Departments mentioned in Appendix XXVII Regulations for the Army in India.

(2) That Army Instructions (India) 286 and 287, as also 113¼, be made applicable in their entirety to the I.M.D. with equal retrospective effect.

(3) That the revised pension rates of the I.M.D. which have been sanctioned from 1.10.1927 be given with retrospective effect from the 1st October, 1925, as in the case of I.U.L.

(4) That, should the revised pension rates sanctioned to the I.U.L. from the 1st October, 1925, be given retrospective effect so as to include I.U.L. pensioners who retired on or after the 1st April, 1919, the same concession should be extended to I.M.D. pensioners who retired, or, who were in receipt of the present rates of pay on, or, after the 1st April, 1919.

(5) That the I.M.D. be granted a professional qualification or degree that is registrable in the United Kingdom as the present diploma is of no professional value outside the Department.

(6) That men in the I.M.D., especially those with a record of good service or with Indian degrees or British qualifications, should be allowed to enter the Civil Medical Services of all the Provinces and that Indianisation should not be allowed to prejudice their claim to such employment.

Army.—(1) That the formation of an Anglo-Indian Unit, Battery, or Signal Corps be sanctioned.

(2) That all the Ancillary Branches of the Army be thrown open to us.

(3) That we be granted 50 per cent. of commissions in the Auxiliary Force with a period of ten years.

Settlement Scheme.—That in view of our great services to the Empire and the closure of other avenues of employment to the Domiciled Community, Government do offer us special facilities for obtaining land on terms similar to those offered to Army men and others.

Education.—We desire that the British character of European Schools be protected as indicated in the Education section of our Memorandum. At the same time, in view of the hostile attitude of the Legislative Councils towards European Education and because of the diversity of codes and curricula which now prevails, we urge that European Education be made a Central non-votable subject, thus enabling our children to equip themselves for open competition with Indians in the Services.

We further suggest that a small Committee be appointed, on which the Community should be adequately represented, to tour the Provinces and make recommendations for the improvement and consolidation of European education.

We urge that recruitment from England of European teachers into the staffs of European schools be stopped. This does not refer to educational institutions governed by religious bodies where the staffs are employed on nominal salaries.

Finally, as a special measure, in view of our loyal services to the revenue-bearing services, and to enable the Community to make up for its backward condition in higher education and run a level race with Indians, so far as degrees are concerned, we recommend that Government do capitalise a sum of 50 lakhs for a period of at least 30 years, the interest of which be utilised as scholarships and endowments for Anglo-Indian boys and girls to secure, higher education, both academic and vocational, in India and abroad.

Constitution.—As one of the permanent communities of India, we affirm our loyal acceptance of, and support to, the Reforms, and our full sympathy with the progressive realisation of self-government on well-measured lines for India within the British Empire. We consider, however, that as security and fair play are the essentials of good government, the maintenance of law, order, justice and the rights of minorities should be protected from the caprice of the Legislature by being placed under the special care of the Governors and the Governor General.

With this proviso, we are in favour of the grant of greater powers to the Legislatures, as the present constitution is frankly unworkable, giving them as it does the right of obstruction without the power of performance. We consider, however, that Ministers,

besides being freed from the control of the Executive should be protected from the wanton attacks of the Legislature and secured in their appointments for a stated period to enable them to carry out their programmes. They should further be encouraged to create a convention of responsibility by working together under a Chief.

The residuary powers of the Governors and the Governor General should, we consider, be retained, but Second Chambers should be established in all the Provinces to be interposed between the popular House and the Governor and as a check on irresponsible legislation. Communities and interests should be represented on these by nominated members; the Anglo-Indian Community having at least one nominated seat in each Province.

In view of the conflicting and heterogeneous interests of the peoples of India, we consider that communal electorates should continue, at least for the present, and until such time as a national consciousness is created through the sharing of common burdens.

In view of the illiteracy of the masses, we consider that the franchise should not be widened. At the same time, we suggest that for the Provincial Legislative Council, the basis of franchise for the Anglo-Indian and Domiciled European Community should be literacy; for the Legislative Assembly, the payment of rates and taxes, directly or indirectly. We are men also in favour of the extension of the franchise to women of the age of 21 and over and eligible for election to all Legislatures.

We urge that the Anglo-Indian Community be given 4 elected seats in the Legislative Councils of Bengal, Madras, and Burma, 3 elected seats in Bombay, 2 in the United Provinces, the Punjab and the Central Provinces, 2 in Bihar and Orissa and one in Assam, and that the Community be represented in the Legislative Assembly by an elected member of the community from each of the 6 major Provinces," the remaining Provinces being represented by a nominated member.

Further, that Municipalities, District Boards and Union Boards be given powers as wide as are consistent with the protection of vested interests and the preservation of Law and Order.

We urge that every British subject in India should have the right to choose whether he will be tried by an European or an Indian Jury, and that the Law be altered accordingly.

We also consider that Staff Selection Boards should be formed in every Province to deal with appointments to Provincial Services with a representative of the Anglo-Indian and Domiciled European Community on each body, and that a member of the Anglo-Indian and Domiciled European Community should be appointed to the Public Services Commission.

CONCLUSION.

(1) For the information and guidance of the Commission we desire to state that the Anglo-Indian and Domiciled European Conference of India at its final session on May 5th, 1928, recommended unanimously "that Col. Gidney, M.L.A., I.M.S. (retired), represent the case of the community before the Joint Parliamentary Committee when it meets in London and that he be given powers to associate with him, if necessary, one or two members."

(2) We desire to be granted the privilege of supplementing this Memorandum by oral evidence, in camera if required.

(3) The Conference of the Community in India authorised the Executive Committee to select persons to give oral evidence before the Commission on behalf of the Community. The names and addresses of these witnesses will be submitted at a later date.

* * * * * * * * * *

APPENDIX.

Statement showing the differences between Pay and Allowance, and Pensions, drawn by the Indian Medical Department and the Indian Unattached List.

1	2	3	4	5	6		7		8		9		10		11		12		13
ITEMS.	Corporals.	Sergeants.	Staff Sergeants.	Staff Q.M.S's.	Sub-Conductors.		Conductors.		Lieutenants.		Captains.		Majors.		Majors after 8 Years.		Lieut.-Colonels.		REMARKS.
					I.M.D.	I.U.L.	I.M.D.	I.U.L.	I.M.D.	I.U.L.	I.M.D.	I.U.L.	I.M.D.	I.U.L.	I.M.D.	I.U.L.	I.M.D.	I.U.L.	
	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	M. UM.	
A—Pay of Rank	155/- 155/-	200/- 200/-	250/- 255/-	275/- 275-	200 on 1st Apl. Rs. 275 after 7 yrs.	Rs. 340 after 8 yrs.	Rs. 350 after 12 yrs. Rs. 400 after 17 yrs. Rs. 450 after 20 yrs. for those in service before 1908.	Rs. 370 after 14 years.	500/- 500/-	560/- 560/-	650/- 650/-	650/- 650/-	700/- 700/-	710/- 710/-	No increase	840/- 840/-	Rank not sanctioned.	Three sanctioned.	1. An I.U.L. Corpl. gets more than I.M.D. Warrant Officer on first appointment, *vide* Cols. 2 and 6. 2. An I.U.L. Major with over 8 years' service gets Rs. 400 more than an I.M. Major, plus E.H. and I.
B—Indian Army Allowance.	10 10	20 20	30 30	35 35	Nil	40 40	Nil	50 50	Nil	50 50	Nil	60 60	Nil	70 70	Nil	80 80		80 30	3. No Lieut. Colonels allotted to I.M.D.
C—Lodging Allowance.	Free quarters.	Free quarters.	Free quarters.	Free quarters.	Free quarters or Rs. 20 in lieu.	Free quarters.	Free quarters or Rs. 30 in lieu.	Free quarters.	Free quarters or Rs. 50 in lieu.	50 25	Free quarters or Rs. 50 in lieu.	70 35	Free quarters or Rs. 50 in lieu.	90 45	Free quarters or Rs. 50 in lieu.	100 50	—	100 50	
D—Marriage Allowance.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	55	No	90	No	80	No	80	No	80	
E—Separation Allowance.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	55	No	55	No	Rs. 65 to 90	No	90 after 15 yrs.	No	100	
F—Outfit Allowance.	Free uniform.	Free uniform.	Free uniform.	Free uniform.	At own expense.	Clothing allowance.	At own expense.	Clothing allowance.	At own expense.	£55 on 1st commission	At own expense.	At own expense.	At own expense.	At own expense.	At own expense.	At own expense.	—	—	
G—Clothing Allowance.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	—	—	—	—	—	—	—	—	—	—	
H—Messing Allowance.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	—	—	
I—Free Fuel and Light.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	—	—	
J—Free Conservancy.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	—	—	—	—	—	—	—	—	—	—	
K—Staffing and Washing Allowance.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	—	—	—	—	—	—	—	—	—	—	4. Not for I.M.D.
L—Free Passage to Hills.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	—	—	—	—	—	—	—	—	—	—	
M—Educational Training Grant.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	—	—	—	—	—	—	—	—	—	
N — Free Hot Weather Establishment.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	—	—	—	—	—	—	—	—	—	—	
O—Rations or Money in lieu.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	—	Yes	No	Yes	No	Yes	No	Yes	—	—	5. I.M.D. revised pensions held back 2 yrs.
P—Free Education, Children between 6 and 14 years.	Yes	Yes	Yes	Yes	No	Yes	No	Yes	—	—	—	—	—	—	—	—	—	—	
Q—Pensions ...	N.C.O.'s not eligible for I.U.L. Pensions.				Revised pensions from 1.10.27.	Revised pensions plus "Indian element" from 1.10.25			*See* preceding Column 6 for dates of sanction of I.M.D. and I.U.L. pensions.										
TOTALS ...	Rs. 165 p.m. + B to P.	Rs. 220 p.m. + B to P.	Rs. 280 p.m. + B to P.	Rs. 310 p.m. + B to P.	Rs. 200 p.m. + C or free quarters.	Rs. 380 p.m. + C to P.	Rs. 350-400 450 p.m. + C or free quarters.	Rs. 420 p.m. + C to P.	Rs. 500 p.m. + C or free quarters.	Rs. 715 p.m. + E.F.H.I. and O.	Rs. 605 p.m. + C or free quarters.	Rs. 825 p.m. + E.H. I. & O.	Rs. 700 p.m. C or free quarters.	Rs. 950 p.m. + E.H. I. & O.	No increase	Rs. 1100 p.m. + E.H. I. & O.	Rank not sanctioned.	As in Col. 11 + maximum Rs. 110 p.m. separation allowance.	

SUPPLEMENTARY NOTE ON EUROPEAN EDUCATION.

There is no doubt that the views expressed in the note on European Education, as extracted from the Anglo-Indian Memorandum submitted to the Indian Statutory Commission, were bound to be opposed by European teachers in European Schools in India. It was never expected that every European teacher would agree with the demand to give Anglo-Indians a larger participation both in the training of their scholars in the higher posts as also in the administration of European Schools. Reason seldom, if ever, makes a strong appeal when self-interest is concerned. It is, therefore, not surprising to find certain European Headmasters of European Schools, as also Mr. Wordsworth, an ex-member of the Indian Educational Service, giving evidence before your Committee on this point of a critically disparaging nature. I do not wish to question the very dubious authority upon which Mr. Wordsworth claims the right to speak as he did, nor ask him to produce those Anglo-Indian parents whom he said would object to Anglo-Indian teachers training their children, but I take the liberty of quoting a few additional facts in support of the claim made by the community in favour of Anglo-Indian teachers being appointed to most of the higher posts in European Schools.

Comparisons are, I know odious, but if they are based on facts, they are not only very informative and instructive, but often necessary to disprove long cherished opinions and beliefs such as were expressed by Mr. Wordsworth in his comparison between European and Anglo-Indian masters and the wishes of Anglo-Indian parents. In refutation of his statement, I will draw a comparison between two schools only, although I could quote a good many others.

La Martiniere College and St. James' School, Calcutta.

La Martiniere, Calcutta, has a teaching staff of seven European masters imported from England, the highest paid receives a salary of about Rs. 1,200/- and the lowest paid receives, I believe Rs. 550/- per mensem; two Anglo-Indian masters drawing Rs. 480/- and Rs. 340/- respectively and two lady teachers drawing Rs. 250/- and Rs. 200/- per mensem. The total cost of the teaching staff comes up to nearly a lakh of rupees per annum. This school has been through many financial crises, but, it is to-day well off owing to the munificent gift of an ex-American pupil, the late Sir Paul Chater. In the days of its financial stress the Anglo-Indian teachers did most of the work and did it well and were considered fit and worthy of employment. Since it received this bequest however from Sir Paul Chater, Anglo-Indian teachers have been replaced by Europeans and to-day there are only two Anglo-Indian masters as compared with seven Europeans.

A few years ago, the total number of students on the rolls of this School was about 350. To-day, I believe there are about 220 and out of this number about 160 are Anglo-Indians, of which about 50 per cent. are in the junior and kindergarten classes, the latter under lady teachers, which means that the teaching of about 120 boys who are in the middle and upper classes, is done by seven European and two Anglo-Indian teachers at an annual cost of over Rs. 75,000/-. I am given to understand, I speak subject to correction, that the nationalities of the children attending the School are 15 to 20 per cent. Armenians, 0·75 per cent. Chinese (a fact which, I hear, is in direct opposition to the will of General Claude Martin), 5 per cent. Europeans and the rest Anglo-Indians. The Scholars are either foundationers, demi-foundationers, De Souza Scholarship holders, and Thadius Scholarship holders. I mention these details to show the Committee that although this School has a teaching staff of seven imported Europeans the number of students has declined considerably within the past few years, a period which, I believe, I am right in saying, synchronises with the increase in the European teaching staff. The various firms employ them as clerks and subordinate assistants—in short, they enter a calling in life that tends to kill all initiative, makes of them nothing else but automatons, and causes them to live their entire life in an atmosphere of utter subordination. I ask are European teachers on high salaries a real necessity for a School that, for the most part, trains its boys for nothing better than clerical employment in mercantile firms, while the School examination results are not better than those of the Roman Catholic Colleges and Convents in Calcutta.

I shall now deal with St. James' School, Calcutta. The entire staff in this School from the Headmaster downwards is Anglo-Indian; the Headmaster gets a lower salary than the most junior "Anglo-Indian" master in La Martiniere. A few years ago, the School had on its rolls about 150 students. To-day it has a total of over 600, and not one of the masters is an imported Englishman. Moreover, the fact that there is nothing to choose between the educational results of these two Schools and the steadily growing attendance at St. James', should certainly go to prove:

(1) That Anglo-Indian parents do not show any predilection for Schools where European masters are in the majority;

(2) That the popularity and growth of a School does not depend on having Europeans occupying senior positions on the teaching staff;

(3) That Anglo-Indian teachers are capable of filling the higher posts in any European School in this country as efficiently, if not better, than many imported European teachers;

(4) That European Education can be as efficiently and certainly more economically administered by a larger employment of qualified Anglo-Indians in the senior posts of our European Schools in India;

(5) That it is unnecessary, except for a very few specialistic appointments, to import European teachers from England, as the custom merely tends to inflate the already excessive cost of European education and which has to be borne by parents of an impoverished community; and

(6) That with the cost of European Education lowered a larger percentage of our children will be enabled to go in for higher education.

I would here also refer to the various Roman Catholic institutions in which many Anglo-Indians and Domiciled Europeans have held positions of Rectors, Principals, and Mother-Superiors, Educationists who have never left the shores of India, nor qualified outside of India, and yet have been the direct means of obtaining educational results that have rarely been equalled by other European Schools, whose pet creed seems to be that none but Europeans with English degrees are capable of holding senior posts or being Principals of European Schools, but, which literally translated means "No coloured person need apply, and if he is employed it must be on a lower salary." I would also draw your attention to the fact that Christ Church High School, Jubbulpore, and Philander Smith College, Naini Tal, two of the finest European Schools in India, have yearly to refuse admission to many students for want of accommodation, and both Principals and Staffs of these Schools are members of the Domiciled Community.

As a community we, therefore, maintain the right to train our own children and refuse to support the claims of superiority made by European educationists to-day, who, with all respect and gratitude for their past services, we submit are incapable of understanding the psychology of our children, while it cannot be denied that the inferiority complex is thus early developed in their minds, an inferiority which unfortunately governs most of their lives and leaves them content to work out their salvation in subordinate employment, barren of ambition to succeed in the Superior Services.

I venture this comparison to the members of the Education Committee in support of the demand made by the community in its Memorandum, and in refutation of the evidence given by Mr. Wordsworth and Mr. Holmes, Headmaster, La Martiniere, Calcutta, and others. It was therefore we demanded in our Memorandum a larger proportion of employment of Anglo-Indian teachers in European Schools.

The Appointment of an adequate number of Anglo Indians, at least 50 per cent., on the Governing Bodies of all European Schools.

Since making this demand, I have come to know that it has, in a large measure, the support of His Excellency Sir Malcolm Hailey, at present Governor of the United Provinces. In this connection, I would instance the firm attitude he adopted in Bishop Cotton School, Simla (another institution that has studiously ostracised Anglo-Indians from its higher staff) supported no doubt by that able and just D.P.I., Sir George Anderson, when there was a disagreement between him and the then Governing Body who resigned *en masse* and he (Sir Malcolm Hailey) appointed three members of the Domiciled Community on it. I would also instance the appointment of two members of the Domiciled Community, Mr. Prince and Mr. Percy, to the Vice-Principalship and Headmastership of one of the biggest and best European Schools in India, of which every Anglo-Indian is proud—the Lawrence School, Ghora Gali.

The Martiniere in Calcutta has not got a single Anglo-Indian on its Governing Body, and as this body has the giving of appointments it is not unnatural that an Anglo-Indian applicant stands very little, if any, chance of being selected for any of the higher teaching posts.

The personnel of the senior Governing Body I contend should be of men with a grasp and knowledge of the educational needs of the community which it is the purpose of the School to serve. Of what use are the Member in charge of Education on the Viceroy's Council, the Mayor of Calcutta and the Advocate General of Bengal, etc., all of whom are Indians, as members of this body? And yet, these very gentlemen are members ex-officio, though, as non-Christians they do not function. This body, which was constituted when Calcutta was the Capital of India, is to-day archaic and needs to be thoroughly overhauled.

In the Martiniere, Lucknow, I understand that the President of the Local Anglo-Indian Association is one of the Governors, but this gentleman also represents the Europeans in the U.P. Legislative Council and was certainly not selected to serve on that body as an Anglo-Indian representative. Another Anglo-Indian, an official on the Railway, is also on that body, but he also was not selected as an Anglo-Indian, but as a representative of the railway, and so it happens that in this institution also in which almost 80 per cent. of the students are Anglo-Indians and Domiciled Europeans, there is not a single member of the Governing Body representing the interests of the Anglo-Indian and Domiciled European Community. No such monopoly exists in the Governing Body of any Indian School or College, and I ask why should it be allowed in European Schools?

Centralisation of European Education.

In addition to the reasons already given for this, I desire to submit certain questions put and answers given by me on this subject, when the Anglo-Indian Deputation appeared before the Indian Statutory Commission on the 26th November, 1928.

> "*Rao Bahadur Rajah:* I see from your Memorandum that you desire European Education to be made a Government of India Reserved non-votable subject. Why do you ask this?
>
> "*Colonel Gidney:* To obtain one unified educational curriculum for all European Schools in India, and which itself will need Central control. At present, owing to our singular setting, the community is scattered all over India and Burma and is not concentrated in a few large towns as are the Parsis. As I told the Chairman, 80 per cent. of the community are employed in the All-India Services, which exposes the parents of our children to frequent transfers, often from the North to the South, or East to the West of India, and, as to-day each Province has its own educational code and curriculum as also final examination, the education of our children is seriously handicapped, interrupted and disjointed. Moreover, our European Education grants have been steadily reduced by the various Provincial Governments and Legislatures, and for these reasons the future of European Education is very insecure in the Provinces and offers a very serious drawback to our children, who desire to undergo secondary and higher education. We feel we would obtain unification of codes and control as also security of our grants-in-aid if European Education were made a Central Government of India subject, non-votable, the same as is European Army Education connected with such schools as Sanawar, Lovedale, Mount Abu, Lawrence Asylum, Prince of Wales' School, Dehra Dun, etc., whose grants and control are under the Army Department Government of India, and unconnected with Provincial Governments. If Centralisation is possible with these Army European Schools and which, after all, are not in any way dissimilar to the other Schools, why not to all European Schools?
>
> "Education, I understand, is a reserved subject in the Province?—It is a reserved subject in the Provinces under the Governor in Council, but its grant is subject to the vote of the Legislature.
>
> "What are your objections to continuing that as at present?—One reason is this, that it is unfair to ask the Provincial ryot or villager to pay for my education. We contribute very little to Provincial revenues. We pay most to the Government of India in income-tax and Customs duties.
>
> "*Chairman:* Because you are mostly an urban community, you mean?—In that way, too; moreover, I am not of the proprietor classes, nor am I a cultivator, and I do not think the Provinces should pay for my education; it is not fair to expect this of them. Moreover, 80 per cent. of my people are employed in the All-India Services. The Army is an All-India Service and its education is controlled by the Government of India Army Department; the Ecclesiastical Department is also under the Government of India; Income Tax is also a Government of India Department; so also is the Customs; the only Department that is not under the Government of India and with which our community is closely concerned is European Education.
>
> "*Rao Bahadur Rajah:* Am I to understand that you pay largely to the Education Department?—From the Income Tax point of view and the super tax point of view, I think we pay a considerable amount of money to the exchequer of the Government of India.
>
> "And do you ask on that score for these 50 lakhs?—I have an additional reason. The Community has in the past rendered exclusive service to the Government of India, *e.g.*, in the Customs Department, which has added thousands of crores of rupees to the Government of India exchequer. Then, again, the Domiciled Community constitutes two-thirds of the Indian Auxiliary Force and has formed the major part of all such previous Corps for the past 60 years. The Auxiliary Force is the second line of defence of the British Army in India. This is a purely volunteer force, though the Railway Battalions

are conscribed. Nevertheless, we are a source of great economy to the military expenditure of India, for, to replace us in the Auxiliary Force at least 15 to 20 British Regiments would have to be added to the present strength of the British Army in India. We, therefore, in this manner, constitute an annual saving of over two crores of rupees to the Government of India and, in return, surely, it is not an unreasonable request for 50 lakhs to be capitalised for 30 years for a community that has done so much for India and its development, and who, to-day, voluntarily and so materially help in the defence of the country and whose future economic salvation depends so largely on adequate higher and vocational education. We have served India and the British Empire loyally and well; we are the descendants of those Britishers who made the Indian Empire; we helped those pioneers and as their issue we, who are being as it were, discarded in response to Indian clamour and aspirations, feel that we have a moral claim on England and India to this help in our hour of need."

I should like to add that Sir Abdul Kerim Ghuznavi, speaking on behalf of the Muslims of Bengal alone, asked for the sum of one crore of rupees annually for 10 years for Muslim Education.

In this connection, I would draw your special attention to the point raised when I asked why, if European (Army) Education has, without any difficulty or question by the Indian Legislature, been permitted to be a Central Government of India non-votable subject, since the introduction of the Reforms, the same could not be done with European (Civil) Education in the remaining Schools in India; for, after all, it cannot be denied that those so-called Army European Schools which are under Central Government control are subject to the same educational curricula and inspections, and they recruit from the same class of boys as do the Civil European Schools, the difference being that, in the former, a child has to claim some military connection before he is admitted, a connection that can be and is established by at least 50 per cent. of the Anglo-Indian community, who, in addition can claim this privilege by virtue of being children of members of the Auxiliary Force.

I should also like to draw your particular attention to another point in my answers where reference was made to the fact that, as 80 per cent. of the Domiciled Community (who supply more than 80 per cent. of the children that attend European Schools in India) are employed in Central Government and All-India Services and it should be the duty of the Central Government to control and administer the education of this 80 per cent. of the Domiciled Community, the same as it does its religious education, its income-tax, its dues to the Customs, &c.

I might also add that an additional reason for asking that European Education be made a Central Subject, provided it be non-votable, is because I am not one of those who entertain the belief that the Central Legislature has, during its life, shown a greater sense of responsibility than the Provincial Legislatures; on the contrary, the work of the Central Legislature for the past few years has more than proved the very opposite.

H. GIDNEY,
M.L.A., J.P., F.R.S. (E), Lt.-Col. I.M.S. (RD.).
President, A.I. & D.E. Conference.

CALCUTTA,
5th January, 1929.

THE SURVEY OF INDIA, CLASS II SERVICE.

This is one of the All-India Gazetted Services recruited in India, in which the Anglo-Indian and Domiciled European community has played an important and abiding part, but whose interests in it are to-day so seriously threatened that, if unchecked will end within a few years in its total exclusion.

History.—The year 1878 might be said to be the date of the inspection of the Survey of India Department, although, previous to this there were in existence the Great Trigonometrical, Topographical and Revenue Surveys which were all loosely connected together. From that year till 1891 the Service was entirely Anglo-Indian. From 1891, other communities were eligible for recruitment in the proportion of 25 per cent. In the year 1895, the Department was re-organised, and, whereas, up to this date members of the service were eligible for advancement to any of the higher posts of the department, this re-organisation closed the door to higher appointments and confined the service within subordinate limits, beyond which there were no prospects. It was not till 1919, as a result of the Public Services Commission of 1912–14, that this grievance was partially removed by the reservation of 10 posts in the higher service (Class I) for promotion from the lower (Class II). On account of unequal recruitment and the consequent block of promotion, 90 per cent. of the members of Class II Service (predominantly Anglo-Indian), recruited prior to 1919, are faced with disheartening prospects, whereas those members joining after 1919 have brilliant prospects. In spite of representation nothing has been done to improve the condition. In 1919, the recruitment of communities other than Anglo-Indian was increased in proportion from 25 per cent. to 60 per cent. thereby decreasing the Anglo-Indian proportion from 75 per cent. to 40 per cent.; but, actually, up to date, the number of officers in the service recruited since 1919 includes only 27 per cent. of Anglo-Indians, instead of 40 per cent. Government is under the impression that, in view of the comparatively liberal number of posts in the higher service thrown open to the Class II service, this service has been well treated; but, it is apparent that when the brighter prospects materialise the Anglo-Indian Community will be in a pronounced minority—the Community that has laid the foundations of the department and helped to build it up.

DEMANDS.—We, therefore, respectfully desire :—

(i) that a generous measure of relief be afforded to men who joined the service prior to 1919.

(ii) that the proportion of 40 per cent. in the recruitment of Anglo-Indians be maintained.

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Memorandum from

ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION, ALL-INDIA AND BURMA.

I beg to place the following points for the consideration of Sir John Simon and the Indian Statutory Commission when they visit Bangalore. In this connection, I desire to draw your attention to page 299 of the Memorandum of the Anglo-Indian and Domiciled European Community of India. The matter refers to the town of Bangalore which is a British settlement under political control. The Anglo-Indian population of this town is larger than any other city in India and approximates to over 15,000. Most of these are retired Government pensioners, the majority of whom have held high Government posts. They are house-owners and are in every way qualified to vote but, being in a political area, not one of them enjoys the privilege of a vote and the community is thereby deprived of a very large number of votes—especially a very influential section of the community. Besides there are some of the best European Schools in this town. My request is that in the new constitution members of the Anglo-Indian community in the town of Bangalore be accorded the privilege of a vote.

DELHI.

Dated 26th November, 1928.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION AND OF THE CENTRAL COMMITTEE (EXCEPT SIR ZULFIQAR ALI KHAN).

Deputation of ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION.

The Deputation consisted of:—

Lt.-Col. H. Gidney, M.L.A., Calcutta.
Mr. L. T. Maguire, M.L.C., Calcutta.
Rev. W. A. Hobson, Madras.
Mr. C. S. Cameron, Calcutta.
Mr. E. T. McCluskie, M.L.C., Calcutta.
Rev. P. E. Curtis, Agra.
Rev. G. C. Rogers, M.A., Jubbulpore.

* * * * * * * * * * * *

3. *Chairman :* The first thing which strikes me about the Memorandum is this. This is a constitutional conference. It is not directly concerned with the precise form of the legislation or of the executive action which is taken by the legislative and executive authorities here, either in the Central Government or in the provinces. The primary concern of the Conference is with the constitutional structure of British India, both at the centre and in the provinces, and therefore, though it is very important for us to appreciate what are the points made in this Memorandum by way of complaint and grievances, and so on, we are more immediately concerned with the question of the constitutional remedies which you would propose. If I may put the thing in another way, it is not a bad test for the purpose of deciding what is most important for the Conference, to consider whether the witnesses who come before us are suggesting that the Government of India Act should be amended, or that the Rules made under it should be altered, in the interests, for example, of the Anglo-Indian community; and, therefore, I would draw a distinction in this memorandum between the matter it contains down to about page 296, which is a most valuable compendium of a large mass of facts and statistics and matters of complaint, and the part of it which begins on page 296, headed " Constitution," which is followed with some quite specific proposals for alteration in the representation, for example, of the community in the different legislatures, and so forth. You see what I mean ?—I do, sir.

4. May I just ask one or two questions about the earlier part, and then I will pass at once to the latter part, because that is the part about which we shall need, in the end, your special help. Will you tell me this. Where does one find, in the first place, in the statute book the expression " statutory native of India " ?—There is no such expression in the statute book. The expression " statutory native of India," has been applied to the classification given to us as natives of India by statute.

5. Where do we find that—the classification of the Anglo-Indian community as " natives of India " ? —In Parliamentary Statute Vic. 33, 1870.

6. You mean the Imperial Act ?—Yes.

7. Is it in the Naturalisation Act ?—I am not sure of that, but it is stated there that we are natives of India, and we are entitled to employment the same as every other class of Indian.

Chairman : That evidently is not the Naturalisation Act.

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8. *Chairman :* If you will turn to page 274 of your document, you quote there from the answer to a question in the House of Commons : " For purposes of employment under Government and inclusion in schemes of Indianisation, members of the Anglo-Indian and Domiciled European Community are Statutory Natives of India. For purposes of education and internal security, their status, in so far as it admits of definition, approximates to that of European British Subjects." And you tell me that the phrase " statutory natives of India " refers really to a definition to be found in the Imperial Act of 1870 ?—That is so.

9. Then at the bottom of the page, after pointing out that owing to this double aspect given to your community by these different points of view, there is a tendency, instead of getting the benefit of both aspects, for your community rather to be alternately prejudiced : is not that your point ?—Yes.

10. You go on to say : " For example, as members of the Auxiliary Force, we share the task of internal defence with the British Army, but, when it comes to a question of admission into the Army we are asked to accept the conditions of service of an Indian Sepoy." Will you excuse me for asking, is not that perhaps a little bit rhetorical ? Is not a member of the Anglo-Indian community eligible for a Commission ?—That is another question, sir.

11. Forgive me, I do not think it is, because if I read the phrase " when it comes to a question of admission into the Army we are asked to accept the conditions of service of an Indian Sepoy," it suggests to my mind a little that there is some disqualification for officer rank. That is not so, is it ?—It is so. I can only get in as a Commissioned Officer as an Indian.

12. Certainly. You mean that so far as regards the receiving of a Commission is concerned, an Anglo-Indian's claim stands on the basis that he is an Indian, not on the basis that he is a European ? —Yes, that is the only basis on which I can enter the commissioned ranks of the Army to-day, as an Indian. I do not object to that at all.

13. I am not asking for the moment whether the opportunities and facilities are sufficient; that is a matter which is not a constitutional point; but I wanted to be clear on the fact. Is not an Anglo-Indian open for a nomination to Sandhurst ?—No, there is no nomination to Sandhurst for an Anglo-Indian as an Anglo-Indian. He must enter as an Indian.

14. Is not he in that respect in the same position as an Indian ?—Yes, but he goes up for an examination, but by an examination, I mean a selection by a special committee.

15. I must have misunderstood your answer because my question seems to me to be right.

will put it again. Is not an Anglo-Indian qualified for admission to Sandhurst by nomination?—Yes, as an Indian, not as an Anglo-Indian.

16. As an Indian?—Yes.

17. The point really is that in these matters of military rank and officer-training a member of the Anglo-Indian community is regarded as an Indian?—Yes.

18. That is the point. I wanted to be quite clear?—But he cannot enter into the rank and file of the Army as it is constituted on the caste system; he cannot enter into any other rank of the Indian Army except as an Indian.

19. It was the use of the word "sepoy" I did not understand?—That is exactly what I meant. He cannot enter the British Army.

20. Your point is he cannot enter the British Army by enlistment?—Not as an Anglo-Indian. He has to say he is a European. If he seems a European by complexion he is accepted, but he is not accepted as an Anglo-Indian; he must say he is a European. During the War, however, he was taken in and classified as a European regardless of his colour.

21. Will you turn for a moment to page 275? I do not propose to go through the figures there, but you might tell me this. Are those figures in substance the same figures, or some of them, as were put before the Secretary of State before the despatch from the India Office which we know of, of last September, was written?—I do not follow.

22. On page 275 there is a series of figures showing the percentage of Anglo-Indians in the various services. There have been, have there not, some complaints made? I think there were two deputations fairly recently (one in 1923 and another in 1925) to the Secretary of State on behalf of the Anglo-Indian community?—Yes.

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28. Indeed the question * * * is not so much a constitutional question as an economic question and a social and official question, is not it?—I frankly admit that my problem is mainly an economic one.

29. I know you admit it most frankly?—It is for my life I am presenting this; indeed it is for my very existence.

30. On page 296 there is a passage which entirely justifies what you say; you say * * * * "Since our problem is more an economic than a political one . . ." and so on?—Yes.

31. I think you have been, if you will allow me to say so, entirely fair about that; you have stated it most straightforwardly and candidly. I follow that. I see this document which you have drawn up bears the date 25th June, 1928?—Yes.

32. Then we may take it, may we not, that your Memorandum was drawn up before the reply of the Secretary of State, which was communicated to you by the Secretary to the Government of India which was in September?—The 13th September, I think.

33. Anyhow, it was in September?—That is so. Our memorandum was presented to you before we received this reply, and this has seriously handicapped us in not being able to modify many of the views we have embodied in our Memorandum.

34. I do not think you have really suffered, because as you point out, constitutionally the question remains quite untouched. I do not see myself how you are prejudiced about that. Of course, as you will realise, the economic difficulties as such are not susceptible of direct treatment by an actual change in the constitutional structure?—With all respect to you, Sir, I am inclined to think they are very markedly affected.

35. You will show me exactly the way later. May we now turn, to save time, but not in the least to exclude intermediate matter, to page 296. In * * * * that page you speak of the necessity for the protection of minorities. Now, treating the thing for the moment as a question of constitutional structure, of revising the language of the Government of India Act or of the statutory rules made under it, are you able to tell us what is the form in which you suggest this protection of minorities should be secured for your own community?—I would have to make a specific claim for my community. I do not understand whether you want me to suggest a statutory protective measure for all minority communities or only for my own.

36. I mean, more particularly for your own community. What is the nature of the constitutional modification which you and your deputation suggest the Conference might consider for the protection of the Anglo-Indian community as a minority?—Briefly, my idea would be that a statute should be passed or some enactment made by which the Anglo-Indian community would be economically protected for a limited period of years, say 30 to 50 years, during which time it would be able to equip itself educationally; and at the end of that period the community could sink or swim with the rest of India.

37. I think we must get you to carry that a little further for us, because if you contemplate some statutory provision it has got to be put in language which can have a definite legal application. General phrases, of course, would not secure it. I follow you are saying you think the statutory protection should be for a period, which you suggest should be 30 or 50 years, but can you help me a little more and tell me, in the language of a legislator, what is the sort of clause or the effect of the clause which you have in mind (I do not want you to draft the words) when you suggest the statute should contain provisions for your economic protection?—I could only ask for a repetition with its more practical enforcement of paragraph 346 of the Montagu-Chelmsford report.

38. I think it is worth while reading this. It is paragraph 346 of the Montagu-Chelmsford report. The authors of the report say this: "Some reference is needed also to the case of the large Anglo-Indian community which on historic grounds has a strong claim on the consideration of the British Government. It is not easy for them, occupying as they do an intermediate position between the races of the East and West, to win for themselves by their own unaided enterprise a secure position in the economy of India. They have been hitherto to a great extent in political and economic dependence on the Government; and they would not be strong enough to withstand the effect of changes which omitted to take account of their peculiar situation. We think that Government must acknowledge, and must be given effective power to discharge the obligation to see that their interests are not prejudicially affected." Of course, we all have that paragraph in mind, and it is a very important one; but what one notices is that so far as the constitutional structure of British India following upon the Montagu-Chelmsford report is concerned, it is rather difficult to find a clause in the Act which can be said to provide this economic protection. I have not any doubt that you and others who work with you have thought this out very carefully. I wondered, therefore, whether you could make any suggestion to the Conference as to the form in which the statutory provision might be touched, or the substance of it?—(*Mr. Maguire.*) What I would suggest is that some definite clause should be inserted in the Act. After all, what we have there (in the Montagu-Chelmsford report) is merely a recommendation that there should be something definite in the statute which would give a period of protection to the Anglo-Indian community, purely on an economic basis.

39. Do not think I want to worry you at all; I only want your help. I do not think it is possible to write down a clause which would provide in those terms, or anything like those terms, that the Anglo-Indian community shall be economically protected. A clause in an Act of Parliament has to say something specific?—It would, of course, have to be carefully framed, but I think our general feeling is that up to now, though the intentions have been good,

the effect as far as we are concerned has been rather disastrous, and unless we have something which is really binding in the Act—for a certain period, I do not say for all time—we should feel very insecure. If it could not be inserted in the Act itself, there might be something very specific in the Instrument of Instructions given under the Act itself.

40. *Mr. Hartshorn :* On page 55 of your Summary you ask that "the present number of Anglo-Indian and domiciled European lower and upper subordinates, be not reduced for a further period of 50 years." You have about 14,000 men employed, I think, out of about three-quarters of a million on the railways, and you are asking that that number should not be reduced, but that you shall continue to have at least 14,000 on the railways during the next 50 years. Is that the kind of thing you mean when you are asking for this guarantee?—(*Colonel Gidney.*) That is the kind of thing.

41. That would be one item that you propose?—Yes.

42. *Chairman :* I am obliged, Mr. Hartshorn. That helps to clear that up. What was in my mind was this. I do not want us to fail to consider very carefully and sympathetically any proposal which you would wish us to examine, and you suggest that something should be inserted by way of amendment into the Government of India Act, and I feel a great deal of sympathy with much of what you say. I think everybody feels sincere sympathy for the difficulties of your community, but I must tell you frankly that I see very great difficulty at present in knowing how to frame a clause in the Government of India Act. It may be that Mr. Hartshorn has put his finger on the real answer, that you do not expect to get the constitutional instrument, the Government of India Act, so revised as to contain a clause, but you would wish to secure protection by authoritative direction, if you like, such as this proposal that the present number of Anglo-Indians and Domiciled Europeans employed in the railway is not to be reduced for a period?—Yes. (*Mr. Maguire.*) It might find a specific place in the Instrument of Instructions rather than on such general lines as are there already.

Colonel Gidney : Might I just amplify that? At the bottom of page 300 of the Memorandum, I have stated that it is owing to the present constitution, in other words, the reflex action of reforms, that we to-day find our economic position so insecure, and, although it may not be embodied in a Government of India Act, I think you will agree with me that the Lee Commission enacted that a certain percentage of appointments be given to Europeans and a certain percentage to Indians, and since that has become operative as a part of the policy of the Government of India I beg that you will consider our case in that light, and legislate for us on similar lines.

43. We have that, of course, fully in mind, but you also have in mind that the recommendations of the Lee Commission primarily refer to All-India services, and, of course, the interests of your community are very largely tied up with recruitment to the provincial services?—No, Sir, forgive me. We are nearly 85 per cent. employed in the All-India services.

44. You say 85 per cent. of the Anglo-Indian community, so far as it is officially employed, is employed in All-India services?—Yes, that is the characteristic point about our employment.

45. I think what you mean is not All-India services; you perhaps mean Central services?—I mean by All-India services those that are controlled by the central Government of India. Might I amplify it? We have a population (I will put it roughly) of 50,000 employable men in the community, 14,000 of these, together with 4,000 domiciled Europeans, are employed on the railways, 2,000 more are employed on the telegraphs, about 2,000 more in the Customs, about 300 more in the Post, about 300 in the Survey, 600 in the I.M.D., in the Salt, etc. These are all Government of India services, and we have very few of the community employed in the provincial services; in fact, we may say that we are negligible in the provincial services, the only provincial service we have any concern with is Education.

46. Before passing it on to others, may I call attention to what you say on page 298. You refer there to the definition of a European as given in the Schedule 2 of the Electoral Rules of the Legislative Council?—Yes.

47. "A European means any person of European descent in the male line, being a British subject and resident in British India, who either was born in, or, has a domicile in the United Kingdom, or, in any British possession, or, in any State in India, or, whose father was so born, or has, or had up to the date of the birth of the person in question such a domicile." Then, I understand you to say that if that was liberally interpreted, the definition should be taken to include almost the entire Anglo-Indian and Domiciled European community?—Yes.

48. Just show me why you say that. Of course, the Anglo-Indian and Domiciled European community is domiciled in India?—Yes.

49. What are the words, then, in the definition which would cover that?—Well, sir, take myself as an example; I can claim to be in the European electorate. It is the first generation of any mixed marriage or a marriage between a European and an Anglo-Indian lady who can be on the European electoral roll, and are entitled to do so. But I am not pressing that point to-day. My desire has altered since the receipt of the recent Government of India despatch, because, it has instructed me to take the status of a native of India, and I am prepared to do it.

50. That is a very important statement?—I am prepared to do that, and I do not desire to press this point of the European electorate definition except to impress upon you that by this elasticity of definition of a European the Anglo-Indian community is deprived of much of its strength. Then there are certain side factors, such as social advantages on which I shall not dilate, certain other amenities, and advantages, such as more liberal Railway leave rules and salaries for Europeans which bait the unpigmented members of my community to deny their nationality and enter the European classification, thereby depriving me of their numerical and financial strength

51. I am very much obliged to you, because that is a very important statement; I have not seen it in public before. Do I understand rightly that since the communication to you of the Secretary of State's despatch last September you are resolved to take up the position in the light of that despatch that you and those for whom you speak accept the position of native of India, and endeavour to protect your rights by a proper constitutional provision as such?—Yes, but as a special community. The only proviso make is embodied in * * * * page 298 of our Memorandum in which I have asked that a definition be formulated for the entire domiciled community and to embrace within it all those who can claim employment as natives of India under statute. I want to include in my constituency all those that should be in it. I do not desire, as prevails to-day, that any member of our community should secure economic advantages reserved for natives of India and at the same time be eligible to exercise his political vote in the European constituency.

52. That answers the only question I wanted at the moment to put. We all notice, of course, that you are urging that there should be extension of the method of election for Anglo-Indian representatives. I was going to put to you a question as to the principle on which you thought the list of voters should be drawn up, but your last answer really covers that point?—Yes

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53. *Sir Arthur Froom :* * * * Arising from a reply to some questions put to you by the Chairman about the army, would you have any demand from your community for enlistment as private soldiers in the British Army?—Yes.

54. This is not a very great point, but I would like to clear it up. I think you put it as rather a grievance of your community that they are not eligible to serve in the British Army as private soldiers?—Yes.

55. Is that really a concrete grievance? Is there any demand in your community to enlist as private soldiers, on very poor pay per day? It is a small point?—It is a big point with us. In common with every other community we look upon this ostracism from the Army as an insult, as an unmerited communal insult. We are the direct issue of the pioneer Englishmen, and in the Great War you took of us freely; you enlisted our men and women in every branch of the British Army and gave us the pay of the European soldier; you enlisted our women as nurses on the European cadre; you employed us then in every sphere and capacity, while to-day we are offered admission into the Indian Army only as Sepoys on Indian wages, despite the fact that we are to-day employed in the Auxiliary Force as European British subjects.

56. That is perfectly true, that at a great crisis your community came forward to serve the Empire, but my point is that the prospects in the British Army as an ordinary private soldier are not very great; the pay is very poor and the duration of service is very short?—We have, to-day, Sir Arthur, 500 to 800 Anglo-Indians serving in the British Army who entered it during the War, and have been retained there, and are a credit to the British Army.

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57. You are a member of the Legislative Assembly, are you not?—Yes.

58. Elected or nominated?—Nominated.

59. Who do you regard as your constituency?—I have no constituency which elects me.

60. Except the Anglo-Indian community, perhaps?—I have got a seat in the Legislative Assembly by virtue of a nomination by the Viceroy, but I always consult my community, which is spread over the whole of India and Burma.

61. You told our Chairman that your community had accepted the status of statutory natives of India?—Yes.

62. That being so, in the Legislative Assembly you hold a nominated seat as a native of India—an Indian?—Yes, as an Anglo-Indian.

63. So your community is one of the many communities of Indians in this country?—Yes.

64. Has there ever been any attack on your community as part of the great population of Indians in India? Has there ever been any legislation, or anything of that description?—I say, with all respect to my Indian legislative brothers, that ever since I have been in the Assembly, *i.e.*, for the last eight years, I have been subjected to almost daily attacks on the position the Anglo-Indian community occupies in the various services in this country. There has been a continual attack on us, by questions, by resolutions, by cuts in the budget and other such measures. I am, however, pleased to say that my Muslim friends have not as a rule participated in these attacks.

65. Is it for that reason that, having accepted the position of a statutory Indian, you fear for the future of your community?—Yes. You asked me just now, and Sir John Simon also asked me, whether I had "accepted" the position of a statutory native of India. In reply I should say I had no alternative but to accept that position—indeed, that status was imposed on me by parliamentary statute and has been recently reiterated by the Secretary of State and Government of India—and I am prepared to take it.

66. *Chairman:* I have the statute before me now, and it is always a good thing to look at the document. You, Colonel Gidney, were quite right when you said it was the Imperial statute of 1870. It is in the Indian Councils Act of 1870, 33 Vic., Chapter III. It is not in the Naturalisation Act (though it is the same year as that) but in quite a different statute. For the purposes of that Act there is a definition of the words "natives of India," and this is the definition: "For the purposes of the Act the words 'natives of India' shall include any person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purposes only." What one notices is that that definition has got nothing to do with mixed blood; it would apply to a man whose ancestry was European on both sides, if the parents were habitually resident in India, for it says, "the words 'natives of India' shall include any person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purposes only"?—Yes.

67. That is a rather striking thing?—That includes the Anglo-Indian community.

68. It includes them, but I wanted to point out that as a matter of statutory definition this phrase (which I can quite understand is carefully scrutinised by your community) is a phrase which is not directed in terms to what I may call mixed blood, but would apply equally to a gentleman whose ancestry on both sides was purely European?—That is why we include in our community the "Domiciled European" also. I accept that; that is so.

69. *Sir Arthur Froom:* In the letter which the Secretary of State addressed to the Government of India, and which the Government of India wrote to you in September last, there is some suggestion that the employment of Anglo-Indians should be safeguarded on the railways?—Yes. It is on page 278.

70. Are you satisfied with that suggestion?—Yes; if put into effect, and by statute, we should be quite satisfied.

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72. *Sir Arthur Froom:* Your reply is, you would like statutory effect given to it?—Yes, and it should be applied, among other services, to Telegraphs and Customs also.

73. I was coming to that. I think you mentioned to our Chairman that there are four great services in which your community have been employed in considerable numbers. Railways, of course, we know. Then we have the Customs, the Post Office and the Telegraph Department?—Not the Post Office now.

74. But you were employed in the Post Office?—Yes, very largely many years ago.

75. And the Telegraph Department?—Yes; also the Indian Medical Department.

76. My difficulty is this: Would you want something inserted in any future Government of India Act to provide for special employment of the Anglo-Indian community in all these departments?—Yes, if that is possible.

77. If it were possible; but as statutory Indians what would happen? Suppose the Mahomedans asked for something to be put in the Government of India Act of their community, and the Sikhs said: "We want some special employment." I do not know if they would like it put in, but suppose they did? I mean, if one class of the Indian community demands statutory protection for employment in certain of the Government services, would not it tend to make other communities emulate their example? I see some difficulties, and I want you to suggest how they may be got over in favour of your community?—At present I see no need for such statutory enactments for the other big communities, such as Muslims and Sikhs, because in all pacts—written or unwritten, provincial or Government of India—the question is always a settlement between the Government and the Muslims and Hindus, while the Anglo-Indian is a very remote afterthought. He is never considered in these pacts now. As a matter of fact his present position is in such jeopardy that he is being displaced from the Services owing to the clamorous demands of other communities, and there is no need for any special enactment for them. For example, if there is a High Court judgeship or other

such appointment going vacant, a Hindu or a Muslim demands and gets it; but the claim of the Anglo-Indian is never considered. I can give you a recent instance of an Anglo-Indian who passed fifth in the last Forest service competitive examination. There were four vacancies, and he was the first Anglo-Indian who had ever qualified for entrance into this service by competition. Three of the four vacancies were given to the first three candidates; for the fourth vacancy, *i.e.*, to adjust communal inequalities, the Anglo-Indian was overlooked, and either the twenty-ninth man, the twenty-fourth or twenty-sixth on the list, all of whom are Muslims, is, I understand, going to be selected. My claim is entirely overlooked. Here is a specific instance. There is also another specific instance in the Government of India Finance department, in which the Honourable Member was in need of an assistant financial advisor and asked for an Indian, overlooking the claims of a senior qualified Anglo-Indian, and it was only when he could not find a qualified Indian that he took an Anglo-Indian. It seems to me, that even the Government of India places us in the position of a very remote second thought in these settlements, and that is why I am so desirous of having some statutory protection for a certain number of years, until I am sufficiently educated to run a level race with the Indian.

78. Following up my point, let me say I am not trying to raise difficulties; I want to clear them up. It is within the knowledge of most of us that we frequently have questions put in the Central Legislature as to how many Mahomedans are employed in such-and-such services, and if the number is below a certain figure why more are not employed; so the various communities are not altogether satisfied with the proportion of their enlistment in the various services. My point is that if you demand some statutory protection, would not we get these other communities demanding statutory protection?—I have no objection to them doing so.

79. And where would the end be?—I quite see your point, and I do not think there is any objection, if their demand be made on the basis of their present employment, or to their protection for any limited period such as we have asked. Indeed, I should like to draw particular attention to page 278 of our Memorandum, which satisfies Sir Arthur Froom's questions. Although Government says we are Natives of India on page 278 of the Memorandum, we instance a Government member making a statement in the Legislative Assembly in which he creates a cleavage in as far as he calls Anglo-Indians one community and he calls the rest of the other communities "Indian communities." and he intensifies this further on by saying: "I have reduced the number of Europeans and Anglo-Indians, and those posts have been given to Indians." If, as an Anglo-Indian, I am a native of India, how can you Indianise an Indian? If I am an Anglo-Indian and a native of India, why should I be replaced by another Indian when I am doing a job well, especially in departments as the Railways, Telegraphs, Customs, etc., which we have built up? That is our difficulty; Government themselves create this cleavage. That paragraph is a very important one.

80. *Chairman:* Page 278?—Page 278. * * * Lower down the page * * * * you will find the following: "The Railway Board recognise that there are now members of other communities," so I am evidently separated from other communities; and further down it says: "The position actually is, therefore, that the Railway Board have informed Agents that they consider that Indians should be given the same opportunities of showing their aptitude and capacity for these posts as Anglo-Indians, with the result that they are obtaining an increasing number of these posts. The latest figures I have got show, for example, that in 1927 among the subordinates drawing Rs. 250 per mensem and over, there was a reduction of 50 Europeans, a reduction of 44 Anglo-Indians, an increase of 121 Hindus, an increase of 38 Muslims and an increase of 50 of 'other classes.'" I do not object to that at all, but if I am to be called an Indian, and if I accept the status of an Indian, why make this classification between me and other Indians? You do not make it between Parsis and other Indians. That is the insecurity of my position.

81. *Sir Arthur Froom:* I see your point, that in this Indianisation scheme the Anglo-Indians should be included. Is that your point?—Yes; but though by statute we are Indians, the Indian refuses to recognise this and looks upon us as aliens. This is our fear.

82. *Chairman:* Is not your real point this, if I may put it for you: You say that as things are, there is a very grave practical risk of the Anglo-Indian being squeezed out between the upper and the nether millstone?—Quite right.

83. From the point of view of one body, the body that calls itself thoroughly and completely Indian, the Anglo-Indian is treated as not being inside that body. From the point of view of the other body, which is called European, the Anglo-Indian is not treated as if he was of that body; and therefore, when you come to consider how the different communities should get their share, and none of them should be unduly excluded, there is a very grave risk that your community will be repudiated by each set in turn?—That is right.

84. That, I think, is your real point, is not it?—Yes.

85. *Lord Burnham:* But it is something more than that. From page 280 it appears that this is not only supported but proved by the figures—I will assume them to be correct—given by these gentlemen in their Memorandum, where the elimination of the Anglo-Indians is said to be concealed, I do not know whether truly or not, in a Note which says: "The number of Anglo-Indians was concealed under the guise of and together with 'Other Classes.'"—I might have used a better word when I said "concealed."

86. That is the word used here, and that is what I am asking about.—That was at a time when the fever of Indianisation was at a very high temperature.

87. *Colonel Lane-Fox:* Was not that written before you had accepted the full status of Indians?—No, sir, that was written before I received the recent despatch from the Government of India.

88. Therefore it was before you had accepted that status?—Yes. I again beg of you, Mr. Chairman and the Conference, to understand that the acceptance of that status is nothing new. It is an old discovery on new legs. I am taking it because it was imposed on me by Parliament in 1870, many years ago.

89. *Chairman:* Yes. I quite agree with you, Colonel Gidney, that you need not stress the word "concealed." All it means is this, that if you take the column headed 1925 the number of Anglo-Indians was not separated out, and other classes were therefore included?—That is right.

90. But when you come to the next year, 1926, the number of Anglo-Indians was separated out, and therefore you can see the number clearly?—Yes. But that separation was done in reply to a demand by the Indians.

91. I do not think you suggest that there was any attempt made to conceal it; it was merely that the figure was an inclusive one?—May I again repeat that that separation was again made in reply to a demand by the Indian Indian. When in 1925 Indian members asked, "How many of these are Anglo-Indians?" the Government member could not reply, and so in the next year Government showed Anglo-Indians and Indian Indians separately. I withdraw the word "conceal," as I did not use it in any derogatory sense.

92. What you meant was, it was a figure which included them?—Yes.

93. *Sir Arthur Froom:* Does your community find much employment in services other than Government services?—Very little at present.

94. Can you explain why?—My first explanation of that is that it is a poor community, and to launch out into independent vocations one must have capital to start with, and so we have for many years been employed as servants of Government.

95. I suppose the opening for clerks in commercial business, when all is said and done, cannot be very numerous?—No.

96. So that really leaves your position in the central services still more important?—Yes. And we cannot emigrate, because we are prevented.

97. Do you lay great stress on what you have headed in your Memorandum as jury rights? To put the question in another way, do you suggest that in a trial in which the jury are composed of Indians the members of your community might not get a fair trial?—I have reason to say so. I have reasons to admit that statement. I say it exists only in those cases where communal feelings run high, and I give as my reasons the same reasons as the European and the Indian have given, and that is, I want a jury who understands me. A jury is meant to give an accused a sense of confidence. If the Englishman has his customs, and if the Indian has his customs, and they can both demand a majority jury, I also want the right to demand a European or an Indian jury, and I want everyone to have a similar right. As the law stands to-day, I alone must prove legitimacy and my European descent before I can claim an European jury. My father might have been a soldier from England; he had no time to put his baptismal certificate in his pocket, or the records of my grandparents' marriage may have been destroyed during the Mutiny. I do not fear that the Englishman or the Indian would deliberately do me a wrong, but if an Englishman has a right to a majority European jury, and an Indian has a right to a majority Indian jury, why should I alone be denied this? Why should I be called upon to produce evidence of legitimacy? Unless I produce this I am denied a jury of people who know my customs. I claim the same right as Europeans and Indians. If they have got a right, why cannot I have the same? Extend the privilege to all, because then there will be no communal bitterness or mistrust.

98. *Mr. Kikabhai Premchand:* On page 300, under the head of "Nature of our Demand," you say that the teeming millions of India have in the past shown a marked hostility towards your community. What, in your opinion, are the reasons for this hostility?—The reasons for this hostility are endogenous and exogenous. They are partly due to us and partly due to the Indian.

99. You have said somewhere that it is more due to your supporting the Government. Is that so?—Very largely, for we are often placed in open hostility to the Indian.

100. And, of course, in supporting the Government when the latter went against the opinion of the people, you went in favour of the Government?—That is one of the main reasons.

101. Is there any opinion commonly held and expressed that the alleged hostility is due to the supercilious attitude of the members of your community towards Indians in general?—Had you said this ten years ago you would have been quite right. To-day it is practically dead.

102. It has changed?—To-day we are more together than we have ever been, and I hope we we will be closer, as brothers.

103. I am glad to hear that. Would you be content if your community was treated in all respects as Indians?—Yes, with certain safeguards for a limited period.

104. The safeguards that you mention here in the Memorandum?—Yes. My reason for that safeguard is that I have played a part that no community has done in the development of this country, and I say it openly. I say I have not only played that part; I have played it in every avenue of development of the country, and we feel that for that reason, if for no other, we are entitled to some protection for a limited period until we educate ourselves.

105. You say here that the railways, telegraphs, and so on, employ large numbers of your community, and you do not want your community to be displaced in the services. If the employments are thrown open to all Indians, and if qualifications are the sole test, do you think you will still require special protection for the interests of your community?—Yes, for that limited period.

106. If the test is qualification, even then will you require protection?—Yes. I will tell you why. My educational system with which we have already dealt in the Sub-Committee—the Chairman will know about that.

Chairman: Yes.

Witness: My education has been imposed upon me. My education is a system that is foreign to India, and that has placed me in hostility with the Indian universities, and I am handicapped. I was unprepared for this change in administration, for I was sitting in the lap of Government quite securely, I thought, and now I find I am forced to run a level race with you, and I am unprepared. That is why I want this grace; that is why I want protection for this time.

107. *Mr. Kikabhai Premchand:* I am looking at you proposal for protection for 50 and 30 years. What do you think will be the progress of Indianisation of services so far as communities other than yours are concerned?—I am not concerned with that progress, but I have no doubt that that progress will be very rapid.

108. Very slow, because you want a protection for 50 or 30 years?—After all, it would mean a drop in the ocean for the Indian community—a few appointments for your many millions—but for us it is our bread and butter. It is for another 30 years only that we seek this special economic protection.

109. Now will you turn to page 301 of the Summary. You say: In regard to the Indian Audit and Accounts department, that in view of your low level of education you want 15 per cent of the vacancies to be given to your community by nomination?—Yes.

110. Will you consider the claims of other educationally backward communities too?—I would not object to them having nomination.

111. And if all such communities are given direct nomination, what will be the standard of efficiency of the services?—The standard of efficiency was not lower before degrees were demanded as a qualification for these appointments.

112. What I mean is, if your community is given 15 per cent, and the Muslims and the Hindus and the Sikhs and the Jains are all given 15 per cent, the standard of efficiency will be affected, will it not?—I do not think so, because the standard here is based on a degree, and a degree is not always the only qualification for making a good officer; in fact, no degree is asked for from the same men competing for the same appointment in England; it is only asked for in India.

113. Then on page 301 you say you want 50 lakhs to be capitalised for a period of 30 years for the education of your community. Have you considered if there are other directions in which the revenues of India are more urgently required for expenditure, like sanitation, malaria, village dispensaries, elementary education?—I think those are all provincial subjects. This is a Central Government of India demand I am making.

114. In the Central Government services there are demands for the national-building departments?—I do not know that there are. I know there is some supervising control over them, but I do not know that there are any specific demands for them. We had a demand last year for 50 lakhs for the archæological department to unearth the remains

of dead civilisation. My demand is for the living and needy.

115. Supposing there has to be some change in the Meston Settlement that will make a reduction in the Central Government's revenues, that will make a reduction in its expenditure too, will it not?—I see your point. I made this particular demand for education because I felt we had a claim, and I say here that we have a special communal claim on the Government of India for a certain period of years to equip us educationally so that we can do what we want to do, and what Government wants us to do, and what you, as a brother of mine, want us to do, *i.e.*, to be an asset to India.

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121. *Mr. Kikabhai Premchand:* You say you want Law and Order to be placed under the special care of Governors and the Governor-General. Can you give me some instances where legislatures have proved themselves unfit to take care of these subjects?—I think the legislature broke down very seriously in the recent Calcutta Hindu-Muhammadan riots.

122. That means your objection is directed towards Indians being placed in charge of Law and Order?—No, not a bit.

123. Are you aware that in Madras an Indian held the portfolio of Law and Order?—We are well aware of it.

124. Did that break down?—I believe it failed towards the end of his tenure.

125. *Raja Nawab Ali Khan:* On page 296 you say: "If Government is to be efficient as well as equitable, representative bodies must be amenable to the guidance of the executive and our first care should be the devising of a stable ministry and a secure civil service." Do I understnad you to mean that in this country the legislature should be subordinate to the executive?—No! but my memorandum refers particularly to the Central Legislature.

126. You do not refer to the provincial legislatures?—No.

127. And your opinion is there should be no change at present in the Central Legislature?—I think there should be a marked change in the Central Legislature.

128. On page 297 you say: "In fact, the Anglo-Indian community would view with considerable satisfaction the formation of such a body into which might be gathered persons who are eminent by their ability, knowledge or service to the country." You refer to the formation of a Second Chamber?—Yes.

129. Do you contemplate that these members should come in by nomination or by election?—I should prefer it to be by nomination.

130. All these members are to be there by nomination?—Yes.

131. On page 297 you say: "The conditions that prevail at present in India make communal electorates imperative." I think you have in mind the Hindu-Muhammadan difference, have not you?—Yes.

132. I want to know how these communal feelings affect your community. If it is a quarrel between Hindus and Muhammadans, how does it affect your community?—I am a minority community too, and when I admitted just now it was mainly a communal issue between Hindus and Muhammadans. I included in that all minority communities. It is not a feeling of hostility but a feeling of unsecurity as a small minority community. I want the protection of all minority communities.

133. Have you anything to suggest to eliminate communal differences from the country?—As India is to-day I cannot suggest anything; I cannot suggest any alternative to communal electorate. I, however, hope that the time will come when this will not be necessary.

134. *Sir Hari Singh Gour:* In your memorandum you have said that you want a certain percentage of appointments in the railways, telegraphs and customs earmarked for your community? It is on page 301?—Yes.

136. You want a lower qualification provided so as to secure the admission of your community into these services?—No, I have not mentioned that at all.

137. I will read you the passage. "That owing to the manifest injustice consequent on the sudden change of policy in the matter of recruitment to the superior railway services, which now demand a degree qualification, the I.A. or I.Sc., be accepted as a qualifying examination." I understand this to mean that so far as members of your community are concerned, the lower qualification should suffice, whereas the general qualification is a degree?—I personally, am not prepared to admit that the Senior Cambridge is in some respects a lower qualification than the I.Sc. A Senior Cambridge Anglo-Indian has been hitherto accepted as the equivalent of the B.A. because he knows more English than a B.A.

138. I am dealing here with I.A. and I.Sc. Kindly read paragraph (2). The general qualification is a degree, but in the case of your community, I presume that an I.A. or I.Sc. is to be regarded as sufficient. That is what you have said?—I say it should be accepted as a qualification.

139. That is it. Your suggestion is that whereas a degree, which is laid down as a qualifying test . . .—You are right. I beg your pardon. I did not quite follow.

140. What you really want, so far as the railways are concerned, is that while the qualifying test in the case of other candidates should be a degree, as is provided, in your case a lower standard should, for a period, be regarded as sufficient?—Yes.

141. You know that introduces a disparity in the qualifications of candidates applying for admission to the railway service?—I do not think so, because on again referring to this part of the memorandum I find I make no separate communal claim for the I.Sc.

142. Do you think a member of your community who is an undergraduate and has passed only the I.A. or I.Sc. examination will intellectually be equal to one who has passed his B.A.?—He has done so for the last fifty years, and now you have this sudden introduction of a degree, which upsets us suddenly. *Mr. Maguire:* The position, I think, is this. Is it a necessary and absolutely essential qualification for these appointments that a man should hold a university degree? Is it so in any other part of the world? Our position is this. You are asking for a certain qualification which is not essential for efficiency, and what we say is this. If it pleases all other classes of Indians to place their qualifications for an appointment as high as a B.A., a university degree, inasmuch as our system of education has run in a different direction up to now, along the lines of the Cambridge University, we are not in a position to provide you with men with degrees, and you must give us some facility in that direction for a short time. I maintain it will not lower efficiency, because a university degree is not a necessary qualification for this particular appointment. I will give you a case in the Calcutta Corporation. It was suggested to make one of the qualifications for a lighting inspector that he should hold a university degree, and I opposed it on the ground that the degree was not an essential qualification.

143. Do I understand you to mean you think the qualification of a degree should be done away with as a rule, because a degree is not a good test of the intellectual ability of the particular candidate in the class of work for which a degree is now required as a preliminary qualification?—I say a degree simply shows the training of a man's mind in a particular direction, and cannot be used as a sort of universal test for his capacity in all directions.

144. Are you for the abolition of the degree test as a qualification? Do you advocate the abolition of the degree as a qualifying test as it is laid down now?—*Colonel Gidney:* Yes. *Mr. Maguire:* We want a man to be fit for the employment for which he is required.

145. You think the removal of the degree test would not tend to lower the standard of efficiency?—Not necessarily. It is not asked for in any other part of the world. Nowhere else in the world are these railwaymen required to be university graduates.

146. Suppose the Railway Board want to raise the standard of intellectual ability of persons employed on the railway, I suppose you would concede they have a perfect right to do so?—*Colonel Gidney:* Yes, they have a right to do so, but are they right in doing so?

147. And you would equally concede that if they require a university degree from candidates, you have no objection?—*Mr. Maguire:* There I disagree with you, inasmuch as a man may be a university graduate and certainly not be a suitable man for the particular appointment.

Sir Hari Singh Gour: I understand you to join issue with the Railway Board?

Chairman: May I suggest this? It is quite useful, I think, to bring this point out, but I do not suppose you, Mr. Maguire, or you, Sir Hari Singh Gour, suggest there will be a section in the Government of India Act about this, so I think it is not necessary to spend longer on it. However important it may be, it is a matter of internal regulation. It is quite right to call attention to it, but I do not think we ought to spend longer on it.

148. *Sir Hari Singh Gour:* You have said, Colonel Gidney, that in the Indian Legislative Assembly for a very long time past by resolutions, cuts, and so on, an attack has been directed against Anglo-Indians. Has not it been because up to very recently you, as voicing the sentiments of the Anglo-Indians on the floor of the House, were not quite sure what position you occupied, and you asked the Government again and again to declare what you were whether you were Europeans or Indians? Is not it in view of that uncertainty that the position of which you complain has arisen?—*Colonel Gidney:* My uncertainty of status had no connection whatever with the attacks of the legislature on my community. I can bring to your memory a speech you made when you supported the State Control of Railways, in which you, in effect, adduced as one of your reasons that the transfer of the railways to State Control would afford you means of preventing such a large employment of Anglo-Indians on the railways.

149. The question I put to you is this. Is not it a fact that the attack which has been directed against the members of your community has been mainly because you have been uncertain as to your nationality and you wanted the privileges of a European as well as the privileges of an Indian?—That has been my policy; one that has been forced on me; but it is no reason for the attacks by Indians on me.

150. That is the reason the Indians naturally complain?—No.

151. Please refer to page 299: you say that "in the Legislative Assembly the Anglo-Indian community is at present represented by a single nominated member. We desire that our representatives be elected." How would you constitute your constituency?—We have asked for representatives for certain provinces.

Chairman: It is all set out in the memorandum.

152. *Sir Hari Singh Gour:* Will you kindly refer to page 296. "The desire of Indians to assimilate Western methods of government does not entitle them to ignore the welfare of any section of the population. When Indian politicians claim the right to make mistakes we are entitled to ask whether we have not an equal right to be protected from the consequences of such mistakes." If I understand you aright, your claim is based on the fact that as you belong to the Anglo-Indian community, and the democratic institutions introduced by the British Government in this country require a knowledge of Western methods and Western habits of thought, your community possesses more of those qualities than Indians, and therefore by reason of that aptitude you should be given special facilities?—I have not intimated that at all, practically there is no democratic form of government that has been introduced, but if I might coin a word, I would say it is a "hypocritic" form of government, because we Anglo-Indians are not considered in that form of government at all.

153. You say as regards the management of Law and Order, you know that there are governments like that of the Central Provinces where the Indians have been in charge of Law and Order?—They are well-behaved there.

154. Consequently, the fact of Law and Order being in charge of an Indian does not necessarily mean giving rise to complaint?—I have not made such a complaint. I do not say that Law and Order should not be in charge of an Indian member.

155. *Rao Bahadur Rajah:* I see from your memorandum that you desire European Education to be made a Government of India Reserved Non-votable subject. Why do you ask this?—To obtain one unified educational curriculum for all European schools in India and which itself will need central control. At present owing to our singular setting the community is scattered all over India and Burma and is not concentrated in few large towns as are the Parsis. As I told the Chairman, 80 per cent. of the community are employed in the All-India services, which exposes the parents of our children to frequent transfers, often from the North to the South or East to the West of India, and, as today, each province has its own educational code and curriculum as also final examination, the education of our children is seriously handicapped and disjointed. Moreover, our European education grants have been steadily reduced by the various provincial governments and legislatures, and for these reasons the future of European Education is very insecure in the provinces and offers a very serious drawback to our children who desire to undergo secondary and higher education. We feel we would obtain unification of codes and control as also security of our grants-in-aid if European Education were made a Central Government of India subject, non-votable, the same as is European Army Education connected with such schools as Sanawar, Lovedale, Mount Abu, Lawrence Asylum, Prince of Wales School Dehra Dun, etc., whose grants and control are under the Army department, Government of India, and unconnected with provincial Governments. If centralisation is possible with these Army European schools and which, after all, are not in any way dissimilar to the other schools, why not to all European schools?

156. Education, I understand, is a reserved subject in the provinces?—It is a reserved subject in the provinces under the Governor in Council, but its grant is subject to the vote of the legislature.

157. What are your objections to continuing that as at present?—One reason is this, that it is unfair to ask the provincial ryot or villager to pay for my education. We contribute very little to provincial revenues. We pay mostly to the Government of India in income tax and customs duties.

158. *Chairman:* Because you are mostly an urban community, you mean?—In that way, too, and moreover, I am not of the proprietor class, nor am I a cultivator, and I do not think the provinces should pay for my education; it is not fair to expect this of them. Moreover, 80 per cent. of my people are employed in the All-India services. The Army is an All-India service; and its education is controlled by the Government of India Army department; the Ecclesiastical department is a Government of India one; Income Tax is also a Government of India department; so also is the Customs a Government of India department; the only department that is not under the Government of India and with which

our community is closely concerned is European Education.

159. *Rao Bahadur Rajah :* Am I to understand that you pay largely to the education department ?—From the income tax point of view and the super-tax point of view, I think we pay a considerable amount of money to the exchequer of the Government of India.

160. And do you ask on that score for these 50 lakhs ?—I have an additional reason. The community has in the past rendered exclusive service to the Government of India, e.g., in the Customs department, which has added thousands of crores of rupees to the Government of India exchequer. Then, again, the Domiciled community constitutes two-thirds of the Indian Auxiliary Force and has formed the major part of all such previous corps for the past 60 years. The Auxiliary Force is the second line of defence of the British Army in India, and, as such, occupies a distinct place in the military defence of India. This is a purely Volunteer Force, though the Railway Battalions are conscribed. Nevertheless, we are a source of great economy to the military expenditure of India, for, to replace us in the Auxiliary Force, at least 15 to 20 British Regiments would have to be added to the present strength of the British Army in India. We, therefore, in this manner, constitute a saving of over 2 crores of rupees to the Government of India, and in return, surely it is not an unreasonable request for 50 lakhs to be capitalised for 30 years for a community that has done so much for India and its development, and who to-day voluntarily and so materially helps in the defence of the country, and whose future economic salvation depends so largely on adequate higher and vocational education. We have served India and the British Empire loyally and well. We are the descendants of those Britishers who made the Indian Empire. We helped those pioneers and as their issue we, who are being, as it were, discarded in response to Indian clamour and aspirations, feel that we have a moral claim on England and India to this help in our hour of need.

161. As regards the services, you are for the constitution of a Public Service Commission for the local councils also ?—I am in favour of there being a Public Service Commission or a selection board or some such institution, in all provinces, and I beg the Commission here to realise that considering my economic condition is so insecure we desire that Anglo-Indians be appointed to each one of these Commissions.

162. I suppose in case you have a member of your community in the Public Service Commission, your representation in the services will be safeguarded ?—Yes. We feel that, as things stand at present, unrepresented as we are on any of the Public and Provincial Service Commissions, our interests are overlooked—indeed, neglected, and so no matter how eligible any of our candidates are they receive scant consideration. The increasing exclusion, almost to extinction, of the community in the provincial services is abundant evidence of this belief.

Take the railways : It is known that the fireman and the ticket collector of today are the upper subordinates of tomorrow, and 15 per cent. of these people enter the official grades and in time become officials. Well, take the present system by which these subordinates are selected today on all railways. Every week a committee of railway officials meets and interviews a body of applicants and they select those whom they consider best. I do not object to this method, though even today the community is feeling the pinch of exclusion, but what of the immediate and especially the remote future ? The honourable member in charge of Railways takes great pride in the fact that he is today Indianising the railway official cadre at the rate of over 70 per cent. (*vide* his 1928 Railway Budget Speech)—I mean Indian Indians, for very few Anglo-Indians are being accepted into the official grades, and 40 per cent. of those in it are only officiating, and so exercise very little influence and have no say in the matter of selection of subordinates. At this rate of Indianisation it cannot be denied that 70 to 80 per cent. of these selection committees will very shortly be Indian officials and that Anglo-Indians will have no chance of being selected as subordinates, for it is only natural, blood being thicker than water, that these Indian officials will prefer to engage Indians as subordinates. This is my increasing fear of ultimate extinction from the railways, against which I urge for statutory protection.

163. *Sir Hari Singh Gour :* I have one short question to ask on page 278, where you refer to a speech by Mr. A. A. L. Parsons. Is not the statement that the same opportunities should be given to Indians, and so on, a reference to the fact that until recently there were two grades in the railway, one for Europeans and Anglo-Indians, and the other for Indians ?—No.

164. He is pointing out there that the reserved appointments for Anglo-Indians would be now available also to Indians ?—I might remind you that that remark was made in a demand for a cut that was made on the upper subordinates of the railways, those drawing Rs. 250/- and above *per mensem.*

165. *Mr. Hartshorn :* Could you tell us the kind of jobs on the railways for which a degree is required ?—For all the superior railway services today, even for an apprentice for the superior locomotive department. I am positive of my statement. An I.Sc. is required from an Indian or an Anglo-Indian before he is accepted as an apprentice for the superior railway services (transportation and power), and they allowed us to come in with the Senior Cambridge before. The door is closed to us today.

166. I see you have three tables here of the number of persons employed in the railways ?—Yes.

167. In the one you give an aggregate—this is page 279. I see your total figure is 14,007 Anglo-Indians ?—Yes.

168. You have only given the other statistics for three years ?—Yes.

169. In all your other statistics dealing with the Telegraph department and Customs, and so on, you have given a series of years ?—Yes.

170. Take, for instance, page 283. There you show that while the sanctioned strength is 254, the number of Anglo-Indians has declined year by year, and the number of Indians has increased until today you have a very different position from what you had nine or ten years ago ?—Yes.

171. Have you not similar statistics for railways ?—Unfortunately I cannot supply you with them. I asked for them, but the year 1925 synchronises with the time when the Government of India took over State Control of the railways. Before that year all were company managed railways, and they had their own statistics, and these I could not obtain from them. I tried my utmost to obtain these figures for the past ten years but failed.

172. You are not in a position to say whether hitherto you have had more than 14,000 on the railways ?—No, we have not had more than 14,000.

173. So you have about your maximum strength at present ?—Yes.

174. And that is what you are asking to be assured for the future ?—Yes. I am in no position to contradict a statement that I had more or I had less.

175. Because these figures as you have given them seem to indicate now that instead of your numbers going down in the last few years they have gone up ?—Yes, to a certain extent, but there has been an increase of a lakh of mileage in the railways. Taking communal totals of railway employees we have very little representation compared with the Indians, the Muslims have also suffered very much.

176. *Major Attlee :* What is the rate of growth of your community ?—Taking the census, it is 11 to 12 per cent. per decade, but we have had a tremendous increase in it lately.

177. *Colonel Lane-Fox :* Really what you ask is, as a minimum, that the Government of India Act should lay down, if possible, that Anglo-Indians should

have the full rights of Indians according to the status which *has been imposed on them*?—Plus this protection.

178. Yes, but that is the minimum you ask—that they should not be deprived of any right which the Indian possesses?—Yes, but European Education, of course, is a different matter entirely because that is inseparably associated with my religion; European Education has been a separate thing from its very inception, and is based on our culture, etc.

179. *Lord Burnham:* With regard to Colonel Lane-Fox's questions, I understood from the evidence you had given that you asked for something more than statutory equality, you asked for a convention giving you the same proportion of posts as hitherto?—Yes.

180. With regard to the argument alleged in * * * * page 280 of your Memorandum, would it be fair to say you attribute a good deal of your present plight—if you can call it so—to the fact that the Government of India has accelerated the Indianisation of the superior railway appointments a good deal beyond the principle laid down by the Lee Commission?—Very much so, at a much faster pace.

181. You say on page 281 that Indianisation of the superior railway service will be 70 to 80 per cent. in the next ten to fifteen years, as against the Lee Commission report of 75 per cent. in about twenty-five years?—That is so. It is admitted by the Honourable Member. It is on account of the university degree they demand from us to-day that we are being shut out.

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195. *Chairman:* There is another figure in the census returns which interests me a little. I see that out of these 95,000 odd in British India there are 47,000 females. I imagine that in your community the standard of education among women is high?—Yes. In fact, I think it is almost higher now than with men.

196. I am a little sorry there is no lady in your deputation this morning.—I regret it very much. She is being sworn into the Punjab Council this morning. I wanted her to come here, but her date could not be altered. On her behalf I apologise for her absence.

197. I am very glad indeed the community should have that further representation. In the case of elected Anglo-Indian members, do women vote as well as men?—Very few. They are eligible, but only those who pay a certain tax and come within the electoral rules.

198. Mr. Maguire, you are one of the elected members for Bengal. Is your constituency the Anglo-Indians of the whole of Bengal?—(*Mr. Maguire*): Yes.

199. Although there are two seats, they do not divide them geographically?—No.

200. How is the election really worked? In Bengal you have some 22,000 Anglo-Indians of all ages and both sexes, and no doubt you have a constituency of a certain number of thousands. How many thousands is it?—I think our electoral roll worked our last time to about 4,000.

201. Here then are 4,000 Anglo-Indian adults (mostly men, but including a few women) spread over that enormous area of Bengal, and we are told they elect you as one of their two members. As a mere matter of machinery, how is it done?—Our population is more or less concentrated at certain points. Calcutta is a very strong centre for us. Asansol has a large railway colony, and also Kharagpur and the people in the mofussil are generally concentrated at the large railway junctions.

202. Do you happen to remember how many polling centres there were when the election took place for the Anglo-Indian representation in the Bengal Council?—At out-stations I think there were fifteen polling stations, and in Calcutta alone we had about seven.

203. Was there a contest?—A very lively contest.

204. How many votes did the successful candidates get out of the 4,000? I want to see how far the constituency really polls?—About 1,900.

205. Perhaps you will let me have a Memorandum which will show me. I did not want to know who voted for whom, but how many of the constituency were able to vote?—We have those figures.*

206. Do you think it would be an advantage or not if instead of having two members or more elected for the whole area, the area were divided up as far as electing Anglo-Indian representatives is concerned?—I do not think that would be very acceptable to our people, but what I would suggest as a matter of arrangement with the Government is that the period of polling should be extended and be longer than at present.

207. What is the period?—One day. As I have just explained, a large number of our people are workers on the railway and it usually is the case that half the running staff, both drivers and guards, are away out of their home station on the day the election takes place. If a man, for instance, gets his name registered at Kharagpur and suppose he is out of that station on the day of voting, Government does not allow him ot vote elsewhere; they say that he must vote only at Kharagpur and nowhere else.

208. Of course, there are obvious difficulties, you see, in the election machinery; it is to be seen that people do not vote twice. Let me ask you one other thing. Do you suggest that as far as Anglo-Indians go the franchise should be lowered?—I would suggest that the franchise should be based on, say, a man who has had primary education.

209. What does that mean?—I mean literacy. As a matter of fact all our people—every man—every adult—is capable of exercising a vote.

210. You mean to say that you desire for the Anglo-Indian community adult suffrage?—Yes, and I think they are quite capable of exercising a very rational vote.

Lieut.-Colonel Gidney: Including women, too.

Chairman: I am interested to hear that.

Lieut. Colonel Gidney; We are cent. per cent. literates.

211. *Chairman:* Does that mean that there is no Anglo-Indian who cannot read—(*Lieut. Colonel Gidney*): Yes, sir.

212. I see you suggest that for the future Assembly the Anglo-Indian member or members should be elected?—Yes.

213. I am not asking you at the moment how many there should be, but what sort of franchise do you suggest?—I suggest adult suffrage. There should be no restriction regarding the size of the electorate, it should be an entire communal electorate.

214. You said that the Legislative Assembly should have elected Anglo-Indian members—one for Bengal, one for Madras, one for Bombay, one for the United Provinces, one for the Punjab and one for Burma—and that there should be a nominated member to represent other areas. This would involve six elected members. Supposing for the sake of argument—I am not expressing any views at the moment—that claim was thought to be too big, but that this community of 95,000 people were none the less entitled to, say, two or three seats in the Assembly, do you see any difficulty in the matter of voting by constituencies which would be spread over a vast area?—I see your point and I see the difficulty. Might I, in reply, state that with the Anglo-Indian community it is quite a different matter. If you are to take education as the basis for the franchise in India then, out of the 350,000 Indians who are to-day studying in the middle schools the Anglo-Indian community supplies about 45,000, *i.e.*, about one-eighth. If you take the secondary education out of 135,000 in this stage in the whole of India Anglo-Indians provide nearly 3,000. So then from the point of view of education, I submit very respectfully that we have a claim for larger representation in the Legislatures.

Vide Q. 215, p. 317.

215. I am afraid you have not understood my question. My question was, supposing that it turns out to be that the number of Anglo-Indian members in the Assembly was less than you propose, do you think that election could be done by electors posting their vote?—Yes, sir, I think in Madras voting is done by post. We have a very high sense of responsibility and it would be our greatest endeavour to facilitate elections.

Chairman: You know, gentlemen, we were asking Mr. Maguire about the voting figures in the Bengal legislative council. We know there are two Anglo-Indian seats for which four candidates contested. The total number of electors was 4,410 and the total number of electors who voted was 1,577; this comes to abour 36 per cent.

Mr. Maguire: May I add, sir, why we lost a large number of votes was owing to the difficulty which I just stated, men could not vote because they were out of station.

216. *Chairman:* I have got before me the comparative figures in the census report for 1921 and 1911. We have already noticed that in 1921 the total number of Anglo-Indians for the whole of India was 113 thousand and odd while it was 100 thousand and odd in 1911. Is it your impression that the number is still going up?—(*Lieut. Colonel Gidney*): I do not accept those figures. With all respect I tell you that those figures do not indicate the actual strength of the Anglo-Indian community. I make no hesitation in saying that to that figure should be added at least 40,000 more of those Anglo-Indians who for purposes of electoral rolls are classed as Europeans.

217. Still you see that when you told me that there was an increase of something like 10 per cent. you surely referred to the comparative figures of the census?—Yes.

218. *Major Attlee:* Do you think that in your opinion the census figures show a small increase?—(*Lieut. Colonel Gidney*): Yes, especially on the railways. But I would add that when a man is engaged on the railways, the medical officer who has got the power to classify men according to communities says, "you are a European," "you are an Anglo-Indian." and accordingly he is relegated to that category. I was closely associated with Mr. Maguire's election, and I then found that 60 per cent of the members of my Association on the Railways who were known as Anglo-Indians were classed as Europeans by their medical officers and were on the European electoral roll and so we lost their votes.

219. Your community has shown an increase from 100 thousand to 113 thousand. What I wanted to know was if, in your opinion, when the next census comes it will show something like 120 thousand or 130 thousand?—Yes, quite so.

Chairman: That is what I wanted to know also. I see the point is mentioned in Volume I of the Report on the Census of India. I will read a passage from page 231. After setting out the figures which Major Attlee was just quoting, the census officer says, "The actual figures of Europeans and of the 'Anglo-Indian Domiciled Community' are always somewhat doubtful, owing to the tendency of the latter to return themselves as Europeans and of Indian Christians to claim to be Anglo-Indians. In Calcutta European enumerators were employed wherever possible for quarters where Europeans or Anglo-Indians were in considerable numbers and this plan undoubtedly produced greater accuracy in discriminating between Europeans, Anglo-Indians and Indian Christians in Calcutta."

220. Would you tell me one thing more. I want to be quite clear on this point. I suppose a great bulk of your community class themselves, from the point of view of religion, as Christians?—Entirely.

221. We are going to hear this afternoon a deputation from the Indian Christian community, and would like to know how the two communities stand electorally speaking. Will the Indian Christian electorate be entirely distinct from the Anglo-Indian electorate.—It is distinct. I do not know whether they have an electorate at all; it is not based on religious classification.

222. I think they have it in Madras.—I stand corrected, sir. That is right, because they have a very large population there. May I add, sir, that the orders of Government on Indianisation have killed the desire of an Indian Christian to class himself to-day as Anglo-Indian because his chances of employment are considered to be higher as an Indian Christian than as an Anglo-Indian.

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Memorandum Submitted by the ALL-INDIA CONFERENCE OF INDIAN CHRISTIANS.

I—.Introduction.

This Memorandum is being submitted by the All India Conference of Indian Christians, and deals with some of the issues now before the Statutory Commission. It particularly attempts to examine the position of Indian Christians in the new constitution of India. The All-India Conference of Indian Christians was organised in 1914 in Calcutta, and has since then met every year in different cities of India. The last Session, which was the Fourteenth Session in succession, was held in Allahabad in December last year. Some of the most prominent Indian Christians have been called upon to preside over its deliberations, namely :—

Late Dr. George Nundi, M.A., LL.D., of Hyderabad, Deccan.
Hon. Raja Sir Harnam Singh Ahluwalia, K.C.I.E., Member of the Council of State, Punjab.
Mr. M. S. Das, C.I.E., M.A., B.L., for some time Minister in Bihar and Orissa Government, *ex* M.L.C.
Hon. Mr. Justice M. D. Devadoss, now of Madras High Court.
Rai Bahadur A. C. Mukerji, B.A., United Provinces.
S. C. Mukerji, Esq., M.A., B.L., M.L.C., Bengal.
Dewan Bahadur W. L. Venkatramiah, Madras.
Dr. S. K. Datta, B.A., M.B., Ch.B., *ex* M.L.A., Bengal.
K. T. Paul, Esq., B.A., O.B.E., Madras.
Dr. J. R. Chitambar, M.A., D.D., United Provinces.
Mr. K. L. Rallia Ram, B.A., Punjab, *ex* M.L.C.
Mr. B. L. Rallia Ram, B.Sc., B.T., Punjab.

This Conference is composed of delegates of the Indian Christian Associations representing all provinces in India.

The Conference appoints a Council and an Executive Committee annually.

This Memorandum is based on the resolutions passed at the different Sessions of the Conference. The present Memorandum has been prepared by a Special Sub-Committee.

II.—Dominion Status, the Accepted Goal.

The famous pronouncement of August, 1917, declared that the goal of the British Administration was the establishment of responsible Government in India within a measurable time. The Indian Christian Community shares with the rest of the country the desire to see responsible Government established as early as possible. It accepts Self-Government within the British Empire on Dominion lines as the goal to be achieved. It desires to maintain its connection with Great Britain, and is convinced that the partnership of India in the Commonwealth of Nations will be for the mutual good of all concerned. The Community also welcomed the introduction of Reforms as the first stage towards the attainment of this ideal.

III.—System of Diarchy.

In its opinion the principles underlying diarchy were sound as a step towards full responsible Government provided they could have been put into practical operation. Diarchy contemplated that certain departments of the Administration should be under the direction of the elected representatives of the people and administered by Ministers responsible to the Legislatures. In our opinion this system has partially failed for various reasons. Among others, the following :—

1. The inter-relation of reserved and transferred subjects at many points makes the exercise of full responsibility by Ministers over their departments extremely difficult, as is clear from the evidence given by several ex-Ministers before the Muddiman Committee. Unless the Executive which is responsible for the administration of transferred subjects is given freedom to exercise its powers to the fullest extent with as few restrictions as possible, and unless it is permitted fuller control over the services which administer those departments, it cannot be expected to discharge its duties effectually. It is not necessary that the services should be recruited by the executive, or that it should have over them the right of final decision of appointment or dismissal—the interests of the superior services may need to be safeguarded—but at the same time Ministers should be allowed the greatest amount of liberty in choosing their own officers to carry out their policy. The appointment of Superior Services should, in our opinion, be with Public Service Commissions.

It is contended that the Secretaries to Government have had direct access to the Governor and in some cases have been able to carry their point as against their own superiors the Ministers. This procedure is at variance with the spirit of Diarchy. The Electorates and the Ministers should learn by successes as by failures and risking experiments. We recognize that in extreme cases when law and order are likely to be seriously affected, extraordinary powers must rest in the hands of the Governor.

2. The system of joint responsibility or what may be termed the cabinet form of Government has been absent in most Provinces. The real training in Self-Government can only come when party system on inter-communal lines is established and a cabinet form of Government can be introduced, so that the Governor will call upon the leader of the majority party to recommend the names of the members of the cabinet which in the ordinary course should be accepted by the Governor. It has even been contended that in certain cases Ministers have worked at cross purposes and have not acted as a team with joint responsibility for the policy of their administration. Only with the introduction of a cabinet form of Government will real responsibility rest on the Executive and the Legislature on whose will the Executive is dependent. These are some of the reasons why we contend that Diarchy in the provinces should be abandoned.

IV.—Provincial Autonomy.

The All-India Conference of Indian Christians at its Twelfth Session held in December 1925 passed the following resolution :—

> *Resolved* that the time is ripe for the granting of autonomy to the provinces and for the introduction of responsibility in the Central Legislature.

We believe that the time has come when the unitary system of government should be introduced by the grant of provincial autonomy in all the major provinces. This seems to us to be the solution of the problem. Any subject which cannot be transferred at this stage in the provinces might be controlled and directed by the Central Government, the provinces being given full power over the remaining subjects.

It is necessary, however, in our opinion to introduce joint responsibility and a cabinet form of Government along with provincial autonomy.

V.—Diarchy in the Central Government.

While we have advocated the abolition of Diarchy in the provinces, we desire its introduction in the Central Government as the only means of advance at present possible. Unlike the provincial autonomy, it may not be possible for India to assume full Dominion Status at this stage. For one thing it will be necessary, when that step is taken, that the armed forces of the Crown should have been considerably Indianised. If we may be permitted to interject at this stage, we cannot but express our sense of the keenest disappointment at the decision of the Government in not giving effect to the recommendations

of the Skeen Committee, modest as they were. We regard the broadening of the Government's Military Policy towards rapid Indianisation, and the training of Indian nationals for all ranks of combatant warfare, as an essential and integral part of any policy of enabling India to assume full responsible Government. The attitude of the Government in this connection is capable of much further advance, and we draw the attention of the Commission to this very vital subject.

Having accepted the position that complete Dominion Status at this stage may be outside the domain of practical politics, we urge that as many departments as possible should be handed over to Ministers in the Central Government, who will be answerable to the Legislative Assembly, and will hold office at its will. We are unable to examine in detail the implication of this suggestion. Roughly, Defence, Foreign and Political relationships will remain the responsibility of the Reserved Half of the Central Government. There may, however, be other subjects in the first instance that cannot be transferred.

If any subject or subjects are retained by the Imperial Government which ultimately should be passed on to the provinces, they can be transferred to the provinces by stages. From the nature of the case some kind of Federal System will have to be adopted for the future Government of India. As in the Canadian and Australian constitutions, the domain of the Provincial, Central or Federal Parliaments will have to be clearly laid down, the residuary power vesting with the Federal Legislature. While subjects in India must of necessity vary, we will suggest the demarcation on Canadian lines. It may be that in the beginning more subjects will have to be allocated to the Federal Parliament than in Australia or Canada. This division of subjects should be periodically reviewed till final adjustments have been arrived at, and a full blown Federal System has been evolved.

VI.—*Representation of Indian Christians in the Legislatures.*

This is the main subject with which the Memorandum deals, from the particular point of view of the Indian Christian Community. It is fully recognised that there are far more important and far-reaching issues before the Statutory Commission than the position of a particular minority in the civic life and the future constitution of India. Many important and influential organisations and qualified individuals will address the Commission on those momentous questions. Some members of our Community will have taken a share as members of those organisations in the formulation of those memoranda for submission to the Commission. We, therefore, refrain from submitting at length our views on such general questions in detail. However, we do not desire to give the impression that we are only concerned with the position of our own Community and are not interested in the larger and more vital problems of the nation. We deal mainly with this subject because it particularly affects us.

At the same time, the Indian Christian Community is greatly interested in the future constitutional development of our country, and will watch with interest the report of your Commission.

1. *Communal Representation is not the Ideal.*—We desire at the outset to state that the ideal constitution for India is one in which representation on civic bodies is not based on communal considerations and where sectional interests are subordinated to a common loyalty to the nation as a whole. If India is to attain Self-Government, the only Self-Government worth working for will be on that basis. Holding this view, we recognise that the only logical position for us is to advocate the abolition of all forms of communal representation, and indeed we are prepared to accept this position even though in some ways our own interests as a community may for a time be endangered. All the same, we shall be most happy if it is decided to do away with the system of representation by communities. We are afraid, however, that sentiment in the country may make this achievement impossible for the present.

As a matter of fact, it is now generally accepted by a majority of our leaders that the only advance possible at the present time is by the representation of communities through reservation of seats in a system of Joint-Electorates.

2. *Common Electorates for Indian Christians.*—In case communal representation is retained for any section, we do not see any other alternative but to press for adequate representation of our Community in the representative institutions of our country. We are therefore constrained to ask for the recognition of our Community as a unit whose interests must be borne in mind when this question is discussed and a solution is arrived at.

There is a section of our Community, including a few leaders of prominence, who hold that in no case should we ask for a separate representation through separate electorates. But to the best of our knowledge the majority of the Indian Christians do not agree with this view. They will welcome reservation of seats in general electorates if this system is adopted for all communities, but, if this method is not found possible of general introduction, they are constrained to ask for separate electorates and that only in the last resort, and in preference to nomination.

In case there is to be a continuance of the system of communal representation, the Indian Christians as a whole consider it more advisable to ask for the same method to be applied to them. In a system of *real general electorates*, an Indian Christian, if he has identified himself with the interests of the nation, may successfully contest a seat, obtaining votes from all sections of the communities. In the case of the present type of pseudo-general electorates, which comprise one very large and one or two smaller communities such a happening, if not impossible, is very unlikely, In reality, the term "general electorates" as applied to present constituencies is a misnomer. For instance, in the Punjab where Sikhs and Mahomedans are in separate compartments, the Indian Christian can hardly hope to capture a general seat, as Hindus must always think of themselves and their interests as opposed to Muslim and Sikh interests. They cannot afford to let a seat go to a minor community. The same is true of most of the other provinces.

In the case of *genuine general electorates*, even at a time of communal clash, an Indian Christian may capture a seat, as many Muslims might prefer to vote for him in preference to a Hindu, and *vice versa*.

Some members of our Community desire that, if the present system is not to be disturbed, our case might be met by reservation of seats in what are at present termed general constituencies. We must however, state that there is a sharp and wide divergence of opinion on this point. A considerable number among us feel that reservation of seats can only be effective in general constituencies comprising of *all communities*.

At this stage we cannot but protest at the artificial division of the country into Muslims and non-Muslims. We are as much non-Muslims as non-Hindus. We have our connection with both communities, and our membership consists of converts from both. We are Indians and not non-Muslims or non-Hindus. The present division therefore is unsound and unfair to us. We can, however, understand a division whereby in each province the majority community forms one group of constituencies and all minorities are grouped together in a second set of constituencies with reservations for various interests within it. In this way the division will not be between Muslims and non-Muslims, but

between the majority community and the minorities in each province. Thus Indian Christians will be grouped with the Muslims where the latter are in a minority, and with Hindus where these are in a similar position. This will be a logical and reasonable division. We do not, however, advocate this course unless it is absolutely impossible to go beyond the *status quo* in the matter of communal representation. All that we desire to submit is, that the suggestion we make is more logical and based on at least some definite principle as compared with the present practice.

VII.—*Safeguard for Minorities in a system of Representation by Communities.*

In the parliamentary type of democratic government, it may be contended that minorities have really no adequate safeguard. They must submit to the rule of the majority. So long as the majorities are changeable and derive their power from a powerful electorate which changes its opinions from time to time, thus presenting an opportunity to the minority to become the majority at some future time, the system can truly be called democratic. But, if majorities are to be permanent and based on religious convictions or affinities, it is idle to claim that responsible democratic Government has been evolved in such a society. It may, however, be decided that India is to pass through a transitional stage when representation by communities is deemed necessary.

In a system of representation by communities one way of mitigating the rigours of a permanent communal majority is by making the voice of the minorities more effective by giving them larger representation than they are entitled to on the basis of their numerical strength. The smaller the minority the larger ought to be the proportional representation given to it within, of course, reasonable limits. This principle was recognised by the Congress-League Pact of 1916, known as the Lucknow Pact, formulated under the sagacious leadership of one of the greatest leaders of political thought in India, the late Gopal Krishna Gokhale. When the new constituencies were fixed under the Reforms, this principle was also accepted by the framers of the Chelmsford-Montagu Report and put into practice in the present constitution.

We believe that, under the circumstances, the Lucknow Compact is on the right lines, if representation by communities is to continue.

VIII.—*Are Indian Christian sentitled to Separate Representation?*

The chief defect of the Lucknow Pact lies in the fact that it confines itself only to the two major communities, and entirely ignores other minorities whose numbers justify a separate representation in the civic bodies. It has already been recognised that Sikhs are such a minority, and practical recognition has also been given to Indian Christians by allotting to them five elected seats in the Madras Council and one nominated seat each in five other provinces. We beg to submit that the Indian Christian Community is entitled to a separate representation, or, if the system of joint electorates is accepted, to a "reservation" of seats. Some of the reasons in support of this position may be stated as follows:

1. We are the third largest community in India, and we are found in an appreciable number in almost all the major provinces of the country. Our number was 47 lakhs (nearly 5 millions) in the Census of 1921, out of which about 29 lakhs (3 millions) are in the British provinces alone. It may be pointed out that the figures in subsidiary Table 2, page 124 of Census Report, Volume 1, part 1, are a little higher for the British provinces, which are our main concern, than those given in part 2 Table VI, page 40. The total for whole India remains unaffected.

2. Fortunately or unfortunately we are organised socially as a separate group with our own institutions, social and educational, and possess a distinctive life of our own. We are genuinely desirous of maintaining intimate contacts with the other communities at all points, but we cannot ignore the fact that we are more or less a separate entity.

3. We are keenly interested in Christian institutions being maintained for the good of the country by Christian Missionaries, and are intimately and constitutionally connected in their running. These interests are by no means small; their value and importance to the problem of national reconstruction and social and moral advancement have been fully recognised by leaders of Indian thought of all ranks. To give an instance, according to the Directory of Christian Missions, the Protestant Missions alone are maintaining:

6 Homes for women,
89 Agricultural Settlements,
51 Colleges,
247 High Schools,
170 Industrial Schools,
475 Middle Schools,
76 Teachers' Training Institutions,
205 Dispensaries,
213 Hospitals,
60 Leper Institutions,
8 Tuberculosis Sanatoria,
11 Homes for the Blind.

To this must be added a very large number of institutions of the Roman Catholic Church. We have not included them because we have been unable to obtain full figures.

Through the agency of these Institutions our community has rendered and is rendering useful public services to our country. The service and care of the depressed classes in various directions has become the particular concern of Christian Institutions. The intimate contact that we have thus established with these classes fits us in many ways to interpret their needs and problems in public bodies.

4. The right of separate representation, as pointed out above, has already been conceded to us, though inadequately and indirectly.

5. The Community is playing an important part in the national economy and public weal proportionally much more than is indicated by its numerical strength. In more than one province Indian Christian women are holding a very large percentage of appointments in the Educational and Medical Departments.

A well-known Hindu firm of publishers has the following comment to make in advertising a book of Indian Christian Biographies:

> "Once a negligible community, both socially and numerically Indian Christians have now attained a position of considerable influence and conscious strength. And the pick of them have shed lustre on the country in their several avocations. For, poets like Michael Madhusudan and Narayan Vaman Tilak, educationalists like Krishna Mohan Banerji and Principal Rudra, scholars like Professor Ramchandra and Mr. Swamikannu Pillai, Ministers of the Church like Lal Behary Dey, Nehemiah Goreh, Satthianadhan and the Bishop of Dornakai, publicists like Kali Charan Banerji, mystics like Sadhu Sunder Singh, social servants like Pandita Ramabai, and public workers like Dr. S. K. Datta and Mr. K. T. Paul—to mention only a few names from different parts of India—are ornaments to any community, nay, to any country, to which they may belong. Indeed, the days are long gone by when to be a Christian was to be outlandish in spirit and in mode of life. Indian Christians now happily feel the

country to be their own, quite as much as members of other communities; and in fact some of their leaders have been in the vanguard of our struggle for political emancipation."

6. In the census of 1921, Indian Christians had the highest percentage of literacy as compared with other communities. The proportion of literacy for Christians was 285 per mille. In the British provinces it was 355 for males and 210 for females. This includes Europeans and Anglo-Indians, no doubt, but they form only seven per cent. of the total population of Christians. Even if their numbers are excluded, the percentage of literacy in the whole of British India remains considerably high. Another fact that needs to be borne in mind is the high literacy of women.

In this connection it should also be pointed out that a large proportion of those who are annually joining our ranks are illiterates, and come from the so-called Depressed Classes. It is the privilege of the Christian Church to uplift them and to help them to enter into the fullness of human life. But for this factor, our progress in literacy would have been proportionately much larger.

This intimate contact with the depressed classes gives us a first-hand knowledge of their needs and their disabilities. In many ways an Indian Christian can speak on their behalf, and interpret their innermost feelings.

IX.—*Constitutional Safeguard for Minorities.*

One other matter concerning the protection of the rights of minorities needs to be mentioned. It has been proposed in certain quarters that in the constitution of India definite clauses should be inserted safeguarding to the members of minority communities their exercise of citizenship without any hindrance or obstacle. These safeguards will have the sanction of the British Parliament. In some countries of Europe like Poland, Czechoslovakia, etc., such statutory provisions have been provided. In most cases they have been of very great value, though in one or two instances they may have broken down. We consider that on the whole such a provision will be very welcome, and, so long as the British Parliament has the responsibility for the Government in India, it shall be its duty to see that the provisions are carried out in spirit as well as in law. Dr. Shafaat Ahmad Khan of Allahabad has dealt with this question in his book *What are the Rights of the Moslem Minority?*

The rights on which we lay emphasis are as follows:

1. Free and unrestricted right to perform religious rites and ceremonies and freedom to follow religious beliefs. Religious liberty is a most important right from our point of view. This also includes the unalienable right of every citizen to propagate his faith unfettered and unhindered, without of course assailing wantonly the sacred beliefs of others, a spirit of genuine enquiry and research or the right study of comparative religion should be freely allowed.

2. Religion should not constitute a disability in the exercise of his vote by a citizen in representative institutions—local, provincial or central. In some Municipalities where communal representation prevails, constituencies are divided into Hindu, Muslim and Sikh, with the result that an Indian Christian is deprived of the right of contesting a seat, or in some cases that of voting. This deprives the Indian Christians of their right of citizenship which is the birthright of every subject of His Majesty.

Whatever the system, every citizen who is qualified to vote should not be debarred from the exercise of his right merely because he is the follower of a particular religion. This is a fundamental basis of all democracies, and we cannot conceive of Responsible Government in India unless this disability is removed.

3. All offices, ranks, and positions in the country should be open to all citizens without discrimination. It should be clearly stated that religion ought in no way to stand in the way of appointments to public services. At this stage a word needs to be said concerning the reservation of posts for a particular community. We believe in the policy of the open door. We hold that merit is the sole criterion by which posts in the public services should be given. It is contended that, for the encouragement of backward classes, it is necessary in the beginning that a certain number of posts may be earmarked for them. We can only subscribe to this doctrine to a very limited extent. Whenever there are applicants, who, after any tests that may have been applied, are of equal or nearly equal merit, preference may be given to those who belong to backward communities.

X.—*Communal Representation in Services.*

But there is an aspect of the matter to which we desire to draw the pointed attention of the Commission. If posts or admissions in Educational Institutions are based on communal considerations, small minorities like ours are likely to suffer most. Numerically small communities by the very nature of things must lie under disabilities and handicaps. But they have the consolation that they can partially make up by quality what they lose by the smallness of numbers. They must correspondingly work harder and be prepared to compete on terms of equality with larger numbers. If by their numerical strength they are entitled to one place, they may by their sheer merit obtain ten. So we look with a great deal of misgiving on any system that apportions seats in public services on numerical strength. Such a system is highly unfair and detrimental to small minorities. At any rate it should be clearly laid down that, even if seats are earmarked for a comparatively large minority, it shall be open for smaller minorities to claim as many seats as they can by merit alone. For instance, if there are forty per cent. positions reserved for, say, community B, and if an Indian Christian is more qualified than the fortieth person of that community who has been appointed under that fixed ratio to a post, he must give place to an Indian Christian or to a member of another small minority who on merit is adjudged better. This is a real safeguard, and we cannot but strongly press for it.

XI.—*System of Nomination should be abandoned in any case.*

With the exception of Madras, in all other provinces the representation of our Community in Provincial Councils is by nomination. There is a unanimous agreement on the part of Indian Christians that this method of representation is extremely unsatisfactory and should be done away with. The reasons for this conclusion are obvious. In the first instance, the very fact of nomination is a considerable handicap to our representatives in the Council. On one hand, there is a pressure on them from the side of the Government Whip; on the other hand, if they conscientiously vote with the Government, truly representing the feelings of the Community, their vote is discounted in the public eye as being the result of an undue Government influence; so their motives are very often questioned and their influence considerably curtailed. In the second place, like all other human institutions, the Government in nominating persons is prone to keeping its eyes on the number of votes it can command in the Legislatures. It naturally hesitates before nominating a man of absolute independence of judgment. Cases have happened in the past when according to public opinion nominated members who have exhibited any large measure of judgment and independence have not been renominated. Whatever reasons there may have been for this action on the part

of the Government, it cannot but lend colour to the feeling that a nominated member is more or less under the thumb of the Government. In the eye of the general public, a nominated member is considered more the representative of Government than of the community. We therefore unanimously and strongly urge on behalf of the Indian Christian Community that nominations, as far as the representatives of the Community are concerned, should altogether be abolished. As a matter of fact, we will go further and say that in the new constitution the number of seats available for nomination should be decreased. In case, as we hope, the number of the members constituting Legislative Councils is enlarged, we would suggest that, while the number of elected members is increased, the number of nominated members should remain as at present, with the result that they will form much smaller proportion of the Councils than they do at present.

In this connection, it may also be pointed out that, as long as Indian Christians in certain provinces can mainly come through nomination, they are entirely deprived of any chance of being appointed Ministers, whether there may be an opportunity in this direction for an Indian Christian or not. It is a serious disability on theoretical grounds, and on this ground alone nominations should be rejected.

XII.—*Methods of Representation.*

1. We have already stated that we would be happy if the system of communal representation is abolished, because in that case the question of our representation will not arise and we will be prepared to take our chances, if we have any, in the general electorates. At the same time we desire to make it clear unmistakably that, in case representation by religious communities is to be retained, we are fully entitled to a representation in the same way, and, under the circumstances, that is the only way open for any community which is large enough for claiming representation.

2. *Joint Electorates.*—Having laid down the principles above enunciated, viz., (i) that the Indian Christian Community would gladly vote for the adoption of general electorates all along the line, embracing all voters, whatever their religious faith, and (ii) that it desires that, in case this principle is at present unacceptable to major communities or is not given effect to, in that case during the transitional period Indian Christians are also entitled to a separate representation.

The problem then arises, should communal representation be through separate electorates or through reservation of seats in joint electorates? Though we hold the view that separate electorates have been the source of friction and have done harm to the growth of real national life in the country, we are not convinced fully that the system of joint electorates is the right solution of this vexed problem. For, after all, the real problem is not of the system or of the method through which representation is secured but of the mentality that lies behind it. If the citizens of India begin to think nationally and place national interest before sectional and communal interests, the danger will be considerably minimised. If however the mentality remains unaltered, joint electorates may easily be worked in such a way as to promote discord and disharmony. If the other communities or the Government come to the conclusion that joint electorates would tend to lessen friction and bring about a better relationship, we as a Community would welcome this system, and indeed there are arguments in favour of this experiment being tried. It should, however, be pointed out that in actual practice this system of joint electorates will be very difficult to apply to Indian Christians, and some special means will have to be devised other than those of nomination, for ensuring that our voice is not altogether mute in the councils of our country. Before we proceed further, however, we have two suggestions to make for the consideration of the Commission.

1. That a mixed system of joint and separate electorates be tried, viz., that both the Imperial and Provincial Legislatures should consist of a majority of such members who are elected through joint electorates, but there should be also representation of the various communities through separate electorates so that special interests of points of view of the orthodox section of the community are also fully represented. In this way it might be possible to throw more and more seats open to general electorates, and to eliminate separate communal representation by such stages as may be clearly laid down in the very beginning.

2. That in each province a Bicameral System be adopted, and that the popular house consist of the representatives elected through joint electorates only, preferably without any reservation. If possible, some form of voting by proportional representation may be adopted for this house. In adition to this house, there may be a second house where communities may be represented through separate electorates, and also other interests like Commerce, Industry, Labour, etc. Since a Bill will have to be passed by both the Houses the communities will have their safeguards in the second house. The constitution of these houses should come up for consideration at every appointment of a Statutory Commission, and would therefore provide a natural means of progress towards a system of general electorates throughout.

We wish to make it clear however that we are not advocates of a Bicameral System in the provinces on general grounds. Our advocacy of the second house is limited to the use of this system for the safeguarding of communal interests. In case this suggestion is adopted, other vested interests can also be accommodated in the upper house. Apart from this we prefer a single chamber system for the provinces.

XIII.—*Principle of Representation by Communities.*

1. We have deliberately and consciously set out ourselves against making any exorbitant or excessive demand for our Community. We have tried to study the problem as impartially as is possible for us, in the light of the principles on which the constitution is based. The claims we now put forward are to the best of our belief equitable and just. They are based on the principles enunciated above and generally accepted so long as representation by communities is deemed the only practical way, namely, all important minorities should be represented in excess of their numerical strength with due regard to the position and the interests of the majorities.

It cannot be denied that the application of this principle is often very difficult and hazardous. On examining the present ratio of allotment of seats to various communities in various legislatures, it is our considered opinion that the division is just and equitable; all that we urge is that this principle should be extended to our own Community as well. We have examined this question in greater detail later on. We should state, however, that there is no one general principle which can apply to all the provinces. It cannot be contended that, because community A, which forms such and such per cent. of the total population, is given N number of seats in Province B, therefore the community C in Province D bearing the same proportion relative to other communities is entitled to the same number of seats in its own province. The question can only be settled in each province on its own merits. In our opinion this is the only practical way of solving the problem.

2. *Representation on Population basis.*—While the principle enunciated above is in our opinion equitable it may present difficulties in its practical application It has been contended that the simplest solution is to give every community representation on a purely numerical basis. There is no doubt that, from the point of view of simplicity, this principle has got a great deal in its favour. We understand that the Indian National Congress has agreed to this formula, but it has also laid down that the minorities should

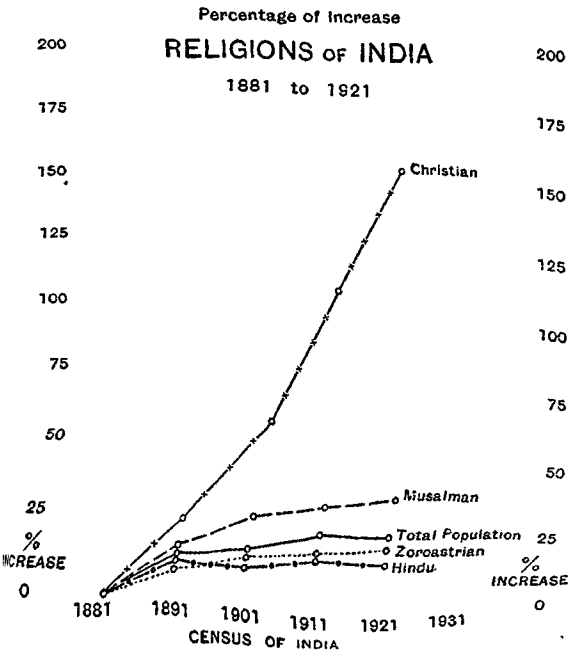
be willing to give mutual concessions to each other in various provinces As soon as a reservation of this description is applied, this simple formula becomes at once complicated, and, in other words, gives recognition to the principle of excessive representation of minorities indirectly. If the representation by numerical strength is to be recognized as the guiding principle of the future constitution, we as a community will gladly accept it, though we do not consider it sound in the present condition of the country. We would suggest that in this case small minorities may be given a seat by allotment or by reservation, wherever they are in appreciable numbers, with a further provision that, wherever the community is entitled to a one-third seat, the fraction should always be converted into a full seat.

3. *Our growing numbers should be taken into consideration.*—One further factor in regard to our Community needs to be taken into consideration when proportional representation of various communal groups is being worked out. In the case of our Community our numbers have been growing much faster than other communities. This enquiry is being held three years before the next census is due. New figures will not be available till one or two years after 1931. By that time the proportion of seats in different legislatures will have been determined as a result of the Commission, and will have been fixed for ten years. This fact needs to be borne in mind in order that our just claims may not be overlooked. Our progress in the past will appear from the following table. We would once refer to the observation of the Census Commissioner to the effect that the number of Indian Christians in some provinces were considerably underestimated.

We notice that the Buddhist is the only other community which has increased in the same or to a greater degree, but Buddhists are mainly to be found in Burmah, and therefore any problem that may arise on account of them is only confined to that province.

Proportion per 10,000 *of population :*

	1921	1911	1901	1891	1881
Hindus ...	6,589	6,688	6,835	7,014	7,197
Sikhs ...	96	89	68	64	63
Muslims ...	2,407	2,351	2,324	2,240	2,260
Christians ...	123	102	82	68	58
Buddhists ...	465	436	406	321	172



XIV.—*Our Representation in the Legislatures.*

We now proceed to examine our representation, as compared with other communities, in the Central and Provincial Legislatures. The percentage of communities is based on the Subsidiary Table I in the *Census Report, India,* 1921, and is further in agreement with the proportions given in the latest publication *India, 1927-28,* by Mr. Coatman. The percentage of the Muslim Community is also incorporated in a table given in a pamphlet entitled *What are the Rights of the Muslim Minority in India,* by Dr. Shafaat Ahmad Khan of Allahabad.

The percentage of various communities in British provinces is as follows :—

Hindus (including Jains and Buddhists)	70·8
Muslims	24·01
Christians ... ... over	1·23
Sikhs	·96
Tribal Religions and others	3·0

A word of explanation is required as to the use of the term Hindu in place of general constituencies throughout this Memorandum. In most of the provinces the general constituencies are in effect Hindu constituencies so long, at any rate, as they are separate constituencies for Muslims and others. For a member of a minority community, except in very exceptional cases, it is practically impossible to be returned from these constituencies. There have been exceptions that only prove the rule.

1. *Council of State.*—In the Council of State the seats are distributed as follows :

	Table A (Including the special constituencies.)	Table B (Excluding the special constituencies.)
Hindus ...	50 per cent.	59 per cent.
Muslims ...	32 „	37·5 „
Sikhs ...	3 „	3·5 „
Special ...	15 „	

No Provision for Indian Christians.

There is no statutory provision for the nomination of an Indian Christian. In the last two Councils of State, however, an Indian Christian has specifically been nominated.

We are entitled to One Seat.

By virtue of our numbers we, like the Sikhs, are entitled to at least one elected seat. The exact method of election for one seat for the whole of India is not easy to determine, but we have further on suggested one or two ways of indirect election, and the Commission through their wider experience may be able to devise some other suitable method.

Suggestion for an Enlarged Council.

We regard the present constitution of the Council of State to be unsatisfactory. The proportion of nominated and official members to the elected element is too high. We suggest a Council of State of at least 100 elected members roughly divided as follows :—

Hindus	... 50	
Muslims	... 32	
Sikhs	... 3	
Christians	... 3	(One to be reserved for South India and two for the rest of India.)
Special	... 12	

The Franchise should be extended to—

(i) All members of the Municipalities and District Boards.

(ii) All M.A.'s or holders of equivalent degree, and B.A.'s of not less than ten years' standing.

(iii) The Land Revenue qualification should be reduced to Rs. 500 per annum and Income Tax to Rs. 10,000 per annum.

2. *Legislative Assembly.*—Seats in the Assembly are at present distributed as follows :—

Table A
(Proportion of the Communities in the Assembly including special constituencies.)

Hindus	... ...	48 per cent.
Muslims	... ...	30 ,,
Sikhs	... ...	2 ,,
Special interests	...	20 ,,

In case the special interests are not reckoned in the percentages and only such seats are considered as are apportioned to the various communities, the percentage works out as follows :—

Table B
(Including the special constituencies.)

Hindus	... ...	61 per cent.
Muslims	... ...	36·6 ,,
Sikhs	... ...	2·4 ,,

Representation of Europeans and Anglo-Indians.

It should be noted here that merely on the numerical strength Europeans and Anglo-Indians are hardly entitled to any seat in the legislatures, but on account of their vested interest and their peculiar position they have been given special representation; so we have included their representation in the class of special representation along with land holders and special interests, such as Commerce, Industries, Labour and Education.

The principle of excessive representation of minorities.

The principle of excessive representation of minorities has been duly kept in view in making this apportionment. To our mind the present proportion is equitable and just except in regard to our Indian Christian Community. At present there is only one Indian Christian who is a member of the Assembly, and that also by nomination. There is, however, no provision in the rules for the nomination of an Indian Christian.

Our Suggestion.

Our suggestion is that the Assembly should consist of about 300 elected members as this would make the Assembly much more representative and would also decrease the size of the constituencies. In our opinion the present size of the constituencies is very large and needs to be curtailed. In an Assembly of about 300 elected members we suggest the following apportionment :—

Hindus	145
Muslims	100
Indian Christians	9
Sikhs	8
Special interests	38

If the present numbers are maintained, the Indian Christian Community would be entitled to three seats, This will be in keeping with the principles on which we have emphasized. It may be pointed out that, with less than one per cent. of population, the Sikhs have two seats in the Assembly, while, with over one per cent., Indian Christians have no elected seats. The number of Indian Christians is likely to be considerably larger when the figures of the next Census will be available. In support of this contention we have not only the past rate of progress but also the Mission and Church statistics which are tabulated from time to time.

The Method of Election.

The problem, however, to be considered is, how are our representatives to be returned ? We have already stated that the system of nominations, as far as the representation of our Community is considered, should be entirely eliminated. We cannot too strongly emphasize this point. There is a unanimous and strong opinion of the Community behind this feeling.

In case the separate electorates are retained, then the matter is simple. Out of these, three seats should be reserved for South India and two seats should be apportioned to various provinces or groups of provinces on an alternate rotating system. For instance, we would suggest the following groupings :—

1. Bengal, Assam and Orissa.
2. Bihar and the United Provinces.
3. Delhi, Punjab, N.W. F. P., and Baluchistan.
4. Bombay Presidency, Central Provinces, Central India, Ajmere-Mewara and Berar.

Each of these groups could elect one candidate to an alternate Assembly. In case the Assembly is enlarged, as we hope it will be, and our modest and just request for nine seats is accepted in an Assembly of 300, three seats should be reserved for Madras Presidency, and six should be divided among the other Provinces of India.

Qualifications for Voters.

We suggest the modification of qualifications on the following lines :—

1. All graduates of recognized Universities;
2. Payment of Income Tax ;
3. House rent of Rs. 300 a year, or ownership of a house of that value;
4. The "payer" of Land Revenue assessed at Rs. 100 per annum;
5. All members of Municipalities and District Boards;
6. All Chairmen and Vice-Chairmen of Central Co-operative Banks.

In making these suggestions we are aware that some of these qualifications vary in different provinces. Some of them will be of general application, others will have to be adjusted, i.e. (3) and (4) according to the conditions of the provinces. This particular suggestion is based on Punjab standard and will have to be varied for other provinces as in the present rules. (1) and (2) are of general application.

Reservation of Seats.

In a system of joint electorates, we find a great deal of difficulty as to exactly how our representatives can be elected. But if any workable system can be evolved whereby seats can be reserved for our Community, we shall welcome this sytem. We would be even prepared to accept an indirect method of election if the system of joint electorates is decided upon as an advance on the policy of communal electorates. Two possible methods, though we cannot regard them as entirely satisfactory, suggest themselves to us.

First Method.

That the Council of State and the Assembly themselves should elect the nine Indian Christian members from different provinces as specified above, or, to use another phrase, may co-opt nine Indian Christians. We would, however, desire in that case that the candidates should be nominated by at least 50 Indian Christian voters to the Council of State, and by 100 voters in the case of the Assembly. Thus, while they will be nominated by 100 Indian Christian voters, they will be actually ballotted upon by members of the Assembly. In this case, the voting should be on the system of proportional representation by single transferable vote.

Second Method.

Elected Indian Christian Provincial legislators might, out of their number, elect nine, and the vacancies thus created might be filled by a bye-election, or a system might be evolved where from the very beginning alternate candidates are elected. This system is not a new one and was in vogue in the Legislative Councils of Pre-Morley-Minto Reform period. These methods can only be temporary and transitional, and can gradually be eliminated. It may be that in certain cases direct election may be possible through reservation in joint electorates. Provincial legislators would themselves have been returned by some sort of joint electorates.

MEMORANDUM SUBMITTED BY THE ALL-INDIA CONFERENCE OF INDIAN CHRISTIANS. [*Continued.*

3. *Provincial Legislatures.*

(A) MADRAS PRESIDENCY.

(*a*) The proportion of population is as follows :—

Hindus	88·7 per cent.
Muslims	6·7 ,,
Christians	3·2 ,,
Tribal Religions	1·4 ,,

(*b*) The proportion of seats is as follows :—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus ...	65·5 per cent.	78 per cent.
Muslims ...	13·5 ,,	16 ,,
Christians	5·5 ,,	6 ,,
Special constituencies	15·5 ,,	

(*c*) We are already entitled, on the principles stated above, to at least seven seats in the Madras Presidency on the present basis. We would however suggest that the Council should be enlarged so as to have about 200 elected members, which we suggest should be distributed on an equitable basis as follows :—

Hindus	125 seats.
Muslims	30 ,,
Christians	15 ,,
Special constituencies	30 ,,

(B) THE PUNJAB.

(*a*) The population of the Punjab is as follows :—

Hindus	31 per cent.
Muslims	55·3 ,,
Sikhs	11·1 ,,
Christians	1·6 ,,
Others less than	1 ,,

(*b*) The seats at present are distributed as follows :—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus ...	28 per cent.	31 per cent.
Sikhs ...	17 ,,	19 ,,
Muslims ...	45 ,,	50 ,,
Special constituencies	10 ,,	

(*c*) The Punjab problem is in many ways a difficult one, particularly as the problem is affected by the presence of a strong minority like the Sikhs. We understand that the Muslims claim that they should have a majority of seats in the Punjab Council. In our opinion, however, the decision of the Lucknow Pact was a fair one, namely, that they should have 50 per cent. of the elected seats allotted to the various communities. The problem is, however, that of the Sikhs, who are 11 per cent. of the population and consider themselves entitled to 25 to 30 per cent. of the seats. Such an arrangement is practically impossible, unless the interests of other communities are unfairly dealt with.

(*d*) Indian Christians on the present basis are entitled to three seats. We feel, however, that it may complicate matters if our representation is to be taken into consideration when calculating the percentage. We therefore suggest that three seats be reserved for the Indian Christian Community outside the seats allotted to communities, and be included along with the special constituencies.

(*e*) Our suggestion is that, out of an increased total of about 175 elected seats, the proportion of various interests be somewhat as follows :—

Hindus	48
Sikhs	27
Muslims	75
Christians	7
Other Special Constituencies ...	18

(C) UNITED PROVINCES.

(*a*) The population is divided as follows :—

Hindus	84.8 per cent.
Muslims	14.2 ,,
Christians	.5 ,,
Others	.5 ,,

(*b*) The seats are divided as follows :—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus ...	60 per cent.	67 per cent.
Muslims ...	29 ,,	33 ,,
Special Constituencies	11 ,,	

(*c*) In considering the claims of the Indian Christians in the United Provinces, and in putting forward our claim, attention is drawn to the following remarks made by the Census Commissioner in the *Census of India*, 1921, Volume 1, Part I, page 116, para. 93 :—

> " On the other hand, in the United Provinces and the Punjab, apparently a deliberate attempt was made by members of the Arya Samaj to induce Christian converts from Hinduism to return to their former religion. Enquiry in various villages in the former province showed that the census record has been falsified in this respect in a considerable number of cases. Mr. Edye believes that this was done throughout the province, and that the increase, which according to the figures was from 179,694 to 203,179 or 13 per cent. was really considerably greater, and that the actual number of Christians in the province may be about 2,50,000."

(*d*) We would suggest an elected Council of about 200 seats, which may be distributed somewhat as follows :—

Hindus	124
Muslims	52
Christians	4
Special Constituencies ...	20

(*e*) *If the present strength of the Council is retained, we ask for two seats.*

(D) BENGAL.

(*a*) The population is divided as :—

Hindus	43·7 per cent.
Muslims	54 ,,
Christians	·3 ,,
Others	2 ,,

(*b*) The seats are as follows :—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus ...	40 per cent.	52 per cent.
Muslims ...	34 ,,	48 ,,
Special Constituencies	26 ,,	

(*c*) We would submit that Indian Christians are entitled to two seats in this Council as their number is over one lakh. 22,000 Anglo-Indians have been given two seats in the Council. We believe our interests demand no less. We are five times as large as Anglo-Indians.

(*d*) We advocate an elected Council of about 200 with five Indian Christian seats as follows :—

Hindus	78
Muslims	78
Christians	5
Special	39

(E) BOMBAY.

(*a*) The distribution of the population is as follows :—

Hindus	77·7 per cent.
Muslims	19·7 „
Christians	1·4 „
Others	1·2 „

The proportion of Indian Christians in the population would be much larger if Sind is converted into a separate province, and the question will then assume a different aspect.

If Sind is excluded, the proportion is: Hindus 89 per cent., Muslims 8 per cent., Christians 1·5 per cent., others 1·5 per cent. Muhammadans have got 11 seats for Bombay.

We believe that the Indian Christian Community is at least entitled to two seats in the Bombay Presidency. We again suggest that the Council should be enlarged and should consist of at least 200 elected members of whom at least five should be Indian Christians. We, however, refrain from giving any other proportions owing to the complications arising out of Sind. We ourselves are in favour of the reorganization of the provinces on a linguistic basis, and, therefore, in our judgment, Sind should be made a separate province. At this stage it may also be stated that we are in agreement with the proposal that the reforms may be introduced in the North Western Frontier Province, due regard being had to the defence of India.

(F) BIHAR AND ORISSA.

(*a*) The population is as follows :—

Hindus	82·8 per cent.
Muslims	10·85 „
Christians	·75 „
Tribal Religions ...	5·6 „

It is noteworthy that there are about three lakhs of Christians, according to the subsidiary Table 2, page 124, *Census of India*, Volume I, part 1, Report. It may be pointed out that in Chota Nagpur alone there are 2¼ lakhs of Christians who form a much larger proportion in that sub-province than the percentage in the province as a whole. It should be noted that there is considerable difference between the figures given in subsidiary Table 1, page 124, *Census of India*, Volume 1, part 1, and the population by religion, Table 11 on page 40 of Volume 1, part 2. In the case of Bihar and Orissa the discrepancy is very marked indeed, the figures being 257,129 and 303 358. The former table gives for Chota Nagpur 223,578. The figures are probably larger. However, taking this figure, the population in Chota Nagpur works out as follows :—

Hindus	72 per cent.
Muslims	6 „
Christians	4·5 „
Tribal Religions ...	17·5 „

(*b*) The seats in the Council are as follows :—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus ...	63·5 per cent.	73 per cent.
Muslims ...	23·5 „	27 „
Special constituencies	13 „	

(*c*) Two seats by election fall to the legitimate share of Indian Christians in this province.

(*d*) We would, however, suggest a Council of about 200 elected members in the following proportion :—

Hindus	125
Muslims	45
Indian Christians	5
Special constituencies	25

(G) CENTRAL PROVINCES.

(*a*) The population ratio is as follows :—

Hindus	84 per cent.
Muslims	4 „
Indian Christians ...	·3 „
Tribal Religions ...	11·7 „

The number of Indian Christians is about 75,000, and is probably larger at the present time. Four per cent. Muslims are given 12 per cent. of elected seats allotted to communities. The Indian Christians should be given at least one elected seat. At present there is not even one seat—not even by nomination.

(*b*) We would suggest a Council with 100 elected members somewhat distributed as follows :—

Hindus	73
Muslims	12
Christians	2
Special constituencies	13

XV.—Method of Election for the Provincial Legislatures.

Now the question to be considered next is the method by which our representatives in the Provinces may be elected. In the case of separate electorates there is no difficulty. If separate electorates are introduced it might be more advantageous to have as few constituencies as possible but to have plural constituencies with single transferable system of proportional representation. In some of the provinces like the Punjab, the United Provinces, Bihar, Bengal, Bombay and the Central Provinces, it may even be possible to have one constituency with the plural system of voting for the whole of the province.

But the problem is, what should be done in case of joint electorates? Reservation of a seat in general constituencies is evidently out of the question, except perhaps in a very few cases. The real point in joint electorates is that the representative should be elected with the voice and support of others than that of his own co-religionists. This can be accomplished through specially devised constituencies. We will suggest that in these constituencies the voters should be all Indian Christians who are qualified electors for the provincial Legislatures, and such members of other communities who are voters to the Council of State. The Indian Christians will continue to have the right to vote in other constituencies but will not be eligible to stand as candidates.

XVI.—Franchise.

At this stage a few words regarding franchise will not be out of place. The growth of democratic institutions on parliamentary lines is very largely dependent on the proper exercise of vote by electorates, and it is therefore with considerable apprehension that we have been observing certain tendencies which were manifested in the last elections. The amount of money that was spent in the last election is said to have been an enormous sum, and we have reason to believe that these reports are not altogether without foundation. We strongly urge that all forms of corruption should be carefully guarded against, and every effort made to check this tendency. The first and the foremost step necessary for responsible Government is the creation of an intelligent electorate, and this cannot be accomplished unless education becomes universal. While considerable progress has been made in the spread of primary education, we urge that this progress is not commensurate with the needs of the country. We strongly urge that the Commission should make a special point of laying emphasis on compulsory education for six years for every boy as well as for every girl. This, however, is a question which we understand would come up separately before the Commission, and we hope to lay our views before the Commission, in a subsequent Memorandum. At this stage we are only concerned with the bearing of this subject on the question of franchise. For this

reason, we are not able to recommend the widening of the franchise on property basis at the present time. It will be more effective if the percentage of the population which has got the franchise at present uses its vote more intelligently. We desire that some sort of literary qualification be also added, for instance, all Vernacular or Anglo-Vernacular Middle passed persons be included in the franchise for provincial councils.

XVII.—Conclusion.

In conclusion, we beg to submit that we have, in the course of the present memorandum, endeavoured, to the best of our power, to present our case in a moderate, equitable, and practical manner. We ask for no special concessions or favours, either on the side of representation on the Legislatures, or in the Public Services; we only ask for the application of such principles to our Community as are found best in the interest of the nation in the present condition of the country and its future progress.

We desire to subordinate our communal interests to the wider considerations of national advancement.

We do not wish to separate ourselves or to hold aloof from the rest of our countrymen. We share with them all legitimate and constructive schemes for the attainment of self-government within the Empire.

In obedience to the teachings of the religion that we profess, our highest ambition should be to work for the good of our country and to render service to our nation without distinction of caste or creed.

DELHI.

Dated 26th November, 1928.

AFTERNOON.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION AND OF THE CENTRAL COMMITTEE (EXCEPT SARDAR SHIVDEV SINGH UBEROI).

Deputation of INDIAN CHRISTIANS.

The Deputation consisted of:

Mr. B. L. Rallia Ram, Lahore.
Mr. S. C. Mukerji, M.L.C., Calcutta.
Professor Ahmad Shah, M.L.C., United Provinces.
Rev. J. C. Chatterji, M.L.A.
Mr. K. L. Rallia Ram, Lahore.

1. *Chairman:* We are very glad to receive this deputation. I think Mr. B. L. Rallia Ram is going to act as the principal spokesman, are you, sir?—(*Mr. B. L. Rallia Ram*): Yes.

2. I may just state for the information of my colleagues who else are here. Mr. B. L. Rallia Ram is the president of the All-India Indian Christian Conference and comes from Lahore?—Yes.

* * * * * * * * * *

4. There is Mr. S. C. Mukerji, who is a member of the Bengal Legislative Council, a nominated member, I suppose?—(*Mr. S. C. Mukerji*): Yes.

5. Rev J. C. Chatterji, whom I have the pleasure of knowing, is a member of the Legislative Assembly. Mr. Chatterji, you are also nominated?—(*Rev. J. C. Chatterji*): Yes.

6. Prof. Ahmad Shah is a member of the Legislative Council of the United Provinces?—*Prof. Ahmad Shah:* Yes.

7. That, again, is nominated?—Yes.

8. Mr. K. L. Rallia Ram is the president, are you not, of the Punjab Indian Christian Conference?—*Mr. K. L. Rallia Ram:* Yes. I am also an ex-member of the Punjab Legislative Council.

9. There does not happen to be a representative from Madras. In Madras, I think the Indian Christian members of the council are elected?—*Rev. J. C. Chatterji:* Yes, that is the only province where they are elected.

* * * * * * * * * *

22. You might just tell me this, gentlemen. We have not got here a representative directly from Madras; but I think I can ask you this question. As far as this deputation is concerned, supposing that representation from the Indian Christian community, as such, is adopted, have you any desire to see the representation further sub-divided, for instance, as between Roman Catholic Christians and Protestant Christians?—No, sir. Our Conference admits and invites Christians of all denominations to become members of it and we have had Roman Catholics as members of this Association and nobody has suggested this.

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31. Do I sum up this document correctly on general facts when I say this, that this deputation, speaking on behalf of the Indian Christian community, expresses itself as quite willing to see communal electorates abolished everywhere, and if they were it would not ask for a separate electorate for Indian Christians, though I gather that you still ask for seats to be reserved?—*Mr. B. L. Rallia Ram:* No, sir. Our position is, in the first place, we would advocate that communal elections be entirely abolished without any reservation of seats. Our second submission is that in case that is not done, and if seats are to be reserved, then we would want some indirect method of representation.

32. You see one possible system is a system which would preserve in some cases communal electorates and another possible system would be to get rid of communal electorates altogether, but it would still be possible for seats to be reserved for candidates of particular communities, so that even if they do not come to the top of the poll, nonetheless there would be a seat for such candidates. What I wanted to

know first of all was, if there was an abolition of communal electorates, do the Indian Christians ask for seats to be reserved for them in general electorates, or are they prepared to take their chance of being elected?—We are prepared to take our chance. We feel that it is the best thing for the country. We would rather have abolition of communal electorates in any form. We advocate that as our first choice.

33. At page 319 of your Memorandum you say:—"There is a section of our community, including a few leaders of prominence, who hold that in no case should we ask for a separate representation through separate electorates. But to the best of our knowledge the majority of the Indian Christians do not agree with this view." There you say that the majority of Indian Christians "will welcome reservation of seats in general electorates if this system is adopted for all communities, but if this method is not found possible of general introduction, they are constrained to ask for separate electorates." When I read that I thought it meant that you would be willing to see separate electorates dropped if everybody else dropped them; but then, if they were dropped, and you had general electorates, you would still think it right to reserve seats for Indian Christians?—Our position is that if seats are to be reserved for communities, then we would ask for reservation, and if no seats are to be reserved, then we do not put forward any claim. We would rather see the entire communal elections altogether abolished. But we want to be treated just as the other communities are. If there is a reservation, then we would have our seats reserved. If there are separate electorates, then there is no other alternative for us but to ask for them, but if both are abolished, we will be happy. *Rev. J. C. Chatterji:* We say that with full realisation of the fact that if we had purely general electorates, none of our community will be elected, or will stand practically any chance of being elected, but the majority of our community are prepared to accept that gladly, because we feel that it is in the interest of the community as a whole. That is the ideal and the right thing.

34. That is to say, if I have followed you correctly, the Indian Christian community as represented by you generally takes the view that its higher duty is to seek to represent and share the fate of all who live in this country and not merely to seek to represent their own exclusive body?—*Mr. B. L. Rallia Ram:* That is exactly our point.

35. Then another point which you make is, you point out at page 198 that as long as you are specifically represented by nomination, those members of your community who have been qualified for a vote are classed as belonging to what is called the non-Mahomedan general constituency?—Yes.

36. If I follow you rightly, you say you rather regret that because while it is quite true that you are non-Mahomedan, it is equally true that you are non-Hindu?—Quite so, sir.

37. I believe a good many of those who become Indian Christians are members of the depressed classes. Is that not so?—Yes, sir.

38. When that happens and a member of the depressed class declares himself an Indian Christian, I want you to tell me, does he cease so far as his classification is concerned to be a member of the depressed class?—*Rev. J. C. Chatterji:* That is the point made out by the census commissioner. He classes them all as Indian Christians, and we do not admit any caste distinction within our community. But the tendency is that other people still class them, at any rate, in the first generation, as members of the depressed class, and sometimes enumerators, too, persist in putting them down as members of the depressed class rather than Indian Christians. *Mr. B. L. Rallia Ram:* But very soon they get out of that.

39. What occurs to me is that as long as a representative of the depressed class is nominated, it does not very much matter whether a particular citizen is classed for electoral purposes as depressed class or as Indian Christian, because he does not cast a vote. But the moment you say that these communities are to elect their members, then it is important to be sure that the list of electors is correctly made up, and if it is true that people who are still counted as members of the depressed class are also Indian Christians, one might think that sometimes they got on both lists?—*Mr. B. L. Rallia Ram:* No, sir. Directly a man gets a franchise, he is classed as an Indian Christian.

Rao Bahadur Rajah: In Madras, sir, they have got separate electorates for Indian Christians, and the Indian Christians of depressed class origin exercise their franchise in the Indian Christian electorate.

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45. *Mr. Cadogan:* I only want to ask a question on the representative character of your deputation. You say that you invited all sects of Christians to participate in your conference. Did you follow it up? Had you a satisfactory response? Can you say that you represent all Christians fully?—We cannot say that we represent the Roman Catholics fully, because so far the Roman Catholics have only come in as individuals. Only a few of them have come in, but the bulk of the Roman Catholics have kept aloof from the All-India Conference of Indian Christians, and they have now a separate organisation of their own. The real trouble began with the religious devotions. They objected to have religious devotions at the beginning of the Conference, and there was some feeling over it, and then I understand that after some careful consideration they came to the conclusion that as a body, they would abstain. But we have invited them year after year and some individuals have come and joined us, but very few.

46. But for political purposes you are working together. You can say that; can you?—As far as our membership is concerned the number of Roman Catholics is very limited. *Rev. J. C. Chatterji:* Politically, our interests are more less or identical.

47. That is what I am asking?—*Mr. K. L. Rallia Ram:* As for instance, if we take a deputation to the Viceroy or the Governor, they join us. *Mr. B. L. Rallia Ram:* We have had a few Roman Catholic Christians present in our annual Conference, but no Roman Catholic is a signatory to this document.

48. *Major Attlee:* I am not quite clear as to your organisation. Is your organisation an organisation of individuals or of churches?—Of individuals. In each province we have an Indian Christian Association and the membership of that Association is open to every Indian Christian, and then we have an annual gathering to which these provincial organisations elect delegates. This All-India Conference then elects a council which works throughout the year.

49. I see you work up from the individual to the All-India organisation?—Yes.

50. Can you tell me at all what your membership would be, how far you have your organisations in the provinces and so on? What sort of proportion of Christians belong to your Association?—In the Punjab, for instance, there will be over 500 members. I cannot say of other provinces.

51. Say Madras?—*Mr. S. C. Mukerji:* I know in Bengal the number is rather small. It is between 100 and 150 and is confined more or less to Calcutta.

52. What about Madras?—*Mr. B. L. Rallia Ram:* In Madras there is a Madras Association. There is also an Association in Tinnevelly. So, there is not one All-Madras provincial Association. The membership of the Association in Madras will be fairly large. I could not tell you the exact figures.

53. Taking your membership in the Punjab, for instance, you have about 500. Who are these 500 members who actually belong to the Association? Do they belong in any representative capacity, or are they leading individuals in the community, or what?—From every city there will be a few members.

54. Chosen?—Not chosen. They have to fill in a form and become members paying an annual subscription.

55. What I want to get at is really this, as to how far these members of your Association are representatives of the rank and file of the community? For instance, we have this very able document here. That has been discussed no doubt by your Association, but has that question been brought to the knowledge of the other members of the community, all those members who have taken out forms and become members of your Association?—*Prof. Ahmad Shah:* To give you an example from the United Provinces, they held their annual conference last year at Gorakhpur, and the members living in the rural areas came to the conference and participated in all deliberations and exercised their votes. From this instance I can indicate that the members living in the districts and the cities are also in touch with the movement.

56. That is an important point. I wanted to know how much you use the method of election, as to how far your members were capable of using the vote. In your community, for instance, you have a large number of members of the depressed classes. Is there anything like representative Church councils and so on, in which they use their vote?—*Mr. B. L. Rallia Ram:* Yes, in that way we are very fortunate, because in most of our churches the members elect the Church council, and then we have also what we call district church councils. These church councils elect representatives to the district church council and sometimes to the provincial and All-India organisations. So we are used to the method of voting of members from the Church, from a village upwards to the whole country.

57. You claim then that as far as your community goes they have had a considerable practical experience of voting?—Yes.

58. *Chairman:* Are you speaking of Anglicans or of all denominations?—Of all denominations. I am an Anglican. There are Presbyterians also here.

59. Is there a church council which includes different denominations?—You mean all of them together? We have what we call provincial Christian councils. They are made up of the representatives of these churches—only of the Protestants. And then we have also got a National Christian Council composed of the representatives of the provincial Christian councils.

60. *Major Attlee:* Do you find that your members are able, even the least educated members, are able to exercise their franchise well? Do you think that they elect the best people?—Yes, sir. *Rev. J. C. Chatterji:* I can give you an instance of that in our city. We have got an Anglican congregation of 2,000 people. The electors there range from the most illiterate people up to the members of the Imperial services. That is one Anglican church. There are so many Anglican churches belonging to Europeans, but that one church has obtained self-government to an extent that the Bishop of the diocese permits them to nominate their Vicar by means of election by the general body. They submit two or three names to the Bishop for him to appoint the Vicar from amongst them, and the Bishop accepts that nomination. That is an instance, sir, to show you that our people have become well versed in the matter of exercising votes on matters which are of very vital importance to them.

61. There is one other point, one last question. You have not found that the exercise of the vote in your various organisations has led in any way to schisms in the churches?—*Mr. B. L. Rallia Ram:* In some churches they begin by party feeling, but generally we have been able to overcome it. But there are instances where there is bad feeling.—*Rev. J. C. Chatterji:* We have noticed that they improve from year to year. On one occasion we may have trouble, but on the second occasion things work out very much better. They get educated in the method of self-government.

62. It has never led to secession?—*Mr. B. L. Rallia Ram:* We have no secessions.—*Mr. S. C. Mukerji:* We have local disagreements.—*Mr. B. L. Rallia Ram:* In Tinnevelly district one small section seceded from the Church, but that was only for the time being.

63. *Lord Burnham:* I understood you to say that there was only a small portion of the Roman Catholic community with which you come into contact, or at any rate in your Association?—*Mr. S. C. Mukerji:* The matter ought to be made perfectly clear that the Roman Catholics as a community have not joined us. That ought to be made perfectly clear. An individual here and an individual there has joined us, but as a community they have deliberately abstained themselves, because there is the priesthood there and they will not allow individual members to exercise their discretion in the matter.

64. As we all know, they are the oldest Christian community?—Perfectly so.

65. What I was going to ask you was this, whether you said, if I heard you say, that caste distinctions were not perpetuated beyond the second generation. Does that apply to the Roman Catholics as well as to the various Protestant denominations?—*Mr. B. L. Rallia Ram:* Not in the north. There is no caste in the Church at all in the north. I am afraid in the south there is partly in the Roman Catholic church, from what we know of it, and also to some extent even in the Protestant churches. In some places there is a very strong feeling against it.

66. Then the evidence you have given applies really to Christian denominations other than Roman Catholics?—Yes.

67. *Colonel Lane Fox:* The Roman Catholics will still be registered as Indian Christians for the purpose of voting?—*Mr. S. C. Mukerji:* Yes, they register themselves as Indian Christians, but they will not combine with us.

68. But they are registered as Indian Christians virtually?—There is no doubt about that.

69. *Lord Burnham:* Is that so in spite of the perpetuation of caste distinctions?—*Rev. J. C. Chatterji:* That is on a very small scale, sir.

70. I am trying to get at the facts?—That is only in the south, and is confined within certain limits. I do not think the majority there recognise caste distinctions.—*Mr. S. C. Mukerji:* There is no caste system in the Roman Catholic community throughout the north.—*Mr. K. L. Rallia Ram:* This question is only acute in the south. In the north the Roman Catholic community is a minority and they always join us when they think they will get some advantages; for instance, when we are trying to get land, or things of that sort they join us, but when other important questions come up they say, "We must ask our Padre Sahib."

71. On page 326 of the Memorandum you say: "The amount of money that was spent at the last election is said to have been an enormous sum, and we have reason to believe that these reports are not altogether without foundation. We strongly urge that all forms of corruption should be carefully guarded against and every effort made to check this tendency." Of course, we all sympathise with the sentiments, but on what is this statement founded?—*Rev. J. C. Chatterji:* It is a matter of common knowledge. Everybody knows that. There is no secret about it.—*Mr. K. L. Rallia Ram:* We have heard statements from their friends and from those who work for them. For instance, one man told me that a man who got elected spent about Rs. 80,000. Of course, the figure might have been exaggerated. Another gentleman told me that he had spent about Rs. 36,000. Of another gentleman who was supposed not to spend anything, who was considered very progressive, a very intimate friend of his, who was supposed to be intimately connected with his family, told me that he spent the least of all, and that was Rs. 6,000.

72. This gentleman spent it himself?—The man who spent it himself did not say, but the man who

was working as an agent for that man and who was connected with that family told me privately that they had to spend about Rs. 6,000. Another gentleman came to me for my vote and I saw he was running a number of motor cars. Naturally I concluded it must cost him something. After the election was over his friends told me that it cost him Rs. 36,000.

73. *Chairman :* I would like to ask you one question about that. When you say there is corruption, what is the money spent on?—*Mr. K. L. Rallia Ram :* It is generally spent, sir, on entertaining the voters and in some cases in buying the votes.

74. In buying them?—*Rev. J. C. Chatterji :* In some form or other.—*Mr. K. L. Rallia Ram :* It is not actually paid.

75. I think Mr. Chatterji's answer is quite clear.

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81. *Witness (Mr. B. L. Rallia Ram) :* We wish to say, sir, with all the emphasis we are capable of, that we are not in the least desirous of any separation of interest between Roman Catholics and non-Roman Catholics. We entirely believe that our interests in this matter are identical with them and that we do not want any separate electorates.

82. *Chairman :* I am much obliged to you. I put the question merely because when we were in Madras last February we learnt, privately, of course, that there was at any rate some part of the community there which thought that there might be a question of separating out Roman Catholics from the Protestants. You oppose it?—We entirely oppose it. *Mr. K. L. Rallia Ram :* The figures are based on the census taken in 1921. The other census will be taken in 1931. It is very unfortunate so far as we are concerned, that this Commission has come just at the end of the period. We can safely say that our number will increase and we do hope that in the case of a minority like ourselves the increase makes a tremendous difference. We can say that the increase will be 35 lakhs in British territory. In the Punjab at the time of the last census we were only 315,000, whereas, according to our own calculation, we have gone up now to 4 lakhs.

83. *Chairman :* Can you tell me what the figures were or the percentage indicative of the increase in the ten years 1911–21?—(*Mr. B. L. Rallia Ram*) : I can give you the figures, sir. They are given in the Punjab Indian Christian memorandum. In 1881 we were 3,796; in 1891, 19,547; in 1901, 37,980; in 1911, 163,964 and in 1921, 3,15,031.

84. One gets the percentage by comparing the two figures on page 323. It rises from 102 per 10,000 population to 123?—May I say, sir, that that includes Europeans as well?

85. *Rao Bahadur Rajah :* At present you exercise your franchise in all the provinces except Madras in the non-Muhammadan electorates?—Yes.

86. Even in municipal and district board elections?—I can speak of the Punjab. There are some districts in the Punjab where the big communities have been given separate representation and in those districts the Indian Christians have no vote. *Rev. J. C. Chatterji :* I can speak of Delhi. No man who is not either a Hindu or a Muhammadan can stand for the membership of the Delhi municipality. For instance, I have been a member for many years of this municipality but only as a nominated member representing minorities. I am, however, disqualified for standing as a candidate for the municipality.

87. *Rao Bahadur Rajah :* Have you not got a vote in the Municipal election?—I can vote but I cannot stand. The city is divided into twelve wards and each ward can only return one Hindu and one Muhammadan member. A Muhammadan can vote for a Muhammadan and a Hindu can vote for a Hindu while a Christian or a Sikh may vote for either candidate but cannot stand himself.

88. *Chairman :* That is perhaps the only instance, is it not? Is there a similar rule anywhere else?—In the Punjab, sir, various communities have been given representation on the municipalities but the Christians there can neither stand for election nor vote. *Mr. B. L. Rallia Ram :* I believe that until the new order under which Indian Christians are classified as non-Muhammadans was issued, the Indian Christians had no vote.

89. *Rao Bahadur Rajah :* I suppose, generally in other municipalities Indian Christians can stand for election. What about Bengal?—*Mr. S. C. Mukerji :* Bengal is an advanced province.

90. Taking the advanced province of Bengal, I should like to know if you ever got any member of the Indian Christian community returned by a non-Muhammadan electorate?—This very year Mr. J. C. Datta for the Calcutta Corporation was elected by a non-Muhammadan constituency.

91. That is the only case in the whole of Bengal?—Yes, otherwise in two cases members were nominated in two successive years.

92. I am talking of election?—I have already replied to that question.

93. Generally speaking, it is very difficult for a member of your community to get elected from a non-Muhammadan electorate?—Yes.

94. And still you are against separate electorate?—That is because of the general interest of the country. We are prepared to sink our individual existence if that will bring out the general building up of national life in this country.

95. That is only an ideal, not practical?—That is what I have said; that is purely ideal and theoretical; we know that that is not going to be realised soon.

96. Am I to understand that the Indian Christians of the Madras presidency who have now separate electorates for them are also one with you in this suggestion?—*Mr. B. L. Rallia Ram :* You will see this Memorandum is signed by the Right Rev. Dr. V. S. Azariah, the Lord Bishop of Dornakal, Dr. A. C. Asirvadha Nadar, President, Indian Christian Association, Madras, and Mr. J. R. Isaac, member, Bangalore municipality. All these are gentlemen from the south. At the All-India Conference to which the delegates were mostly from South India, this resolution was passed by a large majority. *Mr. S. C. Mukerji :* I understand that a memorandum has been submitted to this Royal Commission by the Madras Christian Association. I have not got a copy with me, but I think that will give you their latest views on the subject.

97. *Rao Bahadur Rajah :* Since you represent the All-India Christians I wanted to ask you that question. You are against the system of nominations?—(*Mr. S. C. Mukerji*) : Yes, because even though we vote most conscientiously we do not get any benefit from it.

98. On page 322 of your Memorandum you say that nominated members are entirely deprived of any chance of being appointed ministers. Supposing the disability against appointing non-official nominated members, who represent special communities, as ministers is removed, will you then agree to nominations?—*Mr. B. L. Rallia Ram :* That is only one disability. That is not the chief objection. The chief objection is this : If Government nominates a man and even though he were to honestly support the Government, people say that he supported the Government because he was a nominated member, but, on the other hand, if he does not support Government he is pulled up by them. So you see his position is difficult both ways.

99. Even with reference to the Legislative Assembly you are against nomination?—Yes.

100. You demand three seats?—Yes.

101. How do you propose to allot the three seats for the whole of India? Do you want to have one general electorate for Indian Christians for the whole of India?—We have suggested two or three methods. If there are three seats one seat will be given to the Madras presidency because there the number of

Indian Christians is large. The other two seats, we propose, might be given to the other provinces by rotation. Another method we have suggested is that the elected Indian Christian members of various provincial legislatures should elect out of themselves a member to the Assembly; after he is elected his seat will, of course, be declared vacant in the provincial legislature and another one elected instead.

102. Even in the case of the Legislative Assembly, you are against separate electorates?—Yes.

103. How do you propose to assign this one seat to the Madras Province?—In case there is no reservation of seats, the question does not arise.

104. You know that the Madras Province is divided into different units for the Assembly?—My point is that in case communal electorates are abolished and there is no reservation of seats then the question does not arise. The question only arises when there is reservation of seats; then there will be serious difficulty as far as Indian Christians are concerned. We have suggested that some indirect method of election will have to be adopted in that case and that Indian Christian members in the provincial councils will form a panel and elect a member to the Assembly from amongst themselves.

105. Have you any disabilities as regards public service?—Oh, yes. Mr. Chatterji has got in his possession a letter in which an official of the Government says, "I am unable to have this man because under departmental rules I cannot recruit Indian Christians."

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107. *Dr. Suhrawardy:* Am I right in saying that Dr. Datta was a representative of the Indian Christians in the second Assembly?—Yes, he was a nominated member.

108. Is it not a fact that on more than one occasion he voted against Government?—Yes

109. There is therefore no substance in your suggestion that nominated members cannot exercise their free discretion in the matter of voting?—His case is the very case which suggests to us that nomination is not right. For instance he was not re-nominated for the third Assembly.

110. The appointment of Rev. Chatterji is a sort of punishment to Dr. Datta?—Rev. Chatterji was not nominated after Dr. Datta; another gentleman, Mr. Ratnaswamy was nominated.

111. Ex-President of the Madras Council?—Yes. I say that was the prevalent feeling amongst Indian Christians that Dr. Datta was not nominated because he voted against Government. *Rev. J. C. Chatterji:* I have myself voted against Government more than once.

Dr. Suhrawardy: You know, Rev. Chatterji, that on an important occasion like the one when the Public Safety Bill was debated, which was defeated by the casting vote of the president, prominent nominated gentlemen absented themselves and their absence practically helped the Opposition.

Chairman: How does it touch the question of Indian Christians?

112. *Dr. Suhrawardy:* I was referring to that because the suggestion of the Indian Christians is that nominated members are not free to vote. Anyhow I pass on to the other point. You have said that your community is quite willing to see communal electorates abolished and that you are prepared to take your chance without any reservation of seats. Why then do you ask for special representation for your community?—We ask in case this system is retained.

113. I know that. In case this system is retained, do you consider it an evil which ought to be confined within the narrowest limits?—I am afraid it cannot be confined within the narrowest limits.

114. It is not a question whether it can be done or not. Do you consider it a necessary evil which ought to be confined within the narrowest limits for the attainment of the great ideal which you and your community have at heart?—I am afraid I cannot answer that question. But I do not think that it can be confined within the narrowest limits.

115. Have you got any special interest to be protected so far as your community is concerned?—We have.

116. Let me make my question clear. You have got the Europeans who are Christians; there are Anglo-Indians who are Christians. What is the special interest of the Indian Christians which demands a special representation and special protection especially in view of the fact that you are prepared to take you chance in the general electorate without reservation of seats.

Sir Hari Singh Gour: The same interest as Mohamedans have.

Dr. Suhrawardy: Let the witness answer, Sir Hari Singh.

Witness (Mr. B. L. Rallia Ram): Apart from this fact that Europeans and Anglo-Indians are also Christians, our society is separate; we have got our own institutions and, as a matter of fact, we are organised as a separate community socially and therefore our interests are to be protected.

117. *Dr. Suhrawardy:* I meant in the Legislative Assembly. What are the special interests which you wish to be protected by special representation of the Indian Christians?—*Mr. S. C. Mukerji:* It is not a question of special interests. Any interest of the country is an interest of the Indian Christians as citizens of the Empire.

118. Then why do you demand special representation?

Chairman: Forgive me for my intrusion. Dr. Suhrawardy has, of course, put it forcibly. Perhaps I may just say that I really think the position of the deputation is clear. They take up the view, right or wrong, that it would be far better if representation was not based on communal considerations, and they say that if that could be done they would gladly acquiesce. Then they say at the same time, they are afraid that that is an ideal not likely to be realised now and so we should ask for representation not for some section or some division of the Indian Christian community but for the Indian Christian community as a whole. After all, do you not think, Dr. Suhrawardy, that we are more concerned to understand the point of view of these gentlemen than to argue?

119. *Dr. Suhrawardy:* I am not arguing, Sir. Is it out of jealousy and envy of the Mohamedans or because they have any special interest to protect that they are asking for representation? If they have any special interests, what are they?

Chairman: I think you had better give a short answer to that.

Witness (Mr. B. L. Rallia Ram): Our answer is given on page 319 of our memorandum. "In the case of genuine general electorates, even at a time of communal clash, an Indian Christian may capture a seat, as many Muslims might prefer to vote for him in preference to a Hindu, and *vice versa*." Our position is that in general electorates we have nothing to lose. Even if we have to lose we will ultimately gain. We will get our rights if we organise ourselves. In a system where communal feeling is in the front we have everything to lose, and therefore we say that in that system we must be protected. But if the system is abolished we are prepared to take our chance for fighting the places when communal feeling will not be uppermost. We are sure that in that case we will get votes both from the Hindus as well as from the Mohamedans.

120. *Dr. Suhrawardy:* Are you prepared to take your chance in the general electorate?—Yes. We do not belong to any one community; there are both Muslim converts and Hindu converts in our community.

121. *Sir Zulfiqar Ali Khan:* Can you tell me whether I understand you correctly that in the Punjab council, consisting of 100 members, you want 7 seats?—Not out of 100, but out of 200.

122. Seven out of 200?—Yes.

123. Is that your ratio?—No. The principle on which we have based the figure is this. We have accepted the principle that the minorities should have an excessive representation to a certain extent, not very much, and we have gone on the assumption that the Lucknow Pact is on the right lines. I have applied the same principles to the Indian Christian community and we have arrived at this figure.

124. Do I understand you to say that you want to carve a share for yourselves out of the majority community in the Punjab?—No. In the Punjab we have suggested that as far as the division of seats between the major communities is concerned, it will not be disturbed. Let them divide the seats between themselves and then add to that number an adequate number of Indian Christian representation. We do not want to complicate the matter further by coming into the share of the other communities.

125. Then how can you fit in your representation?—Supposing there are 100 seats, we suggest that out of these 100 seats 50 should go to the Mohamedans.

126. But the Mohamedans demand 56 per cent. of the seats?—We are not concerned with the demand of the Mohamedans.

127. Why should you fix 50 seats arbitrarily?—That is a matter which you can decide or whoever it be who is going to divide the seats. We suggest this as being a fair representation.

128. I want that it should be definitely stated so that the matter might be quite clear. Supposing the Mohamedans get their seats according to their population ratio, that is, 55 to 56 per cent., then how can you get your 7 seats?—We are 1·5 per cent. of the total population.

Chairman: I think I can state their position quite clearly. If the deputation does not agree they may say so. They say that in the Punjab they will be willing to see or they suggest that the Lucknow Pact should be applied in this sense, that the Mohamedans should have as many seats as the Hindus and the Sikhs combined and they say that the Christian seats should be additional seats outside that. It is not quite correct to say that they want 7 seats out of 200, but it is 7 out of 175. Their figures would then be, as they have suggested, as follows:—Muslims would have 75 seats; Hindus and Sikhs 75. These two make 150 and then they suggest there should be added 7 extra seats for the IndianChristians. That is their suggestion. It is open to comment. According to their scheme the Mohamedans do not exactly get 50 per cent. of the elected seats; but they get as many seats as the Hindus and Sikhs combined have. This is their suggestion.

129. *Sir Zulfiqar Ali Khan:* I want this to be made quite clear to me. Supposing that the Mohamedans do not accept the Lucknow Pact, then what happens?—We have suggested that if all the communities are to have the seats on the population basis, then we are prepared to accept the same basis for us also.

130. *Sir Hari Singh Gour:* You say you have no direct representative of the Roman Catholics here; but do I take it that the Roman Catholics such as are members of your Association are in sympathy with your views?—*Mr. S. C. Mukerji:* They have not repudiated us. *Rev. J. C. Chatterji:* Summaries of this memorandum have been published in the Press and we have sent circulars to all the provinces and we have not received any contradiction to our views.

131. Consequently, you are in a position to say that in spite of all the circulars you have issued and the publication you have given to this memorandum you have received no protests against your views?—Yes; no protests from the Roman Catholics.

132. So far as you are able to ascertain, you are prepared to state that your views are shared by many of the Roman Catholics?—Yes.

133. On page 327 of your memorandum you say: "We ask for no special concessions or favours, either on the side of representation on the legislatures, or in the public services." I take it that your view is that you are for fair field and no favour to anyone?—Yes.

134. Both in the legislatures and in the public services?—Yes.

135. The next question I wish to ask you is this. You have emphasised the necessity of a joint electorate without reservation of seats. What is your experience of communal electorates during the last eight or nine years?—*Mr. B. L. Rallia Ram:* We had been out of them. Our vote has been with the non-Muslims and, as a matter of fact, the Indian Christians have not taken any interest in them because they have been in one groove.

136. As observers of public life, what is your view?—*Mr. K. L. Rallia Ram:* It has been a question of sub-communalism, Arohras and Khatris and so on. Every one appeals to his own caste.

137. Nationalism has been forgotten and communalism has become rampant?—Yes.

138. With the result that peace and order in the country has been in serious jeopardy?—Yes.

139. In order to restore the confidence of the people in the Government and in the legislatures you want to go back to the system where Indians will feel as Indians and not as Hindus, Arohras, Khatris and so on, is it so?—Yes.

140. Your community is the most literate of all the communities in India?—Yes.

141. You are in favour of a literate vote?—Yes, we have stated so on page 327 of our memorandum. "We desire that some sort of literary qualification be also added, for instance, all vernacular or anglo-vernacular middle passed persons be included in the franchise for provincial councils." *Mr. B. L. Rallia Ram:* You will also notice that in each province where we have advocated an expansion of the franchise we have also included the literary test as a qualification.

142. *Mr. Kikabhai Premchand:* On page 318 of your memorandum you say: "It accepts self-government within the British Empire on Dominion lines as the goal to be achieved." But, in the latter part of the memorandum, on page 326, you say that an intelligent electorate is a necessity. May I know when do you think India will be fit for self-government?—*Rev. J. C. Chatterji:* In what sense?

143. Dominion Status, as you have mentioned?—We have had a definite resolution on that subject in 1917. *Mr. B. L. Rallia Ram:* Our position is this: We want provincial autonomy at once and a considerable advance in the Central Government. We have not asked for Dominion Status at once. We hope that by the end of another ten years when we get the next instalment of Reforms we will be in a position to demand full Dominion Status.

144. When you say that diarchy has failed in the provinces why do you advocate its introduction in the Central Government?—We see no other alternative.

145. If diarchy is introduced in the Central Government, do you think that any single party will be powerful enough to support the minister to the extent required?—We hope so.

146. *Sir Arthur Froom:* Arising out of the question of Mr. Kikabhai Premchand and your statement that you are of the opinion that diarchy has been a failure, might I draw your attention to page 318 of your memorandum wherein you say: "We believe that the time has come when the unitary system of government should be introduced by the grant of provincial autonomy in all the major provinces. This seems to us to be the solution of the problem. Any subject which cannot be transferred at this stage in the provinces might be controlled and directed by the Central Government, the provinces being given full power over the remaining subjects." That statement, I suppose, is following out your idea of getting rid of diarchy. The question I want to put to you is this. When you say, "Any subject which cannot be transferred at this stage in the provinces

might be controlled and directed by the Central Government," have you got any subjects in mind?—The committee and the council of the All-India Conference were divided on this question. There were some people in the council who thought that at this stage Law and Order should not be transferred. As there was this difference of opinion on the subject among us we could not say that our entire community wanted it. But the members of this deputation are unanimous in recommending that Law and Order should also be transferred.

147. You are not unanimous on the subject?—Yes. some consider that Law and Order should not be made a transferred subject.

148. And you recommend, rightly or wrongly, that it should be given to the Central Government?—Yes.

149. *Lord Burnham:* On what grounds do you base the statement that diarchy has been a failure in the provinces?—We cannot say that we have first-hand experience. But the members of our council feel so from what they have heard and seen of it. *Mr. S. C. Mukerji:* I may be permitted to state what I think about it as I have been a member of the Bengal Legislative Council since the beginning of the Reforms, that is since 1921. During the first Council, that is, for three years from 1921, it did not fail. We had then Sir Surendranath Banerjea as one of our ministers. During the second council, 1924–25–26, diarchy failed because of two or three reasons. Firstly, it was due to the incessant opposition of the swarajists who thought that Government should be opposed on any account, good, bad or indifferent. Secondly, we did not get competent ministers. We had sometimes ministers who could not put two sentences together in correct English and sometimes we had ministers who could not follow the questions that were asked in the council in quick succession by the swarajists and whenever they could not answer they got rid of the difficulty by saying: "I want notice."

150. *Dr. Suhrawardy:* In the second council you cannot say that you had ministers who were not capable?—I think so In this third council again the ministers had no following. They were practically kicked by the swarajists and some of their own party men even disowned them and they had to fall back on the support of the executive Government where they did not get any favour. So diarchy has absolutely failed in Bengal; there is no doubt about that. My view is that we should not have diarchy in the Central Government also.

151. *Sir Sankaran Nair:* If diarchy is to be abolished, would you have further Reforms or would you go back?—*Mr. B. L. Rallia Ram:* Notwithstanding the failure of diarchy I should like to see unrestricted provincial autonomy in the provinces, including the subject of Law and Order.

152. *Chairman:* Just let us deal with a set of figures. There have been some questions asked about literacy. I have been looking into the census returns for India and I find that if you take the men of twenty years old and over, the figures according to the last census stood thus:

Among Parsis 918 were literate out of every thousand; among Buddists, 692 were literate out of every thousand; Jains, 666; Christians, 415; Hindus, 158; Sikhs, 135; Muslims, 122.

I gather that the figure 415 for Christians would include for this purpose the Europeans and Anglo-Indians?—Yes.

153. You talk about a literacy test. Remembering that it involves making a list of voters who are qualified, what is the literacy test which you suggest might be applied?—*Mr. S. C. Mukerji:* In my community in Bengal—I am a Congregationalist—I find that people with primary education can exercise their vote with a certain amount of discretion. I have personally seen the electors who come from the villages.

154. What I mean, Mr. Mukerji, is this: After all, if you are going to lay down a test to determine whether a man is on the list or not, either it depends upon the consideration of his having passed some examination or else it depends upon some test applied for the time being. You state it as being the fourth standard?—The vernacular or anglo-vernacular middle test, for instance, which is recognised all over the country We mention it on page 327.

155. *Chairman:* Would there be any difficulty in practice in ascertaining whether a voter had or had not passed that test?—*Rev. J. C. Chatterji:* They receive a diploma for that. Everybody who passes the Anglo-Vernacular Middle receives a departmental certificate for that purpose, and there is a thorough system of registration of those people and they can at any time be challenged to produce evidence.

156. I see. Is it not a fact that you have got a very large membership of women among the Indian Christians?—*Mr. B. L. Raillia Ram:* Yes.

157. Are not the women part of your organisation?—Yes.

158. Then why are they not here?—The only reason, Sir, is that three of us are members of the legislative council, from Bengal, the United Provinces, and the Punjab. The present Punjab member could not come; one of us is our representative in the Legislative Assembly and I am the president of All-India Conference. So we were selected on that basis, and there was no lady holding any office.

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Witness (*Prof. Ahmad Shah*): May I be permitted to say a few words, Sir, in conclusion? The Indian Christian community is suffering under certain disabilities which are very outstanding in the whole of India. Our first disability is that we are debarred from entering the Army service as a whole. In the army no entrance is permitted to the Indian Christians. Secondly, we have till recently, held police ranks, but the Indian Christians are not now allowed to be taken into that service. Thirdly, there has been a definite example of a man who before he embraced Christianity was holding the post of a non-commissioned officer in the army. But as soon as he became a Christian he was discharged and that for no other reason than that he became a Christian. And we will ask this Commission to keep this in mind that our Indian Christian community should not be debarred, because they are Christians, from entering any service in India.

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Memorandum from HER HIGHNESS THE DOWAGER RANI SAHIBA OF MANDI.

The Government of the United Provinces, acting on a Resolution passed in the Legislative Council on February 1, 1923, removed the franchise disqualification based on sex, and women were enabled thereafter to exercise the vote. The total adult population of males and females in the province is about 25 million, out of which male adults are estimated at 13 million. The number of male electors in 1926 was 1½ million, and that of female electors 50,000. This female electorate works out at .4 per cent. of the population of female adults of 20 years and over. This glaring disparity between the proportion of male and female electors to actual population is due to the fact that the same qualifications have been prescribed for females as for males. These qualifications differ for urban and rural constituencies. For the urban constituency an elector must have a place of residence in the constituency and he must be the owner or tenant of a house or building of a certain annual rental value or be assessed to a certain amount of Municipal tax or pay a certain amount of income tax. In the case of a person qualified as an elector for a rural constituency the qualification consists of the possession of a house or building of a certain rental value, payment of a certain Municipal tax, ownership of land in respect of which a certain minimum amount of land revenue is payable, tenancy of land in respect of which a certain amount of rent is payable. It will be seen that women are placed at a great disadvantage if the above qualifications are applied to them. The result is seen in the very small number of women electors, which the removal of the sex disqualification has produced. Women do not ordinarily possess property in their own names nor do they pay income tax or house rent. They generally share the property with the male member of their family, the name of one or more of whom appears in the electoral roll. With the awakening which has now come about in the women, this state of affairs has handicapped them in their taking part in the political activities of the country. It is proposed that in order that women may possess the franchise which would bear some reasonable ratio to their numerical strength, the franchise should not be based only on the property possessed by the woman herself. The suggestion which we wish to put forward in outline is that if a father or a husband possesses qualifications which are, say, at least twice in excess of the minimum qualifications prescribed for men, the daughters or the wife of such a father or husband, respectively should *ipso facto* acquire the franchise. This would be in addition to those women who at present possess the franchise by virtue of their possessing the necessary qualifications in their own right. This suggestion, if accepted, would mean a numerical increase of the electors, but it is believed it would not make them unwieldy or unworkable. It may be argued that to record the votes of so many women voters would not be an easy thing; but since a machinery already in existence for recording the votes of those women who are at present enfranchised has worked quite smoothly, it should not be a difficult matter to apply the same machinery for registering the votes of a larger number of women. Anyhow, difficulties of manipulation and procedure should not be allowed to come in the way of granting to women this privilege which is their right. Of course, under this scheme the electorates would be communal if it is decided to continue the present system of communal electorates in the case of men.

Quite apart from the above it would be necessary for some time, at any rate, to have at least four separate seats reserved for women. These seats might be served by special electorates of educated women. The province should be divided into four suitable territorial constituencies in each of which a woman who should have reached a certain standard of education (say, an upper primary or middle class school certificate) should be registered as an elector. The voting might take place by post as is done in the case of certain constituencies like the two Chambers of Commerce at Cawnpore. This privilege would be a great help to purdah women, and there would be no danger of the concession being abused, since it would be made use of by educated women. By this scheme the educated women of the province would be able to return four members to the Council, who would be of great help in all matters in connection with women's movements.

As regards Local Self-Government, both the above suggestions may be applied in the form proposed for the Legislative Council or in a suitably modified form so that women may also take their share in the spheres of Local Self-Government.

LUCKNOW.

Dated 5th December, 1928.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

Deputation consisting of the MAHARANI OF MANDI, Mrs. AHMAD SHAH and Mrs. CHITAMBER.

1. *Chairman :* The members of the Conference will be interested to see that we are receiving a deputation which is led by the Maharani of Mandi. With the Maharani is Mrs. Ahmad Shah, who I think was formerly a member of the legislative council ?—(*Mrs. Ahmad Shah*) : Yes.

2. And also Mrs. Chitamber. We are very glad to see you and to hear what you would like to say to us. Perhaps I may point out that the Conference is dealing with very important constitutional questions and therefore we all felt we should be glad to receive a deputation such as this, in order that we might have put before us the views of a deputation of women on some of the constitutional questions that arise, perhaps more particularly questions of franchise and the like. Would you like to read a document to us or address us, or shall we begin at once by asking you a few questions ?—(*The Maharani of Mandi*) : I should prefer it if you would ask questions.

3. I will do so. We have already had the information that out of a total adult population in the United Provinces of about twenty-five millions there are now about one and a half million electors, and of those about fifty thousand are women. Would

you tell us how your deputation feels about the present franchise for women. Do you think it is based on proper principles or do you wish to suggest any change?—(*Mrs. Ahmad Shah*): We want the franchise extended. We feel that the present franchise, in which the qualifications for women are on the same basis as the qualifications for men will not do in the conditions which prevail at present in India. We feel the franchise will have to be extended for women in rather a different way, in order that more women who can exercise the vote may do so. Fifty thousand is a very small ratio to our population, and we can do practically nothing with that.

4. At present, of course, a woman has a vote in this province for the council only if she happens to have in her own right the qualifications that a man voter would have; she must herself be a tax-payer or a rent payer or herself be the owner of property assessed to land revenue. Do I understand the point is that you think the franchise for women should be based on some test which is appropriate to a woman, instead of being based on a test which was originally devised for a man?—In India very few women are property holders in their own right. Most women are joint sharers in property, through their fathers or through their husbands. We feel it would be more equitable for women if the property rights of a father to some extent should be recognised as giving a vote to his unmarried daughters, or the property rights of a husband might *ipso facto* confer the right of franchise on his wife.

5. That would mean, would not it, that a lady would have the right to vote because she was the wife of a man who had the right to vote—something of that sort?—Something of that sort, yes.

6. As things are at present, are these fifty thousand women voters for the most part married ladies, or would most of them have the qualification because they are widows or because they are unmarried?—The right is based on property, and I believe partly on literacy, and of course a great many of the property owners are married, although some of them may be widows. I do not think that has very much bearing on it.

7. We had a similar difficulty, I may say, in England when women's suffrage was first introduced there. The difficulty to begin with was that a test like the test, for instance, of being the occupier of a house, was a test which was very difficult for a married woman to fulfil, because it was in most cases her husband and not herself who had the qualification? —That is our trouble.

8. It seems to be a rather similar difficulty here Have any of you ladies been able to suggest the sort of qualification which you think would be more suitable for women?—We feel there should be a literacy test; not, perhaps, the same as for men, but slightly less; a test of literacy of, say, at the lowest the upper primary here. That might be the literacy test for women.

9. *Chairman:* I do not think there is at the moment a literacy test here for the council elections, except of course for the university seat, is there?

Mr. Srivastava: No, there is not.

10. *Chairman:* It has been suggested, but I do not think there is. You suggest there should be such a thing?—We feel there ought to be.

11. That would mean, of course, the holding of some educational certificate, would not it?—Yes, it would have to mean that, I am afraid.

12. Tell me this. The numbers are not great but do you think that in this province the women voters have begun to take a real interest in political affairs and current affairs? You are one of the pioneers, Mrs. Ahmad Shah, because you have been a member of the council. What is your feeling about it? Do you think an interest in political affairs among women is beginning to arise?—I think it is undoubtedly beginning to arise, but at the present time women do not go to the polls to vote very much, either here or perhaps in any province.

13. No. We have had the figures. When you were a member of the legislative council yourself, did you find there were women in the province who were interested in political matters and who appealed to you or turned to you specially, as a woman member, on political questions?—Yes. There was a constituent conference of women held in April, and I was given a mandate to represent to the legislative council the desire of women for two seats to be reserved for women members. This mandate was given to me by the ladies attending this constituent conference at Lucknow.

14. If I may refer to England again, those of us who are members of the House of Commons know quite well that the women members of the British House of Commons are the members to whom a great many women's organisations specially appeal for help and advice in various political matters which specially affect women. I did not know whether that has begun to arise in the United Provinces?—It has begun.

15. You think it has?—Oh, yes.

16. Is there a woman member of the legislative council at the moment?—No, none.

17. Let me just follow up another suggestion which you mentioned. You spoke of a possible plan, I think, of reserving two seats for women members?—That was a resolution passed by the constituent conference to which I have referred, it was suggested that two seats should be reserved. We are at the present time asking for a reservation of four seats.

18. You mean that is what this deputation is suggesting?—Yes.

Sir Hari Singh Gour: Four out of a total of how many?

19. *Chairman:* I do not think they give the total. It is suggested by these ladies that it would be necessary, for some time at any rate, to have at least four seats reserved for women. Of course, as you know, ladies, there is a large body of opinion in India —one of the many bodies of opinion—which does not look with great favour on the idea of making special provisions for special classes or sets of people, and no doubt it is a very good thing to develop the idea that all citizens should be interested together in public questions as far as possible; but I suppose it is very unlikely for some time to come, is not it, that under the conditions of India men voters, having to choose between a man candidate and a woman candidate, would vote for a woman?—There is that point, and there is another point as well, namely that at the present time and for a few years to come we feel that very few women would wish to go and canvass for votes from men generally They will canvass the women, but generally speaking, they will not care to go round to all the men and canvass them.

20. What are the public questions (the political questions, that is; I am not speaking of social questions) in which you think women are taking a special interest? What are the questions which affect politics and legislation which you think women in this part of India are beginning to take an interest in? For instance, do you think there is beginning to arise among women citizens an interest in public education?—Yes, there is a great interest in public education, and especially in the education of girls. We feel that perhaps women can at least suggest a good deal for the betterment of the education of girls, more than has been done at present.

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22. Do you think that women who are taking an interest in politics here are getting a growing interest in and knowledge of such things, for example, as the organisation of medical relief and of maternity work—I mean by the State, by public authorities?—Yes. I think that women's chief interests are for social

betterment in every direction, in the realm of education, in the realm of medicine and in the realm of social welfare.

23. Passing from the council elections to the local bodies, like district boards and municipalities, do you know if women in this province have got a vote for the district boards?—I do not know.

Mr. Srivastava: Yes.

24. *Chairman:* And for the municipalities?

Mr. Srivastava: Yes.

25. *Chairman:* Again, I suppose, if they happen to have the qualification which is the qualification for men?

Mr. Srivastava: Yes.

26. *Chairman:* Can any of you gentlemen of the Provincial Committee tell me this? You probably know. Is there any case in which there is a woman member of a district board or a woman member of a municipality?

Witness (Mrs. Ahmad Shah): No, they are absolutely unrepresented.

Mr. Srivastava: At Allahabad there was a woman member.

27. *Chairman:* That seems to be an instance. You say that in the Allahabad municipality there was a woman municipal councillor?

Mr. Srivastava: Yes. She did very good work in various directions.

Witness (Mrs. Ahmad Shah): I should like to ask whether there is any woman member of any board at the present time. I do not think there is.

28. *Chairman:* Perhaps that was the meaning of your answer. There has been such an instance in the past, but there is not now. Have you anything at all to tell us as to the interest or want of interest which women take in these local elections for municipalities and district boards?—Just recently there has sprung up a great deal of interest; in fact, I was canvassed for a vote for a woman the other day, and interest is springing up; but I think in the past we have felt that we could not secure a place, and that it was practically useless to try and do so, though we feel the need of women representatives on these boards.

29. Again, if we may think of the history of women's work in public affairs in England—though I do not say it is a guide anywhere else—in England women have taken a part in local affairs for a much longer period than they have in Parliament, and one rather wonders whether, if women are going to play an increasing part in public life here, and to help India to progress, their sphere may not be, at any rate at first, quite as much in the local bodies as in the central or provincial legislatures?—Yes, we do feel that; we feel that we can do a lot on the local bodies if we get a chance to be there.

30. *Lord Burnham:* I would only ask this one question. You said, I think, that women were increasingly interested in medical education. Could you tell me whether in this province there are women practising as doctors, or acting as medical officers of health under local bodies?—There are certainly many women doctors. I have no figures about there being medical health officers who are women.

31. Have you any figures as to the number that are practising as doctors?—No, we have had no time to prepare statistics.

32. No. I did not know whether you knew that?—I do not know exactly.

Mr. Srivastava: There are quite a large number of women doctors, particularly in the city.

33. *Major Attlee:* Are there a growing number of women taking up teaching now?—Yes, the number is increasing very rapidly.

34. And they would be likely to be interested in political matters?—Yes, I think so, as far as I have been able to judge.

35. *Chairman:* Just one further question. Is it your idea, when you speak of four separate seats for women, that those seats should be filled by the votes of women electors?—For the present, yes. You might limit the period, perhaps, but for the present as an experimental measure, at any rate, yes.

36. I mean, you are not suggesting that the four seats should be filled by women who are nominated?—No.

37. The four seats to be filled by women who are elected?—Women elected by constituencies of women.

38. And that is the connection in which you suggest that there might be introduced an education test such as a school certificate?—Yes.

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39. *Mr. Desanges:* * * * If the franchise was extended to women, do you think that women in *purdah* would take the trouble to come to the polling booths and vote, or would that be wasted?—We propose to meet that difficulty by some such procedure as is followed in the two Chambers of Commerce in Cawnpore, that is, to register the votes by post.

40. *Sir Arthur Froom:* Have the women of India always taken a keen interest in the Government, or the political side of India, in their homes? I mean, do you consider that the women of India have brought influence to bear on their menfolk in their homes on great political questions?—There cannot be any doubt of that, I think.

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41. But now you wish that the opinions women hold on political questions, or questions in connection with the advancement of India, should be expressed by representatives of themselves in the provincial councils rather than through their menfolk?—I think all women are feeling that there are many disabilities which have been suffered by women in the past through being represented only by menfolk, however good their intentions may have been.

42. *Raja Nawab Ali Khan:* You have suggested a literacy test for the franchise. Do you want that a certificate from certain educational institutions should be produced, or do you simply want that a woman should be able to read and write? What is your idea—that she must produce a certificate?—I think the ability to read and write one language at least should be sufficient.

43. *Sir Hari Singh Gour:* I just wish to ask you one question, and it is this. I understand your deputation's point of view is that the disabilities from which your sex suffers cannot be removed unless you have women representatives in the legislature to present the women's point of view, and that the legislature at present are apt to voice the men's point of view rather than the women's point of view; is not that so?—Well, we acknowledge the great generosity of our menfolk in this matter, but——

44. For instance, as regards the age of consent, and the marriage laws, men want to tell you what they would like to do, but they forget altogether what the women would like: is not that so?—Yes.

45. Consequently you want that your point of view should equally be represented?—Yes, directly represented.

46. And as regards the qualifications, that, of course, is a matter of detail?—Yes.

47. What you really want is your effective representation. How it is going to be done is a matter which you want others to settle?—Yes.

48. *Sir Zulfiqar Ali Khan:* Mrs. Ahmad Shah, you have just told the Conference that in India there are very few women who have property in their own right?—Yes.

49. Do not you think the Muhammadan women have the right by law to hold property in their own right?—Yes, we acknowledge that, but Hindu women have very few rights in that respect.

50. What about Christian women?—Christian women have rights under Christian laws, but Christian women are a very small proportion of the population.

51. *Sir Hari Singh Gour:* And are comparatively poor?

Witness : The ratio bears no proportion to the actual numbers.

52. *Sir Zulfiqar Ali Khan :* But if this right is maintained, that is to say, if the franchise is only granted to those women who possess property, then you think Muhammadan women will be the only women who would exercise the right of franchise ?—I had not looked on it in that light particularly, but we feel that that should not be the only test because it will certainly deprive a great many women of the vote.

53. But if you relax this rule, do not you think there will be some confusion ? For example, supposing in a household there were husband and wife and four or five daughters, do you think that the wife should be entitled to vote, and not the daughters ? —We said in our memorandum that we desired that the daughters of the age of 20 and over should exercise the right through their father's property, and the wife through her husband's.

54. Do you think that the Muhammadan women, although they desire the right to vote on account of property rights, will be able to exercise this right on account of the *purdah* restrictions ?—Gradually.

55. That, of course, remains to be seen, but we want to visualise as to the near future. What is your idea ?—I think that they will exercise the right to vote, particularly if we have it through the post, if they do not have to come to the polling station, or if special *purdah* arrangements are made.

56. You have suggested voting by post ?—In case the constituencies are unmanageable otherwise.

57. *Sir Zulfiqar Ali Khan :* But voting by post especially in the case of *purdah* women, would become rather difficult, because who is to verify whether the right person has voted ?

Sir Hari Singh Gour : How do they execute documents ?

Witness : How is it done in the Chamber of Commerce ?

Chairman : That is a difficulty, is it not ? At least from a small knowledge of Indian litigation I think it must be. I know that cases have arisen, have they not, where there has been a good deal of dispute as to whether a document which is said to have been executed by a lady in *purdah* was really the document executed by the particular lady.

Sir Hari Singh Gour : That is so.

58. *Chairman :* That would have to be thought out, would it not ? Would your idea be that there would be a woman scrutineer, a woman who would, as it were, see to the vote being got in the residence ? —I think that would meet the situation.

Sir Zulfiqar Ali Khan : Yes, but by post it is very difficult.

Dr. Suhrawardy : In Bengal we have separate polling booths for women, with lady presiding officers and polling officers, and Muhammadan *purdah* ladies of high family take advantage of it, and I know that they actually exercise the right of voting.

59. *Chairman :* Would that be a practical way ? It seems to be the way they do it in Bengal ?—I think so, because at our conferences which are held in *purdah* practically all the ladies come and register their votes with the other ladies.

60. *Sir Zulfiqar Ali Khan :* It is not so in all the provinces. I do not know about Bengal, but in other provinces I dare say the women are not so courageous as to go to the polling stations, so you cannot establish one rule for the whole of India ?—We are not establishing one rule for the whole of India. At the present time we are only speaking for this province.

61. But do you think in this province Muhammadan women will go out to vote ?—(*The Maharani of Mandi*) : Yes. (*Mrs. Ahmad Shah*) : I think a few of them will, and we will try to educate the rest.

62. Why not prepare them first, before asking for this right ?—How long are we to wait ?

63. *Sir Zulfiqar Ali Khan :* You said one of the qualifications should be a literacy test, and you say the upper primary standard may be accepted ?—The memorandum says that, yes.

64. If, for example, a woman who has qualified herself only up to that standard is elected a member of the council, do you think she would be able to take an intelligent part in the debates ?—In that case we can only say we hope we will be allowed to have the use of vernaculars in the council ; otherwise you must have an English literacy test, but we do not want that.

65. You want only an Urdu test ?—Urdu or Hindi.

Sir Zulfiqar Ali Khan : But the language of the council is English.

Raja Nawab Ali Khan : This is a test for franchise, not for the council.

Sir Zulfiqar Ali Khan : My point is this. If a woman is elected as a member of the council, and she has only qualified herself up to the standard of primary education, I was asking whether that would be enough to enable her to take an intelligent part in the debates.

66. *Chairman :* Forgive me for putting another question, but are you satisfied, in the absence of any literacy test, that there is any security that a man who is elected to the council will be sufficiently well educated ? There is no literacy test for a man.

Dr. Suhrawardy : As a matter of fact, in Bengal in 1921 we sent a cobbler to the council who knew nothing.

Chairman : I am not criticising anybody, but, in fact, in the Madras legislature, I have heard members —men—take part in the debates who spoke in the vernacular, presumably because they could not speak English.

Sir Zulfiqar Ali Khan : Is not that rather a handicap ? The community which sends up that kind of representative has always to suffer.

Chairman : I think it may be so, though I am not convinced that literary education is always the final test. May I point out there is also a second confusion, which is this. What these ladies are suggesting is that the right to vote should be given to women citizens who satisfy a particular examination test. The question as to what women they would vote for is a different question, is not it ? This is merely determining who is to vote. If there are thousands and tens of thousands of men in this country who vote though they are quite illiterate, it does not seem to me these ladies are asking anything very outrageous when they say that in the case of women voters there should be a literacy test.

Sir Zulfiqar Ali Khan : I quite see that, but once a lady has that right she can also stand for election.

Chairman : Certainly, just as an illiterate man can stand.

Sir Zulfiqar Ali Khan : That is so, but an illiterate man is always a great drag.

Chairman : I think I would trust these ladies to choose somebody who could represent them properly.

67. *Dr. Suhrawardy :* Mrs. Ahmad Shah, did women exercise their right of voting in the last general election in this province ?—Not to any great extent.

68. Did you have any special arrangements for ladies ? Did you have a lady presiding officer ?—No.

69. *Dr. Suhrawardy :* I made a mistake when I said that in Bengal that was done ; I meant in Calcutta. It is confined to Calcutta ; in the mofussil they have not got it. (*To the witness.*) : My friend, Sir Zulfiqar Ali Khan, has suggested to you that women should be educated first before they are given these rights. Am I right in saying the political education of women has already begun here in Lucknow, and they exhibit a keen interest in politics ? On the day of our arrival, I believe I saw the shadow of a lady with a black flag. Am I right ?—(*Mrs. Chitamber*) : And there were men, too !

Sir Zulfiqar Ali Khan : One swallow does not make a summer.

70. *Sardar Shivdev Singh Uberoi :* Would you like the idea that the property qualification for women should

be entirely removed, and only the qualifications of literacy and age demanded?—*Mrs. Ahmad Shah:* We prefer to have both. There are some ladies who have property in their own right, and we do not wish to debar them.

71. But if they are also educated they would have the right to vote?—Yes.

72. Do you wish the property qualification to remain as it is or to be altogether removed in the case of women voters?—We wish it to remain as it is so far as holding property in their own right is concerned, but we wish it to be extended to cover those whose fathers or husbands own property.

* * * * * * * * * *

Letter from Mrs. AHMAD SHAH dated 5th December, 1928.

WITH reference to the evidence of the Women's deputation, given before the Commission on December the 5th, we omitted to state one most important point, which we consider to be an indispensable factor in our Country's advance toward universal adult suffrage: namely, that in any future constitution it is an absolute necessity that adequate provision shall be made for the free and compulsory education of both boys and girls, at least between the ages of six and ten. On behalf of the deputation, therefore, I beg that Sir John will very kindly take note of this fact, and that he will give it a place among the claims of Indian women when the case of India is represented before the British Parliament.

Summary of the Memorandum submitted by the MUSLIMS of the UNITED PROVINCES.*

Provincial Government. Representation to the depressed classes should be given from among the constituencies termed "Non-Muslim." The elections to all the legislative bodies should be by method of direct election.

We regard separate electorate vital to our political existence as our experience of those constituencies where the general electorate obtains has convinced us that Muslims will disappear from all legislative bodies unless separate electorate is guaranteed to us. We are convinced that separate electorate precludes all chances of communal bitterness. Joint electorate with fixed reservation of seats is totally unacceptable to us as only dummy Muslims will be returned. They will be under the influence of Hindus. It is not separate electorate which is responsible for the present tension but the struggle for power waged by the majority community as a result of the Reforms and the activities of the Hindu *Maha Sabha* and Shudhi and Sangathan movements. But separate electorate is barren and hollow unless it is combined with the protection of the interests of our community in education services, local bodies, and the Cabinet. The U.P. Muslims deem the following points to be essential. We will oppose all changes in the constitution unless and until these demands are embodied in a parliamentary statute. We advocate the widening of the franchise for the Legislative Council, the Assembly, and the Council of State. Details will be found on pages 1–2, and 140 of our Memorandum. We advocate the enlargement of the Legislative Council. It should consist of 201 members, in which various communities and interests should be represented. Please see pages 12–13 of the Memorandum. We also advocate enlargement of the Assembly and the Council of State. Please see pages 137–140. Most of us are of the opinion that all subjects except Law and Order, including general administration, should be transferred. Others think that land revenue should be reserved. The subjects that are not transferred should continue to be administered by an Executive Councillor. We think that if, and when, the official *bloc* is removed from the lower chamber, a second chamber should be established in these provinces. We are of the opinion that sections 45 and 65 of the Government of India Act, 1919 should be retained. We think that the powers enumerated in these sections should be exercised as sparingly as possible. We are of the opinion that the principle of classification of subjects into central and provincial which is applied at the present time is fairly satisfactory.

WE DEEM THE FOLLOWING SAFEGUARDS TO BE ESSENTIAL TO OUR EXISTENCE, AND WE WILL NOT AGREE TO ANY CHANGE IN THE CONSTITUTION UNLESS AND UNTIL THEY GUARANTEED TO US:

(1) *Representation of community by separate electorate in the legislative bodies as embodied in the Government of India Act*, 1919.

(2) Representation of our community in all local bodies, by separate electorate.

(3) Separate electorate in Universities, Board of Intermediate Education, and other statutory and autonomous bodies. The amount of our representation in these bodies should be the same as that of our representation in the Legislative Council.

(4) Representation in the public services maintained by the Government and local and other autonomous bodies. The amount of our representation in the Government departments should be determined by the amount of our representation in the Legislative Council. In local and other autonomous bodies our representation in the administration should be in proportion to our representation on that body.

(5) Representation of Muslims in the Cabinet should in no case be less than 33 per cent.

(6) Adequate safeguards for the Urdu language in the courts, Government Departments, educational institutions, local and other elective bodies created and controlled by the legislature.

(7) If three-fourths of the members of a community object to the introduction of a Bill, resolution or motion on matters affecting the religious or customary rights of our community, in the legislature, or any other elective body, such a Bill, or resolution, shall not be allowed to be moved, discussed or voted upon in any such body.

(8) Thirty-three per cent of all grants-in-aid of education, religion, charity, and for social purposes whether given by the Government or a local body to be reserved for Muslim institutions.

(9) Full religious liberty, liberty of belief, worship, observances, propaganda association and education shall be guaranteed to our community. The general laws of the states shall remain unaffected thereby.

We regard these rights to be fundamental. Unless and until we are granted these safeguards, we will determinedly oppose all schemes for the rearrangement of the constitution. We are strongly of the opinion that no legislature, and no administrative or elective body in India, should be given the power of modifying these safeguards. We are of the

* The full Memorandum, comprising 290 pages, with 214 pages of appendices, is too long to reproduce.

opinion that the British Parliament, through the Secretary of State for India, should be given the power of framing rules in accordance with a statute of the British Parliament, for the purpose of enforcing these safeguards. We would have had no objection to this power being conferred on the Governor of the province, but for the fact that his position would be a delicate one, and he should not be involved in matters in which members of various communities are deeply concerned.

We may refer you to pages 111–112 of the Memorandum for details of the scheme whereby we desire these safeguards to be enforced.

That most of these safeguards are by no means new, but are actually embodied in the constitutions of many of the new states of Europe, will be clear from the perusal of pages 65–111 of our Memorandum; while pages 113–133 show how they are being worked in many European countries at the present time.

Muslims in the Administration.—In no country in the world are the services as important an agency of public good as they are in India. The reforms have precipitated the struggle for power and emoluments of office, and for control of the entire machinery of Government. The present tension is due not to the communal electorates, but to the struggle on the part of the majority community for wresting from the Muslims their positions in the administration, education and local self-Government. Unless a free and frank ratio in the services is settled between at least the two communities who aspire to Swaraj, and accepted and legalised in a parliamentary statute, not only will constant bickerings soil our record of self-Government, but clerical castes, with special aptitude for passing examinations, will dominate the country. We are strongly of the opinion that a Provincial Public Services Commission should be established in these provinces and that the ratio of Muslims in every department of the Government and autonomous bodies created and controlled by the Legislative, should be fixed. The amounts of our representation in the Government services should be determined by the extent of our representation in the Legislative Council, while the amount of our representation in elective bodies created and controlled by the legislature should be determined by the amount of our representation on such body. We are of the opinion that there should be a competitive examination, for all public services, and that Muslims and Hindus should sit for the same examination; but Muslims should be selected out of Muslim candidates, and Hindus out of Hindu candidates. We think that minimum qualifications should be laid down for all examinations, and no person should be admitted to any examination who does not satisfy these qualifications.

In our opinion, there should be no change in the parliamentary statute which embodied the recommendations of the Lee Commission. We think that the percentage of Europeans and Indians fixed therein should be maintained for the present. We want to make it clear that this is only temporary. We look forward to the period when this state of things will disappear. We are strongly of the opinion that some of the important posts maintained by the local bodies, such as Secretary, Executive Officer, Engineer, Public Health Officer, should be taken away from the control of such bodies, and should be filled by the Provincial Public Services Commission, after such tests, etc., as the latter may impose. We feel strongly that the Muslims should be guaranteed a percentage in all appointments under the control of provincial government or other elective bodies. We may refer you to pages 148–178 of the Memorandum for a discussion of the various problems concerning this subject.

Local bodies.—We are strongly of the opinion that the local bodies should be left comparatively free in the sphere which is allotted to them. But if they are inefficient or partial, and slack in the discharge of their duties to the public, it is the duty of the Government to remove their defects. While Municipal Boards are comparatively efficient, the District Boards have not worked well. The voters are illiterate. On the Boards have been conferred powers which they do not know how to use properly. This does not apply to every District and Municipal Board in these provinces. Some have done well. But the fact remains that the majority of these bodies have not worked smoothly, and some had to be superseded. Their treatment of the Muslim minority has been such as to call forth protests from Muslims all over the province. There are some honourable exceptions to this. But it must be stated frankly that a number of local bodies have subjected our community to a species of treatment which it has never experienced in the history of these provinces. The number of Muslim employees has been reduced. Muslim contractors have been reduced in a number of cases, while the percentage of Muslim teachers in rural areas has been reduced to alarming proportions. They have, in many cases, been Hinduised, and Muslims feel that they are helpless in the matter. For details of the policy pursued by the local bodies we refer you to pages 30–54 of our Memorandum.

We are strongly of the opinion that the Chairman of every Board should alternately be a Hindu and a Muslim, and the Boards should have only deliberative functions, and not executive power. Certain posts under the Boards should be provincialised; the control of the Government should be exercised in all cases where interests of minorities are affected; and the inspection of the finances and working of local bodies by heads of Government Departments, or others under them, should be undertaken. Urdu language should be allowed in all bodies, and Muslim children in schools maintained by these bodies should be given facilities for learning the Urdu language; and the appointment of Muslims in the services maintained by the bodies should be guaranteed. Separate electorate in these bodies should be guaranteed for Muslims. Muslims should be given by statute right to the exercise of their religion. Grants-in-aid for Muslim institutions should be fixed, and should not be left to the mercy of each Board. The Collector of a district should not merely be a critic, but should help the Boards with his advice. Anything done by any local body which violates these safeguards should be declared null and void.

Judicial.—We strongly recommend the appointment of thirty-three per cent of Muslims in all grades of the Judicial Department, and the use of Urdu in all the courts.

Education.—We have already given evidence on education before the Education Committee of the Statutory Commission, through our representatives, Dr. Shafaat Ahmad Khan, Litt. D., M. L.C., Chairman of the Committee, and Hafiz Hidayat Husian, M.L.C., and endorse all that they have stated before it.

NOTE :—The references to the Memorandums are to the Memorandums submitted to the Statutory Committee, at the end of July, this year.

I have the honour to be, Sir,
Yours most obedient servant,

SHAFAAT AHMAD KHAN,
M.L.C., LITT.D., F.R.HIST.S.

Chairman, Committee for the Demand, U.P. Muslims,
November 15, 1928.

LUCKNOW.

Dated 6th December, 1928.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

Deputation of the MUSLIMS OF THE UNITED PROVINCES.*

The Deputation consisted of :—

Khan Bahadur Masud-ul-Hasan, Barrister-at-Law, M.L.C.

Mr. Zuhur Ahmad, Barrister-at-Law, M.L.C., Secretary to the Committee.

Shaikh Adullah, M.L.C., Advocate, Treasurer, Muslim University, Aligarh.

Khan Bahadur Fasih-ud-Din, B.A., M.L.C., Retired Collector.

Raja Ejaz Rasul Khan, C.S.I., of Jehangirabad.

Nawab Jamshed Ali Khan, M.B.E., M.L.C., President, Zamindars' Association, Muzaffarnagar.

Munshi Ihtisham Ali, President, U.P. Muslin League.

Saiyid Habibullah, M.L.C.

Khan Bahadur Fax-ur-Rahman Khan, M.L.C.

Khan Bahadur Shah Badre Alam, M.L.C.

Mr. Abdul Bari, Barrister-at-Law, M.L.C.

Nawab Sajjad Ali Khan, M.L.C.

Khan Bahadur Saiyid Zafar Hussain, Barrister-at-Law, M.L.C.

Khan Bahadur Ubaid-ur-Rahman Khan, M.L.C.

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1. We propose to ask our colleague, Dr. Shafaat Ahmad Khan, to put questions to you in the first place, and afterwards, other members of the Conference will very likely have some questions to put.—*Khan Bahadur Masud-ul-Hasan :* I will reply with regard to constitutional questions, and Khan Bahadur Fasih-ud-Din will reply with regard to the Services.

Chairman : Very well.

2. *Dr. Shafaat Ahmad Khan :* In what capacity do you appear before this Conference ?—We appear as representatives of the Mussalmans of the United Provinces.

3. Is your Memorandum supported by the Muhammadans of these provinces ?—Yes.

4. Would you kindly tell us, as briefly as possible, what the demands of the United Provinces Muhammadans are ?—They are given in our Memorandum on pages 109 and 110.

5. Would you kindly read them out ?—Yes. They are these : "1. Representation of our community by separate electorate in the United Provinces legislative council as embodied in the Government of India Act of 1919. The Act embodies the solemn, clear, definite and unambiguous pledge which the British public gave, through the Imperial Parliament, to the Muslim community. That pledge, we hope and believe, the British Parliament will redeem. Separate representation in the legislatures has been guaranteed to us by all responsible British statesmen. We are convinced that these promises shall be kept. 2. Representation of our community in all local bodies, by separate electorate. 3. Separate electorate in the Universities, the Board of Intermediate and High School Education and other elective bodies created and controlled by the legislature. The amount of our representation in these bodies should be determined by the amount of our representation in the legislative council. 4. Representation in the public services, whether maintained by the Government or local and other autonomous bodies. The amount of our representation should in no case be less than thirty-three per cent. in each grade of every department, maintained by the Government. In the local and other autonomous bodies our representation in the administration should be in proportion to our representation in that body. 5. Representation of Muslims in the Cabinet should in no case be less than thirty-three per cent. 6. Adequate safeguards for the Urdu language in the Courts, Government departments, educational institutions, local and other elective bodies created and controlled by the legislature. 7. If three-fourths of the members of a community object to the introduction of a Bill, resolution, or motion, on matters affecting the religious or customary rights of our community, in the legislature, or any other elective body, such a Bill, resolution, or motion, shall not be allowed to be moved, discussed or voted upon in any such body. 8. Thirty-three per cent. of all grants-in-aid of education, religion, charity, or for social purpose, whether given by the Government, or a local self-governing body, to be reserved for Muslim institutions. 9. Full religious liberty, liberty of belief, worship, observances, propaganda, association, and education shall be guaranteed to our community. The general laws of the State shall remain unaffected thereby."

6. On page 110, in the first line after these safeguards, these words occur : "We regard these rights to be fundamental." What do you mean by "fundamental" ? How are you going to get them effectuated ?—What we mean by this is that these rights to protect the interests of the Mussalmans should form part of the fundamental rights attached to the Statute.

7. *Chairman :* You wish to have them expressed in the language of the Government of India Act ?—Yes.

8. *Dr. Shafaat Ahmad Khan :* Could you kindly tell us how these safeguards are going to be enforced in India ?—Well, the suggestion that we can make at present is that these safeguards should be enforced through the Governor-General and the Governor of the province. It is open to the Governor either to decide himself or to refer the matter to a judicial tribunal, whether the safeguards affecting the minorities have been acted upon in the spirit of the

* The references during the examination of this Deputation are to the full Memorandum, a summary only of which has been printed (*vide* p. 338).

law or not, and he should carry out the decision of the judicial authority.

9. You say on page 109 that the Muhammadans of these provinces desire to reserve the amount of representation in the legislature which they have got now. On what ground do you demand your present proportion in the legislature?—The reasons are that we have got our political importance, we have got our social importance in these provinces. We have contributed largely to the culture and advancement of these provinces. The fact of our importance was recognised by the Government of India in their despatch of 1907, which you will find at page 266 of "Indian Constitutional Documents," by Mukerjee.

10. Would you kindly read that portion?—Yes. "The Government of India concur with the presenters of the Address that neither on the provincial nor in the Imperial legislative councils has the Muhammadan community hitherto received a measure of representation commensurate with its numbers and political and historical importance, and they desire to lay stress upon his Excellency's observation," and so on. Further on, they say: Under the system of election hitherto in force "——

11. Excuse me; the word "hitherto" means separate electorates?—Yes.

12. *Chairman:* Let us identify the document. Are you reading from a despatch?—Yes. It is a despatch of 1907, at page 266 of "Indian Constitutional Documents," by P. Mukerjee, Volume I. "Under the systen of election hitherto in force, Hindus largely predominate in all, or almost all the electorates." Further on, in the 5th despatch of the Government of India, the Government has recognised the special representation of the Muhammadans. This is "The Indian Constitution," by P. Mukerjee, page 460: "Past history and the presence of Muhammadan centres count for much. Fourthly, it might be argued that inasmuch as a majority can always impose its will upon a minority, it does not greatly matter whether the Muhammadans, in places where they are in a conspicuous minority, are awarded, for example, 15 or 20 per cent. of the seats. But we think it a valid answer to observe that the effectiveness of a minority depends upon its being large enough to have the sense of not being entirely overwhelmed. Finally, we should have to remember that whatever advantage is given to the Muhammadans is taken away from some other interest or interests."

13. *Dr. Shafaat Ahmad Khan:* So I take it you want representation in excess of the population?—Certainly.

14. On the ground that if the amount of the Mussalman representation remains as it is, it will have the feeling of being entirely overwhelmed. If we keep our representation according to population, even under the Government of India Act, there will be a sense of being overwhelmed?— That is exactly the idea.

15. Can you give me any other ground for maintaining their present proportion in the legislature besides the ground you have alleged?—Well, there is the Lucknow Pact.

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16. *Dr. Shafaat Ahmad Khan:* Is it a fact that a separate electorate intensifies ill-feeling among various communities in this country?—No, not at all. On the contrary, the separate electorates have avoided occasions for further bitterness.

17. How?—Because when you have the mixed electorates the Hindus have a greater chance of fighting the Mussalmans to obtain their object as far as the elections go.

18. Khan Bahadur Fasih-ud-Din, you were a member of the Provincial Executive Association for the Islington Commission, I understand?—*Khan Bahadur Fasih-ud-Din:* I was a co-opted member of the Islington Commission to represent the provincial executive services in 1913.

19. And you have been a Collector of a district in this province?—Yes.

20. So you have a sufficiently long experience of public service?—Yes.

21. What are your reasons for demanding representation in the services?—My reasons are the same as have been given for our representation in the legislative bodies. The legislative bodies dictate the policy, and that policy is carried out by the services. We do not want this representation for the sake of the loaves and fishes of the office, but for the sake of having an adequate share in the administration of our province.

22. Have you heard that some people say that if you had representation in the services the efficiency of the various departments where this rule obtains will suffer?—Not in the least, because hitherto the Muslims have been working with very great efficiency, and their efficiency has been admitted by all the heads of the departments and by the heads of the provinces also, in spite of the fact that they have not come into the services through competitive examination.

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29. *Dr. Shafaat Ahmad Khan:* (*To the witness.*) Khan Bahadur Sahib, I will confine myself to the provinces of India. I should like you to tell the Conference what regulations or rules provinces in India have made for the representation of various communities in the public services.

Chairman: Shall we start with this province? I know about some of the others.

30. *Dr. Shafaat Ahmad Khan:* Start with the United Provinces?—In the first place, the Lee Commission has fixed the representation of Indians and Europeans, and also of Muslims and non-Muslims.

31. *Chairman:* Has it? Where shall we find that in the Lee Commission's report?—This is the practice of the executive Government.

32. *Chairman:* I want to be clear about this. I may have misunderstood it, but up to the present I have never heard that the Lee Commission dealt with the distribution of services as between Muslims and non-Muslims. Surely that is so?

Dr. Shafaat Ahmad Khan: Quite.

33. Very well; it is a mistake. What you wish to refer to is a practice (it may even be a rule) which has been laid down, I think, in more provinces than one, that while the Government does not undertake to secure a particular distribution of offices according to communities, they do endeavour to follow the rule that no community shall fail to be represented to a reasonable degree. Is that the sort of rule you have in mind?—(*Several members of the deputation.*) Yes, exactly.

Dr. Shafat Ahmad Khan: For the deputy collectors in this province the ratio as between Hindus and Muhammadans is fixed in the competitive examination. If there are six vacancies, two are offered to the Muhammadans and four to the Hindus.

34. *Chairman:* What sort of posts is that for?

Dr. Shafaat Ahmad Khan: The provincial executive service—deputy collectors.

35. *Chairman:* You are speaking of the provincial service?

Dr. Shafaat Ahmad Khan: Yes.

Sir Hari Singh Gour: The provincial executive service.

Dr. Shafaat Ahmad Khan: For the excise inspectors, which is also by competitive examination, the ratio of Muhammadans and Hindus is also fixed.

Witness (*Khan Bahadur Fasih-ud-Din*)*:* May I explain?

Chairman: The doctor sahib is putting it quite plainly, and I am interested to learn. You are referring to recruitment for the provincial service?

Dr. Shafaat Ahmad Khan: Yes.

36. *Chairman:* Can you tell me this. Has a document been issued, coming from the United Provinces Government, which lays down that proportion? Is there a published document which does so?

Dr. Shafaat Ahmad Khan : Yes. I could give the reference to it later on.

Witness (Khan Bahadur Fasih-ud-Din) : It is in the Manual of Government Orders.* I could submit that later on. What I wanted to submit, sir, was this : that the Lee Commission fixed the proportion of Indians and Europeans in each province.

37. *Chairman :* For the All-India services ?—For the All-India services.

38. Excuse me if I correct you, but we must get it right. They did not fix the proportion for each province; the proportion was fixed for the All-India services ?—Yes, and subsequently the local Government fixed the proportion in the services under its control—the proportion of Muslims. It fixed the proportion in the Police department and in the executive provincial services and in all the other branches of the services, even in the case of services the recruitment to which was made by competitive examination.

39. *Dr. Shafaat Ahmad Khan :* How would you secure representation of the Muslims in the services consistently with efficiency ? Have you any scheme ? —Yes. I should like to lay down the minimum qualification and then I would reserve seats. There should be competitive examinations for the Muslims and non-Muslims separately, and I would take the requisite number of Muslims on the basis of the result of the competitive examination, as is done in the case of deputy collectors now.

40. What is your experience of the working of local bodies in these provinces ?—*(Khan Bahadur Masud-ul-Hasan) :* My experience of the working of local bodies in these provinces is that generally the working has deteriorated and the efficiency has suffered, but there are honourable exceptions to this general rule.

41. Can you tell me how the local bodies have treated the minorities ?—That is rather a difficult question, but as a matter of fact I know that generally the minorities have not been properly treated. Their interests have suffered, and in spite of their separate representation they have not been able to protect their interests.

42. What interests ?—As a matter of fact, we find that Muhammadans have been eliminated from the services; slaughter houses have been closed, and various obstacles have been put in the way of their exercising their civic rights; for instance, in the schools their education has suffered; Muhammadan teachers have not been fairly treated, and grants have not been made sufficient to save their interest in education.

42. Is any check imposed by any instrument or statute whereby the local bodies can be controlled in their treatment of minorities ?—Unfortunately, in India, and especially in our provinces, the check from above is very limited; but in European countries rules have been laid down by statutes whereby the local bodies are compelled to protect the interests of the minorities according to a certain standard.

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46. *Dr. Shafaat Ahmad Khan :* Khan Bahadur Masud-ul-Hasan, will you kindly tell me why the safeguards in Europe to which you have referred have not been so effective ?—As a matter of fact, the execution of these safeguards is entrusted to the League of Nations, and the League has exercised only the right of advice and persuasion; no force has been brought to bear on these States to enforce these rights. In the case of the British Empire it would be entirely different. If the British Parliament has to see to the enforcement of these minority rights, the British Government can exercise physical and other force to make the provincial Government carry out what the law lays down for minorities.

47. *Chairman :* We need not go into this at length, but perhaps you will allow me to point out to you what is the real difficulty, as it strikes some of us, in this line of suggestion. It is not that any fair-minded man would not wish to see the rights of a minority protected. Every fair-minded man, of course, ought to want that. The difficulty is not a theoretical difficulty but a practical difficulty. You do not get any practical protection merely because you have a general phrase put into an Act of Parliament; the practical protection arises if the language of the Act of Parliament is such that it can be enforced in detail. You said just now, by way of example, that you thought that in some of the district boards where there was a Hindu majority the Muslim teachers did not get a fair chance. Let us take that as an illustration. I can understand that Muslim teachers would be protected by the growth of a public opinion which felt that one ought to do what was fair by everybody, whether the person concerned was a Hindu or a Muslim; but what sort of clause do you think could be put into an Act of Parliament which would secure that a Muslim teacher got a fair chance ? What is your idea ?—This is a matter of drafting. What we want is that the principle should be settled and recognised, and it should be left to the Government of India and the local Government to lay down rules by which that principle could be translated into action.

48. Yes, I quite understand it if what you suggest is what you have mentioned already, namely that there should be a rule, backed by Statute, that appointments of a particular sort should go to members of different communities in a particular proportion. There may be objections and difficulties in regard to that, but at any rate I understand the suggestion. What I feel some difficulty about is in understanding the suggestion that over and above that there is something which can be put into an Act of Parliament which is going to secure that people are fairly treated. You see, representative institutions necessarily mean that you leave a great deal of discretion with the body that has been appointed; and if at the same time you require that at every moment in every individual case some superior authority is to intervene, how much have you got left of representative institutions ? That is the practical difficulty. I am not saying this in the least to criticise what you say, but to get your help ?—As a matter of fact we feel that if safeguards and guarantees were provided in the Statute with regard to the principle, the representative of the King in India will see that they are properly executed.

49. There are many Constitutions which begin with the words "All men are equal." Is it your reading of history that the countries whose Constitution begins with those words have in fact secured equal treatment for all men ? That is the difficulty. I am not in the least criticising you; I want your help ?—Yes. What we feel is that once these principles are recognised and incorporated in the Act, the Muhammadans themselves will exert themselves to protect their interests; the Government, on the other hand, will see they are executed, and the majority will also realise that if these provisions are not executed they stand to lose a great deal of power.

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51. *Dr. Shafaat Ahmad Khan :* * * * *(To the Witness) :* What would be the policy of the Muhammadans if their demands are not granted ? —This is a most serious question. We feel that if our demands are not granted, or we are deprived of those privileges which we exercise to-day, we shall immediately ask His Majesty's Government to scrap the existing Reforms, because if safeguards are not provided for the interests of minorities our position will be jeopardised, and not only our community but we feel India as a whole will suffer.

Chairman : Forgive me. We none of us want to carry these statements further than, on reflection, the deputation really intends. Turn to page 110 of your book for the moment please. I read there : "We regard these rights to be fundamental. Unless and until we are granted these safeguards, our

* *Vide* Appendix, p. 346.

community will determinedly oppose all schemes for the rearrangement of the Constitution." That is not the same thing as asking the existing Constitution to be scrapped.

52. *Dr. Shafaat Ahmad Khan :* But your point is that the present arrangement has not secured your rights ?—That is so.

53. And therefore unless these rights are further secured, you will be quite prepared to see the whole of the present Reforms scrapped. Is that what you mean ?—That is exactly what I mean.

54. *Mr. Desanges :* You have seen this book, the " All-Parties Conference of 1926," I take it ?—Yes.

55. Do not you think that the demands made by your community will not strengthen nationalism in this country ?—Most certainly, because it will remove the causes of friction and it will afford an opportunity to co-operate for the well-being of the country.

56. But why are you not in favour of the government of India by Indians—that is, the Muhammadans fusing with the Hindus ?—At present I feel that the nationalism in India means nothing short of Hindu communalism. If we were satisfied that our rights were protected by parliamentary enactment, and if the British Parliament has guaranteed to us those rights and enforcement of those rights, we certainly would have advocated full responsible government in India; but until our rights are protected we cannot take the risk.

57. *Khan Bahadur Hidayat Husain :* Do you think that communal tension would be intensified by the substitution of joint electorates for separate electorates ?—Most certainly. That is what we are afraid of.

58. Your opinion is based on what ?—On experience.

59. What do you say as to the reservation of seats from a joint electorate in order to foster nationalism in India ?—We feel that by substituting a mixed electorate with the reservation of seats for the separate electorate, Muhammadans will not be able always to return their true representatives to legislative bodies, and that those who would be returned in the majority of cases would be the dummies of the majority community.

60. In these provinces even in 1924 the Hindus generally supported separate electorates. Since when do you think there has been any organised opposition to separate electorates in these provinces ?—Well, it started after 1924, as a matter of fact, with the advent of the Mahasabha.

61. When was that ?—When the activities of the Mahasabha were intensified.

62. *Chairman :* I think perhaps time might be saved if I say this. We had a very careful and full statement on this side of the matter when we were in Lahore, and this particular point when there was a change in the view taken by those who spoke for the Hindu community about separate electorates was very carefully gone into. Sir Muhammad Shafi went into it with us, and I may tell you at once the conclusion which seemed to be historically correct to most of us. It seemed to be established. as you have just said, that at one time there was not an objection to separate representation, and I think you are correct in saying the change began to come about the year 1923 or 1924, or thereabout. I think it would be difficult to say it is quite as late as you suggest, for this reason, that as a matter of fact the objection is mentioned in the report of the Muddiman Committee, and the Muddiman Committee signed its report in December, 1924; so it appears that it arose before then. On the other hand, we need not go over the ground again. It is fair to remember that the difference of view which undoubtedly has grown up on the part of a large part of Hindu political opinion may be said, perhaps, to be due in fact to experience of the actual working, because, of course, in the days when there was a general agreement that there should be separate electorates it was before they had been used in connection with the present Constitution. There had been some use of the system of special communal electorates, but the actual experience of working of them on a large scale, of course, only took place lately. Do not you think that fairly states what the history is, as you understand it ?

Khan Bahadur Hidayat Husain : Yes.

Chairman : I only wanted to save your time, because we have had it before.

63. *Mr. Srivastava :* Khan Bahadur Masud-ul-Hasan, you say yours is a representation of the Mussalmans of the United Provinces. How do you call it so ?—This is the most representative deputation that could be had in the United Provinces. It consists of the elected representatives of the Muhammadans in the Council; it has got the President of the Provincial Muslim League; it has the representative of the Muslim University; and besides this, when we prepared our memorandum we consulted the representatives of the local bodies, and we also discussed the principles in the All-Parties Conference that was held at Cawnpore; so our representation and our memorandum represent the whole Muslim community of the United Provinces.

64. There are no exceptions ?—There are exceptions who do not count.

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94. *Mr. Srivastava :* * * *, Khan Bahadur Masud-ul-Hasan, are you an elected member of the council ?—(*Khan Bahadur Masud-ul-Hasan*) *:* I am a nominated member of the council.

95. Nominated by Government ?—The nominations are made by the Government.

96. Have you anyone else in your deputation who is a nominated member ?—There is one other.

97. *Chairman :* It seems to me this deputation is a deputation which contains two nominated members of the legislative council and I think nine or ten others ?—(*Several members of the Deputation*) *:* Eleven.

98. *Mr. Srivastava :* On page 3 of your memorandum you make a complaint about the special constituencies. You say there are six constituencies in the United Provinces which could return a member of your community, or rather of any community. Do you stand by the statement that those constituencies could return a member of any community ?—If they wished to they certainly could.

99. Are you aware that the Upper India Chamber of Commerce has not got a single Muhammadan member ?—I am not aware of it.

100. *Mr. Srivastava :* You did not verify that fact ?

Chairman : Is that so ?

Mr. Srivastava : That is so.

101. *Chairman :* The Upper India Chamber of Commerce does not contain any Muhammadan member ? Is that by its rules ?

102. *Mr. Srivastava :* No, but no Muhammadan has cared to join the Chamber. (*To the Witness.*) Are you aware that the United Provinces Chamber of Commerce has got only two Muhammadan members out of a hundred and six ?—It may be so, but if they wanted to give an opportunity to the Muhammadans they would certainly elect one of them.

103. Do you know whether any Muhammadan has stood in these constituencies ?—They had no chance.

104. Do you ascribe this definitely to a determination on the part of the Hindus not to let the Muhammadans get in for these constituencies ?—If we are to judge the sympathetic spirit of the majority community by their actions in the United Provinces, we can certainly infer it was on account of this that no Muhammadan was elected. We also find that in the district boards in the whole of the United Provinces only a solitary Muhammadan has been elected as chairman.

105. I am not concerned with that; I am asking only about these constituencies. Will you please

keep to my question?—I am trying to prove the spirit which is behind all this.

106. My question is this: Have the Hindu members of these constituencies made a definite "dead set" against the Muhammadans, so that they shall not get in or is it only a matter of chance that they have not got in?—We have to infer the motives from the results.

107. You cannot say they made a "dead set" against the Muhammadans?—I cannot say what was in their minds, but we have to judge their motives by the results.

108. You demand 33 per cent. representation in all services and you want 33 per cent. of grants-in-aid for education, religion and so on and so forth Will you be willing to pay for this in the shape of taxes? Will you be willing, as a community, to pay for these things in the shape of taxes?—We have been paying. Our population is only 14·8 per cent., but we have been paying 23 per cent. of the revenue in the United Provinces.

109. *Chairman:* 23 per cent. of what?—Of Government revenue.

110. You mean of land revenue, do not you?—Yes.

111. You see, there is also income tax?—Muhammadans have been paying income tax on their incomes as well.

112. I am not disputing with you; I only mean that what you refer to is land revenue?—Land revenue, yes.

113. *Mr. Srivastava:* My question is this. If it be found that the taxes which you pay come, say, to only 20 per cent., would you still insist that you should get 33 per cent. of all these "loaves and fishes" as you have called them in one place?—The taxes and the revenues paid into the Government exchequer become the property of the State, and it is the duty of the State to distribute them to the various interests according to their requirements.

114. I am not concerned with the duty of the State, but would you regard it as fair that if you are paying only 20 per cent. of the taxes, you should get a bigger share in the emoluments which accrue from those taxes?—Most certainly it would be fair. If capitalists pay a large amount of income tax, it does not follow it should all be spent on them.

115. You said that in a number of local bodies the slaughter-houses have been closed. Can you give instances?—Take the case of Jhansi; in spite of the protests on the part of Muhammadans the slaughter-houses have been closed and the Muhammadans made to suffer. We have given instances in our memorandum also.

116. But does it not rest with the Government not to accept a proposal like that?—The Government cannot interfere; the Municipal and District Boards Acts have not given them sufficient power to intervene.

117. You want separate electorates and you have stated in various portions of your memorandum that separate electorate is only a modification of the system of proportional representation. Would you be content with proportional representation?—According to the Nehru Report proportional representation is not practicable in India.

118. I am not talking of the Nehru Report. Would you be content with proportional representation?—No, we cannot.

119. *Chairman:* I understand your question is whether the Muhammadan community as represented by this deputation will be content with having the same proportion of elected seats in the council as Muhammadans are of the whole population.

Mr. Srivastava: No, Sir. My question is that if the single transferable vote system is adopted whereby the minorities are automatically protected

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Chairman: I do not think it works quite automatically; it is rather elaborate.

120. *Mr. Srivastava:* It is elaborate, but supposing the difficulties of working it could be solved, would you be content with that system?—We will not be satisfied because that would not give us sufficient representation.

121. Would you refer to pages 116 and 117 of your memorandum? You have described this proportional representation at great length and you have said how it is worked in different countries. At page 117 you say "the difference between separate electorate and proportional representation is one of method and not of principle"?—Yes.

122. It seems that you regard separate electorate to be the same thing as proportional representation—it varies only in the method?—The result of the two is practically the same.

123. Well, then, will you not be content with that system?—No, because it would not give sufficient representation, and in India the system of proportional representation is unworkable at present.

124. Then your objection to proportional representation is that it will not give you weighty representation?—Yes.

125. *Chairman:* If you look at page 117 you see a further point has been made. It says: "In the former (that is the separate electorate) the minority is organised in a separate electoral roll, in the latter (that is, proportional representation) it is organised in well-disciplined, well-trained and intelligent, political parties." If you turn over to page 118 you see it is stated: "We may point out that in India parties are not often formed, and elections are rarely fought, on political issues, as it is the personal influence of the candidate and his friends which is the determining factor in all contests." I am not saying whether it is right or wrong, but assuming, for the moment that it is right, it does seem rather that in the present circumstances of India it might be difficult to work the system of proportional representation.

Mr. Srivastava: It may be difficult, but I am asking whether the deputation will be content if the difficulties can be got over?

Witness (Khan Bahadur Masud-ul-Hasan): No.

126. *Kunwar Bisheshar Dayal Seth:* You have said that in spite of separate electorates your interests have suffered a great deal in the local bodies. Then do you think that separate electorates have failed in this respect and that therefore some other system should be substituted in its place?—Without safeguards separate electorates cannot secure our protection. As a matter of fact, in the Lucknow Pact we had provided for a proviso that if three-fourths of the members of the minority oppose any resolution or a Bill affecting that community it should not be proceeded with. But that part of the Pact was not accepted by the British Parliament and therefore we are left only to protect our interests by means of separate electorates. They give us representation but for want of safeguards in the Statute or the rules our interests have not been sufficiently protected.

127. You have complained a great deal about the Hinduisation of local boards. Has any representation been made to the minister of Local Self-Government about that?—It would have been utterly useless because he has no power to interfere.

128. Was any representation on behalf of your community ever made to the minister of Local Self-Government about this matter?—Complaints have been made in the Press; we have made complaints from our platforms. We have brought it to the notice of the minister but he is helpless.

129. That was only in an indirect way. Did you make any direct representation?—Yes. A direct representation was made to the minister in Lucknow with regard to the Melad controversy, but the minister could not do anything in the matter.

130. It was only on one occasion about the Melad controversy that you made that representation?—That was on a very serious occasion. If on such an occasion he could not interfere I do not know how he can interfere on other occasions.

131. Now about the second paragraph on page 186 dealing with the courts and the judiciary in the United Provinces?—That paragraph has been deleted.

132. I want to know how is it that you had to withdraw a thing which you had originally included? —It does not affect one way or the other since it has been withdrawn.

133. *Raja Nawab Ali Khan:* May I draw your attention to page 18 of the green book wherein you say: "We have said before that the peace and the future of the country are . . . at stake, and it therefore grieves us beyond all description to say that if no adequate safeguards for the proper Moslem interests are guaranteed by the British Parliament and made an organic part of the Constitution, we will not only say halt to all further Reforms, but we would strongly advocate going back to the pre-Reform days." If proper safeguards are not provided you would rather have the Reforms stopped?—Yes.

134. On page 4, paragraph 3 you say: "The Moslem public strongly feels and the realities of every-day life demonstrate it beyond any shadow of doubt that the Hindu cannot be trusted with Moslem rights." Do you consider that in an atmosphere of this kind it is possible for responsible government to flourish?—Certainly not.

135. Will the result of communal electorates not be to encourage the growth of parties based on religion and not on politics?—As a matter of fact in our own council the parties are not formed on religious grounds. Muhammadans belong to various political groups.

136. But do you recognise the desirability of forming parties on political lines or not?—Most certainly.

137. Is it possible to form those parties under these communal electorates?—Certainly; we have got parties even now in the legislature.

138. *Mr. Srivastava:* What parties are you referring to?—There is the Progressive Party, there is the Swaraj Party and there is the Nationalist Party.

139. *Chairman:* I understand what the witness means in his answer is this, that when you look at the political alliance of different Muslim members of the Council you will find that all the Muslim members do not belong to one party and act together but some of them act with one political group while others with some other political group. But you see Khan Bahadur that there is a very good point in the question put to you by the Nawab Sahib. What do you contemplate for India? Do you contemplate a future in which Muslim members will be elected by Muslims to look after Muslim interests and Hindu members will be elected by Hindus to look after Hindu interests, or do you contemplate a future in which citizens will be elected to look after the interests of the country as a whole?—Our ideal is that, till such time as the electors feel their full responsibility and we have developed our political conception, separate electorates will have to be maintained to protect our interests. But we look forward to a time when all the various interests will unite and work for the United India.

140. *Raja Nawab Ali Khan:* Can you visualise the time?—The time will come.

141. When?—I cannot answer.

142. On page 16 of the green book you say; "We have no doubt that the time has long arrived when joint responsibility of the ministers in the administration of transferred subjects should be enforced." How do you think that this can be achieved when ministers are drawn from communal parties?—If it is possible for the Muhammadans and Hindus to co-operate with various political parties in the council the ministers could certainly co-operate with each other.

143. You recommend on page 20 that "In cases in which the interests of the Moslem community are involved, the minister belonging to that community need not be bound by the majority if he commands a majority of three-fourths of the Moslem members of the Council." How then is joint responsibility possible under these circumstances?—This is an exception to the general rule. Cases may arise when a Muhammadan minister possessing the confidence of the majority of Muhammadans may not possess the confidence of the majority of the Hindus and he may be a very good minister from the point of view of the Muhammadans.

144. My point is how joint responsibility is possible under those circumstances?—It may be limited, but all the same it will be a joint responsibility. Such cases may arise, if at all, very rarely.

145. You say on page 8 that the Lucknow Pact has the sanctity of contractual obligations. If so, it is binding on both parties, the Hindus and the Mussalmans?—Certainly.

146. Then you do not agree with the demand of the All-India Muslim League, Lahore, that representation should be on population basis? It follows, if the pact is binding on both parties, that you do not agree to the demand of the Muslim League?—The case of the Punjab is absolutely different from the case of the United Provinces. The case of the United Provinces has to be determined on its own merits.

147. If it is a contract it is binding on both sides. Both the Hindus and the Muslims entered into the contract which is known as the Lucknow Pact. If it is binding on the Hindus it is binding also on the Muslims?—As far as the Muhammadans of the United Provinces are concerned they feel that it is a pact binding on all.

148. Therefore, I say, you do not agree with the view held by the All-India Muslim League, Lahore? —We have no right to express the view one way or the other.

149. It therefore follows that you do not wish to see the Muslims in a majority anywhere, in any province in India?—I do not say that.

150. If you think that the pact is binding, it follows because the Lucknow Pact gives the Muhammadans a minority in every province?—Yes, it does.

151. And you want that it should be given effect to?—I have not stated that the Muhammadans should remain in a minority in every province. We are dealing with our position in this province.

152. On page 6 of the green book you say: "The Hindus have so far done nothing and they refuse to do anything, as the course of negotiations during the last few months has shown, to win the confidence of the Muslim minority." Is it not a fact that in the Lucknow Pact they allowed the Muslims more than double their representation? They allowed you 30 per cent. representation and yet you say that the Hindus did nothing to win the confidence of the Muslim minority?—This does not refer to the conditions prevailing at the time of the Lucknow Pact.

153. There is a specific charge made against the Hindus that they have done nothing to win the confidence of the Muslims?—They have done nothing to win the confidence of the Muslims after the Lucknow Pact.

154. You say that the Hindus have so far done nothing?—It means that.

Chairman: I think it is fair to say that at least to my mind this refers to the period after the introduction of the Reforms. I think that is what he means. I do not say anything at all about the merits.

155. *Raja Nawab Ali Khan:* You say, on page 7 of the memorandum: "It is clear that if joint electorates are alone restored, Moslems will be wiped out of the legislatures." Are you aware that in the Punjab——

Dr. Suhrawardy: He is talking of the United Provinces.

156. *Raja Nawab Ali Khan:* I am giving an instance. Are you aware that in the Punjab in the

29 district boards the Muslims secured 45 seats in excess of the number to which they are entitled?—I have not studied the Punjab figures because we are only concerned with our province.

157. But you have not got a mixed electorate in the district boards or in the municipalities?—No, we have not. We have got it in the Taluqdars' Association where not a single Muhammadan was elected last time.

158. Do you attribute it to communal differences?—Most certainly. Otherwise there is no reason for not electing a competent Muhammadan taluqdar.

159. *Sir Sankaran Nair:* You said you looked to a time when the Muhammadans and the Hindus in this province will be able to co-operate. Will the acceptance by the Muhammadans of joint electorates be a test that the time has come to co-operate, that you are willing to co-operate?—Sir, the moment we find that the majority community is treating us on the principle of equality and fraternity, we would say that the time has come.

160. You would be willing to accept joint electorates?—Certainly.

161. Then that may be taken as a test that you feel that the Hindus will co-operate with you?—Certainly.

162. Supposing an absolute majority of the Hindu members of the legislative council and an absolute majority of the Muhammadan members of the legislative council pass a resolution pledging to dispense with separate electorates and to accept joint electorates, do you think you can accept that as a test that the time has come for you all to work together and when separate electorates could be dispensed with?—It is rather a difficult question. It depends on whether the majority of the Muhammadans would be prepared to repose the same confidence which a few of their representatives do in the majority community. Therefore, I think that in a case like that the best thing would be to have a plebiscite and find out the view of the majority of the Muhammadans themselves.

163. *Sir Zulfiqar Ali Khan:* We hear a great deal about Indian nationalism and about the identity of interest of the different elements of Indian population. Do you think that when it comes to practice the Hindu majority is willing cheerfully to concede to you your rights with regard to services, separate electorates, etc.?—Unfortunately, our grievance is this, that so far they have not cheerfully done so.

164. Then under these circumstances do you think that in order to preserve your existence you must demand separate rights?—We only want safeguards to protect our rights with separate electorates.

165. With a provision for adequate representation in the services?—Yes, certainly.

166. Please let me know also whether you agree with the Nehru Report?—No, we do not, because we find the Nehru Report in many respects is injurious to the interests of the Muhammadans as a whole.

167. Could you tell me whether in your province there have been many communal riots?—There have been a large number of communal riots in the United Provinces.

168. Which community suffers on account of these riots?—Mostly the Muhammadans.

169. Could you please tell me if under these conditions you want Law and Order to be a transferred subject?—We are not in favour of the transfer of Law and Order until such time as normal conditions are restored and the communities start dealing with each other as rational beings and as equals.

170. Could you tell me whether when you want your increased or enhanced share in the services you feel morally certain that in other provinces where the Muhammadans are in a majority the Hindus will as a matter of reciprocity get this privilege?—Certainly.

171. I find from my honourable colleague's question that you have got more than your due share in the services. I want to know whether it is due to any favouritism on the part of the Hindus or whether you have got this against their wishes?—We have not got our due share in the services and whatever we have got is only through the efforts of the British Government.

172. *Sardar Shivdev Singh Uberoi:* May I know whether the safeguards mentioned in your memorandum on page 109 to be laid down in the future Constitution of India are for a certain fixed period or for ever?—If the Act is to be passed we urge that they should be incorporated in the Statute. I cannot say what will happen in the future because the future will take care of itself.

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Appendix. (*Vide Q.* 36, *pp.* 341–2.)

Secretary, Indian Statutory Commission.

When the Muslim deputation were giving evidence before the Joint Conference I was asked whether this Government had ever issued any announcement or resolution declaring their general policy in the matter of the representation of minority communities in the public services. I informed the Chairman at the time that no such announcement or resolution had been made. There is in the Manual of Government Orders (para. 345A) a paragraph drawing attention to the necessity of securing a due admixture of castes in Government service in order to prevent a monopoly of Government employment by particular sections of the community and to secure the admission to the services of castes hitherto either unrepresented or represented only to a small extent. That paragraph is based on an order of the Governor-General in Council dated January 20, 1911. The object of the order was, I think, to prevent caste cliques in Government departments rather than to secure representation of minority communities such as the Muslims.

2. While, however, no general policy has been announced there is a well recognized practice of securing a certain proportion of representation to Muslims; in regard to certain services the practice is authorized by definite rules. In other services it would seem to be on convention rather than definite rule. I give below examples from different services:—

(1) In the United Provinces Civil (Executive) Service one-third of the vacancies to be filled by competitive examination is definitely reserved by Government order for Muslims (para. 38 of the Manual of Appointments and Allowances). A proportion of the numbers of this service are appointed by promotion from the rank of tahsildar, and the generally recognised distribution of appointments so made is five Hindus to three Muslims.

(2) United Provinces Civil (Judicial) Service; rule 4 of the rules regulating appointment to this service prescribes that in making appointments endeavour should be made to secure the due representation of the different classes and communities. No definite proportion of vacancies is, however, laid down for any community.

(3) United Provinces Police Service—Under rule 4 of the rules regulating appointment to this service the Governor in Council is empowered to announce, with a view to prevent the preponderance of any community in the service, the number of vacancies which shall be reserved for particular communities. No definite proportion is laid down. As a matter of fact, the Muslims actually preponderate in this service.

(4) Recruitment to the Provincial Forest Service is at present in abeyance but the rules prescribe that the names of candidates who head the list at the examination up to double the number of vacancies are to be submitted to Government for final selection in order, so far as

MEMORANDUM SUBMITTED BY MR. RAMA CHARANA, B.A., LL.B.

possible, to give effect to the principle of adequate representation of different communities.

(5) In the Subordinate Revenue Service it is laid down that not less than two and not more than four Muslims shall be taken for every five Hindus, the ratio being determined in each year according to the comparative merits of the candidates.

(6) In the case of sub-registrars there is no rule nor definite order prescribing the representation of minority communities, but in the last four years Muslims and non-Muslims have been appointed in the following proportion :—

1925	...	...	3 to 5
1926	...	...	2 to 3
1927	...	...	6 to 12
1928	...	...	4 to 6.

(7) In the Subordinate Educational Service there is an established convention that 30 per cent. of the total number of appointments are made from the Muslim community provided that qualified candidates are available.

(8) In the Excise department there is an order that in the recruitment of excise inspectors 30 per cent. should be Muslims.

(9) In the Co-operative department there is a definite order that one-third of the new appointments of inspectors and assistant registrars should be given to Muslims.

(10) In the Agriculture department the usual rule in making appointments to the subordinate agricultural service is to appoint one Muslim to every two Hindus.

(11) In the Subordinate Police Service there is a regulation that Mohamedans shall not be allowed to absorb more than half the appointments.

3. These examples are sufficient to show that while Government policy has never been announced in general terms, the practice in the various departments has been to secure either by definite rule or by convention a proportion of Muslims which in most departments has been fixed at 30 per cent.

T. SLOAN,
10.12.28.

Memorandum submitted by Mr. RAMA CHARANA, B.A., LL.B., Advocate to Chief Court of Oudh, and M.L.C. of U.P., Daliganj, Lucknow.

The problem of the uplift of the depressed classes is one of vital importance and requires immediate attention of the Government. Sir Tej Bahadur Sapru once aptly remarked as follows :—

"I do say what is my most sincere conviction, that unless you are able to solve your own social problems about the depressed classes and the untouchables I do not see any real prospect for real genuine constitutional advance, and any constitution that you may get will certainly not arouse any interest in me, because I do feel, howsoever good, howsoever perfect, howsoever ideal your constitution may be, unless you have got the support of the minorities and unless you command the confidence of those whom in your vanity you may describe as depressed classes, your constituion will not be worth a day's purchase."

What is the root cause of the degradation of the depressed classes? Is there any inherent defect in them or have they been brought down to this state by others? The root cause of depression may safely be described as follows :—

The so-called high-class Hindus religiously believe that the depressed classes are *Sudras* and as such their duty is to minister to the wants of the three regenerate classes. They are not entitled to acquire any sort of education. They are lowest in society. They have no right to enter the public services of the Government. They have no right of representation in the provincial and central legislatures, in the local bodies, in the cabinet of the Provincial and Central governments, in the grants-in-aid of educational and other institutions, in the Universities and in the secondary, primary and other types of schools maintained by the State. As to the causes which have led the so-called high-class Hindus to entertain such belief I will refer you to the address which I delivered as president of the Special Session of the Audi Hindu (Aborigines) Conference held on the 29th January, 1928, at Lucknow. (Copy herewith enclosed.)*

The next question is as to whether the high-class Hindus have conceded or are they likely to concede any status of equality to them. That they have not, is patent from the fact that the depressed classes have not even acquired bare literacy equal to the high-class Hindus. While literacy among the high-class Hindus is 4.5 per cent. in these Provinces it is only .5 among the depressed classes, *vide* page 67 of Wetherill Committee's Report, 1927. It is admitted in the report that this backwardness is due to strong social prejudice and to economic causes, *vide* page 8. This prejudice is to be found not only in those high-class Hindus who are admittedly too conservative and too orthodox to allow any sort of equality to the depressed classes but also in those who pose themselves to be the accredited representatives of the depressed classes in the local bodies and the legislatures. The District and Municipal Boards are charged with the duty of diffusion of primary education. But even these bodies discourage depressed class education, *vide* General Report on Public Instruction in the United Provinces for the year ending 31st March, 1926, at page 41. About Rupees 80 lacs are granted by Government to local bodies for primary education, but only a little over a lac is spent for depressed class education and this pittance is year by year approved in the budget by the members of the Local Legislature, and Hindu members who are, as a rule, high-class Hindus, have never raised their little finger against this unequal distribution.

The few qualified men belonging to the depressed classes try in vain for admission into the public services maintained by the Government and by the local bodies. What is the reason? The reason certainly is that the self-styled guardians of the depressed classes are interested in excluding these men from all share in the services. The few depressed class students who pass upper and lower primary Examinations after surmounting all obstacles are not given chances in the teaching staff with the result that no impetus is left for parents of these classes to send their children to school. Even purely depressed class schools are staffed by high-class Hindu teachers and they manage to discourage the students of these classes. Some District and Municipal Boards have appointed supervisors of the depressed class schools but in spite of the instructions of the Divisional Commissioners to appoint men of the depressed classes in these posts we find that these instructions are disobeyed on some pretext or another.

No member belonging to the depressed classes has so far been elected to any Municipal or District Board or to the Local Legislature with the result that Government has been compelled to nominate a member of these classes. But even these solitary nominated seats have been in many cases usurped by the high-class Hindus, the reason being that the Minister-in-charge of Local Self Government is either a high-class Hindu or if a Moslem he is under the influence of the other ministers and official and non-official members of the Legislature who are generally high-class Hindus.

I am decidedly of opinion that so long as the depressed classes are politically associated with high-class Hindus it would remain a mere pious

* Not printed.

wish on the part of the Government and the Indian leaders to democratise the country. If you really desire to establish democracy, grant them separate electorates not only in the local bodies but also in the local and Central legislatures. Give them effective representation in the services maintained by the government and the local bodies, in the cabinet of the local and central legislatures, in the grants in aid of educational and other institutions, in the universities and in the secondary, primary and other types of schools maintained by the State.

Hitherto a member here and a member there has been nominated by the Government to represent the depressed classes in the local bodies. Local and central legislatures have each a nominated member of these classes. In the Council of State no representation has been given to the depressed classes. That this is not adequate representation is obvious. Moreover, there are disadvantages under which a nominated member labours. In the first place he is either a high-class Hindu or if a depressed class man he is generally a hanger-on of the high-class Hindus and does not voice the opinion of the depressed classes. He is a mere puppet in their hands. Secondly, if he is a right sort of man and works for the good of his class he is at once condemned as a government man.

The present method of election will not be suitable to the depressed classes seeing firstly, that they are economic, and social slaves of the high-class Hindus, and secondly, that most of them are too ignorant to realise the value of their votes. Therefore in their case only those persons should be enrolled as electors who have certain educational qualifications as well as those who may be nominated as electors by the organisations of the depressed classes. The number of electors will no doubt be limited but only such electors will choose the real representatives of the depressed classes.

Should for any reason election be not desirable the depressed classes must get as many nominated seats as they are numerically entitled to. Any less number will not give them effective representation.

There should also be at least one member belonging to the depressed classes in the ministry of the Local Government and in the Cabinets of the Provincial and Central Governments. Transferred departments are in charge of Ministers who if Hindus are as a rule high-class Hindus, it is only just and proper looking to the treatment meted out to the depressed classes, that one Minister should be recruited from the depressed classes. On the same ground there should be one member each in the Cabinets of the Provincial and Central Governments.

Supplementary Memorandum submitted by Mr. RAMA CHARANA, B.A., LL.B.

In continuation of my memorandum on the subject of the "depressed classes," I beg to submit the following as a supplement thereto in view of the fact that I have not given the strength of the depressed classes of the United Provinces of Agra and Oudh in that memorandum.

The necessity of mentioning the numerical strength of the depressed classes becomes all the more important in view of the facts:—

(*a*) that all the estimates hitherto made are open to the common objection that they include untouchable classes only in spite of the admitted fact that in the United Provinces at least the extent of the depressed classes includes many touchable classes who are generally regarded as Sudras like the untouchables;

(*b*) that the United Provinces Government have always shrunk owing to "the extreme delicacy of official sentiment" from attempting even a rough estimate;

(*c*) that the Government of India have observed in their "Note on the Depressed Classes" prepared at the request of the Statutory Commission that "there has accordingly been no official definition of any castes or tribes of the community as depressed classes and the question whether or not any group of the community is socially depressed or treated as untouchable is a matter of local custom. If therefore the Commission desire to investigate the question whether any particular caste or tribe should or should not be described as 'depressed,' their enquiries would presumably be made in the provinces concerned";

(*e*) that the estimates in the Quinquennial Review of the Progress of Education, 1912–1917 are open to the objection that "we are left without precise information of the particular date on which Mr. Sharp relied when reaching a decision whether to include or to exclude any particular caste";

(*f*) that the estimates based on the Census Report, 1921, according to Mr. Marten "do not include (1) the full strength of the castes and tribes concerned and (2) the tribal aborigines more recently absorbed in Hinduism, many of whom are considered impure";

(*g*) Mr. Bajpai's figures were contested by Rao Bahadur M. C. Rajah, M.L.A. in a letter to the "Times of India," dated the 15th May, 1928; and

(*d*) that the Franchise Committee's estimates of 1919 are inaccurate due probably to the fact that the Committee "were not setting themselves to the task of reaching any authoritative total of what might be called the Depressed Class. They made a very rough division of Hindus into Brahmans, non-Brahmans and others."

I have stated above that the United Provinces Government have always shrunk from defining the extent of the "depressed classes." The reason is not far to seek. the word "depressed" does not literally mean untouchable but in course of time it has associated with it the idea of untouchability. It is because of this idea of untouchability in the term "depressed" that the Government shrink to call any castes "depressed." Many castes also who are undoubtedly depressed in the proper sense of the term do not like to call themselves depressed for the same reason. It is imperative that a suitable term acceptable to all concerned be coined. I would suggest that the term "Hindu backward classes" be adopted.

We all know what castes in these provinces are considered as depressed classes by "champions of these classes and by Government itself." It is in its original literal sense that the word has been used by the Government of these provinces. This Government has never used untouchability as the test of depression, and rightly too. In other words, political as opposed to social depression has been the test with the U. P. Government. If the Government were to adopt untouchability as the test many castes who though not untouchable but who are as depressed as untouchables, would not be covered by the term. What the Government wants to do is to give special protection to the classes who are politically backward either due to untouchability or any other causes. Political rather than social reform is the aim of us all.

Leaders like Mr. Jayakar, M.L.A., also used the term to include both touchables and untouchables as is apparent from his resolution in the Assembly to

the effect that special educational facilities be given to untouchables and *other depressed classes.*

The next question that arises is whether there are concrete instances in which this Government has actually acted upon its secret definition *i.e.*, have regarded as "depressed classes" both touchable and untouchable classes, generally regarded as Sudras. To answer this question we shall have to refer to the nominations the Government has made from time to time from the depressed classes. Take the instance of the village Panchayats. I reproduce below the question which I put to the Government on the 20th June, 1927, in the Legislative Council and the reply of the Government given in its answer :—

Question No. 101—Will the Government be pleased to state the total member of Village Panchayats in the different districts of these provinces? How may *Panches* and *Sarpanches* out of these belong to the depressed classes in each Panchayat? Will the Government be pleased to give the names and castes of such depressed class *Panches* and *Sarpanches.*

The Honourable Nawab Mohammad Yusuf :— A statement (not printed in the proceedings) containing the information is laid on the honourable member's table.

It would appear that the statement was not printed in the proceedings of the Council because it is very big and unwieldy, containing 102 foolscap pages. It was put on my table and I will place it in original before the Commission at the proper time. I give below the principal castes of the different *panches* and *sar-panches* of the depressed classes mentioned in the statement. They are as follows arranged in alphabetical order according to the arrangement of castes given in Table XIII A and C, Part II, Vol. XVI, of the Census Report, 1921 :—

(1) Ahir	(18) Faqir	(35) Kumhar
(2) Ahar	(19) Gadariya	(36) Kurmi
(3) Baghban	(20) Gond*	(37) Lodha
(4) Barai	(21) Goria	(38) Lohar
(5) Barhai	(22) Gujar	(39) Luniya
(6) Bari	(23) Habura*	(40) Mali
(7) Bhangi*	(24) Halwai	(41) Mallah
(8) Bhar	(25) Kachi	(42) Murao
(9) Bharbhunja	(26) Hill Depressed Classes	(43) Nai
(10) Bhoksha*	(27) Kahar	(44) Nat*
(11) Chamar	(28) Kalwar	(45) Pasi
(12) Darzi	(29) Kewat	(46) Saini
(13) Dhanuk	(30) Khatik	(47) Sainthwar
(14) Dhobi	(31) Kisan	(48) Sonar
(15) Dhunia	(32) Koeri	(49) Tamboli
(16) Dom (Plains)*	(33) Kol	(50) Teli
(17) Dusadh	(34) Kori	(51) Tharu*
		(52) Thathera

(53) Others

I have not mentioned in the above list the names of sub-castes and minor castes entered in the Government statement as they are covered by one or other of the castes mentioned above or are covered by No. 53. The castes marked * are not in the Government statement because no menber of them has been admitted to any village Panchayat as their position in society is very low and some of them are gipsies and considered as criminal tribes. The Hill Depressed classes mentioned at No. 26 are not included in the Government statement because the Government have not nominated members of the hill depressed classes to any panchayat about which there is a just grievance and a point has actually been made by Munshi Hari Tamta, member, District and Municipal Boards Almora, and Chairman of the Kumaon Shilpkar Sabbha (Union of Industrial workers) Almora, U. P. India, in Para. 4 of his memorandum submitted to the Commission.*

Similar instances are found in the nominations made by Government to District and Municipal Boards and also to the Council, *e.g.*, my question No. 90 put on the 4th March, 1927, in the Legislative Council and its answer by Government reproduced below :—

Will the Government be pleased to state the castes of the depressed class nominated members shown in the statement of the said answer for 1924–25? (The answer referred to is starred question No. 1 of Khan Bahadur Hafiz Hidayat Husain of June 25, 1926, regarding the strength of the Hindu, Muslim, Indian Christian and Depressed class members of different local Boards, which is printed in Appendix A, pages 1 to 3, of the Representation of the Muslims of U. P. to the Commission.)

The Honourable Nawab Muhammad Yusuf :— Kumhar, Jatiya, Kachhi, Pasi, Teli, Chamar, Nai and Bhangi.

Of these 1, 3, 5 and 7 are touchable and the rest untouchable depressed classes.

As regards instances of the nominations to the Legislative Council the rule is that the Governor will nominate a member representative of the classes who in his opinion are depressed classes. Here again the rule has been framed in such language because of the delicacy of official sentiment. I am the present member of the Council and I belong to the Mallah caste which is touchable. Mr. Khem Chand who preceded me belongs to Jatiya, a sub-caste of Chamars.

Thus there is no doubt that the castes given above are depressed classes. None of these castes except Bhangies are strictly speaking untouchables. In these Provinces untouchability of the type obtaining in Madras is unknown. Here nobody considers himself polluted by the shadow of anybody nor even by touch except that of Bhangies. Here we have very little or no untouchability and that also is fast dying out. But the privilege of touch has nothing to do with political rights. Kahars have been touchables always but they are as backward politically and economically as are the Chamars. Then again the same caste which is touchable in one place is untouchable in another place. In the Kumaun division all castes except Brahmans, Thakurs and Baniyas are untouchables while most of these are touchables in the plains. In this connection the following remarks in the memorandum of Mr. Ram Prasad, Ahir, Pleader, Tulsi Ram's Compound, Sultanpur, Oudh,* are very important :—

"(1) The majority of the population of India is made up of Hindus which consist of various castes, which can easily be divided politically into two classes—the higher (*i.e.*, those who wear sacred cord) and the lower (*i.e.*, those who do not wear sacred cord) including Chamars and sweepers.

"(2) (*a*) Really speaking the Lower classes as defined in para. 1 above, have politically the same disabilities, as against the Higher Classes such as Ahirs, Gadaryas are labourers in the field just as a Chamar is; they are all subject to 'begar' the former are in this line put to more work than the latter, because they can touch and carry eatables and draw water for the higher classes.

"(*b*) It may be said that the Lower classes are made up of the middle classes and the Lower castes —amongst the former may be mentioned the Ahirs, Gadariyas, Kurmis, etc., and among the latter the Chamars, Sweepers, Dhobis, etc., but this classification is a thing of the past and cannot be made cast-wise now-a-days, for :

"Now the Brahmans and Kshattriyas have taken to agriculture leaving their own occupation—the major portion of the land in the villages is under their cultivation, the Lower classes have usually small holdings.

"The British Officers in the Civil and Military employ employed sweepers and Chamars as their bearers and 'Ayahs' and thus raised the status of many of their families.

"On the other hand Chamars have thriven by Hide work and many of them are amongst the first class rich families—such as in Cawnpore Rai Sanwal Dass family and others."

* *Vide* pp. 353–4.

* *Vide* p. 354.

These castes are considered depressed not only by Government but by the so-called untouchables and the so-called high class Hindus. Dr. Dhan Singh L.H.M.S. (Homeo), President, All India Jatao (a sect of Chamar, who are untouchables) and other Depressed Classes Association, Shaghanj, Agra, in his memorandum to the Commission at page 4 remarks :—

"As a matter of fact there does not appear to be any earthly reason why 60 per cent. of the total Hindu population will allow themselves to be ill-treated by 40 per cent. caste Hindus." The 60 per cent. Depressed Classes referred to in the above observation are composed of as follows according to Census of 1921 :—

Touchable Depressed classes, *e.g.*, Tamolies, Kachhies and Kahars, etc.	13,973,188
Untouchable Depressed classes, *e.g.*, Doms, Bhangies, etc.	14,693,816
	28,667,004

Raja Bahadur Kushal Pal Singh, M.A., LL.B., M.L.C., Minister for Education, and member, U. P. Simon Committee speaks exactly of the same percentage 60 in his memorandum at page 12 to the Statutory Commission.

It will thus be seen that both touchable and untouchable castes mentioned above have been considered as depressed classes in these provinces both by champions of these classes and also by Government itself and census authorities.

The enumeration of castes given by U. P. Government published at page 5 of the Note on Depressed classes submitted by the Government of India* is admittedly a list of untouchable depressed classes only *vide* page 2 of the note. Secondly it does not exhaust all the castes that are considered untouchable in these provinces, *e.g.*, Pasi Dusadh, Habura, Gond, Kol, Nat, etc., have been omitted.

I have said in my previous memorandum that the depressed classes are regarded as Sudras by the so-called high-class Hindus, but as a matter of fact they are the descendants of the aborigines of India who had a civilization of their own. All the castes which make up the Sudra class have certain customs which are common to them all, but they have nothing in common with the high class Hindus.

The custom of widow re-marriage, the Panchayat system and worship of family gods is common to all the so-called Sudras but is not found among the high classes. Widow re-marriage is actually prohibited by the religious books of Hindus. It is true that a few men of some of these castes have recently started Sabhas and claim to be Kshattriyas, Vaishyas and even Brahmans, *e.g.*, some Jatiya Chamars have started their Sabha under the name of Jatava Maha Sabha and claim to be Kshattriyas. Some members of Nai (barber) caste claim to be Brahmans. Some Telis and Bhurjis claim to be Vaishyas. But these claims have never been accepted by the high class Hindus. Only recently at Rajapur in the district of Banda some Kalwars who claim to be Kshattriyas had put on sacred thread in obedience to a resolution of their Maha Sabha. They were subjected to various sorts of indignities by the high class Hindus, a report of which appeared in several newspapers. I myself had put certain questions about it in Council but they were disallowed on technical grounds. In this connection the remarks of Mr. Ram Prasad Ahir, Pleader, of Sultanpur (Oudh) are pertinent and are quoted below :—

"(2)—(*c*) All the castes which make up the lower classes, as defined in para. 1 above have certain customs (social and religious), which are common to them all, but they have nothing in common with the higher classes.

"These are as under :—

"(*a*) All these castes (*e.g.*, those who do not wear the sacred cord) drink wine. I mean by usage there is no prohibition and consequently no fear of being out-casted like the Higher castes. It is quite a different matter that some personally for some reason or other may not drink.

(*b*) "Remarriage (widow) is allowed.

(*c*) "There are caste Panchaiyets.

(*d*) "Twice at harvest season each of these castes worship their family gods which is mostly common to each. At this worship no Brahman can preside and the gods worshipped find no place in the Brahmanical dictionary.

"The question then arises why others are regarded (socially) to be a little better than the other. The reason is not far to seek—and it is that the former have placed themselves a little under the Brahman influence the latter did not yield to Brahmanical pressure—the former invite Brahmans to solemnise marriages, the latter perform marriages by themselves.

"All these settle their matrimonial and social disputes by themselves by their caste 'Panchayats' and a Brahman has no hand in it. Supposing a Ahir Panchayat admitted a Chamar into his brotherhood, all that a Brahman or with him the higher castes now can do is that they may refrain from drinking water touched by the Ahirs, and the Brahman may refuse to solemnise marriages, none of which would be of any consequence whatsoever, for that is the case with Mohammadans and others as well.

"It is true that some selfish persons instigated by the like of the higher class, have started Sabhas wherein some of these castes claim to be 'Kshattriyas.' To make claim on religious grounds is one thing, the present worth, the present position as acknowledged by the rest of the population is another and is what has to be taken into consideration.

"It is clearly to the advantage of higher classes that when the question of entry into Legislature comes they may tell that some of these castes are 'Kshattriyas' because in that way they would be able to go there to the entire exclusion of these castes who are far inferior to them in education, money and other requisites, and cannot compete with them, and thus they would succeed in keeping these castes behind as before.

"If these castes were acknowledged to be Kshattriyas, the Kshattriya Sabha would have absorbed their Sabha, and they would exist no more. On the contrary in the Kshattriya Sabha, no Ahir, Gadariya, Kurmi or any member of the Lower class was ever invited. There is a proverb running :—

"Ahir, Gadaria, Pasi"
"Tinon Satya Nasi."

meaning Ahir, Gadariya, Pasi, all the three are the destroyers of the truth.

"Those who do not wear the sacred cord are enjoined not to read the Vedas and are classed as 'Sudras.' There is a proverb running :—

"Gagri Dana"
"Sud Utana"

"As soon as a Sudra has a goblet full of corn he becomes proud, that is to say, he must be constantly kept to live from hand to mouth (lest he might go on strike).

"Born and brought up with these ideas, how can the higher classes have any sympathy with the lower classes?

"It would be worth while to enquire what treatment is meted out to these castes by the higher classes:—

"(*a*) In villages.

"(*b*) By the higher class men, who alone occupy the public offices when they deal with the lower class men in their official capacity.

"(*c*) In how many cases when redress is sought by the Lower classes against a Higher class man, the case never comes to court at all, owing to undue pressure of the higher classes."

* *Vide* Vol. V., p. 1345.

SUPPLEMENTARY MEMORANDUM SUBMITTED BY MR. RAMA CHARANA, B.A., LL.B. *[Continued.*

I have said in my previous Memorandum that the root cause of the degradations of the depressed classes is not due to any inherent defect in them. They are as strong in intellect as the high class Hindus and the Muslims are. Very little or no opportunity of education has been given to these classes, yet I can point out scores of graduates and at least about two dozen lawyers. It is an indication of ignorance or even selfishness on the part of those who say that they are not strong in intellect. Even in British Raj the depressed classes have been given very little opportunities for education and the high class Hindus have not failed to discourage their education whenever and wherever they can. I quote below the remarks of Rai Sahib Pandit Sukhdeo Tewari, B.A., a member of the Educational Services of these Provinces and a gentleman of the Brahman class. The remarks quoted below were made by him as a member of the Committee appointed by the United Provinces Government to inquire into and report on the state of primary education of boys of the Muslim community and of educationally backward communities in the United Provinces :—

"As the development of education in any country depends on its special circumstances such as old tradition, public opinion, etc., education both in rural and urban areas here was confined amongst the literary classes only. The backward communities were allowed to remain in ignorance as they were *before* .....The high class and literate Hindu communities, particularly the Zamindars, discouraged the backward classes to educate their boys as they did not like the latter to become more learned and question their authority over them. The teachers who happend to belong to literate communities did not admit boys of untouchable classes for one reason or another. Only a few boys of Kahars, Ahirs, Nais, etc., were taken in to serve them as menial servants."

Add to this the instance from the Government Report on Public Instruction in the United Provinces for the year ending 31st March, 1926, page 41, mentioned in my previous Memorandum, showing that even District and Municipal Boards, who are charged with the duty of diffusion of education among depressed classes, discourage the same. There is another instance of a member of the Legislative Council publicly ridiculing the attempt of the nominated depressed class representative to get a resolution passed through the Council recommending the grant of certain scholarships for the children of the depressed classes. He considers the imparting of education to depressed classes as objectionable as it is to put on foot leather dress on head and the head dress on foot.

Therefore the charge of weakness of intellect in the depressed classes is unfounded. They have not been given opportunities of developing their intellect.

It has been suggested by some that depressed classes are a disorganized body. Cohesion is wanting in them. No one man can represent their views. To such criticism my answer is that this ground is directed against suitability of democracy itself to Hindus in general. Hinduism is only another name of communalism. A Brahman cares for a Brahman, a Kshattriya for a Kshattriya and a Bania for a Bania. Nepotism is the rule with Hindus. Sanghatan movement is a proclamation of want of homogeneity among the Hindus.

Then it is said that depressed classes will be in the hands of Swaraj-*cum*-Nationalist party if they are given separate electorates. My humble submission is that the depressed classes want their separation from Hindus, who are mainly responsible for suppression of these classes even according to the Nehru Committee it is unreasonable to suppose that they will side with Swaraj and Nationalist parties which are composed mainly of high class Hindus.

STATEMENT SHOWING THE POPULATION OF THE DEPRESSED CLASSES IN THE UNITED PROVINCES (BRITISH TERRITORY) ACCORDING TO THE CENSUS OF 1921, VOL. XVI, PART II, TABLE XIII A. AND C.

I.—DEPRESSED CLASSES
(TOUCHABLES AND UNTOUCHABLES).

(*a*) Brahmanic Hindus.

No.	Castes.	Total.
1.	Ahar	398,939
2.	Ahir	3,647,022
3.	Baghban	114,489
4.	Barai	141,230
5.	Barhai	458,730
6.	Bari	55,218
7.	Bhangi*	343,245
8.	Bhar*	419,413
9.	Bharbhunja	263,844
10.	Bhoksha*	7,490
11.	Chamar*	5,749,971
12.	Darzi*	73,273
13.	Hill Depressed Classes* ...	231,547
14.	Dhanuk*	122,721
15.	Dhobi*	602,394
16.	Dhunia*	22,437
17.	Dom (Plains)*	14,082
18.	Dusadh*	72,860
19.	Faqir	104,792
20.	Gadariya	924,088
21.	Gond*	105,887
22.	Goria	80,825
23.	Gujar	267,995
24.	Habura*	1,509
25.	Kachhi	679,000
26.	Kurmi	1,726,632
27.	Kahar	1,064,618
28.	Kewat	464,655
29.	Khatik*	175,992
30.	Kisan	316,785
31.	Koeri	433,077
32.	Kol*	68,211
33.	Kori*	789,513
34.	Kumhar	689,422
35.	Kalwar	264,373
36.	Lodha	1,012,492
37.	Lohar	478,942
38.	Luniya	417,981
39.	Mali	184,036
40.	Mallah	211,422
41.	Murao	598,805
42.	Nai	621,664
43.	Nat*	40,014
44.	Pasi*	1,320,506
45.	Saini	57,908
46.	Sainthwar	123,424
47.	Sonar	248,521
48.	Tamboli	62,579
49.	Teli	703,590
50.	Tharu*	28,930
51.	Thathera	17,217
52.	Others*	1,965,523
	TOTAL ...	29,016,893

(*b*) Arya Hindus.

No.	Castes.	Total.
1.	Chamar	6,398
2.	Others	81,974
	TOTAL ...	88,372
	GRAND TOTAL ...	29,105,265

MEMORANDUM SUBMITTED BY THE ALL INDIA SHRI JATAV MAHASABHA.

II.—HIGH CLASSES.

(*a*) Brahmanic Hindus.

No.	Castes.	Total.
1.	Agarwal	301,105
2.	Agrahri	78,170
3.	Bhat	70,465
4.	Bhuinhar	187,184
5.	Brahman	4,343,786
6.	Goshain	108,132
7.	Halwai	51,999
8.	Jat	686,889
9.	Kayasth	442,950
10.	Rajput ... ... / Thakur ... ... / Kshattriya...	3,051,521
11.	Taga	94,530
	TOTAL ...	9,415,731

(*b*) Arya Hindus.

No.	Castes.	Total.
1.	Brahman	25,668
2.	Jat	29,378
3.	Rajput	39,927
4.	Vaish	22,228
	TOTAL ...	117,201
	GRAND TOTAL ...	9,532,932

RAMA CHARANA, B.A., LL.B., Advocate M.L.C., Member of the Committee of the U.P. Legislative Council, to work in joint Conference with the Indian Statutory Commission.

Memorandum submitted by the ALL INDIA SHRI JATAV MAHASABHA.

The problem of the representation of the depressed classes is one of vital importance and requires to be attended to very thoroughly without any further delay. It is of paramount importance that the term "depressed classes" be defined and the meaning of the expression be fixed once for all. The vagueness of the expression has been most prejudicial to the interests of the classes who ought really to have been covered by it and the efforts to ameliorate their condition by allotting seats to them in the District and Municipal Boards were neutralised by the specious claims of other communities to be included among them on the score of their backwardness in education. The Mahomedans, for instance, would like to have their full share as a separate community and yet take a share out of the small slice of rights given to the depressed classes. All India Shri Jatav Mahasabha which is an association of the Jatav community—otherwise known as Chamars—urges the necessity of confining the use of the term to such classes among the Hindus from whose hands the upper classes of Hindus would not take anything to eat or drink.

Our Mahasabha is fully alive to the fact that there can be no advancement so long as there is no real improvement in the political status of a community. Much of the degraded condition of the depressed classes would disappear as soon as the Government would improve their political status—a fact which would favourably affect their social, intellectual and economic condition. It is idle to attribute the depression of the depressed classes to the religious and social system of the Hindus. If Government were to improve their political status by giving them honorary offices, adequate representation on local bodies and legislatures and in public services, commensurate with their numerical strength, their social position would automatically improve and social injustice would become a thing of the past. For the social position of the depressed classes would rise *pari passu* with the rise in their economic condition—a thing which is inconceivable in the case of any community without an advancement in its political status. It is not enough for Government to make them equal in the eye of law or to give them equal opportunities with caste Hindus, Muslims or Christians. It is the duty of the Government to place them in such a position as would enable them to avail themselves of these opportunities. In order to bring about the above result our Mahasabha would place before you the following recommendations in the hope that they would be adopted by you in your report to be submitted to His Imperial Majesty in the near future.

1. It is absolutely necessary that seats in every Council and Assembly, in every Municipal and District Board, and in every Town and Notified Area should be reserved for the depressed classes in proportion to their numerical strength.

That it appears from the Census report of 1911 that the community of Jatavs, more generally known as Chamars, is regarded as a depressed class and that it is numerically the most important among the depressed classes.

That out of a total non-Muslim population of 33 millions of these provinces the depressed classes roughly claim 9 millions and of these again Chamars alone number more than 6 millions.

Our Mahasabha is not very keen about the method of filling up those seats so long as they can be certain of those seats—though it undoubtedly realises the necessity for giving them some training in the elective system. We leave it to you to judge for yourselves as to whether there was any connection between the system of separate electorates and the present communal unrest in India, and *in the light of that* opinion *to decide* whether it would be to the advantage of the depressed classes to have a separate electorate for themselves.

2. Our Mahasabha strongly recommends the necessity for giving Honorary Magistracies, Munsifships and other superior posts—honorary and stipendiary—to the depressed classes just as they are given to the other communities in India. We do not know if you are aware that there is not a single magistrate or judge, a single civil, military or police officer from among the truly depressed classes in the whole length and breadth of India. It is impossible for the depressed classes to make any advance so long as the inactivity of the Government resulting in their non-recruitment in any of the superior grades of service or office allows the people at large to think of them as degraded, depressed and incompetent. So, it is absolutely necessary that recruitment from among the depressed classes be made in all the public services of the land including the Army, the Police, and the Executive.

3. The growth of education is a factor which you are going seriously to consider while making recommendations for the future. Our Mahasabha is fully alive to the value of education and regrets that it cannot give a good account of the depressed classes owing to the various handicaps under which they have been working for generations together. It is most unfortunate that communities who form numerically a majority of the Hindu population and count themselves by tens of millions should have been in such collossal ignorance even after the most benign rule of the British Government for over a century and a half owing to the grants for education being generally utilised for other communities, who are more powerful and favourably situated. Our Mahasabha submits that ample and special provision be made for the education of the depressed classes, that free education—primary, secondary, and high—be provided for them, and that an additional impetus be

MEMORANDUM SUBMITTED BY MUNSHI HARI TAMTA.

given to it by providing special scholarships for them

The above are the points to which our Mahasabha begs to invite your attention inasmuch as they fall clearly within the scope of your enquiry. There are, however, many other important things to which the Mahasabha has been drawing the attention of the Indian Government and to some of which our Mahasabha would like to make a passing reference in the course of this Memorandum of theirs.

(*a*) The Mahasabha requested the Government to pass laws declaring the right of the depressed classes in general to the use of common and public wells, tanks, etc.

(*b*) The Mahasabha requested the Government to appoint a committee for enquiring into the hardships to which the depressed classes are subjected at the hands of the upper classes in the rural areas by being forced to do "Begar" and to submit to other iniquities.

Our Mahasabha would request your commission to direct the Indian Government, if possible, with reference to the matters mentioned above.

In conclusion our Mahasabha hopes to deal more fully with the aforesaid matter through their representatives in the course of their evidence before the commission as also before the Indian Committees, if and when they are appointed.

Memorandum submitted by MUNSHI HARI TAMTA, Member District Board and Municipal Board, Almora, and Chairman of the Kumaon Shikar Sabha (Union of Industrial Workers), Almora, United Provinces, India.

As representing the union of Industrial workers in the Alomora district of the province of Kumaon, who number some 130,000, I beg to bring to the notice of the Commission certain facts regarding the community for which I speak, and to submit with great respect some demands and requirements that we feel to be matters of simple justice and expediency with regard to our claims and rights as loyal subjects of the King-Emperor.

1. We welcome with cordial goodwill and earnest hopes the Commission and its members trusting that it will set right many ancient wrongs that have long afflicted the depressed classes who have been for so many centuries treated as outcast, "untouchable" and less than human, indeed as mere slaves and chattels, by the superior caste. As a community we have one and all joined in welcoming the coming of the commission to this country, and have not joined in any "boycott" of the same.

2. While disclaiming any feelings of hatred or active enmity towards other classes, we would point out briefly that, as an historical fact, the community to which we belong represents the aborigines of India who were conquered and enslaved in early times, and in the ancient writings are spoken of with contempt and opprobrium as "Disgris" (conquered people) and "Nishadas" (unconquered wild tribes) and comprehensively as "Shudras" or inferior people. The scorn which is reflected in those scriptures has been our lot through all the ages and we have become only too well accustomed to be treated with spite and contempt, while at the same time made to bear the burden of every menial and toilsome labour at the mercy of our masters and employers the members of the superior castes. Books of modern historians impress us that as a people we once lived free and untrammelled with civilisations of our own, which in some cases were learnt and borrowed by the conquerors, who in course of time reduced us to a state of slavery and weakness from which we have never been permitted to rise. Our lot has been to a great extent like that of Pasis, Pariahs and Panchamas, Maharas, Chamars, etc., of the rest of India, though in this hill province we have laboured under some special disabilities which I will endeavour to point out for your kind consideration.

3. The population of the Kumaon province, of which the Almora district forms a part, consists of three main classes, the Brahmans, Rajputs and the artisans and labourers to whom the name "Dom" has up to the present time been usually given. (It may be mentioned that by an order of the United Provinces Government in last year this opprobrious name is no longer to be applied to us in any public document.) There are in addition some Mohammedans, numbering not much more than a thousand of the three classes mentioned above, the first two, namely, the Brahmans and Rajputs (a general name applied to farmers in Northern India without reference to race) were immigrants from the plains, who gradually dispossessed the original inhabitants and reduced them to a servile condition. We have no desire to embarrass the Government by excessive claims, but your petitioners humbly desire to maintain their rights to that ordinary justice and humane consideration on the part of the superior castes, which are nowadays extended to all classes of the people in modern states but which are in many ways denied to the members of our depressed community by custom and practice which require to be modified in several directions. We beg to point out that the artisan class to which we belong in this province are in the peculiar position of being considered outcaste or "untouchable" while in other parts of India the members of our class such as masons, carpenters, blacksmith, workers in copper and farm labourers enjoy a better status and public esteem. It seems hard that useful workers of every kind should thus be included in one low and despised class of "Doms." We cannot, of course, expect Government at one stroke to remove social stigmas of this kind, which are of ancient local origin, but we hope to be relieved of invidious burdens and tyrannies which have no foundation in law, and to have our share of ordinary advantages such as those of Education, in proportion to our numbers and general usefulness.

4. We also beg to point out that, partly as a result of this general outcasting of the artisans class in this province, the whole community forms a remarkably united body as is shown by their unanimity in making the present appeal, in contrast with the position in other parts of the country, where each craft is more or less isolated from others.

5. As examples of the treatment of which we complain the following may be mentioned :—

(*a*) The Punchayat system recently established was no doubt intended to secure the ends of justice and fairness, but actually has resulted in hardship to the unprivileged classes. The members of the "Punch" are always men of higher castes—we know of only one case of a "shilpkar" member of a punchayat. The treatment we receive from those bodies is often most unfavourable. Claims are made against us regarding old debts and the like, which are often decided against us without proof. Fines are often imposed for various inadequate reasons, and we have no redress, although the system of "Begar" or forced labour has been abandoned by Govt. in these hills yet unpaid labour is often exacted from us by the superior castes. When disease has occurred disinfection is often carried out by the simple plan of *burning* houses or driving the family concerned out of the village. In many places we suffer greatly from not being allowed access to wells. The majority of our people have to live in hovels on the outskirts of the villages and as they are landless, even the hovels in which they live are built on land which does not belong to them. The agricultural labourers can get work only at sowing and harvesting seasons, and

with regard to others, such as carpenters, masons and smiths, the work is irregular and the wages generally insufficient to support the families. Most of the people are in a half-starved and semi-naked condition, in a tract of country which has severe winter seasons. Much has been done of late by the Government to remove grievances connected with the forests and the supplies of fodder and fuel, but we are sorry to say that the existing rules make it impossible for members of the depressed classes to gain any advantage from the new arrangement. We are kept in a state of abject subjection by having to depend solely upon the high-caste Hindus for food and shelter. We are always liable to be turned out of our homes by the ground landlords. There are many compulsory duties which we have to perform on occasion of marriages, funerals, etc. of the higher castes and fines and dues are taken from us on many pretences which it would be tedious to relate.

(*b*) Another cause of dissatisfaction is the inadequate provision for the *education* of our children. It is true that a beginning has been made by the District Boards, but it is quite insufficient for our members and requirements. There are at present 2,005 scholars from our community in primary schools under the Almora District Board. Twelve depressed class schools have been started at an annual cost of Rs. 5000/– only eleven of our children receive scholarships. No lad of our community has ever graduated or even passed the Entrance or High School standard though one is now studying at Almora in class XI. We need a large extension of educational advantages, increase of special schools (if the caste people continue to debar us from the ordinary schools) and more encouragement in the way of scholarships and in general, due opportunity for our children to gain the necessary equipment for being useful workmen to form an intelligent electorate and for boys of superior ability to better their position.

(*c*) It has to be further pointed out that none of our community are now able to hold *land* in their own right. Some are Sirtans cultivating ground, which they took over from their forefathers or others, and paying the ground rent for the same, but having no rights securing occupation. We understand that, elsewhere, twelve years of occupation is held to confer permanent right, and if such a rule were introduced here it would be felt as a great boon by our people. If grants of "Nayabad" land could be made to us in proportion to our members it would also be a great advantage.

(*d*) We would humbly remind the Government of the part played by our community in the recent war when large numbers of our men were enlisted in labour corps and we believe rendered valuable assistance in the operations. It would be a great help to our community if some of them could find a useful sphere of work in permanent body of the kind as part of the Indian army and Defence forces.

(*e*) Again, we venture to remind the Commission that without proper *representation* we cannot hope to make known our claims and enjoy our rights. We of the hill province of Kumaon and Garhwal require a representative in the Legislative Council to attend the interests of our community which number altogether about three laks. We also need to be represented on District Boards and other committees in proportion to our numbers, as unfortunately experience has taught us that we cannot look to the member elected from the higher castes for the understanding and sympathy that we need.

I would now ask permission to put into brief form our various requests.

(1) Special representation by election on the Legislative Council, District Boards and other public bodies.

(2) If the plan commends itself to the authorities a special Commissioner to guard the interests of the Depressed classes as in Bombay might be appointed for our province.

(3) Increased provision of schools, and scholarships for the depressed classes.

(4) Grants of Nayabad land to be sanctioned for applicants from these classes, and rules for reasonable security of tenure on the land.

(5) Abolition by law of all oppressive dues, fines and compulsory services demanded by the higher castes from members of the depressed class.

(6) The formation of a local company of sappers and miners drawn from this community for general military service, or failing that, permission to enter the army and serve in suitable capacities.

In conclusion we your humble petitioners beg to assure the Royal Commission of our unswerving loyalty to the Government of the King-Emperor and to pray for a divine blessing on your present labour.

Memorandum submitted by Mr. RAM PRASAD AHIR, Pleader, Sultanpur.

I beg to make the following representation with respect to the inquiry to be made by the Simon Commission for consideration :—

(1) The majority of the population of India is made up of Hindus, which consists of various Castes, which can easily be divided politically into two Classes—the Higher (*i.e.*, those who wear sacred cord) and the Lower (*i.e.*, those who do not wear sacred cord) including Chamárs and sweepers.

(2) (*a*) Really speaking the Lower classes as defined in para. 1 above, have politically the same disabilities, as against the Higher classes : such as Ahirs, Gadaryas are labourers in the field, just as a Chamár is : they are all subject to "Begar"; the former are in this line put to more work than the latter, because they can touch and carry eatables and draw water for the higher classes.

(*b*) It may be said that the Lower classes are made up of the middle classes and the Lower castes —Amongst the former may be mentioned the Ahirs, Gadariyas, Kurmis, etc. and amongst the latter the Chamárs, Sweepers, Dhobis, etc., but this classification is the thing of the past and cannot be made castewise now-a-days; for,

Now the Brahmans and Kahtreyas have taken to agriculture leaving their own occupation—the major portion of the land in the villages is under their cultivation, the Lower classes have usually small holdings.

The British Officers in the Civil and Military employ employed sweepers and Chamárs as their bearers and "Ayahs" and thus raised the status of many of their families.

On the other hand, Chamárs have thriven by hide work and many of them are amongst the first class rich families—such as in Cawnpore, Rai Sanwal Dass family and others.

(*c*) All the castes which make up the lower classes, as defined in para. 1 above, have certain customs (social and religious), which are common to them all, but they have nothing in common with the higher classes. These are as under :—

(*a*) All these castes (*e.g.*, those who do not wear the sacred cord) drink wine—I mean by usage there is no prohibition and consequently no fear of being outcasted like the Higher Castes. It is quite a different matter that some personally for some reason or other may not drink.

(*b*) Re-marriage is allowed.

MEMORANDUM SUBMITTED BY THE KAHAR SUDHARAK MAHA SABHA.

(*c*) There are castes Panchayets.

(*d*) Twice in every year at harvest season each of these castes worship their family god, which is mostly common to each. At this worship no Brahman can preside and the gods worshipped find no place in the Brahmanical dictionary.

The question then arises why others are regarded to be a little better than the untouchables. The answer is not far to seek—and it is that the former have placed themselves a little under the Brahman influence to Brahmanical pressure—the former invite Brahmans to solemnise marriages, the latter perform marriages by themselves.

All of these settle their matrimonial and social disputes by themselves by their caste "Panchayats" and a Brahman has no hand in it. Supposing a Ahir Panchayat admitted a Chamár into his brotherhood, all that a Brahman or with him the higher caste men can do is that they may refrain from drinking water touched by the Ahirs and the Brahman may refuse to solemnise marriages, none of which would be of any consequence whatsoever, for that is the case with Mdus and Xus as well.

(3) It is true that some selfish persons instigated by the like of the higher class have started Sabhas where some of these castes claim to be "Kshtriyas." To make claim on religious grounds is one thing, the present worth, the practical position as acknowledged by the rest of the population is another and is what has to be taken into consideration.

It is clearly to the advantage of higher classes that when the question of entry into the Legislatures comes, they may tell that some of these castes are "Kshtariyas" because in that way they would be able to go there to the entire exclusion of these castes who are far inferior to them, in education, money and other requisites and cannot compete with them, and thus they would succeed in keeping these castes behind as before.

If these castes were acknowledged to be Kshatriyas, the Kshtraya Sabha would have absorbed their Sabhas and they would exist no more. On the contrary in the Kshtreiya Sabha, no Ahir Gadariya, Kurmi or any member of the Lower class was ever invited. There is a proverb running :—

"Ahir, Gadariya, Pasi"
"Tinon Satya Nasi."

meaning Ahir, Gadadiya, Pasi, all the three are the destroyers of the truth.

Those who do not wear the sacred cord are enjoined not to read the "Vadas" and are classed as "Sudras."

There is a proverb running :—

"Gagri Dana"
Sud Utana."

As soon as a Sudra has a goblet full of corn he becomes proud, that is to say, he must be constantly kept to live from hand to mouth (lest he might go on strike).

Born and brought up with these ideas, how can the higher classes have any sympathy with the lower classes.

(4) The self-elected Congressmen who claim to represent us, often accuse the British Government for doing nothing towards the uplift of the teeming millions of India. I submit what have the higher classes done for them? They opposed the education off and on and when the Education Bill was introduced there was some opposition.

Have any of the Higher class men ever opened a school for the Lower classes, or provided for scholarship for these castes during all the time that they have been with us?

The British Government has certainly done a lot to these castes. A Barber in Calcutta is man of high status and a free citizen whereas a Barber in a village is a poor slave with no liberty.

Similarly a Dairyman in Calcutta is a higher standard gentleman as against the cowherdsman of a Higher class Zamindar or Taluqdar or the poor milkman of the village.

The Railways introduced by the British Government, their waterworks, the Municipal and District Board and the Law Courts are imparting daily lessons to the ignorant masses and teaching them the idea of equality of the various caste-men.

It would be worth while to inquire what treatment is meted out to these castes by the higher classes (*a*) in villages (*b*) by the higher classmen who alone occupy the public affairs when they deal with the Lower class man in their official capacity.

(*c*) In how many cases when redress is brought by the Lower classes against a Higher Classman, the Case never comes to court at all, owing to undue pressure of the higher classes.

(5) The present system of electing a representative for the Legislatures does not at all represent all interests. There is the Taluqdar or Zamindar who by custom wields a considerable influence over the Lower classes who are generally poor and are at the mercy of their Landlord. They dare not vote against his will. If they did their cattle would be impounded, their holding gone, sooner or later, according as they happened to, or not understand the new Act and their houses dislocated.

I submit these castes together should have reserved seats in the Legislatures in proportion to their population and these should be filled in by nomination by the Government or the higher classes can set up some one best suited for their purposes and would help him through.

Memorandum submitted by THE KAHAR SUDHARAK MAHA SABHA, Cawnpore.

This Memorandum is submitted by the Kahar Sudharak Maha Sabha which represents the communities known as Mallah, Batham, Bot, Bhoi, Dhiwar, Dhuriya, Dutia, Guriya, Gond, Gharuk, Jaiswal, Khairwal, Raikwal, Mahur, Rawani and Turah. This Sabha has its branches not only in different districts of these Provinces but it has its organizations as well in Central Provinces and Berar, Bihar and Orissa, Bengal and Bombay Presidencies and the Punjab. It is fully representative of so many souls of these Provinces as 28,57,650.

We came from the original people of India. We have been described in the Vedas as the fifth Varna the Nishadas or Panchamas. We may not be understood to mean that we are the only descendants of the aborigines of India but we believe that we are part and parcel of the 60 per cent of the population of Hindus in these Provinces regarded as Shudras by the so-called high class Hindus.

As is the custom with every invader the Aryans when they conquered our fore-fathers about 5,000 years ago, they reduced most of us to the status of veritable slaves. Our position was no better than the serfs of Europe. We were bought and sold. We could own no property. Vedic injunction "Stri Shudrau na Adhitiyam" (Women and Sudras should not be educated) was applied to us in full force. Our fore-fathers—the aborigines of India—were too powerful and too numerous to be enslaved *en masse* and therefore with those of our fore-fathers whom they could not subdue completely, the Aryan invaders made a treaty based on the policy of *divide et impera*. They gave certain rights to such of our ancestors, whom they could not control, such rights as are given to feudatory chiefs in British India at the present time. The Guhraj (Nishad) of Shringverpur near modern Allahabad is a glaring instance. He was a powerful king and Ram Chandra, the king of Ayodhiya, had to make an alliance

with him. Those of our ancestors who were subdued were reduced to slavery and included in the fourth class known as the Shudra class.

The policy of the "divide and rule" was applied to such an extent that we find to-day numerous castes and sub-castes which go to compose the Shudra class.

Kahar, Kurmi, Kachhi, Ahir, Gadariya, Nai, Bari, Kalwar, Kori, Chamár, Teli Tamoli, Dhobi, Dhanuk etc., are principal castes into which we were divided and were taught to hate each other as if we were not of the same stock. For if the Aryans had not done so they stood in constant fear of being turned out of India.

Our condition remained unchanged till the advent of Musalmans in India during whose rule at least one caste of us, namely, Kayestha, had the wisdom of gaining the favour of the Musalman rulers with the result that they acquired education in Urdu, Persian and Arabic. Even to this day the majority of Kayesthas are more learned in Urdu, Persian and Arabic than in any other Indian language, only because they being Shudras according to the Aryans could not read and write Hindi and Sanskrit.

But to our great misfortune the Musalmans also made their alliance with the so-called high class Hindus and neglected us badly. Not only this but they also treated us in almost the same manner as our Aryan superiors did.

With the advent of the British Raj in India, it is to the credit of the Britishers that we were given equal opportunity so far as the "eye of the law" is concerned. But the Britishers either deliberately or through their ignorance little thought that a high class Hindu in whose hands the whole of the machinery of Government has been put will use it as a means to enforce their own constitution embodied in the "Manusumirti" and other religious books of the Hindus and the result is before our eyes to-day. Not a single man has ever been returned even to a local body, much less in legislatures. We are absolutely debarred from public services.

Till only about 10 years ago the British Government did not raise its little finger to see that we were subjected to the rigours of the Brahmanic Laws, in fact, and that their own laws were disregarded with impunity. All the high public services of the country are the monopolies of the so-called high class Hindus and Musalmans.

The department of education and of law and order being in the hands of the so-called high class Hindus, they have been in a position to govern us according to their own laws. We could not make our voices felt before the Government as in the first place we were too ignorant to do so and in the second place our representation could not be made direct to the British element of the Government and even if our cries reached the British officials they turned a deaf ear to them. The reason is obvious. Every conqueror—and the Britishers are not an exception—cared more for the stability of his Government than for the uplift of his subjects. So long as his Government is safe, he does not care if majority of their subjects are depressed and oppressed. The Britishers, like the Musalmans, made their unholy alliance with the so-called high class Hindus and let us Shudras remain where we were.

In course of time, with the advancement of education among the so-called high class Hindus and the Musalmans, a sense of foreign domination developed in them and to-day we find even the Indian Statutory Commission being boycotted by the so-called high class Hindus. The Britishers losing every hope of support from their favourites the so-called high class Hindus and the Musalmans now turned their attention towards the Shudras (depressed classes) and so it is that we find the education in these classes received any attention only about 10 years ago. We may not be misunderstood by the above narration of facts. We do not mean any disloyalty to the British Government in whom we have always placed our implicit faith for our regeneration and advancement in every sphere of life.

There is a proverb in India, that, if a misled man realises his mistake before it is too late, he should not be called misled.

The Britishers ought to have realised earlier that we being the real children of the soil ought to have become the object of their attention in preference to any other class and for this gigantic mistake, the so-called high class Hindus are responsible.

When about 50 years ago some of our community (the so-called Shudras) began to make a beginning in education there came a Braman, with his new Gospel of "Gun, Karma and Swabhava" (merit, action and nature) and wanted to perpetuate the brahmanic institution of slavery of the Shudras forged by their ancestors in a cleverly disguised fashion.

To-day organisations going in the name of "Achhutuddhar and Dalituddhar" sabhas are a *camouflage*. Their aims and objects are the removal of untouchability only, but the privilege of touch will not any more improve us than untouchability will degrade the Musalmans. Whether the Shudras are touchables or untouchables is of no consequence so far as political regeneration is concerned.

We, the Kahars, have always all along been touchables but our social and economical condition is worse than the Chamars, who are untouchables. It may be borne in mind at this stage that there is no parallel in these Provinces of untouchability which prevails in Madras and Bombay Presidencies. Here nobody considers himself to be polluted by the touch of shadow of the Shudra nor is physical contact odious except with Bhangies and that also in the conservative and orthodox quarters and not in the educated and enlightened circles. So if untouchability is removed it will not bring anything to the Shudras but still stalwart leaders of the Hindu Community will go on with their ostentatious show.

We beg to warn the Commission against these forces of hypocrisy and lip-sympathy. What is needed for our regeneration is the grant of political status equal to the so-called high class Hindus, and we are sure that social and every other progress will follow in its train.

It is futile to expect any material change in the angle of vision of the so-called high class Hindus in whom the conservative and orthodox element still predominates. Our customs and manners are also materially different from those of the so-called high class Hindus, *e.g.*, we have always had our Panchayat System and Widow Remarriage Custom from time immemorial which the so-called high class Hindus have never had. They have only recently begun to copy our example. There is no love lost between us and the so-called high class Hindus. Therefore the only course open to us is to have a complete separation from that of the so-called the high class Hindus insofar as political rights are concerned.

Under the circumstances we make the following demands in the hope that the Commission will be pleased to approve of them :—

(1) That the so-called the Shudra Community be named as *The Hindu Backward Classes.* The term depressed being a misnomer and the term Shudra is not acceptable to any of us.

(2) That 60 per cent representation by means of separate electorates or by Electoral College System or by proportional representation in all the representative bodies.

(3) That at least one minister in the Provincial Government should be recruited from amongst the touchables and the untouchables depressed classes.

(4) That at least one member in the Cabinet of the Local and the Central Government should

be drawn from the touchables and untouchables depressed classes.

(5) That adequate and effective representation should be given to the touchables and the untouchables depressed classes in the public services and in the different grants-in-aid of the country as well as of the local bodies.

(6) That the provision of the above safeguards should be made in the constitution itself.

We consider this occasion to be most opportune to express our heartfelt gratefulness to Providence for sending a power which is likely to raise the fallen.

LUCKNOW.

Dated 6th December, 1928.

AFTERNOON.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND SIR HARI SINGH GOUR) AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

Deputation from DEPRESSED CLASSES.

The Deputation consisted of :—

Babu Rama Charana, B.A., LL.B., M.L.C., Advocate, Chief Court, Oudh (Member of the United Provinces Committee), (Spokesman).

Babu Khem Chand, Ex-M.L.C., President, All-India Shri Jatav Mahasabha, Agra.

Babu Nanak Chand Dhusya, President, Adi-Hindu Sabha, United Provinces.

Munshi Hari Tamta, Member, District Board and Municipal Board, Almora, and Chairman of the Kumaun Shilpkar Sabha (Union of Industrial Workers), Almora, U.P.

Bhagat Mulluram, Member, District Board, Fatehpur, Representative of the All-India Adi-Hindu (Aboriginals) Mahasabha, Cawnpore.

Babu Sheo Dayal Chowrasia, B.Sc., LL.B., Chhotwapur, Lucknow.

Babu Ram Prasad Ahir, Pleader, Oudh.

Babu Chet Ram, Member, Municipal Board, Allahabad.

Babu Raja Ram of Kahar Sudharak Mahasabha, Cawnpore.

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151. *Chairman :* Do you more or less agree—please correct me if I am wrong—would it be right to say generally that we might take the figure of untouchables as something like 12 or 13 millions? * * *

Rao Bahadur Rajah : Yes, I agree.

152. *Chairman :* What do you think, Raja Sahib?

Raja Kushalpal Singh : I agree.

Kunwar Bisheshar Dayal Seth : I also agree.

153. *Sardar Shivdev Singh Uberoi :* May I know whether the untouchables as given here are not touched by the high class Hindus at all? What is the proper definition of untouchables?

Rao Bahadur Rajah : It is given in the note itself.

Witness : The nature of untouchability in this province is very mild I should say; but all the same there is untouchability.

154. *Chairman :* Does it come to this, that these castes, broadly speaking, are those who would not ordinarily be admitted into the interior of the Hindu temple, is that correct?—Generally it is correct.

Chairman : Because I have understood and I think the Sardar Sahib suggests that, that in the United Provinces in contrast for instance with some parts of Madras, you do not get that degree of untouchability which causes the high class Hindus to object, let us say, to the shadow falling on them and things of that sort.

155. *Sir Zulfiqar Ali Khan :* May I know whether they are allowed to draw water from the same well?—In some places they are allowed and in others they are not allowed.

Rao Bahadur Rajah : Mr. Rama Charana represents the touchables.

156. *Chairman :* The question is whether these particular castes are allowed to draw water from the ordinary well.

Rao Bahadur Rajah : My information is that they are not allowed to draw water from all the district board wells.

Kunwar Bisheshar Dayal Seth : It is not correct.

157. *Chairman :* I know the evidence is that in some places there are people who have not got the same rights to wells as the high caste people; but it is a mistake to suppose that it always happens to everybody. It is not a fair view to take that in some parts of the province you will find there is a less strict view and there you will find that people are allowed to take water; they do not make any trouble. On the other hand there are places where the people are more strict; is not that correct?

Kunwar Bisheshar Dayal Seth : I never heard that there is any restriction with regard to the drawing of water.

Rao Bahadur Rajah : May I draw your attention to page 636,* Sir? There the position is explained.

* Vol. IX.

158. *Chairman :* Yes; I shall read from the previous sentence: "The rules observed in Madras regarding pollution by coming within a certain distance cannot be said to have force in the United Provinces. Members of the untouchable castes are, however, often not permitted to draw water from the ordinary village wells and either have to provide their own well or place their vessels near the village well in the hope that some person of higher caste when drawing water will fill them." Does that give us a fair idea?

Raja Kushapal Singh : Yes, Sir.

Rao Bahadur Rajah : And further on, Sir, at the end of that paragraph we find, "Direct contact with them should be avoided."

159. *Chairman :* I must confess the impression that I have got from a little reading and from the help that I have from my friends here is that the problem here in the United Provinces is not so serious as it is in Madras. But I am inclined to think after reading these documents that it is true in many cases that there are low caste people here who are not expected to use the ordinary village wells for water. Is that not a fact?

Rao Bahadur Rajah : Yes. In this connection may I also cite another instance? In the district board of Fatehpur a member representing the depressed classes moved a resolution to throw open all the wells to the untouchables also, but that resolution was defeated.

160. *Chairman :* Anyhow we are not concerned to investigate social customs, but how political rights are treated. What is it that you would like to say on the subject of the political representation of the people you specially speak for?—We want representation according to our population.

161. At present in the legislative council I understand that there is one member; he is a nominated member and he is chosen because he is intended to represent the classes which in the Governor's opinion are depressed classes?—Yes.

162. And you are that member, I know?—Yes.

163. Do you regard yourself then as representing a wider range of people than the untouchables?—Yes.

164. You mean the depressed classes as well?—Yes.

165. How is it determined? How far up in the list of castes you have given will those whom you say you represent come?—I have given all the castes in the first place and I have also given the higher castes separately in the list I have furnished.

166. If I may say so without offence, I have heard the Muhammadans contend that for certain purposes they are backward. I have heard of a committee being appointed in this province to consider the question of education of the backward communities and they considered the question of advance of education among Muhammadans. Of course you do not claim to represent Muhammadans?—No, sir. I am speaking of the castes of the Hindu communities who are backward.

167. And you claim to represent every class except Brahmins?—Not only excepting Brahmins but also excepting all the high classes given on page 352 of the printed list I have submitted to-day.

168. Everything else?—Yes; depressed and backward classes.

169. It could not be that. There must be a large number of intermediate castes, such for example as the Rajputs, the Jats?—They go in as Kshatriyas.

170. What I do not follow is this. I do not quite understand where you draw the line?—Well, sir, the fact is that practically no member of this class has ever been elected to the local legislature.

Rao Bahadur Rajah : May I intervene, sir? In some of the documents and memoranda placed before us I see the division is drawn between the threaded and the non-threaded castes.

Witness : (Babu Rama Charana): But there are many classes among the depressed classes who wear sacred threads, and yet they are called backward.

171. *Chairman :* Let us ask the minister. What is your notion as to where the line is drawn where backward classes begin for the purpose of this representation?

Raja Kushalpal Singh : I do not think it is impossible to describe the exact line in so far as they are given in the district list as backward. But castes like *Ahirs* are not really depressed because in some parts of the province they are classed as Rajputs.

172. *Chairman :* Then does it come to this, that the representative of the backward and depressed classes in the legislature is expected to represent those lower castes who could not otherwise hope to get their representative elected and who need not in any way be members of his own caste?

Raja Kushalpal Singh : Yes.

173. *Chairman :* (To Babu Rama Charana): Do you agree with that?—There is only one distinction, sir, namely, the high caste people and the low caste people.

174. That makes it very difficult, Babu Rama Charana, to imagine that they could vote, because when those people could vote, you must be able to make a list of the constituency. To take only one instance, you would include the *Ahirs* among the depressed classes?—Yes.

175. But the minister tells us that members of the Ahir class are not treated as a depressed class?—The majority of them are treated as a depressed class; some claim to be Rajputs.

176. What I understand the Raja Sahib says is that in this province the members of the *Ahir* caste are certainly not regarded as being depressed because they are treated as Rajputs?—They claim to be Rajputs, but they are not treated as Rajputs. And there are even many others who claim to be something higher, but it does not follow from that that their political and economic condition is not backward.

Raja Kushalpal Singh : In their letter to the secretary to the Government of India in the Home department, dated the 16th March, 1908, this Government stated that: "It must be remembered that the mass of the Hindu population is to be found in the lower castes, *Chamars, Ahirs, Pasis* and the like."

Chairman : I think it is agreed that in the United Provinces a larger proportion of the Hindus falls into the category of depressed classes.

Rao Bahadur Rajah : May I draw your attention, sir, to memorandum from Ram Prasad Ahir, pleader, Sultanpur*?. He says in para (1): "The majority of the population of India is made up of Hindus, which consists of various castes, which can easily be divided politically into two classes—the higher (*i.e.*, those who wear sacred cord) and the lower (*i.e.*, those who do not wear sacred cord) including *Chamars* and sweepers."

Witness (Babu Rama Charana) : It is one thing to claim to wear a sacred cord; it is another thing that he is recognised as being entitled to wear a sacred cord. The *Ahirs*, the *Malas*, the *Jatavas* (a sect of *Chamars*) many of them do claim to be twice-born as the Brahmins, the Kshatriyas and the Vaishyas, but they are never recognised.

Raja Kushalpal Singh : B. Khem Chand of the deputation who is *Chamar* wears sacred cord.

177. *Chairman :* May we sum it up as far as we have gone?—The first point I think is this, that in the United Provinces the castes which may be regarded as untouchables in the sense that they sometimes are not given the full opportunity for using the ordinary village wells, or admitted into the interior of the temple are a very large body and amount to something like 12 millions. And in addition to that there is another very large body which is not untouchable in that sense, but none the less belongs to the lower class and included in the depressed class in a wider sense. There seem to be cases where members of the same caste in one part of the United Provinces are treated as quite depressed people although educationally they may not be so and some of them succeed in maintaining a better position. That seems

* *Vide* p. 354.

to be the first point. Then what Mr. Rajah said about the attempt to get constituencies which would elect representatives. Do I understand, or do I not understand, rightly, Babu Rama Charana, that your deputation wishes to have any election of its representatives?—Yes, there is unanimous demand for election.

178. Is that so?—Yes.

179. Do the other members of your deputation endorse this demand?—Yes.

180. I am not asking you whether you want to have more members to represent you. But I am asking you whether you think that in the United Provinces the time is come for the members whom you represent here to be elected by going to the poll and voting and all that? What do you gentlemen think?—(*Babu Ram Prasad Ahir*): Sir, I think the time has not yet come when we can seek election because there is in the villages the landlord who is generally of the higher caste. He has got all the influence over these lower castes and if he sets up somebody who is of his calibre, he can carry the day and our own candidate cannot be elected. So, for the time being we should be given representation by nomination.

181. What strikes me, gentlemen, is this. It might be that if you start election too soon you will find that the candidate who gets elected is not always the person who is the best. I do not want to persuade anybody, but I want to find out what you really think. You know in India there are people who say that when it comes to electing a member a great deal of influence is used by, let us say, the landlords or money-lenders, or by various other people to secure that a particular candidate that they want returned is chosen. Now for the purpose of election you may have of course that sort of influence used. On the other hand, if you think you can stand by yourself and elect the man you want, then I understand you like election. Now, which is it you want. That gentleman (Ram Prasad Ahir) I think would prefer nomination?—(*Ram Prasad Ahir*): Yes, Sir. (*Other Witnesses*): We do not want nomination; we want separate election.

182. Then the gentleman who spoke first wants nomination. What about the others? Do they want election, or nomination?—(*The other Witnesses*): All want separate election. (*Witness—Babu Nanak Chand Dhusya*): May I say, Sir, that some call themselves depressed classes, but they are not. Depressed classes are those people who have already been enumerated in Resolution No. 4 passed by the All-India Adi-Hindu Depressed Classes Conference held at Allahabad in 1927. It is clearly shown there that *Chamars* and others mentioned there are the depressed classes, and not those people, Sir, whom Babu Rama Charana has mentioned now, that is, the *Ahirs* and other persons. He is representing simply the depressed classes who are mentioned here, Sir. (*Witness Babu Khem Chand*): The definition of depressed classes is this, Sir. They are those from whose hands the higher castes do not eat food and do not drink water. Those are the real depressed classes, and not the *Ahirs*, *Malis*, etc. Those are backward classes. (*Witness Babu Ram Prasad Ahir*): Then the Christians and Muhammadans are also untouchables.

183. *Chairman*: I am not quite sure that I have understood you. Are you urging that the proper view is this, that the depressed classes are not as numerous as we thought, but they are certainly a small number of them?—(*Babu Nanak Chand Dhusya*): Their number is not small, Sir. They number about 60 millions.

184. I am talking about the United Provinces. The population of the United Provinces is only about 48 millions?—In this province it is about 12 millions.

185. I have not quite followed you, Mr. Khem Chand. What do you want to say?—(*Babu Khem Chand Bahore*): I want to have separate election.

186. How do you propose to decide which the classes are, or who the individuals are that can vote? I want you to tell me if the depressed classes are going to elect their own members, how you think the list should be made up of the voters? You would have to have something to decide who the voters were, would you not?—All the adults. No qualification should be fixed for the depressed classes, educational qualifications or other qualifications.

187. I do not mean that. I mean this: how are you going to decide whether a particular caste votes or does not vote? Are the *dhobis* depressed classes?—Yes, sir.

188. Are *Ahirs* depressed classes?—No.

189. Who is going to decide which classes will have a vote?—Only those people from whose hands the high classes do not eat food, for example, the *Chamars*, *Koris*, *Bhangis*, *Mahars*, *Pasis*, etc.

190. *Mahar* is not a United Provinces caste?—Yes, Sir.

191. Are there *Mahars* in the United Provinces?—Yes, Sir.

192. I do not think there are very many *Mahars* in the United Provinces?—There are in the Central Provinces.

193. I am talking about the United Provinces. I was saying that I did not know that there were *Mahars* in the United Provinces of Agra and Oudh?—I think there are none.

194. As I understand, you, gentlemen, except for one of you, think it will be better to have your member or members elected?—Yes.

195. Did I understand you to say that you do not think that there ought to be any test for a vote, but that every adult man should vote?—Yes.

196. Do you think that ought to be the rule all over India?—Yes, Sir, for depressed classes.

197. For other people?—I cannot say for other people. I only speak for the depressed classes.

198. There may be some difficulty in saying that there was to be a vote with a lower qualification for the depressed classes than for other people?—I have prepared a written statement here, Sir. (The statement was handed over to the Chairman.)

199. Would you tell us this, please? In the United Provinces, I am not speaking of anywhere else, but in the United Provinces of Agra and Oudh, supposing that the legislative council remains of about the same size, how many members do you think the depressed classes ought to have?—According to their numerical strength, Sir.

200. According to population?—Yes, sir. (*Babu Rama Charana*): Looking at our backward condition I am content myself to have a lesser number.

201. How many do you think would be right, yourself?—Not less than 30 per cent.

202. You think 30 per cent. of the total number of members should be returned by the depressed classes?—Depressed and backward classes.

203. When you say that you are including not only the untouchables but also the depressed touchables?—Yes.

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204. *Mr. Cadogan*: On the question of election as opposed to nomination I did not quite follow your answer to the Chairman. You say that your constituencies should be made up not only of the depressed untouchables but also of the depressed touchables?—Yes.

205. Would it not be very difficult to make out the electoral rolls?—Already many of them are in the electoral roll. It would be quite easy to make out a list of the depressed touchables and untouchables.

206. Then I wanted to ask you about this, I am not expressing any opinion, I want your opinion, with reference to the question of election as opposed to nomination. It is the ambition of the representatives of the touchable classes to merge the untouchable classes into the general community by doing away with all these distinctions which you yourself object to?—Yes.

207. Then, if you have constituencies of untouchables would not that tend to perpetuate those distinctions?—It is not like nominated members whose business will be to vote for education, and so on?—But I want constituencies of touchable and untouchable classes jointly.

208. You think that election would effect your ultimate aim of merging the depressed classes in the general community? You prefer it to nomination?—Yes, Sir.

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213. *Major Attlee:* In this statement showing the population of the depressed classes Hindus are seen divided into two classes, those in Table I and those in Table II. Have you left out any intermediate class?—No.

214. You call them either high or low? There is no intermediate class?—No.

215. Now, as regards the economic position of these classes in Table I; are they generally landed classes or landless?—They are generally cultivators, tenants. There are certain exceptional cases in which they own land also.

216. In the main are they tenants, or are they landless workers?—They are tenants, but most of them work for others too.

217. They own small plots of land, but they work for others?—Yes.

218. And you also include, I suppose, in these depressed classes, factory workers?—Of course, they have gone from these classes. They all come in there.

219. Have you any well-to-do people among these classes?—No, no class as a whole is well-to-do. Some individuals in exceptional cases are well-to-do.

220. There are some?—One or two here and there.

221. Do they work with the rest of their class or go to work with the other classes?—They are working with the same classes. I can give you an example. The *Chamars* in Cawnpore are doing business in leather. They are rich there, but elsewhere they are poor.

222. Politically they stand with you?—Yes.

223. *Chairman:* If you take one of the members of the depressed classes who has become rich, he has a vote now in a general constituency. Now, supposing you give votes to the depressed classes to elect their own members, what would happen to such a man according to you? Would he vote in the general constituency or would he vote in the depressed classes constituency, or would he vote in both?—Why should he remain in the general constituency at all?

224. Then, your view is that if a man has now got a vote in a general constituency, and you made a list of depressed class voters, he would cease to vote in the general constituency and would only vote in his own depressed class constituency?—Yes.

225. *Lord Burnham:* Might I ask what proportion of the depressed classes would be in the general electorate at the present time, under the existing franchise?—I have not got it. That can be obtained from the Government.

226. You cannot form any opinion?—I can in individual cases. I can say about the municipality of Lucknow. There about one-fourth of the electors are depressed classes.

227. You cannot say whether there is less or more in the mofussil districts?—No. In the rural areas also I think their proportion will be about that.

228. *Dr. Shafaat Ahmad Khan:* Mr. Rama Charana, has there been an organised attempt to elevate the lot of the depressed classes in this province? To what extent have various institutions contributed to the establishment of equality between various classes?—In the first place the organisations that have been established to ameliorate the condition of the depressed classes aim at the removal of untouchability only, social disabilities. They do not want to give any political status to any of the depressed classes.

229. Do you think then they are all paper resolutions?—I should think so.

230. They are not carried into effect?—No, they are not.

231. My second question is, do you require separate electorates because you have not got the same economic, educational and social level as other communities?—Exactly.

232. But when you reach that level ultimately you will relinquish them?—Exactly. I want them as a temporary measure.

233. To be dropped later on when the same level is reached?—Yes.

234. Have you made considerable progress during the last eight years in education?—No. Literacy is ·5 among our classes as against 4·5 among the higher classes according to the latest report.

235. You think that unless and until separate electorates are guaranteed to you your interests will not be safeguarded?—No. There is the Government report which says that district boards which are entrusted with the business of diffusion of education have actually discouraged it. Here I may refer to page 41 of the general Report on Public Instruction in the United Provinces for the year ending March 31, 1926.

236. *Chairman:* The report of the director of education?—Yes.

237. Would you just read the particular passage if it is not too long?—Yes. "Inspectors of all divisions except Benares and Rohilkhand report an increase in the number of schools and scholars. In Rohilkhand a decrease of 288 in the number of scholars has occurred, but in Benares the decrease amounts to the large figure of 3,070. To some extent the appointment of unsuitable supervisors is responsible for the decrease, but in the Benares division it is reported to be due to discouragement of this class of education by the boards, the Jaunpur district board in particular, and that of Ghazipur in a less degree, obtaining discreditable mention."

238. Is that referring to schools for the depressed class children?—Yes.

239. *Dr. Shafa'at Ahmad Khan:* Mr. Rama Charana, you are aware that from 1921 down to the present day the legislative council of this province has created several autonomous institutions, universities, district boards, intermediate education boards, and so on. Do you think that these self-governing bodies have really safeguarded your interests?—No, sir.

240. Do you think then that there ought to be some safeguard in those autonomous statutory bodies for the protection of your interests?—Certainly; we cannot do without safeguards.

241. *Mr. Desanges:* What is the percentage of educated people in your community, those who have passed the matriculation examination or its equivalent examination?—I cannot give you the exact percentage, but I might state that there are at least two to three dozen graduates and a dozen practising lawyers.

242. You cannot give us any idea of the percentage?—It is very small.

243. You said that in certain districts in this province some classes do not like to be classed under depressed classes. Supposing you want to represent them and they disclaim you, will you not be in a very difficult position?—The trouble lies with the word "depressed" which is associated with the idea of untouchability.

244. But anyway you have to face the difficulty at present, at least?—Yes.

245. *Raja Kushalpal Singh:* Do you know if zamindars and money-lenders influence voters residing in their villages?—Certainly; they take them to be a mere herd of cattle.

246. If this is the case, do you not think that the person elected would be the person who is the nominee of the zamindars and money-lenders and not the person whom the depressed classes think to be the best representative of their class?—I do not think so.

247. Why not?—He may not be a bold representative, but all the same he will be our representative.

248. But he will not be one who will be voicing the feelings, the views and the opinions of the depressed classes. He will express the views of high castes who have put him forward and whose nominee he will be?—There will be some influence, no doubt, but that influence will not, I think, make him disregard the interests of his own class.

249. Why will he not disregard when he thinks that he has got into the local body or the legislative council through the influence of high caste zamindars and money-lenders?—I do not think that they are slaves of ancient times.

250. Is it not your experience that depressed class tenants are more subservient to zamindars and money-lenders than high caste tenants?—Yes.

251. Are not the tenants voting according to the bidding of their zamindars?—Yes.

252. Why do you think that the person who is elected and whom the zamindar has put forward as his candidate will reflect the opinion of the depressed classes and not that of the person who got him elected?—In that case we will carry on propaganda and see that the right sort of man is elected who will certainly voice our views.

253. That will be the state of things when a certain amount of propaganda has been carried on and that propaganda has proved a success, but what do you think would be the result just at present?—With the system of nomination it is still worse. It is these very zamindars and money-lenders who are in the Government who nominate us; even there there is the same influence.

254. How can zamindars nominate you now?—They have got their influence with the nominating agencies.

Chairman: It seems to me that the view of the deputation, subject to one gentleman, is this: They say that, notwithstanding the risks of richer people influencing the elections, they would prefer to come through elections rather than through nominations.

255. *Raja Kushalpal Singh:* Will you adopt the system of adult suffrage?—I will not go so far, but I will certainly advocate some lowering of the franchise.

256. Can a stable electorate be formed from the heterogeneous group of depressed classes?—I see no difficulty.

257. Taking, for instance, the case of Agra district, the *chamars* number 1,51,000 which is more than the number of all other depressed classes put together. Will not the *chamar* candidates swamp the election?—If they will swamp the election at one place they will be swamped in other places by other classes. Anyhow, the net result will be the same.

258. In that case there will be injustice done to the depressed class communities in every district?—One caste is not segregated at all places; all these persons are scattered.

259. But are you not aware that the *chamars* are numerically the strongest in the United Provinces?—Yes, they are.

260. And the number of the real agriculturists like *Kachhis*, *Lohars* and *Kurmis* is small and therefore these persons will not get representation in the council and local bodies?—But all these *chamars* will not go into the electoral roll.

261. If adult suffrage is adopted then all of them will get in?—I am not talking on that assumption.

262. Then what qualification will you lay down?—I would suggest that instead of Rs. 3/- rental qualification it should be Rs. 2/-.

263. That is in urban areas?—Yes. And instead of Rs. 50 rent, it should, in my humble opinion, be reduced to Rs. 25; if a tenant pays Rs. 25 per annum he should be entitled to be an elector.

264. Have you considered another difficulty? In the district of Agra, for instance, the number of *chamars* is 1,51,000 and the number of other depressed classes is also a little less than that figure. There will be serious difficulty in staffing the polling stations because in that case the Government will have to make arrangements for recording votes of about three lakhs of persons?—If our rights are more precious than the expenditure, I think Government would incur that expenditure.

Raja Kushalpal Singh: It is not a question of expenditure. Will it not be a physical impossibility?

265. *Chairman:* It depends, does it not, on how many of these people would become voters. I see that the witness is suggesting that there should be some lowering of the franchise. He suggests that in towns it should be lowered to a rental payment of Rs. 2 a month instead of Rs. 3 and that in the country the tenant should have a vote if he pays Rs. 25/- rental instead of Rs. 50. Supposing the franchise is lowered in the towns, would it not bring in a great number of depressed class members?—No, Sir.

266. It will bring in some at least. Will it not bring in a good many of the leather workers?—They are very few.

267. I think in Cawnpore there are many leather workers who pay a rental of Rs. 2?—Most of them are already on the list. The conditions in Cawnpore are of course exceptional.

268. *Lord Burnham:* I have this difficulty and I would like you to solve it. I see that there are certain castes here enumerated who do not wish to be reckoned with the depressed classes. How can you count these amongst the depressed classes when they do not want to be counted?—As I have submitted already, the word "depressed" is almost a misnomer in this province. Certain castes who are as backward as the untouchables resent the epithet of the depressed class because the idea of untouchability is associated with it. They do not regard that "depressed classes" refer to those who are politically backward but they think that by classing themselves under depressed classes they might be lowered in society. That is the reason why I have suggested another name.

269. But they may still say that they do not want to be classed with you. I gather that these castes keep rising in the social scale?—There is no question of rising.

270. But they are making their claims?—In the first place, only a handful of these persons are making a claim, and in the second place I doubt very much whether their claim will ever be recognised.

271. *Khan Bahadur Hidayat Husain:* I take it that all these sub-castes, *chamars*, *ahirs* and so on, are based on the professions they follow?—Yes.

272. Do you not think that there is a conflict of interest between all these sub-castes? For instance, a *chamar* has got no confidence in, say, an *ahir* or a *kachhi*?—To a lesser degree the same applies to higher castes.

273. Would this not prevent the formation of electorates?—No.

274. Can you cite any instance in which a member of the depressed class has stood from the general constituency for the council or for the local bodies and has not been returned because he was a member of the depressed class?—(*Babu Sheo Dayal Chawrasia*): I was one of the candidates who stood for the municipal elections at Lucknow. Many people were asked not to vote for me because I belonged to the *Tamboli* caste. Even many people of my own community did not vote for me because they were under the influence of higher castes.

275. *Chairman:* The last thing you said bears very much on the question which has been put before by the Honourable the Minister. I understand you to say that you stood as a candidate and you being a *sudra* people went about and said to those who are also depressed class people "Do not vote for him, he is a *sudra*, but vote for somebody else," and they did so. Does this not rather show that it may perhaps be dangerous to say that the time has come for the depressed classes to have their members elected?—We have already done propaganda work

sufficiently and we have got organised bodies who explain to our people what voting actually means and how we will safeguard their interests if we are elected. I think if I were to stand this year I have got a better chance of succeeding than I had before.

276. Are you going to stand for the next council?—Yes, if separate electorate is granted.

277. *Khan Bahadur Hidayat Husain:* There are many rich people amongst *kurmis*, for instance. Do you not think that they would resent coming down to the level of the *chamars* and being formed into that electorate?—(*Babu Rama Charana*): I do not think they will. Many of them are members of our organization.

278. *Mr. Srivastava:* In view of the difficulties which have been just pointed out by various members of the Conference regarding the formation of separate electorates, would you rather not be content with reservation of seats with the present electorate?—If separate electorate is not practicable I should certainly be content with that.

279. That is to say seats (whatever be their number) are reserved for you and members of the depressed classes are returned to those seats by the present Hindu electorate in which you are in a majority or at least you are very well represented?—As I said, if it is not possible to have separate electorate, I would certainly prefer reservation of seats.

Chairman: I have not followed. In the United Provinces, at any rate as things are, the elected members, nearly all, sit for single-member constituencies. I do not think you could combine single-member constituencies—could you?—with reserving seats. You would have to start with a system by which you would have several members elected for an area of whom one should be a member from the depressed classes.

Mr. Srivastava: Something to that effect. I am only suggesting that there are great difficulties in devising separate electorates.

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280. *Kunwar Bisheshar Dayal Seth:* Is it not a fact that distinguished politicians and social reformers are now doing a great deal to do away with the distinction of depressed classes and untouchables?—They are, but my own view is that their influence has very little or no effect.

281. Has that brought about any change whatsoever in the general outlook?—Not at all so far as the political field is concerned.

282. *Chairman:* Let us not get too gloomy a picture. You have said "not at all so far as the political field is concerned." But let us take the time during the last 15 or 20 years. Here in the United Provinces has not there been some improvement?—In what direction?

283. I mean, for example, as compared with how things were 15 years ago?—So far as the social conditions are concerned, certainly they have improved.

284. They have improved?—Yes.

285. I am very glad to hear that. You mean there has been a better feeling in giving the depressed class people a fair share of the ordinary public rights?—No, nothing of that sort. The *Kahars* and other touchable classes have always been touchable: they have never got any political rights.

286. Political rights are mostly, not entirely, means to an end. Political rights are pressed firstly because they give the citizen the opportunity of doing his duty towards the place where he lives and secondly because they give him power to enable him to protect himself and to secure his rights. Duty first and rights afterwards, is not that so?—Yes.

287. I am not talking about political rights. I am talking about the social position. Has not there been some improvement as a result of these efforts for the last 15 years?—In social position there has been, but not beyond that. If I may say so they are not going to give us any political status.

288. *Rao Bahadur Rajah:* Mr. Ram Prasad Ahir, you have given the definition of the two classes, the touchables and untouchables, in your memorandum. You say on page 355, "The question then arises why others are regarded to be a little better than the untouchables. The answer is not far to seek—and it is that the former have placed themselves a little under the Brahmin influence, the latter totally refused to yield to Brahminical pressure—the former invite Brahmins to solemnise marriages, the latter perform marriages by themselves" Is that right?—(*Ram Prasad Ahir*): Yes.

289. So you want to place those communities that are under the Brahminical influence and who wear the sacred thread under the category of touchables, is it not?—No.

290. What we call at present as touchables are those classes who wear sacred thread and who are under the Brahminical influence. Am I right?—Yes.

291. I suppose you have seen this journal, Adi-Hindu, evidently published by Babu Rama Charana It is stated in it that the journal is published for the advancement and protection of the rights of the so-called 15 crores of untouchables and *sudras*, qualifying the word "untouchables" by the word "depressed" and "Sudras" by the phrase "backward classes." Do you then agree that those touchables come under the term backward classes and the untouchables come under the term depressed classes? Is that your view?—You may call them by any name you like. But I have given certain usages in my memorandum to show wherein the disability they suffer from arises. If you read my memorandum you will know it.

292. I quite agree with all what you say in your memorandum and it is about that I am asking you?—I may suggest this. In ancient India they were the rulers and they were intermixing with each other. Later on when they were conquered the depressed classes, the untouchables, refused totally to come under the banner of the Brahmin. Others who came are the touchables.

293. Mr. Rama Charana, you are for separate electorates for the depressed classes?—(*Babu Rama Charana*): Yes.

294. It is stated that it is very difficult to form a separate electorate for them?—There is no difficulty at all.

295. But there will not be any such thing as untouchables electorate?—No, no such thing.

296. You have stated that public opinion in this province is almost in favour of the depressed classes. Will you kindly tell me what is your experience of the Hindu members of your legislative council with regard to their attitude towards the depressed classes?—I can only say that there is much on paper and very little in action. They may make speeches. I give you an instance. Out of 80 lakhs of rupees allotted for education, only over a lakh is given to the depressed classes although the illiteracy among them is very great and the other classes who are already sufficiently literate get a lion's share.

297. *Chairman:* You say that 80 lakhs is voted for education in the province?—It is granted for primary education to the local bodies.

298. Grants-in-aid about 80 lakhs?—Yes.

299. Can you tell us how much of it goes to support the education of the depressed classes?—A little over a lakh of rupees.

300. 1/80th of the whole?—Yes and even that we are getting since the last two years. Before that we were getting much less.

Kunwar Bisheshar Dayal Seth: I think this one lakh is intended specially for the depressed classes. As for the other amount that is spent on education, there is no bar for the depressed classes taking advantage of it. This one lakh is only in addition to what is being spent generally on education.

301. *Chairman:* I rather thought so. Is it the true position, that some years ago there was an

effort to start schools specially for the depressed classes children and it may be that the depressed classes children who went to school went for the most part to these special schools? But is it not this what is happening, that more and more depressed class students are going to the ordinary schools? —That is true so far as the urban areas are concerned.

302. In some areas at any rate they are going. So the depressed class children get the advantage of the grant-in-aid given for the ordinary schools because many of them go there?—It is not so with regard to the rural areas where most of these classes live.

303. In cases where it is so. When you speak of the one lakh out of 80 lakhs being provided for the depressed classes education, that means, I think, does it not, that it is provided for these special schools for the depressed class children?—Yes.

304. Of course all the depressed class children are entitled at any rate to go to the ordinary schools?—Very few of them go because most of these people live in rural areas.

305. There are a lot of these depressed class children in Cawnpore?—Yes.

306. They do not all go to the depressed class schools, do they?—In cities there are very few depressed classes schools.

307. *Rao Bahadur Rajah:* It was said that the money allotted for education is for the welfare of all the communities including the depressed classes. Is it a fact that the high caste Hindus in this province have been totally against the aspirations of the depressed classes so far as education is concerned?—For a reply to that the report of the committee may be referred to.

308. May I refer you to a paragraph in this report, written by Rai Sahib Pandit Shukdeo Tewari of the educational service, wherein he says, "Education both in rural and urban areas here was confined amongst the literary classes only. The backward communities were allowed to live in ignorance as they were before. The high caste and literate Hindu communities, particularly the zamindars, discouraged the backward classes to educate the boys as they did not like the latter to become more learned and question the authority over them. The teachers who happened to belong to the literate communities did not admit the boys of untouchable classes for one reason or another"? Is that right?—Yes, that is right.

309. Will you tell me if these boys are admitted into the public hostels?—I think there is no provision for them. They are not admitted. I myself recall a case of Mohanlalganj where a boy of the *Kori* caste aged 13 years was not allowed to remain in the hostel but was asked to cook his food in a *maidan* in this cold weather and was asked to lie down in a verandah open to cold. I myself went to that place and learnt this.

310. *Chairman:* If I may say so it may help you and the witness. I think probably we all of us feel that the claim that the depressed classes should have adequate political representation on the ground that they need amongst other things the protection is a claim which appeals to many of the people. I think that is quite a reasonable thing to say. The real question is not so much whether it is proved that they need protection because I am pretty sure many of them say they do. I notice that some of us who are Indian members of the Conference agree with this view. But the real question is what is the best way of doing it. Do you not think so?

Rao Bahadur Rajah: Yes.

Chairman: If anybody comes and says that the depressed classes do not suffer from any grievance and they are treated like everybody else, I should not believe it.

Rao Bahadur Rajah: I am placing these facts before the Conference to press my case definitely for adequate representation in the councils.

Chairman: I think that is very important.

Rao Bahadur Rajah: The moment we get adequate representation to these councils and we are represented there by our own community itself, I think all these political rights will follow easily.

311. *Chairman:* Would you just tell me this? I have carefully looked into this. It is a little difficult, is it not, how it is to be done? Do you think yourself you would be disposed to recommend that there should be an attempt made to draw up a separate electoral list or do you think that for the time being it will be better to provide representation by nomination and to make sure that the members nominated were untouchables as well as backward classes?

Rao Bahadur Rajah: I think there will be no difficulty in framing an electorate, Sir, because these untouchables in almost all the villages live separately in what are called *mohallas* or *tolis*. They are a homogeneous group and not a heterogeneous group as stated by somebody. They live separately and therefore it is very easy to carve out an electorate for them.

Chairman: One of the difficulties which I feel myself is this. One is rather sorry for a man who has improved his social position and perhaps is already qualified to vote in a general electorate and to take part in it, if arrangements are made which almost seem to throw him back. I hardly think that you propose to have two votes. Therefore you will see that he will have to lose his vote in the general electorate.

Rao Bahadur Rajah: He will have the option to choose the one or the other. I think he will choose the electorate containing his own people. I will bring out this point.

312. Mr. Bahore, you were a member of the legislative council?—(*Babu Khem Chand Bahore*): Yes.

313. You are a very rich man in Agra?—Yes.

314. I am told you are worth property to the extent of two or three lakhs?—Yes.

315. You pay a house rent of Rs. 200 to the municipality?—Yes.

316. When you perform marriages are you allowed to take the marriage procession to the Hindu public streets?—No.

317. If a separate electorate is formed for the depressed classes and if you are asked to vote either in the depressed classes electorate or the Hindu electorate, which will you prefer?—The depressed classes electorate.

318. *Chairman:* To help your own people?—Yes.

319. *Rao Bahadur Rajah:* Mr. Rama Charana, the Chairman of the Indian Central Committee, wants to know whether you have included the hill tribes also in the list which you have given?—(*Babu Rama Charana*): Yes, I have. It is No. 13 in the printed list.

320. Have you included the criminal tribes?—Everybody comes in there. The criminal tribes are also included.

321. As touchables or as untouchables?—Some of them are touchables and others untouchables. They are untouchables in one place and touchables in another.

322. *Mr. Srivastava:* What hill tribes do you mean? —The depressed classes of Almora and Nainital, etc.

323. What are the castes?—Other than the Brahmins, the Rajputs and Vaisyas.

324. *Chairman:* Give me an example out of this list of 52 different castes, of a criminal tribe?—The *Pasis*, the *Nats*, *the Haburas*.

Memorandum submitted by the COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE.

The Committee of the Upper India Chamber of Commerce desire to avail themselves of the invitation to submit a memorandum on the subjects which fall within the limits of the enquiry which is being undertaken by the Indian Statutory Commission. They have framed this memorandum generally and serially on the lines of the Appendix to the Invitation to Submit Memoranda. They do not propose to deal with the whole field covered by the heads set out in the Appendix and their purpose particularly is to state their views on the problems affecting the Provincial Governments. They propose, as far as possible, to avoid those matters more directly relating to the Central Government and will touch on them, only where they are believed to affect the question of Provincial Government.

In dealing with the matter of Provincial Government they naturally base their conclusions and recommendations more particularly on the conditions obtaining in the United Provinces of Agra and Oudh.

As a preliminary it is necessary to inform the Statutory Commission in regard to the status of the Chamber. The Upper India Chamber of Commerce was established in the year 1889 and is believed to be the first Chamber of Commerce established in the interior of India. The Chamber concerns itself more particularly with the industrial and commercial interests of the United Provinces, within which area the large majority of its members have their activities. It has, however, a few members in the Punjab, Marwar and Bhopal.

It may be said that the Chamber represents practically the whole of the major industrial interests in its area and its membership includes the majority of the Banks doing business in this area, the whole of the Railways serving the area, and a very large proportion of the European, and a lesser proportion of the Indian, commercial interests in the area.

In close connection with the Chamber, through its membership, is the Indian Sugar Producers' Association which represents 90 per cent. of the white sugar manufacturers of India and whose office is conducted by the Chamber.

The Chamber is represented on the United Provinces Legislative Council by two members, one Indian and one European. A member of the Committee of the Chamber, himself an ex-President of the Chamber, represents the European Constituency of the United Provinces in the Legislative Assembly. The Chamber also returns three members to the Municipal Board of Cawnpore, and is represented on the Advisory Committees of most of the Railways serving the Province and on the various Government Boards and Committees acting in an advisory capacity to the local Government. The Chamber therefore claims to speak as a thoroughly representative body.

1. *The representative system as applied to British India*

(*a*) The basis of the Franchise.
(*b*) Methods of Election.

The Committee of the Chamber are satisfied that the present bases of franchise extended to British India under the Government of India Act, 1919, and the methods of election now obtaining, do not, in practice, supply the country with a representative system. They do not desire to stress the fact that the present Indian electorates represent only a very small fractional proportion of the peoples of India. The facts and figures demonstrating this are too obvious and too well known to require any emphasis. But they do desire to insist that the results of the elections by the present electorates are wholly misleading in that they have not brought in to the Legislatures the representatives of the people. The land-holders are represented but the vast agricultural population of India is believed to be almost entirely without adequate representation. A proof of this may be deduced from the fact that in the United Provinces Legislative Council, out of 100 elected members there are 41 urban lawyers, whereas there are only 12 urban constituencies, not all of which are represented by lawyers. A lawyer represents the European Constituency, one represents a Chamber of Commerce Constituency, and one represents the University Constituency. The great majority of the lawyers are therefore returned by the rural constituencies and in their return the rural population has had very little voice.

It is generally admitted that this state of things is due to the appalling lack of education prevailing in India and especially in the rural areas. The remedy for this lack of education must of necessity be slow in its application and operation, but it appears to the Committee of the Chamber to be sufficient to realise that this remedy cannot at present, or for some considerable time to come, be effective and that in its absence it is fallacious to describe the present system as "representative." The Committee of the Chamber believe that it would be more honest to India wholly to abandon the present bases of franchise and the present methods of election in the rural areas and to substitute a method which would, it is believed, result in an actual extension of the franchise by indirect means to the rural population. They consider that the machinery for this actually exists in some Provinces and might be established in others by means of the development of the *Panchayat* system. This system has developed in the last ten years and in its further development and extension my Committee see some chance of a solution of an otherwise impossible problem.

The present functions of the Village *Panchayats*, where these exist, are (*a*) Magisterial and Judicial, to a necessarily very limited extent, (*b*) Civic, to the extent of aiding in the improvement of education, public health, water supply, village communications and works of public utility, (*c*) the conduct of inquests, (*d*) affording assistance to officers of Government in the performance of their duties, and (*e*) assisting, by enquiry, Magistrates and competent Revenue Officers. To these functions it would, the Committee believe, be feasible to add the function of electing members to District Boards, or Local Boards, or other equivalent bodies now created on an elective basis. But as a preliminary step the election of the *Panches*, or members of Village *Panchayats*, should, and could, be made more representative by insisting that all adult male inhabitants of a village should be permitted to vote, in some summary manner, for the election of the *Panches*.

The members of the *Panchayats* would be the lowest grade of electoral college and would elect, not necessarily from among their own members, the District Boards in rural areas.

It is regarded as an incontestible fact that at present, and for many years to come, communal representation must be resorted to in India, and it is believed that it would not be difficult to introduce a communal system, correctly based on the communal population, into the election of Village *Panchayats* and, as a second step, into the election, by the members of these *Panchayats* of the members of District Boards or equivalent rural bodies. In urban areas, where educational conditions are better and where the significance and importance of the elective system is better understood, direct election to Municipal Boards should continue.

The District Boards and Municipal Boards, once elected, should be constituted electoral colleges for the election, again not necessarily from among their own members, of members to the Legislative Assembly and to the Provincial Lower Houses—it being, as will presently be shown, a part of the Chamber's proposals that provincial Upper Houses should be established.

Functioning with the District and Municipal Boards as electoral colleges there would be other properly constituted elective bodies such as (*a*

Chambers of Commerce and similar trade associations, (*b*) Registered Workmen's Unions, (*c*) Associations of land-holders, (*d*) the Provincial Branches of the European Association, (*e*) the Anglo-Indian and Domiciled European Association and (*f*) the Indian Christian community (in certain Provinces).

These several electoral colleges would form the general electorates for the Provincial Councils and Legislative Assembly and, in addition, there would be special electorates. These will be referred to subsequently under the next sub-head.

The Council of State and the Upper Provincial Chambers would be formed by direct election on a uniform and comparatively high and restricted franchise.

There is no inconsistency in this proposal since the restricted electorates for these Upper Chambers do exist, possessed of sufficient political education.

The Committee are aware that their recommendations for a reversion to an indirect method of election may be regarded as retrograde. They do not wish to be considered as labouring the point, but they desire to make it clear that, while they hold the view that it is certainly desirable to extend the bases of franchise, the problem is, in the present state of education in India, actually insoluble, if by solution be meant the infusion, within a reasonable time, of political education and the development of the political capacity of the masses and, in particular, of the rural population.

The difficulties in the way of educating politically these masses and this population were recognised by the authors of the Joint Report on Indian Constitutional Reforms, but an attempt was nevertheless made and has continued for nine years.

During this period those who have been returned to the Provincial Councils and the Central Legislatures have made little, if any, effort correctly to educate their constituencies or to develop the potential capacity of the rural classes for politics, and for all practical purposes the situation, as far as it concerns the suitability of India for a direct popular franchise, is exactly where it was when the Montagu-Chelmsford Report was issued. This being so it is the opinion of the Committee of the Chamber that it is useless to place a vote in the hands of people who are incapable of understanding its value or its use. In the circumstances resort to indirect election is the only solution.

Nothing can be more certain than that the Legislatures of to-day have not grown and are not being developed scientifically and symmetrically on their present franchise. The present electoral structure has been erected on an inadequate foundation, top-heavy and ill-balanced and with every proof afforded of its instability. The comments of the Government of India in their Fifth Despatch of 1919, forwarding the Southborough Committee's Report on Franchises, show quite clearly that the recommendations of the Southborough Committee were not based on principle but rather on a facile acceptance of the views of Local Governments. It may be that this was the inevitable result of the hasty forcing through of the Reforms by the then Secretary of State, but the fact remains that the methods of election finally adopted for the Legislative Assembly and the Council of State were not those recommended by the Southborough Committee and accepted, in a very lukewarm manner, by the Government of India. The recommendations of the Southborough Committee as to the methods of election for the Provincial Councils were certainly adopted finally, but even these were regarded, by at least one member of the Government of India, as experimental and the Committee of the Chamber hold the view that the experiment has not succeeded.

The methods of election for the Provincial Councils and the Legislative Assembly were changed under the Montagu-Chelmsford Reforms of 1919 from a system, at least partial, of electoral colleges to a system of direct election, and it became necessary, after the decision to make this change was known, very hastily to devise the electorates to which the franchises were to be extended. The actual result was that the electorates and their franchises were not such as would form a secure foundational basis for the Legislatures, but were built in or thrust in under them, none too confidently or securely. The result is a conglomerate of property and other qualifications, communally most uneven and educationally most unsound.

The Committee of the Chamber therefore put forward their recommendation that this unsound structure should be replaced, at any rate for the present and for several years to come, by the system of electoral colleges which they have endeavoured to sketch out.

(*c*) In considering *the methods whereby particular interests, communal, local, social and economic, may obtain adequate representation on local self-governing, Provincial and Central Representative Bodies*, the Committee of the Chamber desire to put forward the following recommendations :—

In regard to *local self-governing bodies* the powers now afforded under the Municipalities Act for giving communal and other special representation on Municipal Boards appear to the Committee to be sufficient save possibly in regard to the Depressed Classes, and they consider it necessary only to recommend that the present representation of special and minority interests should not be reduced.

In regard to District Boards it has already been recommended that *Panchayats* should be elected so as to preserve the correct communal proportion and if this desideratum is similarly secured in the election, by Village *Panchayats*, of District Boards, no other particular interest in rural areas, again save perhaps that of the Depressed Classes, seems important enough to require special representation.

In regard to *Provincial and Central Representative Bodies* the Committee of the Chamber recommend that the communal interests of *Moslems* should be protected in accordance with the formula enunciated by Sir William Vincent in para. 5 of his Minute of Dissent to the Government of India's Fifth Despatch, forwarding the Report of the Southborough Committee to the Secretary of State, on the 23rd April, 1919. Sir William Vincent said: "What is wanted is a sliding scale in which the weighting given to Mohammadans increases as their numerical weakness does . . . . . Where the Mohammadans are in the census majority let them get representation in that proportion; where they are the weakest," (*i.e.*, at their weakest) "let us double that proportion . . . . Between these extremes let us multiply the census ratio of the Mohammadans by a factor greater than one and less than two."

The *Europeans* should certainly have communal representation, both in the Central and Provincial Legislatures, and this should be distinct from and in addition to the special representation necessary for European Commerce.

On the 13th of August, 1924, the Chamber, in addressing the Reforms Enquiry Committee, made a similar recommendation and a copy of the Chamber's letter of that date is attached as *Annexure A* to this Memorandum, and particular attention is invited, in the present connection, to the concluding paragraph of that letter and to the criticisms made by the Chamber in November, 1918, of the Montagu-Chelmsford Report, and which are quoted in the letter.

The *Anglo-Indians* should continue to be recognised as a separate community and should be given a franchise to function as an electoral college and to elect a representative to the Central Legislature and also representatives to the Provincial Councils of Bengal, Bombay, Madras, and the United Provinces in which Provinces the strength of the Anglo-Indian population is considered to justify their separate representation.

Indian Christians should also be given a franchise to elect a representative to the Central Legislature and representatives to the Councils of such of the

Provinces as contain a sufficiently large Indian Christian population to warrant separate representation.

In the matter of *local interests* the Committee are not able to envisage any interests which would not be adequately represented by one or other of the special interests separately treated.

As far as *social interests* are concerned the Committee of the Chamber hold the view that the Depressed Classes are quite inadequately represented in the Central and Provincial Legislatures, and that their representation should certainly be increased considerably. The comments of the Government of India, in para. 13 of their Fifth Despatch of 1919, furnish an eloquent condemnation of the neglect of this interest.

Owing to the backwardness of these classes and their lack of education any system of direct election would be unsuitable, but it is felt that a system of electoral colleges could be established in each Province among the Depressed Classes and that they should be given a right of election on this system.

The large proportion of this class to India's population renders a system of representation by nomination alike inadequate and unsuitable.

Dealing with *economic interests* the Committee of the Chamber are of opinion that European Commerce and Indian Commerce should be accorded separate representation in both the Central and Provincial Legislatures. They consider that it is wrong that European Commerce should be denied representation in the Legislative Assembly, save by the nomination of one representative of the Associated Chambers of Commerce, while on the other hand Indian Commerce is, in certain Provinces, privileged to elect members to the Assembly.

In the Chamber's letter of the 13th August, 1924, to the Reforms Enquiry Committee, which is attached as *Annexure A* to this Memorandum, reference was made to the claim for the representation of European Commerce on the Legislative Assembly, and it is pointed out that the European Chambers of Commerce, while representative of European commercial opinion, do not represent European communal opinion. It was there stated that these Chambers include Indians in their body and that in many of them a certain proportion of Indians is on the Committee of the Chambers.

It is in the Legislative Assembly that legislation affecting Commerce is mainly initiated and it is in the Assembly that the main discussion on the Budgets takes place. It is therefore all the more necessary that both European and Indian Chambers of Commerce should be constituted electoral colleges to return members to the Legislative Assembly.

Representation should be accorded to Commerce by means of election by Chambers of Commerce constituencies, but in order to ensure that commercial interests are truly represented the Committee of the Chamber consider that it is necessary for the purposes of the governing Act so to define Chambers of Commerce as to ensure that the membership of the Chambers shall be confined to genuine representatives of trade and commerce.

Considerable dissatisfaction has been expressed during the past few years by the Chambers of Commerce with the methods of election which have been laid down under the election rules of the various Provinces for Chamber of Commerce constituencies and the Committee of this Chamber strongly urge that the difficulties which have been experienced and complained of should be removed. They urge that the necessity for nominating an individual to represent a member of a Chamber of Commerce, and whose name must appear on the electoral roll, should be done away with and that the member, when a firm or corporate body, should be given power to vote in its own name. Alternatively, the electoral rolls of Chamber of Commerce Constituencies should be revised semi-annually, if not quarterly. Under the present rules many members are deprived of their votes and are also prevented from nominating persons connected with their business as candidates for election by the fact that the person whose name appears on the electoral roll, prepared perhaps two or three years previously, has severed his connection with the member's business or is deceased or is absent on leave. Members of Chambers of Commerce, should be permitted to nominate any duly accredited person connected with their business as a candidate and also to nominate any similarly accredited person to exercise the vote on behalf of the member. In short, the membership roll of the Chamber should be the electoral roll.

It has already been recommended that *land-holders* should be recognised as one of the electoral colleges for the representation of land-holding interests in the Legislatures.

In regard to the representation of *Universities* the Committee of the Chamber desire to record their opinion that there is now no need for granting special representation to Universities. The reasons for their exclusion are amply stated in para. 14 of the Government of India's Fifth Despatch of 1919.

(*d*) In dealing with the *relationship between representatives and constituencies* the Committee of the Chamber desire to state that if the reference to this subject is to the relationship which has in the past been maintained by the elected representatives with the constituents who have, or are supposed to have, elected them, the only criticisms which the Committee could make, at least in regard to the general constituencies of the Central and Provincial Legislatures, must be destructive. It has already been pointed out that the elected members have done little, if anything, to educate their constituencies politically. In many constituencies, and certainly in rural constituencies, the electors see nothing of their members between elections, until the last few months preceding an election. They are seldom, if ever, consulted by their member as to his policy on important matters, and, in general, anything in the nature of active relationship between the member and his constituents is noticeable by its absence.

(*e*) Touching on the subject of the *Growth of Parties*, the Committee of the Chamber hold the view that the only party which has grown in the past nine years is that of the Swarajists, and whether that has grown to good purpose or evil its record in the Legislatures affords abundant evidence. In the opinion of the Committee of the Chamber the only functions which this party has successfully fulfilled in the Legislatures are those of obstruction and destruction. The Committee of the Chamber do not consider that they are called upon to enlarge on this point, but they do feel that it is necessary to point out that, for some reason or another, all parties in the Legislatures, save the Government *bloc*, have been driven more and more to the left, into opposition to Government. In these circumstances anything in the nature of a healthy growth of parties was hardly to be expected.

(*f*) The Committee of the Chamber feel that they cannot comment constructively on the subject of *the growth of public opinion*. They recognise that there has been a certain growth of public opinion in localised and restricted circles, but the growth would have been much more rapid and widespread if the representatives elected to the Legislatures had devoted attention, as they should have, to their constituencies. Proofs are abundant that in many rural areas the very existence, let along the meaning, of the Legislatures is unknown.

(*g*) The Committee hold a very definite view in regard to *the nomination of officials and non-officials as additional members of elected bodies*. In local self governing bodies the presence of officials is entirely unnecessary and would indeed be a contradiction to the term "self-government."

In the Provincial Legislatures the Committee of the Chamber strongly favour the grant of provincial autonomy and they accordingly hold the view that

this does away with the arguments put forward in the Report of the Reforms Enquiry Committee, 1924, for the retention of officials in the Provincial Councils. If responsible Government is to be attained in the Provinces the officials must, with one exception, disappear. The reason for this exception, is stated on pages 368 and 371 of this Memorandum.

In regard to the nomination of officials to the Central Legislatures the Committee of the Chamber prefer to leave any recommendations that may be made to the Associated Chambers of Commerce.

2. *The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions.*

The Committee of the Chamber do not desire to advance any views on this subject in its relation to *local self-governing* bodies. In regard to *Provincial Representative Bodies* the Committee desire to confine an expression of their opinion to the United Provinces. They are aware that suggestions have been made that Oudh should be separated from the Province of Agra, and they desire to record their entire opposition to and disapproval of any such proposal. They consider that no adequate reasons exist or can be advanced for any such administrative separation. There is a case for judicial separation, in the manner in which it now exists, but beyond this no differentiation should be made. Local differences requiring different treatment in matters of tenancy and revenue are adequately met by the present enactments governing these. A complete separation, administrative and legislative, would be merely expensive and in no way beneficial.

The Committee of the Chamber have also heard that it is suggested that the Delhi province should be increased in size by the appropriation of certain districts from the Punjab and from the United Provinces. They can hardly credit that such a proposal has been made seriously. They are entirely opposed to any such suggestion and they recommend that the Delhi province be left as it is, a small district having as the sole excuse for its separate existence the neutralised situation of the Capital of India.

3. *Local self-governing bodies (Municipalities, District Boards, etc.) and their relationship with the Provincial Government.*

Dealing with this subject under its various subheads, the Committee of the Chamber desire to record their views as follows:—

(*a*) *Constitution.*—In regard to *District Boards* the Committee have already recommended that these be elected by Village *Panchayats*. They consider that there is no real analogy between the qualifications of voters in District Board elections and those in Municipal elections. The circumstances, interests and conditions of the rural and urban electorates are entirely different. For instance, while in District Board electorates illiteracy does not necessarily imply an absence of the essential property or tenancy qualifications, it is, as a wide general rule, the reverse in the case of Municipal electorates, the urban population having far more opportunity of and incentive for becoming literate. The Committee would therefore not recommend the imposition of a literacy qualification for District Board electorates, *i.e.*, the members of Village *Panchayats*, beyond the qualification which already exists for election to *Panchayats*, which is, in these Provinces, that the *Sarpanch* and one other *Panch* shall be able to read and write in the vernacular.

In regard to Municipal Boards, however, it is felt that the time has now come to make the grant of a franchise a motive for the acquirement of literacy and that a beginning should now be made with the urban population. The Committee of the Chamber accordingly recommend a tightening up of the basis of the Municipal franchise by imposing as essential an overriding educational qualification on all those who are not directly assessed to Municipal tax. This qualification, which should be based only on literacy in English or any of the vernaculars, should be just as essential as the present residential qualification, which should of course be retained. The various subsidiary qualifications at present laid down for Municipal electorates in these Provinces are considered sufficient and desirable, but it is felt that the occupancy qualification of a minimum annual value of Rs. 36/- fixed by rule, is too low. It is recognised that a similar figure was fixed as one of the qualifications for the Legislative Council electorate under the present system, but there also the figure has always been regarded by the Committee of the Chamber as being too low, since, in effect, it has extended the franchise quite disproportionately to the ignorant and irresponsible classes, giving them a preponderating vote as against those who have a real stake in the constituency. The same arguments apply to Municipal constituencies.

(*b*) *Functions.*—The Committee of the Chamber do not think it necessary to criticise the functions laid down for District Boards, but, in regard to Municipalities, certain of the discretionary functions should be made statutory.

In these Provinces the law governing Local Self-Government by Municipal Boards is contained in the United Provinces Municipalities Act of 1916. Certain amendments to the Act have since been made which have worked advantageously. In the view of the Committee of the Chamber the Act, save where these amendments have been found necessary, has worked very well. It was drafted by an officer of Government who had had considerable personal experience as the Chairman of an important Municipal Board and on the whole it is a practical and sound enactment, with the maximum of freedom from Government restraint and supervision allowed and with the minimum opportunity for interference. The Committee of the Chamber are aware that on many points a further amendment of the Municipalities Act has been urged, but in most cases these proposals have had as their object the lessening of any form of Government control and the entire removal of supervision and intervention by the Commissioner and District Magistrate.

The duties imposed by statute on Municipalities are enumerated in section 7 of the Act. Certain other functions, detailed in section 8, are discretionary. In the opinion of the Committee of the Chamber certain of these discretionary functions should be made obligatory, *e.g.*, the establishing and maintaining of poor-houses, dairies, washing places, and drinking fountains, and the reclaiming of unhealthy localities, etc. Others of the discretionary functions might more appropriately be left to Improvement Trusts, where these exist side by side with Municipalities. The Municipalities Act was drafted before the U.P. Town Improvement Act was devised in 1919, and should now be amended to prevent an overlap of functions with the latter where applied, and the latter should also be amended so as to relieve Municipalities, which are connected with Improvement Trusts, of certain of their discretionary functions.

(*c*) *Relationship with officials of Provincial Government and* (*d*) *Control by Provincial Government.* The relationship of Municipalities with officials of the Provincial Government is covered by section 32 of the Act which provides for supervision by the Commissioner and District Magistrate; by section 33, which provides for the inspection of Municipal works and institutions by Government officers; by section 34, which gives the Commissioner or District Magistrate power to prohibit the further execution of a resolution or order of the Board; by section 35, which gives to the Commissioner (in case of a non-city Municipality) certain powers in the case of default by the Board (in the case of city Municipalities these power vest only in the local Government); by section 36, which gives the District Magistrate extraordinary powers in case of emergency; and by Rules under section 296 governing the audit of Municipal Accounts by Government officers. The Committee feel that any lessening of

the supervision and powers referred to above is strongly to be deprecated. The control of Municipalities by Government is essential, certainly to the extent provided by the Act, and detailed in schedule 7 of the Act. A careful study of the Government's powers as given in this schedule convinces the Committee that in no particular should there be a removal of these powers. The Committee, however, consider that, in certain minor details, restrictions and prohibitions as to expenditure by the Board should be removed. It has been made obvious that the retention of these restrictions cannot prevent a mismanaged Board from plunging into bankruptcy if set on this course, while on the other hand a self-respecting and fairly well managed Board cannot but regard them as galling in the extreme and inconsistent with the spirit of self-government. In particular the Committee consider that it is in the application of the powers under section 8 (3) of the Act that more financial freedom should be afforded to Boards.

(*e*) *Finance.*—Taxation is the main source of income of Municipal Boards. The powers of taxation to be allowed by Local Governments to Municipal Boards are governed by schedule 2 of the Scheduled Taxes Rules, framed under section 80 A (3).(*a*) of the Government of India Act, and the Committee strongly recommend that, in regard to Municipal Taxes, these powers shall be preserved and the schedule not extended.

Other sources of Municipal income are revenue from Municipal property and Government grants, and having regard to all these sources of income, and speaking with close acquaintance with Municipal conditions in Cawnpore, the Committee of the Chamber hold the opinion that Municipal income is or can be made more than sufficient for the proper discharge of its functions by the Board, adequate attention being paid to the necessity for economic working, proper restraint of establishment and wise embarkation on new schemes.

The Committee of the Chamber feel that they must criticise adversely the present attitude of the United Provinces Government towards Municipal expenditure on capital works, *e.g.*, on water works, and the extension of drainage and roads, as evidenced by their treatment of the Cawnpore Municipality. To this Board loans for these purposes have been consistently denied for several years on the ground that the Board is able to finance these works from its revenues. This attitude encourages the Boards to disregard the elementary economic principle that such capital works, from which posterity is to benefit, should be a charge on posterity and should therefore be financed by means of loans which it would fall on posterity to repay.

The Committee of the Chamber also desire to recommend that opportunity should be taken, if possible, to impose more effectually on Municipal Boards the duty of realising to the full within the year of liability all collections of Municipal taxes, sale proceeds and other debts. In this matter it has been shown that audit notes, official communications and remonstrances have in many cases proved quite ineffectual. It is therefore suggested that steps should be taken to amend the Municipalities Act so as to improve the procedure for collection and to compel Boards to employ to the full the powers vested in them under the Act to realise their dues.

4. *The Provincial Governments.*

The Committee of the Chamber consider that a radical change should now be made in the status, constitution and powers of Provincial Governments, so as to give them, in effect, virtual provincial autonomy, certain precautionary powers being reserved to the Governor and to the Central Government, to be exercised only in case of grave emergency threatening to bring about a breakdown of the administration. On the basis of this general recommendation the Committee prefer to deal with the subject in detail in accordance with the sub-heads set out in the Appendix to the Invitation to Submit Memoranda.

(*a*) *Constitution.*—It is recommended that the constitution of the Provincial Governments should be (1) the Governor, (2) a Cabinet of five Ministers and (3) a bi-cameral Legislature consisting of :—(*a*) a Lower House maintained at the present total strength of the Provincial Legislative Councils, *e.g.*, in the United Provinces, 123; but with no official members save one Parliamentary Secretary to answer for the Governor in his role of a Minister in charge of a portfolio.

The members of the Lower House would be elected by a system of electoral colleges, as previously recommended, but a certain number of seats would be reserved to be filled by nomination by the Governor to represent minority interests which cannot secure representation by means of election. The number of nominated members should be kept as low as possible consistent with the representation of such minority interests.

An Upper House of approximately one-third the numerical strength of the Lower House and composed of elected and nominated members, in the proportion of five elected to four nominated. In this House also there would be no official members, save one Parliamentary Secretary. The elected portion would be returned by direct election on a restricted and comparatively high franchise, uniform with that for the Council of State and not lower than that obtaining for the present Council of State.

The period of life of the Lower House should be four years and that of the Upper House five years. The reason prompting the Committee to make this recommendation, increasing the period of life of the Legislature, is that it has been found in practice that members of the Legislatures who are new to legislative work take time, varying from a year to 18 months to arrive at a proper appreciation of their duties and to settle down properly to their work. By increasing the period the disturbance caused by this fact in the new Legislatures will be considerably reduced.

The period of life of the Upper House should not be coincident with that of the Lower House so as to obviate as far as possible the dissolution of both Houses at the same time.

The Governor and the Cabinet would constitute the Provincial Executive.

In dealing with the question of the Executive the Committee have been much impressed by certain remarks in a memorandum on the subject of "The Executive in Modern Democracies" recently issued by the European Association. In this Memorandum it is stated, *inter alia* :—

"An examination of the constitutional history of France, Spain and Italy in modern times reveals a lamentable and far different state of affairs. In all three countries constitutions based on the outward appearance of the English Constitution have failed completely for the reason that a weak executive was placed at the mercy of the elected legislature, for the weakness of the Executive in Spain and Italy was, and in France still is, due to the fact that owing to the large number of parties the Cabinet was never assured of that first essential of strong Cabinet Government, a certain and stable majority in the Legislature."

"The central and important feature of the English Constitution is the control of Parliament by the Cabinet and not, as many believe, the control of the Cabinet by Parliament."

"In India and England to-day there is a widespread idea that "Responsible Government" and "the domination of the executive by the Legislature" are one and the same, and that, therefore, as "responsible" Government has been promised to India, the goal at which we must aim is the control of the executive by the Legislature. A more mistaken idea can hardly be imagined, and if the complete breakdown of Responsible Government in India is to be avoided

this erroneous conception of Government must be dispelled."

"The *sine qua non* of the Cabinet system is "two-party government" and as this is clearly an impossibility in India, either in the Central or the Provincial Legislatures, resort must be had to something like the Presidental system" (obtaining in Switzerland and the United States of America) "if strong, stable and good government is to be obtained."

The Committee of the Chamber commend these remarks to the consideration of the Statutory Commission.

(*b*) *The working of Dyarchy.*—The unanimous feeling of the Committee of the Chamber is that the dyarchical system has failed and that it should forthwith be abolished. To give detailed reasons for this opinion would be as tedious as it seems to be unnecessary, but the reasons may be summarised in the statement that so far from providing a system of responsible self-government dyarchy has produced complete irresponsibility.

(*c*) *Position and Powers of the Governor.*—The Governor must continue to be the executive head of the Provincial Government, with his present powers unimpaired, save in that his powers of certification should be severely circumscribed.

The Governor would, under the proposed reformed constitution, call upon any person in the Council, whom he considers to have the necessary support, to form a ministry. The Ministers would be appointed by the Governor in consultation and agreement with the member of the House whom he has called upon to form the ministry. The Governor would preside over the Cabinet and would have a casting vote.

(*d*) *The position of Ministers in relation to the Governor and Members of the Executive Council.*—With the substitution of a Cabinet system of Government for the present system and the consequent disappearance, in their distinctive capacities, of members of the Executive Council and of Ministers, this question would not arise.

(*e*) *Relationship of Ministers to each other and the question of collective responsibility.*—It is regarded as very desirable and important that the doctrine of collective responsibility should prevail with a system of Cabinet Government such as is recommended.

But the Committee of the Chamber feel that they cannot lay down a rule on the subject, realising, as they do, that the Legislature is likely to divide, not into two or three parties but into a number of smaller groups, and that the Cabinet will in effect be formed by the coalition of two or more of these groups. In these circumstances the principle of joint responsibility is not likely to be strictly observed.

(*f*) *The growth of the Party system in Provincial Councils.*—The system of Government per Cabinet must result in a strengthening of the party system, which is regarded as desirable.

(*g*) *Working of particular departments.*—Speaking generally on this head the Committee of the Chamber hold the view that, probably in most Provinces, and certainly in the United Provinces, the Executive has, since the introduction of the Reforms, been weakened and that the Government, and consequently the working of the various departments, probably with the exception of the Police and the Revenue Departments, has deteriorated. They desire to attach as *Annexure B* to this Memorandum a note on the working of certain of the departments.

(*h*) *Classification into Reserved and Transferred subjects.*—Having recommended the abolition of dyarchy the Committee of the Chamber consider that this point does not arise.

(*i*) *Desirability of a Second Chamber.*—The Committee of the Chamber consider that there should be a second Chamber, to be the Upper Chamber of the Provincial Legislatures. This point has already been covered above, under sub-head (*a*) "*Constitution.*"

It is recommended that the members of the Upper Chamber should have a distinctive title. The Upper Chamber should have the power to initiate legislation and should also be a revising chamber to exercise a restraint on the Lower Chamber. The members of the Upper Chamber should mainly be persons with a real stake in the country.

In regard to the composition of the Upper Chambers it has already been recommended that these should consist of elected and nominated members in the proportion of 5 to 4. It is specifically recommended that in the United Provinces the Upper House should consist of 40 members, of whom 22 would be elected and 17 nominated by the Governor from among suitable non-officials, at his discretion, with one official to act as Parliamentary Secretary. Commerce should be entitled to elect two members, one each for European and Indian Commerce, the constituencies being the Upper India and the United Provinces Chambers of Commerce.

(*j*) *Question of Provincial Autonomy.*—The Committee of the Chamber, in the preamble to this head, have already recommended that virtual Provincial autonomy should be granted.

(*k*) *Finance of Provincial Government and Financial control.*—The Committee of the Chamber, in dealing with this sub-head, feel that they cannot do more than recommend that complete control of provincial finances should be given to Provincial Governments, subject to the Governor's veto, and to severely circumscribed powers of certification by the Governor in emergent cases. The powers of taxation by Provincial Governments should of course be definitely laid down in the Government of India Act, as at present provided for by section 80A (3) (*a*) of the Government of India Act, 1919, and the Scheduled Taxes Rules and schedules 1 and 2 thereof.

The Local Government Borrowing Rules, under section 30 (1) (*a*) of the present Government of India Act, should be maintained. Powers similar to those at present provided by the Reservation of Bills Rules under Section 81 (*a*) of the Act should remain, with suitable changes consequent on the proposed abolition of dyarchy and the disappearance of the distinction between transferred and reserved subjects.

(*l*) *Financial Relations between Reserved and Transferred sides of the Government including the question of the Joint and Separate Purse.*—Under a system of Cabinet Government such as is proposed this question would not arise.

(*m*) *Provincial Public Services Commissions.*—Although this subject is not touched upon in the Appendix to the Invitation to Submit Memoranda, the Committee of the Chamber consider it incumbent on them to state that in their opinion some form of machinery should be devised for controlling recruitment to Services other than the Superior Services. This machinery should be on the lines recommended by the Royal Commission on the Superior Civil Services in India, 1924 (the Lee Commission), in para. 26 of their Report.

A permanent salaried Chairman to have charge of the Selection Board should be appointed by the Governor in consultation with the All India Public Services Commission. This Chairman should have complete power to select his own Board.

All appointments should be made in the name of the Governor, who should have the ultimate power of revision.

The decisions of the Selection Board should not be over-ruled by Ministers, as is at present the case with selections made by *ad hoc* Selection Committees.

Promotions or posting of such important officers as Commissioners and District Magistrates, and in fact, the promotions and postings of all officers of the Superior Services, should remain the special charge of the Governor.

5. *The Central Government.*

The Committee of the Chamber desire to confine their remarks on the specific subject of the Central Government to the recommendation that there should be no change in the Central Government, unless it be in the direction of improving and increasing the power of the Executive. They have already quoted certain remarks contained in a memorandum on "The Executive in Modern Democracies," and these have a special bearing on the Central Government.

For the rest the Committee of the Chamber prefer that the question of the Central Government should be dealt with by the Associated Chambers of Commerce.

6. *Relations between the Central Government and the Provincial Government.*

(*a*) *The extent of the power of superintendence, direction and control to be exercised by the Central Government.*

Having in view the fact that the Committee of the Chamber have recommended the grant of provincial autonomy it follows that they must recommend that certain restrictions at present imposed by the Government of India Act, which obviously are antagonistic to provincial autonomy, must be relaxed.

As all Provincial Subjects would, under the Committee's proposal, be transferred, the relaxation of the Secretary of State's powers of superintendence under section 19A will automatically apply to all Provincial Subjects.

Section 45 (1) of the Government of India Act, which lays down that Local Governments are obliged to obey the orders of the Governor General in Council and to keep him constantly informed of all matters relating to the Government of the Province, must be maintained. Such powers, as are imposed by section 81A, whereunder the Governor of a province must, or in some cases may, reserve a Bill for consideration by the Governor General should also be maintained.

Discretionary powers should be given to the Governor General under section 46 (3) to revoke or suspend Provincial (Executive) Councils, subject to the proviso that the Governor General may at his discretion reserve orders pending the decision of the Secretary of State. The references above to the Executive Council would, if the Committee's recommendations are accepted, apply, *mutatis mutandis*, to the Provincial Cabinets, which it is intended shall take the place of the Executive Councils.

The Governor should himself have powers to suspend his Cabinet, pending the decision of the Governor General in Council.

The present powers of a Governor to dissolve his Legislative Council should be maintained in regard to both the Provincial Lower and Upper Houses, but it is thought desirable that over-riding powers in this direction should be vested in the Governor General in Council.

In the event of the Governor, or the Governor General in Council, dissolving the Legislature all powers vested in the Legislature should vest in the Governor during the ensuing six months or such shorter period as may be necessary pending the election of a new Legislature.

It is further recommended that in a case of grave emergency, the Governor General may, subject to the approval of the Secretary of State, entirely suspend a Provincial Administration for an indefinite period, and make such directions for carrying on the Administration as may be suitable.

Dealing specifically with certain of the present powers of supervision and control the Committee desire to make the following recommendations, some of which have already been made :—

The Local Government Borrowing Rules under section 30 (1) (*a*) of the present Act should be maintained.

In regard to the following rules under the *Devolution Rules* it is recommended that :—

Rule 6, which makes it a duty of a Local Government to supply information to the Governor General in Council, should be maintained.

Rule 12 (*a*), regarding roads and other means of communication of military importance, should be maintained.

Rules 46 to 48, governing the employment of the agency of the Governor in Council by the Governor General in Council in the administration of Central subjects, should be maintained.

Rule 49, limiting the power of superintendence, direction and control over a local Government, vested in the Governor General, in relation to transferred subjects would now apply to all provincial subjects and should be maintained. In view of the importance of a general co-ordination of provincial activities, especially in such matters as health, roads, electricity and irrigation, the Committee of the Chamber are disposed to agree with the Muddiman Committee (*vide* their Report, Para. 48) that the contemplated transfer of all subjects may necessitate reservation to the Central Government of somewhat greater powers of supervision and control than the existing rule 49 would give.

Rule 13, which states that, save in the case of transferred subjects, nothing in the Devolution Rules derogates from the power of superintendence, direction and control conferred on the Governor General in Council by the Act, would cease to be operative.

Rule 27, giving powers to the Secretary of State and to the Governor General in Council to sanction expenditure on certain transferred subjects detailed in Schedule 3 should remain, but the Schedule would need to be altered.

The Scheduled Taxes Rules should remain, but it might become necessary to extend Schedule 1. This, however, is a point on which the Committee of the Chamber are unable to make a specific recommendation as it is a part of the question of financial relationship which they would prefer to see examined by an expert committee. In regard to Schedule 2, however, the recommendation has already been made that this Schedule should not be extended.

The Local Legislatures (Previous Sanction) Rules, under section 80A(3)(*h*), should remain. In this connection it is recommended that all enactments dealing with industrial matters should be included in the Schedule to these Rules.

The Reservation of Bills Rules, under section 81(*a*), should remain, with suitable changes consequent on the proposed abolition of dyarchy and the disappearance, of the distinction between "transferred" and "reserved" subjects.

The Rules regarding the Civil Services in India should remain.

(*b*) *Classification of subjects as Central and Provincial.*

The proposal of the Committee of the Chamber to transfer all reserved subjects in the Provinces will necessitate a very definite delimitation of the boundary between Provincial and Central subjects.

The present Devolution Rules in the Government of India Act show, in Schedule 1, the subjects which are at present Provincial. The Committee of the Chamber recommend that these should not be added to.

Of the present Provincial subjects the question whether "Law and Order" should continue to be a Provincial subject or should be reserved to the Central Government has been the cause of much anxiety and discussion in the Committee of the Chamber. Included under this head is the subject of the Police which has in the past been the one which more than any other has been attacked in the Provincial Councils. Having been a reserved subject these attacks have been successfully met, and supplies, which have been refused in certain

Provinces for carrying on the work of the Police, have been restored by certification. Without this remedy the Police administration would have collapsed with the immediate result of chaos. It is certain that the subject of Police will continue to be one for acute criticism and it is feared that in the future attacks similar to those in the past will continue to be made. Now that it is proposed to transfer all Provincial subjects the gravest apprehension is felt as to the wisdom of leaving "Law and Order" including the Executive Magistracy and the Police as a Provincial subject, not only from the point of view of the probable refusal of supplies, but also from that of the efficiency of the services and of maintaining the confidence of the Officers, who, if called upon to exercise their duties to the utmost and take a strong hand, might be subjected to personal attacks and victimization. It is considered to be most important that no opportunity whatever should be afforded for lessening the *morale* of these services, or of reducing the confidence of the Officers that they will be backed up by the Administration in carrying out the duties enjoined on them. It is also in the highest degree necessary that the services of the Police should be immediately available in an emergency without hesitation and without the delay which might result if the actions of the Police or Executive Magistracy were liable to be visited on the head of a politician Minister in charge of the Department. At the same time the Committee of the Chamber feel that the subject of "Law and Order" could not be successfully administered as a Central subject, even by agency means, and the withdrawal of this subject from among the Provincial subjects would certainly be regarded as a considerable negation of the principle of provincial autonomy.

In the circumstances the Committee consider that the only solution of the problem lies in the recommendation that "Law and Order" should remain a Provincial subject, but that the portfolio for this Department should be with the Governor, who, in administering it, shall himself function as a Minister. For obvious reasons it is impossible that the Governor himself shall appear in person to answer to the Legislature on questions affecting "Law and Order" and it is therefore further recommended that, in his capacity of Minister, the Governor shall be represented in the Legislature by a senior official, acting as a Parliamentary Secretary. The Governor's powers of veto should extend to "Law and Order" as to other matters, but his powers of certification, which it is recommended shall be severely circumscribed, should certainly apply to "Law and Order."

The Committee realise that this preservation of the power of certification is in itself incompatible with the principle of provincial autonomy, but such incompatibility, in the case of "Law and Order" appears to be entirely unavoidable, since the matter, involving as it does grave issues of peace and tranquillity, life and death, is far too serious to expose to the dangers of an unwise experiment.

(c) *Financial relationship between the Central and Provincial Governments including the Meston Settlement.*

The Committee of the Chamber feel that this question is far too complex and specialised for them to be able to offer any useful opinions. They also realise the contentious nature of the subject and that localised opinions must of necessity be to some extent selfish and widely variant. They therefore feel that, actually, this is a matter for special consideration by an expert Finance Committee, working under or with the Statutory Commission. It may be that, if this suggestion is adopted, and if in the future this expert Committee issues a questionnaire dealing with specific points coming under this sub-head the Committee of the Chamber may be able to assist with their opinions.

7. *The Courts and the Judiciary.*

The Committee of the Chamber feel that they cannot assist with any opinion on this subject.

8. *The Constitutional Problem.*

The Committee of the Chamber, realising that the subjects indicated under this head are of the first importance to Commerce and Industry in India consider that they could be more appropriately dealt with by the Associated Chambers of Commerce as a whole, than by individual Chambers.

9. *The relationship between the Central Government, the Secretary of State and the British Parliament.*

The Committee prefer to leave this question also to the Associated Chambers of Commerce.

10. *The position of the Services.*

The Committee of the Chamber feel that they cannot, in treating this subject do better than refer the Statutory Commission to the opinions expressed by the Chamber in a letter dated the 12th December, 1923, to the Royal Commission on the Superior Civil Services (the Lee Commission). A copy of this letter is accordingly attached as *Annexure C* to this Memorandum. The opinion of the Chamber in regard to the Services has in no way altered since 1923.

To the opinions then expressed the Committee of the Chamber desire to add the specific recommendation that all Essential Services should be under the control of the Central Government and that the salaries of officers in these Services should be non-votable.

11. *The Growth of Education.*

The Committee of the Chamber appreciate that this subject is among the most important of those into which the Statutory Commission is to enquire. It is noted that a special announcement as to this branch of the enquiry is to be made and that a special Committee has been appointed to deal with it. If this special Committee should see fit to require the detailed views of the Chamber on any specific points connected with education in these Provinces these details will, as far as possible, be gladly dealt with.

Meantime the Committee of the Chamber desire to offer the following general observations :—

It is incontestible that among civilised nations India is probably the most backward in its general education. The reasons for this are several and complex, but it may be stated as a widely demonstrated fact that in India, speaking generally, there is no desire for primary education. The difficulties in imparting primary education are greatly increased by the fact that, owing to the almost complete illiteracy of women there are no female teachers available to fill the function which has been found so essential in other countries of imparting elementary instruction in the home or in primary schools. When the mother of a family is herself entirely illiterate and when anything in the direction of the general spread of education is actually discouraged among the women of the poorer classes, which comprise the vast majority of India's population, the problem becomes difficult almost to the point of hopelessness.

In regard to the growth of education in India and particularly in these Provinces the Committee of the Chamber are privileged to quote from a note prepared by an Indian member of their body. The full note is also attached as *Annexure D* to this Memorandum. Particular attention is invited to the remarks in this note on primary education, in regard to which the specific conclusion arrived at is that "it is clear that primary education as at present carried on is worse than useless and no real progress can be made until considerably larger amounts of funds are available."

The general conclusions are as follows :—

"Taking an unbiassed view of the whole situation, one is forced to the conclusion that, so far as University

and Secondary education go, there is no great need for expansion at the present moment, but the question of Primary Education deserves the serious consideration of all well-wishers of the country. The appalling illiteracy of the masses is retarding progress in every direction and is bound up with many of the economic issues which call for solution. But without funds it is impossible to do much more than what is being already done. The question therefore is purely one of rupees, annas and pies.

It has been urged in some quarters that Government has adopted a very parsimonious policy in respect of education. This charge is not borne out by facts. By far the major portion of the expenditure on education is being found by the Provincial exchequer. There seems no reason why local bodies should not raise, by additional taxation, funds to be spent on the expansion of primary education. The question of introducing compulsory education by a local option was first mooted by the late Mr. G. K. Gokhale in the year 1911. Mr. Gokhale's dream has materialised in so far that eight provincial legislatures have placed on their statute books Primary Education Acts. It does not redound to the credit of local bodies that they have not taken full advantage of the facility offered by these Acts. It is clear that Government cannot do much more. It is now for the people themselves to find the wherewithal for bringing about educational expansion which has been the subject of so much discussion in the past. The stage has now been reached where "deeds" and not "words" are wanted. One cannot help sounding a note of warning against the tendency to cheapen education regardless of efficiency. It seems to be a common idea that education consists merely of cramming certain books and of passing certain examinations. Little regard is paid to the question of development of character and physical training. A young man with the finest degrees in the world, who has paid no attention to the building of his character and to keeping himself physically fit, will be of very little use in fighting life's battles. It is important that special attention should be given to these two matters, otherwise the products of our schools and colleges will not prove to be useful citizens. We have amongst us thousands of young men whose education began in words and ended in words and when they settle down in life they find that they have nothing to fall back upon. The whole trouble is that they have been educated *away from* life and they do not understand what is educating *for* life. They have been taught the contents of a certain number of books, but they have not been taught how to better their own living conditions. They do not even know how to earn their own living, except perhaps by teaching to others the words which have been taught to them, or by swelling the ranks of those without whose assistance the great occupation of litigation would be impossible. We do not understand, in this country, that the first and foremost duty of every man in this world is that he should be able to earn his own living. True education must turn a man's mind towards work and not away from it, and should enable better living being earned not only for himself but also for those about him. Our education unfortunately only increases our dependence on others. There can be no greater condemnation of our present system of education, but the fault lies with ourselves and no system of Government, however benevolent, can help those who cannot help themselves."

ANNEXURE A.

COPY OF A LETTER DATED 13TH AUGUST, 1924, FROM THE UPPER INDIA CHAMBER OF COMMERCE, CAWNPORE, TO THE SECRETARY, REFORMS ENQUIRY COMMITTEE, SIMLA.

The Committee of the Upper India Chamber of Commerce understand from the Associated Chambers of Commerce that the Reforms Enquiry Committee are prepared to receive evidence, in the form of memoranda, from individual Chambers, members of the Associated Chambers of Commerce.

The Committee of this Chamber accordingly desire to be permitted to offer the following observations on the questions which are the subject of investigation by the Reforms Enquiry Committee.

My Committee do not propose to go into details but to express their views in general terms.

In November, 1918, the then Committee of the Chamber criticised the proposals contained in the Montagu-Chelmsford Report on Indian Constitutional Reforms.

In doing so they emphasised certain points whereon the recommendations contained in the Report failed to meet the ideals which the Chamber had set as to the reformed system of Government. These ideals were not subsequently reached by the Government of India Act, 1919, and it must therefore be plainly stated that the present system of Government is not regarded as satisfactory by the Members of this Chamber. But however this may be the scheme of Government, as drawn up by the Government of India Act, 1919, undoubtedly showed promise of success, if fairly worked, and was accordingly accepted with all loyalty. Any doubts as to its working were met by the fact that in fixing a period of ten years for the trial of the scheme, with a promise of revision in 1929, Parliament had ensured that the experiment would be given a fair trial and would not be hastily judged at too early a stage in its course.

These anticipations have unfortunately not been fulfilled. The scheme has met with determined opposition from the day it came into operation and it has certainly not been given a chance to prove itself.

In these circumstances it is entirely premature at this stage to form an opinion as to its success or failure.

My Committee are of opinion that improvements can be effected, within the terms of the Act, by adjustments in the system of working but they are emphatically and entirely opposed to the introduction, at this immature stage of the experiment, of any change in the terms of the Act or of any alterations in the rules, save those which would assist in the smooth working of the Act.

It is not necessary for my Committee to touch on the present unrepresentative electorate. The facts concerning this are notorious and it is not possible to effect any real improvement until the universal spread of education makes India ripe for an electoral system which has been forced upon her at a time when she is unprepared for it.

But it is necessary strongly to emphasise the need for maintaining the communal system of the representation of minorities which the unassailable logic of India's present circumstances has rendered indispensable.

In this connection the claim for the representation of European commerce on the Legislative Assembly must again be given prominence and in urging adequate representation for this important interest my Committee desire to make it clear that there must be no diminution in the already inadequate representation of the European Community.

As far as may be consistent with the recommendation herein made that there should be no change in the terms of the Government of India Act, my Committee again advance certain recommendations which they put forward in November 1918, and the need for which is, in their estimation, even more pressing now than it then was. They then wrote :—

"Financial devolution of Provinces."

"The conclusions arrived at in the (Montagu-Chelmsford) Report as to the necessity for the financial autonomy of the Provincial Government, the complete separation of revenues and the abolition of divided heads have the support of the Committee but the methods suggested for meeting the deficit

in the Imperial Budget in paragraph 206 of the Report are felt to be most inequitable and the Committee are of opinion that some better method of arriving at a settlement must be devised whereby any one province will not be unduly favoured at the expense of others. A *per capita* basis seems the fairest solution.

"Provincial Legislatures."

"The Committee of the Chamber are of opinion that the Report has entirely ignored the strong and irresistible claims of the European Community to representation on the Provincial and Imperial legislatures in their own right, in the right of their material interests in the country, which are admitted to be out of all proportion to their numerical strength, and in the right of the part they have played and must continue to play in the maintenance of peace and prosperity in India.

The Community, as such, cannot be adequately represented merely by the medium of specialised bodies such as Chambers of Commerce. These bodies merit and must claim separate representation but not at the expense of the Europeans at large. Indeed, with the introduction of enlarged Councils the claim of Chambers of Commerce to proportional increased representation is essential, not only in the Provincial Council but in the Imperial Legislative Assembly.

The suggestion that the European Community should be represented by nomination—itself a temporary expedient which it is avowedly intended to abolish—cannot find acceptance for a moment. Communal representation, in spite of all that the authors of the Report say against it, is absolutely necessary and my Committee strongly recommend that this fact should be recognised and arrangements made for the adequate representation on the Provincial and Imperial Councils of Europeans, Anglo-Indians, Parsees, Indian Christians and other minority communities."

In amplification of these remarks it may be said that the European Chambers of Commerce, while representative of European Commercial opinion, do not represent European communal opinion. These Chambers include Indians in their body and in many of them a certain proportion of Indians is on the Committee of the Chambers. The need for the separate representation on the Legislative Assembly of European communal interests and of European commercial interests is therefore clearly established. This need has been recognised, though inadequately, in the case of the Provincial Councils and the case for the extension of this principle to the Assembly is, in the opinion of my Committee, irresistible.

ANNEXURE B.

NOTE ON THE WORKING OF CERTAIN GOVERNMENT DEPARTMENTS IN THE UNITED PROVINCES.

Industries Department.

It is well known that this Department has failed so far to justify its existence. Broadly speaking the Department has failed effectively to assist the development of any industries. So far as major industries go, they are independent of the Department, but one might have expected that there would have been some expansion or development of the cottage industries of the Province as a result of the efforts of the Department. These hopes have been entirely falsified. A reference to page 75 of the Administration Reports of the United Provinces for 1926–27 will show that the activities of the Department have shown no tangible results, except perhaps in respect of industrial education. The recommendations of the Holland Commission, which were the results of very exhaustive enquiry and thorough deliberation by men of such eminence as Sir Alfred Chatterton, Sir Dorab Tata, Sir Fazulbhoy Currimbhoy, Sir Rajendra Nath Mukerji, and Sir Horace Curzon Plunkett, have under the Reforms been consigned to the waste paper basket. The Reformed Government has continued to blunder through in its own peculiar way. The Legislatures do not understand the fundamental principles governing the development of industries. The position of the Director of Industries under the Reforms has been a very difficult one. His staff consists mainly of men who are not at all qualified to be entrusted with the task of developing industries. If, however, the Director got together material from various outside sources and drew up a practical scheme, his recommendations have, in the majority of cases, been turned down by the Government. The Board of Industries has wasted its time on matters of no consequence.

Co-operative Societies.

The Co-operative movement in the Province has not made much headway under the Reforms. There has been very little progress and the efforts of the Department are reported to have been concentrated rather on the elimination of bad societies and the stabilization of good ones than on any increase in the spread of the movement. Liquidation proceedings have increased and several prosecutions have had to be undertaken for embezzlement. The Agricultural Credit Societies have failed to inspire confidence in those for whose benefit they exist, and the village *bania* still rules supreme. Non-Agricultural or industrial societies intended for the benefit of cottage industrialists have had a very disappointing past. There are only a very small number of such societies in the Province and even these are not faring well. The Departments of Industries and Co-operative Credit should, under a common Minister, have joined forces to bring about a real development of cottage industries but next to nothing has been done.

Agricultural Department.

So far as teaching and research go, the Department seems to have done well, but there is a common complaint against the Department that a good deal of its work is incapable of being turned to practical account. It is common knowledge that many of the Department's demonstration farms are not paying. The Department is now empowered to grant loans for a variety of purposes connected with agricultural improvement, including the construction of permanent wells and the purchase of cattle and power machinery. During the year 1926–27, a sum of over 3 lakhs was granted as Taqavi on the recommendation of departmental officers; and a further sum of Rs. 3·2 lakhs was advanced for the purchase of seed and implements. This sum is disproportionately small, considering the extent of the Agricultural interests involved. In a recent article, the well-known Bombay Agriculturist, Dr. Mann showed that the economic prosperity and health of the masses depend very largely on the cattle. The activities of the U.P. Department of Agriculture in regard to cattle breeding have so far been a negligible item. The Department maintains two cattle farms, one at Madhurikund and the other at Manjhra. During the year 1926–27 the Madhurikund Farm maintained 517 head of cattle and issued 196 bulls, the corresponding figures for the Manjhra Farm being 383 and 66 respectively. The Report of the Royal Agricultural Commission is awaited with great interest but there seems no doubt that, unless and until there is a marked improvement in the stock of the cattle, agricultural progress will not be satisfactory. Credit for whatever has been achieved by the Department is due entirely to its Director, Mr. G. Clarke. One may safely say that he has not received much constructive assistance either from the legislature or from the Minister in charge.

ANNEXURE C.

COPY OF A LETTER DATED 12TH DECEMBER, 1923, FROM THE UPPER INDIA CHAMBER OF COMMERCE, CAWNPORE, TO THE CHAIRMAN, ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES, CAMP, INDIA.

In response to the request communicated through the Chief Secretary to Government, United Provinces,

in his No. 6478 of the 24th October, 1923, the Committee of the Upper India Chamber of Commerce desire to record their views on the questionnaire dealing with the organization of the services, issued by the Royal Commission on the Superior Civil Services.

The Committee of the Chamber do not propose to reply to the questionnaire on Service conditions, this being appropriate only to members of the Services concerned.

1. It is considered that comparatively little readjustment is necessary in the position of the all India Services. Save, possibly, for isolated individual appointments the duties and functions of all of these Services should be preserved on the All-India basis as at present.

2. The Committee of the Chamber state unhesitatingly that the maintenance of the European personnel in the All-India Services is, and always will be essential, to the extent of at least 50 per cent. in each of these services.

In the "Security" Services particularly, *i.e.*, the Indian Civil Service and the Indian Police Service, this proportion of European Officers should never be lowered, having regard to the responsibilities of the Crown for the good Government of India.

As competent Indians are found available in substitution for Europeans, the speed of progressive replacement should certainly not exceed, in the average, that set out in the Montagu-Chelmsford Report. The Committee of the Chamber view with some misgiving the fact that in the last two or three years the rate of replacement has been very considerably exceeded.

The view point of the Chamber in this matter is clear and distinct. Practically the whole of the vast industrial and commercial enterprises of India have become possible in the past solely by reason of the confidence of investors in a stable and unshaken Government. The Government which inspired this confidence was based on British ideals and methods, and has been administered by successive generations of men imbued with these ideals, who have spent themselves unselfishly and unremittingly in the task, and have built up a high tradition for the Services.

That the standard of administration of the past shall be preserved is of first importance and this can only be achieved if it is made possible for a sufficient number of the men who established and upheld these principles, and maintained these aims and ideals, to continue to serve the country.

3. The Committee of the Chamber consider that all members of the All-India Services should be appointed and controlled by the Secretary of State for India in Council, the present conditions and safeguards being altered, if necessary, so as to ensure that the right material is attracted.

Agreeing as they do with the principle that there must be an increase in the association of Indians in every branch of the Service, the Committee of the Chamber hold that it should be quite possible to obtain European recruits of the right stamp in the diminished numbers now necessary. To do this, the conditions of Service in this country must be made sufficiently attractive. The first step towards this is to give the classes from which these desirable recruits have hitherto been drawn sufficient confidence in the intention and the ability of Government to secure the future of their servants. It is believed that this confidence will not be felt unless the Secretary of State in Council is a party to the agreement under which they are engaged.

There is, unfortunately, every reason to believe that this lack of confidence in the future is one of the main causes of the present dearth of European recruits of the right class. Other causes have been assigned to financial considerations such as pay, pensions and allowances, insufficient to meet high living costs, and to the changed environment due to the political situation and the atmosphere of hostility in which the Civil Officer of to-day has to live and move. But, important as these causes are, they are believed to be less harmful in their results on recruiting than the lack of confidence in the secure tenure of office under the Government of India.

4. All recruits for the Indian Civil Service and the Indian Police Service, and the majority of recruits in the Indian Medical Service and the Imperial Branch of the Civil Veterinary Department should be recruited on a whole-time basis. Certain specialists in tropical medicine might, however, be engaged on short-term contracts. The other All-India services, might, to some extent at least, be recruited from professional men willing to serve on short-term contracts.

One practical objection to this method of recruitment in a service such as the Indian Forest Service would, however, be the difficulty of obtaining, on short-term contracts, men acquainted with the languages of the country.

While it is preferable that short-term officers in the All-India Services should also be appointed and controlled by the Secretary of State in Council, the Committee of the Chamber cannot resist the argument that there is less possibility of objection in their case than in others to the appointment and control passing to the Government of India or provincial Governments.

5. It has already been said in dealing with question 3 that it is considered desirable that *all* members of the All-India Services should be appointed and controlled by the Secretary of State in Council.

That this system should continue in the case of Indians as well as of Europeans is an opinion which follows on the belief that, save in the matter of a necessary allowance to Europeans for service overseas, all officers of any one service should be treated alike. The possibility of exception in the case of short-term specialists is admitted but in this too it is urged that Europeans and Indians should be treated alike.

6. This same argument is held to be applicable in the matter of the rates of pay. The Committee of the Chamber do not consider it within their function to enter into details of the pay of the various services but they hold that every effort should be made to adopt an adequate scale of pay in each service and that this scale should apply uniformly to all officers, Europeans and Indians alike, in that service.

But the European Officer must of necessity receive that special consideration to which his service under overseas' conditions entitles him. This can only be secured by an adequate overseas' allowance. The present overseas' allowances, which, it is understood, amounts in the senior grades to Rs. 250/- per month, is utterly inadequate. Actually it is no more than sufficient to educate one boy in England and its enhancement is of immediate and pressing importance. Full consideration should be given to the fact that the European officer of even moderate seniority is faced with the responsibility of keeping up two, or often three, establishments. He has to maintain himself at his station, his children at home, where they are being educated, and for several months in the year his wife at home or in the hills. There is no question of inclination or option in this. If his family are to continue in health, he himself be freed from anxiety in their regard, and his children suitably educated he must undertake this expense and the present overseas' allowance is ridiculously insufficient to meet it.

An adequate overseas' allowance would certainly go far to induce the proper and desirable type of European recruit to come forward for service in India and would be far less costly than any universal increase in pay.

7. The Committee of the Chamber do not propose to go into the question of the organization of the Superior Provincial Services, since they do not see any necessity for differentiation, other than by means of an overseas' allowance, between Europeans and Indians in

the Superior All-India Services. They do not in any way favour the provincialisation of any of these Services, nor can they in the time at their disposal, go into the question of relegating certain specialised appointments in the present All-India Services to the Provincial Services. They are prepared to admit that there may be some appointments the status of which can be reduced without reducing the attractiveness of the All-India Services to recruits. But they deprecate anything which can be construed as a desire to pluck the plums of these All-India Services and pass them on to the Provincial Services.

LUCKNOW.

Dated 7th December, 1928.

AFTERNOON.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT Mr. KIKABHAI PREMCHAND), AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

Deputation from the UPPER INDIA CHAMBER OF COMMERCE, Cawnpore.*

The Deputation consisted of :—

1. Mr. A. L. Carnegie, President, Upper India Chamber of Commerce.
2. Mr. T. S. Gavin Jones, M.L.A.
3. Mr. E. M. Souter, M.L.C.
4. Mr. J. G. Ryan, M.B.E., V.D., Secretary, Upper India Chamber of Commerce.

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1. *Lord Strathcona :* We have got as far as page 369 in the memorandum. We have got there sub-head (*b*), "The working of diarchy." Therein you say, "The unanimous feeling of the Committee of the Chamber is that the diarchical system has failed and that it should forthwith be abolished." Then you go on to say, "So far from providing a system of responsible self-government diarchy has produced complete irresponsibility." Is not that rather a strong statement to make, Mr. Carnegie? Would you care to qualify that statement in any way or elucidate it or elaborate it? You say diarchy has produced complete irresponsibility?—(*Mr. Carnegie.*) I admit that "complete" is rather a sweeping statement.

2. You are of the opinion that it does not give the ministers in charge of the transferred departments a really good chance?—I will ask Mr. Gavin Jones to reply to that question. He has a personal knowledge of the working of the legislature. (*Mr. Gavin Jones.*) We would like to qualify that in a way by saying that we do not think that the Montford scheme has failed entirely due to diarchy but because the responsible side of the Government was not given any responsibility at all. In our new proposals we have stated that they would be responsible for everything except Law and Order. They control finance and they would not as they do now depend on the official *bloc*. They will have to maintain their own party in the House and the position then even under diarchy would be very different.

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11. Then the next question I ask you is this. We pass on to a very detailed and clearly set out paragraph on Law and Order on page 370. And on page 371 towards the end of that paragraph you say: "In the circumstances the Committee consider that the only solution of the problem lies in the recommendation that 'Law and Order' should remain a provincial subject, but that the portfolio for this department should be with the Governor, who, in administering it, shall himself function as a minister." Then you go on to say: "The Governor shall be represented in the legislature by a senior official, acting as a parliamentary secretary" to answer for the Governor in the legislature. Do you not think that it will be a very great strain on the Governor who has got in addition other departments to administer?—(*Mr. Gavin Jones.*) It would be a strain, certainly, but not a very great strain. We do not think it is impracticable and we see no other way out of it, because we have definitely said that the police should not be centralised. We certainly do not favour transferring it to a minister responsible only to the autonomous legislature.

12. I take it your view is that though it is a provincial subject, you think the best thing would be that it should be administered by the Governor with a parliamentary secretary acting as his spokesman in the legislature?—Yes. The position will be very much the same as it is now. The Inspector General will be in the House to answer all questions as also the secretary. Perhaps the secretary will be there to answer all the questions and for all practical purposes he would be an ostensible minister, but the responsibility would be with the Governor, and really, as a matter of fact under the present circumstances, the Governor, being the head of the executive, is responsible in practice, and it works out very much to the same thing.

13. *Chairman :* May I just ask this question?—I am not sure I have appreciated this document in one respect. You say at the bottom of page 368 and at the top of page 369 in effect, that you feel the importance of securing that the executive of a province should be strong. That is right; is it not?—Yes.

14. I think that fairly expresses your general view. You think this is a country in which the executive should be strong?—(*Mr. Ryan.*) We felt that, Sir, but we could not put the implication more clearly than was offered in this note from which we quote.

15. Then you say at the bottom of page 369, sub-head (*g*), "The executive has, since the introduction of the reforms, been weakened," which I imagine means

* The deputation was also examined during the morning of 7th December, 1928, but the report of this meeting has not been printed.

that you think that the influence of the legislature on executive administration has tended to make the executive government less firm? Is that your view? —(*Mr. Gavin Jones.*) Our view is that the Government has been weakened owing to the fact that the executive has been heckled in the legislature and it is continually being heckled and being made responsible to answer questions in the House. That is our opinion, and we believe that is the main reason why the executive has been weakened.

16. Because of heckling and pressure?—Yes. The executive are always in the House and their mind is always on the legislature. They are not expert politicians and they are worried by any individual and that has a great tendency to weaken the executive.

17. So far I follow your view. Now then I want to see if I follow quite clearly the line of remedy which you suggest. You say on page 368 and again on page 369 that the view of your Chamber is that there ought to be in effect in the provinces what is called provincial autonomy. I have not forgotten your special provision about Law and Order, but that is your general view?—Yes.

18. Do I understand that would mean this, leaving aside Law and Order the heads of all other departments dealing with provincial subjects would be ministers?—That is so.

19. Well then, the ministers would be members, would not they, of the council?—They would be supported by their party.

20. They would be members?—That is so.

21. What is not quite clear to me at the moment is how the new scheme that you sketch out in your view will produce the strong executive which you desire, since you think the present executive is weakened by the fact of constant questions in the council. Will the ministers be questioned just as before?—They will be; but they should be, if parliamentary government is carried out in a proper way, as it is not now, supported by a strong party in the House to be able to stand up against criticism.

22. When you say executive, you mean permanent officials?—Yes.

23. What is in my mind is this. In the English parliamentary system, while we have not got permanent officials in the House of Commons, we have got of course the political head of the department who is bound both by constitution and practice and as a matter of honour and good faith to stand the whole racket of parliamentary criticism for his officials?—That is exactly what we want, because then the expert politician in the House should defend his executive, whereas in the present case the executive are up there to defend themselves. I am talking about the permanent official.

24. I quite understand that when you use the word "executive" you mean permanent official?—Yes.

25. It really comes to this; you think that permanent officials ought not to be part of the provincial council and you think that if they were excluded and the council contained the ministers who are the chiefs of the departments that will tend to strengthen the executive?—That is the view, provided parliamentary government is going to be stable. We feel that it should be given a trial.

26. Then the other point is this. You think that if you were to build up the council by indirect election through electoral colleges, you would produce a membership that is more likely to act in the direction which promotes stable government?—We hope so, Sir.

27. Of course, there is another reason which may be urged for this method of indirect election and indeed I think it has already been mentioned. It is the reason that is suggested both on account of the vast size of the country and therefore the mechanical difficulty of getting direct election effectively carried through and the fact that at any rate at present such a very large proportion of the population is comparatively ill-informed of political affairs?—That is so.

28. That has got nothing to do with directly strengthening the executive, but it might be urged, I suppose, as a reason for using indirect election. As you say, it is easy to imagine that in a group of villages you would constitute the primary unit of panchayats and that the panchayats would then themselves be constituents to elect district boards and so forth?—(*Mr. Ryan.*) It would undoubtedly spread to those who would be in the lowest rank of electors a far better feeling than now prevails as to the use of their vote; the fact that they have a mandate in the House and that they could use it. At present with an electorate for this council of 3·5 per cent. it can hardly be said to be representative, whereas if it were built up from the lower grades—and remember, Sir, we have always insisted that in that lowest grade there shall be quite a fair percentage of literacy—the feeling would come home quicker to that lowest grade of elector that he is represented in the House by a person for whose election he has, however indirectly, been responsible, and whom he may on a future occasion hold responsible for failure.

29. There is only one other thing. Going back to that really very interesting quotation of yours at the bottom of page 368 and the top of page 369, it is a quotation which contrasts the method which can be followed in a country where there are strong parties like England with the methods which have been followed in some other places. The second method you call, or rather this quotation calls, the "presidential system." I suppose one characteristic of the presidential system is this, is it not, that though the minister is chosen because it is believed he has the support of a body of elected members, still when he is chosen and appointed, he is not liable by some snatch vote or some censure to be unseated from his position as minister? That seems to be what one means by "presidential system"?—Yes, security of tenure of office.

30. Of some sort or kind?—Yes.

31. I do not know if you gentlemen will point out whether the Indian conditions may make it necessary to secure a stronger executive, while at the same time you have a representative legislative body. I do not know whether you gentlemen at all contemplate that ministers should have any sort of security of tenure beyond what they have now?—We discussed that point and we found it very difficult because we saw certain evils in guaranteeing them an assured security of tenure of office.

32. Yes, there are difficulties; but if you are really trying to apply the British parliamentary system expressed in this epigram that it is the Cabinet that controls Parliament and not Parliament that controls the Cabinet, you should consider this question as to whether ministers will have more security of tenure. I think one way of applying the phrase in England will be this. It is quite true that a man appointed as a Cabinet Minister in England theoretically is liable to find himself turned out by a House of Commons' vote. No one imagines that the man would remain a Cabinet Minister if the House of Commons passes a vote of censure on him. But in fact it does not happen. It does not happen because our system at home, you know, is one which gives the man who is appointed a Minister a pretty sure prospect that he is now going to have the opportunity of running his department during the life-time of the legislature. It seems to me to be important. I want to know whether you have considered this. In order to secure a strong executive, do you think you ought to consider whether it might be secured by some method which gave the ministers some better security of tenure than they would otherwise have?—I am afraid we have to avoid the responsibility for expressing a definite opinion on that, and the best we can say now is, there is the quotation put before you with the recommendations, "look at this and do your best."

33. You commend the remarks?—Yes.

33A. *Lord Burnham:* Is there not another aspect of the presidential principle which you may imply?

The presidential principle is as a rule carried through plebiscite rather than parliamentary sanction?—Quite so.

34. You are thinking of the plebiscite principle?—I do not think we are wanting to welcome that at all.

35. The election to the United States is virtually by a plebiscite?—It is a very difficult thing in a country like this.

36. What you were thinking was the plebiscite as opposed to parliamentary selection, is it so?—We have not considered that. We left that to you. (*Mr. Gavin Jones.*) We do not see how it could be applied to India.

37. I want to ask you one or two questions in regard to the indirect system of election through electoral colleges which I know you support. The first stage is the panchayat, is it not?—That is right.

38. The difficulty that suggests itself in that regard is this. We have it in evidence and by documentary statements that in several provinces of India, notably in Bombay, the panchayat system hardly exists at present?—It is no reason why we should be discouraged because we hold a definite opinion. We feel that the machinery does exist in certain provinces. We are not acquainted with the conditions in Bombay, although we have been informed that in Bombay, by reason of the existence of the *ryotwari* system, the ground is really more favourable for the panchayat system than it is up here.

39. *Lord Burnham :* I was trying to suggest to you that there might be some substitute as a first step. In France, for example, the mayors of the communes who correspond to the village community here go to the electoral colleges. Therefore, it might be possible even where there was no panchayat for the headman of the village community to go to an electoral college. Is that a possibility?—A possibility, certainly, where it does not exist, but it must always be remembered that such a thing in this country is complicated by the communal question. Where there is a panchayat the communal question might be met. I do not see it quite being met by the *patels* or village headmen functioning as first grade electors.

40. Then it will involve—I dare say it is possible—the universal adoption of the panchayat in the different provinces for this purpose?—We would definitely like to see it.

41. Yes, I was trying to get it out?—Yes, quite so.

42. Do you hold that by means of this interlocking system there would be really greater responsibility on the part of the elected members, by indirect election, than there is on the part of elected members under the direct system?—Any change would be for the better, Sir, because we cannot see that there is any responsibility on the part of an elected member to his so-called electorate to-day.

43. You think so from personal experience?—From what we have been informed and what we have seen.

44. Then, may I ask, in view of the stress laid on this in the Montford report, whether you think it possible that the individual elector might feel a greater sense of participation in this way than he does now when he is dealing with the vast unknown?—We feel it would be hopeful, Sir. It would be hopeful in that direction.

45. And that it might help local self-government to a greater extent in some cases?—That is possible.

46. It has been suggested that this system would be open to manipulation and corruption in regard to the men who would be the electors in the last stage?—That is always a probability in this country.

47. Do you think the opportunities for corruption would be greater then than they are now?—I would not care to express any opinion on that.

48. In your opinion, in the opinion of your Association, it would be better than the present system?—Yes, Sir.

49. You think you will get, by this means, men who would be more truly representative?—We can always be hopeful, Sir.

50. There is only one other subject on which I want to ask one or two questions. In regard to the Second Chamber you propose, I understand, one-third of the size of the First Chamber. What I wanted to ask you was whether you do not think there is a danger, to judge from analogy, of too much trust being put in the resisting or the moderating power of the Second Chamber and therefore diminishing responsibility in the First Chamber, and possibly in the Governor himself?—That is a contingency we have not thought of, but even with that we feel that it is worth trying.

51. Do you think there are enough men of the right sort to constitute the legislative councils and Second Chambers in the province?—Yes, there are, definitely.

52. *Mr. Hartshorn :* I would like to ask a few questions on this subject which Lord Burnham was dealing with. It seems to me that this proposal which strikes at the existing franchise and the existing constituencies in rural areas is a bit of a revolutionary proposal, a complete change?—It occurs to us as being a sensible dismantling of an unsatisfactory structure.

53. Put it that way if you like. You are just proposing to dismantle the whole edifice that has been erected in rural areas up to now?—If I may say so, a thoroughly bad edifice should be dismantled.

54. I would like to see if I clearly undorstand what your ideas are. I understand that what you suggest is that panchayats should be set up in the villages?—Where they do not already exist.

55. I think the panchayats set up so far are some of them confined to one village and some of them embrace a number of villages?—Groups.

56. I think the Panchayat Act was passed in 1920?—That is right.

57. And the task of setting them up started in 1921?—That is right.

58. We are informed that the number of panchayats in existence at present in this province is about 4,600?—The number of panchayats between 1922 and 1925 increased very satisfactorily and then declined after 1925. There were over 3,000 in 1922, over 5,000 in 1925, and I believe last year there were just over 4,500.

59. That is right. I put it at 4,600. And I think there are about 42 millions of population residing in the villages. Now, the Panchayat Act, if I understand aright, confers certain powers and functions upon the panchayats and confines their operations in certain areas?—That is right.

60. And the areas covered by these panchayats embrace a population of 8½ millions?—I am quite prepared to accept that, Sir. I have no figures.

61. As a practical proposition it has taken since 1921 to set up panchayats in one-fifth of this province. I think there are 42 millions in the villages and only a fifth have come under it up till now. If it has taken a matter of seven years to set them up in a fifth of the area how long is it going to take to cover this province at that rate?—I can draw no analogy between the two, Sir, because I do feel, and the Chamber feels definitely, that the panchayat system has not been given a proper trial, that they have not been encouraged as they ought to have been. We quite understand that the establishment of a panchayat depends first on a request of a village or group of villages. We also understand that the expression of that request very largely depends upon the landholder, or the suppression of it. We further understand that the success of it largely depends upon the sympathetic attitude of the district officer, and we submit that that has not always been forthcoming, or else, why has the progress been so very slow? We are led to believe that in certain aspects panchayats have been accepted as successful by Government, but we definitely know, Sir, from advice received from our representatives in the council that the attitude of the Government, as such, to the development of the panchayat system has not been favourable. In

one case, I understand, in 1923, a proposal for placing the panchayat system on an elective basis was rejected by Government. During this current year I understand certain resolutions for the development of the panchayats have been met distinctly in an antagonistic mood by Government.

62. *Colonel Lane Fox:* You are speaking of the United Provinces?—Yes. In fact our representative in the council told us definitely that it was discouraged by certain Government officials as being a beginning of socialism. That is not the attitude that we consider the panchayat system should have received. We are still hopeful in spite of that attitude. In fact, if we can get Government over that attitude we think the panchayat system will succeed.

63. *Mr. Hartshorn:* What you were saying just now conflicts with the statement made to us. We are assured in documents supplied to us by the Government that special attempts have been made to encourage the formation of panchayats, and the fact that within a year of the passing of the Act you had over 3,000 set up goes to indicate that they tried?—We do not deny their efforts at all, but the efforts have not been consistent or widespread.

64. All I am trying to get at is this. Whether it has been properly encouraged and pressed forward or not it has taken a matter of seven years to cover a fifth of this province. And I understand your suggestion would be that instead of the available 4,600 there should be 23,000 of these?—Something like that.

65. I think the panchayat consists of from five to seven members?—That is right.

66. Let us take it as six, and if you have 23,000 panchayats there would be 138,000 members. If I understand you aright, what you say is this. We have got these 42 millions of people in the villages. Let us try our hand for the election of these 138,000 members of the panchayats. And when that has been done all power of election or voting as far as the masses of the people are concerned comes to an end, and then these 138,000 panchayat members constitute the electorate for electing members to the district boards. Now, I think they have 48 district boards here?—Yes, there are 48 districts.

67. And I think the membership of these district boards would be somewhere in the neighbourhood of 1,500?—It is rather more than I thought.

68. I find in the Government documents that the number is given as 1,480, elected or nominated. So I have taken the figure as 1,500. Now, the sole purpose of setting up all these panchayats is to elect the 1,500 men?—No, Sir. The panchayats would continue.

69. I am not speaking about their other functions. I am talking from the standpoint of franchise. They are acting as an electorate. As soon as they have elected these 1,500 men their function as voters or electors comes to an end?—Quite.

70. And that brings us to this, that as far as the whole area of this province is concerned the elections to the legislative council or to the Central Legislature would be in the hands of these 1,500 men?—Yes.

71. That is the scheme that you give us? At any rate it seems to be a pretty big job to set up 23,000 panchayats—it will take a very long time to bring them into existence—merely for the purpose of finding 1,500 men to elect the members of the legislative council or of the Assembly. I should imagine that if we adopted this suggestion we should have to contemplate the possibility of doing nothing effective for very many years. If we are waiting for this machinery to be created there is nothing effective that can be done for very many years?—That is quite possible.

72. Then how do you say that this suggestion means an actual extension of the franchise?—Because it carries the franchise to all male adults of the rural population. Just now they have not got a vote except to the extent of something like 3½ per cent.

73. But does it not divorce them from the actual vote of the legislative council?—Could they pretend ever to understand that? But I am afraid I cannot accept your premise that it does.

74. In what way will this proposal, if adopted, lend itself to political education of the masses? It seems to me that they will be divorced to such an extent that they cannot actually come in contact with them?—We feel that it can be introduced more quickly than can education permeate to those same masses.

75. You say on page 364 of your memorandum: "It is regarded as an incontestible fact that at present, and for many years to come, communal representation must be resorted to in India, and it is believed that it would not be difficult to introduce a communal system, correctly based on the communal population, into the election of village panchayats . . ." I would like to know whether you think that to apply communal representation to the very foundations of the electoral system in India is the best way to build up a good system of self-government?—Recognising that communalism must persist we feel that that is the place to apply it.

76. But even those who are advocating communal representation treat it more or less as a necessary evil for the time being?—So do we.

77. But does it not appear that by introducing it into the village panchayats we will be making it a permanent part of the whole structure of the electoral system?—We see no alternative, sir.

78. On page 365 you refer to the formula enunciated by Sir William Vincent who, dealing with communalism, said: "What is wanted is a sliding scale in which the weighting given to Muhammadans increases as their numerical weakness does . . . Where the Muhammadans are in the census majority let them get representation in that proportion; where they are the weakest, let us double that proportion . . . Between these extremes let us multiply the census ratio of the Muhammadans by a factor greater than one and less than two." Have you considered how that would operate on the present representation of Muhammadans in this province?—Not to their harm as far as we can make out.

79. The Muhammadans are 14 per cent. in this province and under this formula they would get representation which would be greater than 14 but less than 28 per cent., but as a matter of fact they have at present, I think, 30 per cent.?—But how long are they going to have it?

80. So you realise that under this formula their number would be reduced?—Yes, but we feel that at present the understanding whereby they have their present number is very gravely imperilled.

81. On page 367 you say: "The various subsidiary qualifications at present laid down for municipal electorates in these provinces are considered sufficient and desirable, but it is felt that the occupancy qualification of a minimum annual value of Rs. 36, fixed by rule, is too low." Am I to understand by that that you want to reduce the number of electors in the municipalities from what their number is at present?—If that will have that effect, certainly.

82. *Colonel Lane-Fox:* Let me put you one or two questions. Do you think that it is really necessary to start the system of election in the panchayats?—Our anxiety is to give some chance to the classes, who are now entirely denied it, of electing representatives.

83. You think that by making the district boards elect representatives to the Legislative Assembly and to the provincial councils you would be getting better candidates?—Yes; we hope so.

84. I suppose there are a certain number of people in this country, as in England, who are not prepared to stand and face the election?—There is a very large number of self-respecting persons, particularly in the rural districts, who will not expose themselves to the ignominy, as I would call it, of an election.

85. Now about the arrears in the collection of taxes by municipalities. What is the position now?

What power is there for enforcing payment?—They may obtain a distress warrant but the trouble is that they won't.

86. What controlling power has the provincial Government over the municipalities? Is there any surcharge on members?—None whatever.

87. Have you any suggestions to make in this regard?—I think the Government should definitely tell the board that if it did not collect its arrears to a very high percentage, it would be denied all possible assistance in the shape of loans and grants, and if it persisted in that course it might even be superseded.

88. We have been told that the power of supersession has not been very often used?—It has not been used unfortunately in this province.

89. You think it is possible to use it for this purpose?—I do not know if it is possible for this purpose, but for general neglect of duties it must be used. I understand that one municipality has been called to explain why it should not be superseded; further than that I do not think the Government has taken any action.

90. *Major Attlee:* Regarding the system of basing your election on panchayats, a proposal was made to me before that we might try and base your election on the village panchayats, that is to say, the village panchayats should be the electors to the legislative council. But you have put in another step that these village panchayats should elect district boards which should elect members to the council. Do you not think that the connection between the electors and the indirectly elected persons will not be very great?—I am afraid we did not consider the possibility of omitting that second stage in our structure.

91. I was for three years an indirectly elected member for the Board of Guardians in England and I can assure you that I knew very little of the electors in that area; I myself did not know how I got in there. The second point is this: After all, you elect persons to the district board to do certain definite administrative work. But if you give them the dual function, to be both local administrators and members of an electoral college, the tendency will be, won't it, to try and get all those people who represent certain party interests, without any regard to their abilities?—I see that disadvantage, and others.

92. Would it not be better therefore to cut out the intermediate stage? You can have the college of electors representing villages who are kept in touch with the villagers and this electoral college can elect members for the district boards and for the legislative council?—I am attracted to it at first sight, but it bears a lot of thinking.

Chairman: You mean to say that those who form the electors for the village would be distinct from people who are chosen for local administrative functions?

93. *Major Attlee:* The suggestion put to me was this: The ordinary villager knows very little outside his village and that the representatives of the village possibly do not know very much outside the district. It might be better therefore if the villagers elect a certain number of persons, by show of hands, who would be regarded as worthy representatives of that village. These would be a panel of electors who would be available either generally or *ad hoc* both for local elections and for provincial elections?—That is more attractive than the other. That was the suggestion put forward, I think, in the Bombay Presidency. (*Mr. Ryan.*) It is so attractive at first sight, that I fear there is a snag in it.

94. *Major Attlee:* Might I put another question? You say that diarchy has been a failure but you suggest that the subject of Law and Order should be in the hands of the Governor who is to be represented in the legislative council by a secretary. Will not this amount to the continuance of diarchy?—(*Mr. Gavin Jones.*) We have got to admit that by retaining Law and Order with the Governor we are really continuing diarchy, but we see no other way out of it.

95. Do you not see that after all this jail work is not particularly attractive? You are giving the Ministers departments like education, irrigation, public health, agriculture and so on, but the unpleasant functions, apart from the extraction of land revenue, are concentrated on the person of the Governor. Is this not unfair?—We quite admit it, but we see no way out of it. Our point really is this, that we feel that it is impossible to handle Law and Order by a Minister who is going to be responsible to the legislature—a system which is yet untried. We think it would be a great step to take and we think it cannot be done unless and until we are assured that parliamentary government in the province is going to be a stable government.

96. I realise that. One gets a good deal of criticism on reserved departments. At present there is some buffer between the Governor who is after all the head of the province and those who make the objections. You are going to strike out that and concentrate the whole criticism on the Governor himself. Are you not weakening rather than strengthening his position?—We recognise that there are difficulties, but in actual practice it would not be the Governor personally who would be accused but it would be the department.

97. The Governor holds the portfolio?—It is quite true, but in actual fact, he holds it even now.

98. Anyhow, you admit it is diarchy?—It is diarchy. (*Mr. Ryan.*) It is inconsistent, we admit, but it is the nearest we can get at preserving safety. (*Mr. Gavin Jones.*) It is bridging the gulf.

Major Attlee: I should call it a rechristening of the old bridge.

Witness (*Mr. Gavin Jones*)*:* You can call it so. The rechristening is not so much true of diarchy as that sufficient responsibility was not given to the ministers.

99. *Chairman:* You say that if you are right in your conclusion (about which I say nothing at present) that Law and Order could not be transferred to a minister in the present Constitution, you say, "Well, if we could devise a plan for improving the responsibility and creating a stronger executive at the hands of the ministers that would be the best way of developing the system and that Law and Order might be transferred later on"?—We must find out whether the Government is going to be strong enough.

100. But that seems to be your point?—We do not think it is safe to hand over Law and Order until we know whether the Government will be strong.

101. It is diarchy?—Yes, we have to admit that.

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111. On page 369 under paragraph (*c*) you say: "The Governor would, under the proposed reformed constitution call upon any person in the council, whom he considers to have the necessary support, to form a Ministry." Would you suggest that this ministry should be solely composed of one particular party in the council, or would you suggest that all communities should be represented in this ministry?—I think the intention certainly is that all groups, rather than parties, ought to be represented provided they can work together. We know that there are certain allied groups which would perhaps work together, whereas no one group could be strong enough to furnish a ministry with a majority from its own ranks.

112. Then you want to have a party government?—We feel that party government, however much to be wished for, is not possible now; we are far from that. (*Mr. Gavin Jones.*) If you are going to have collective responsibility and a Cabinet, you must have a party government.

113. In this way, if you had a ministry with the various members representing different communities, is there not a risk of the minister being turned out very frequently?—(*Mr. Ryan.*) Yes; but we do not intend that the ministry should be recruited from opposing parties, but from parties which in some way or another are allied. (*Mr. Gavin Jones.*) The Cabinet must have sufficient support in the House

to remain there, and therefore it would have to be chosen from parties which would form one strong party to support the Cabinet.

114. My difficulty is this, Sir. You form a ministry, a Cabinet, and in the Cabinet it is considered desirable that various communities should be represented, then it at once establishes the danger of the Cabinet being turned out at any moment?—That is always there. (*Mr. Souter.*) Possible, Sir.

Chairman: Everybody agrees that with a ministry which is really composed by combining together the chiefs of a number of groups, something goes wrong if the groups go the other way.

Lord Burnham: Just as it happened before the Poincaré Ministry when the ministry used to change every six months.

115. *Sir Arthur Froom:* Have you considered that point?—(*Mr. Gavin Jones.*) I am afraid it is very difficult to get a two-party system in the council here, and we shall have to work on the group system, very similar to that in France, and the Premier who is chosen will have to be able to obtain sufficient groups to support him in power and will only choose his Cabinet from those groups.

116. Then your Chamber is definitely against a Cabinet being formed from one particular group which is the strongest in your council?—(*Mr. Ryan.*) Not if it is strong enough.

117. Then you will have one Cabinet from that group and possibly it might be able to carry on for three or four years?—(*Mr. Gavin Jones.*) Yes. You cannot have communal representation in the Cabinet. That is the point.

118. *Chairman:* Unless, I suppose, the groups that combine are groups which may be parties representing different communities?—That is so.

119. Then of course there will be a good deal of give and take in the Cabinet to carry on the minister's policy?—As in England if it is left to the Prime Minister to choose his Cabinet it will keep him in power.

120. At any rate, from the point of view of devising a constitutional structure, those things will really have to take care of themselves. You cannot say in the Act of Parliament, "Let there be two parties"?—Quite so, Sir.

121. *Sir Arthur Froom:* There is just one other thing which I would like to ask. You say under sub-head (*k*), "Finance of Provincial Government, and financial control," "The committee of the Chamber in dealing with this sub-head, feel that they cannot do more than recommend that complete control of provincial finances should be given to provincial Governments, subject to the Governor's veto." Now do you think it would be a wise step for any province to separate itself altogether from central control in the matter of finances? What I have at the back of my mind I may tell you at once. It is with regard to the loans and borrowings?—(*Mr. Ryan.*) The next paragraph deals with that, the Local Government Borrowing Rules.

122. You say that the Local Government Borrowing Rules should be maintained?—Yes.

123. So you have got to read both together? Although you recommend that complete control of provincial finances should be given to provincial Governments, at the same time it is not quite complete because there will be the Central Government to control the loans and borrowings? The two should be read together?—(*Mr. Gavin Jones.*) Yes.

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127. To continue this question of Law and Order, one witness that we had before us in another place contended that there must be a considerable amount of control from the Central Government over Law and Order in the provinces. Might I ask you whether your Chamber had that in mind? You agree that there must be a certain amount of central control over Law and Order? Had you that in mind?—We do not know what you mean by a certain amount; but we feel that you cannot possibly transfer Law and Order to the Central Government. It is quite important that the police who are continually in touch with the people should be in close touch with the provincial Governments, and they cannot possibly be controlled from Simla or Delhi.

128. To continue what I was saying, perhaps the Central Government did send round suggestions to provincial Governments in connection with Law and Order, but they were not really suggestions but more or less instructions?—In matters of policy, yes; they could not control in detail.

129. In cases where it may turn into a great disaster? You remember the Moplah rebellion? You remember Regulation III in Bengal?—(*Mr. Ryan.*) We refer to that. On page 370 we talk of discretionary powers to the Governor-General.

130. Then again, this paragraph has to be read with the paragraph on page 370 to get a true picture?—Yes.

131. Then of course it has been pointed out that to continue Law and Order as a reserved subject in the provinces it really means continuance of diarchy?—(*Mr. Gavin Jones.*) That is so.

132. To lessen this picture of diarchy, would you suggest that in your province the expenditure for Law and Order should be non-votable?—Certainly, we do that; but we prefer that it should go through the main budget and the Governor should have the power to certify.

133. It is in a way like the Army vote in the Central Government?—It will be in the same way.

134. Would you suggest then that it should be made non-votable so that it does not amount to diarchy?—(*Mr. Carnegie.*) I do not think so. It should be votable. But in the case of an extensive cut, the Governor should have the power to restore.

135. In the circumstances you suggest with regard to Law and Order you will never get your expenditure voted, or it will be very seldom that you will get it voted. That will be the first thing to be attacked?—(*Mr. Ryan.*) On page 371 we recommend powers of certification to the Governor.

136. But that is a thing we want to get rid of as far as possible?—(*Mr. Gavin Jones.*) It is possible to make it non-votable; but perhaps the legislature would certainly like to discuss Law and Order.

137. *Chairman:* I do not wish to press you, gentlemen, too far. Really we are very grateful to you for answering a number of very interesting questions to which one has to give careful thought. But, still, I should like to know this. On page 371 you say at the end of the second paragraph: "The Governor's powers of veto should extend to 'Law and Order' as to other matters, but his powers of certification, which it is recommended shall be severely circumscribed, should certainly apply to 'Law and Order.'" I do not know whether you would be able to tell me what sort of severe restrictions on his present powers of certification in respect of Law and Order you have in mind?—I think the intention there was that the powers should be circumscribed in regard to other matters. What we meant was that the Governor would not be able to certify with regard to other matters, but in the case of Law and Order he will have the power to certify. That is all the intention.

138. If that is your intention, what you have in mind would follow automatically. At present, the Governor has the power of certification which is much more extensive in the case of reserved subjects than in the case of transferred subjects?—Yes.

139. If you are going to transfer everything except Law and Order, it will follow that with regard only to Law and Order he will have the power of certification such as he now has over reserved subjects?—Yes. We wish to make that clear.

140. *Sir Arthur Froom:* There is only one other question which I wish to put. At the top of page 370 you refer to the Central Government and say that you do not recommend any change "unless

it be in the direction of improving and increasing the power of the executive." Have you in mind the position of the Central Government which is practically in a permanent minority? Is that what you have in mind?—Yes. That is so.

141. Would you give the Central Government a permanent majority?—(*Mr. Ryan.*) That is really a point that we prefer to leave to the Associated Chambers.

142. *Mr. Srivastava:* Mr. Carnegie, what is the membership of your Chamber?—(*Mr. Carnegie.*) 76.

143. Does it consist of both Europeans and Indians?—Both.

144. What is their proportion?—I think there are about ten Indians. (*Mr. Ryan.*) We are speaking subject to correction.

145. Could you tell me what amount of capital is represented by the members of your Chamber?—(*Mr. Carnegie.*) No, we could not tell you off-hand; it is a very large sum. One member controls a capital of over three million pounds.

146. It represents a large amount of capital?—Yes; a very large amount of capital.

147. Could you tell me what amount of taxes they pay?—A very large amount; much too large an amount.

148. So that they have a real stake in the country?—That is so.

149. On page 369 of your memorandum you say that diarchy has failed. You have not given reasons there. Have your representatives on the council given you reasons? Are you aware of them?—(*Mr. Souter.*) Well, Sir, they had only powers of criticism and nothing else. That is the reason for the failure.

150. But in the transferred departments they are supposed to have responsibility and power?—I am referring to the reserved departments.

151. But diarchy refers to the transferred departments?—It was a general failure, not on any special side. (*Mr. Gavin Jones.*) I think it is because they have not had any control of the finances. They had to take what was allotted to them. (*Mr. Carnegie.*) They have not been made to feel any responsibility for any cut in finance on any particular head.

152. Is it because that the ministers are not really supported by any definite parties in the council?—(*Mr. Gavin Jones.*) Yes; that is so. They are dependent on the official *bloc* to keep them there.

153. You know, Mr. Souter—you have been in the Council—that various ministers have been appointed from time to time. Did they have the support of any large groups or parties?—(*Mr. Souter.*) No. Some of them have not had, and some have had.

154. When they want to support a particular measure, how do they get the votes of the legislature?—(*Mr. Ryan.*) By devious means. (*Mr. Souter.*) I do not understand the question.

155. The question is very simple. They are responsible to the legislature. They are supposed to carry the measures with the support of the legislature?—(*Mr. Gavin Jones.*) Each measure has to be taken as it comes along and they may change from one part of the measure to another part. They have got to get on as best they can.

156. There is no definite party behind the Cabinet?—There has been no definite party behind the Cabinet; that is it.

157. No effort has been made to develop one?—(*Mr. Souter.*) No.

158. Referring to the question of panchayats, is it not the Chamber's idea that by establishing these panchayats it will be the best means of educating the electors, I mean, political education?—(*Mr. Ryan.*) That is the hope and the belief.

159. And is it not your idea that it will be the best means of providing practical manhood suffrage?—Manhood suffrage; that is right, yes.

160. That is an alternative to the proposal which has been made in various quarters about the extending of the franchise?—Not direct franchise.

161. This is an indirect thing, but it is an alternative?—Yes.

162. Do you not think that the panchayats could be developed in a short time if the Panchayat Act is made compulsory?—They certainly would.

163. Just as the district boards had been established by a stroke of the pen?—Yes.

164. So that it will not really take a long time to establish them if it were desired to do so?—It ought not to.

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175. *Chairman:* Mr. Ryan, I see in this Memorandum of the Upper India Chamber of Commerce, on page 364, that you express the view: "It is regarded as an incontestable fact that at present and for many years to come, communal representation must be resorted to in India," Why?—If minority communities are to get representation.

176. Therefore, the answers which you have given just now on mere points of detail, which I think it was quite reasonable for Mr. Srivastava to ascertain, do not affect your view that the Muhammadan minority, as you think, must be conceded communal representation?—Not at all.

177. I see that on page 365 you say that your Chamber would be disposed to support the principle enunciated by Sir William Vincent, that there ought to be a weightage, an additional weight given to the Muhammadans as their numerical weakness becomes greater?—Yes.

178. So that you not only think that they should have communal representation, but where they are in a minority, they should be given more than the population proportion?—Certainly, Sir, because of the realisation of the importance of the Muhammadan community.

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180. *Khan Bahadur Hidayat Husain:* Yours is predominantly a European Association?—Yes.

181. The president of the Chamber as well as the secretary have always been Europeans?—Yes.

182. *Khan Bahadur Hidayat Husain:* How long is it that you have had an Indian member on the executive committee of your Association?—(*Mr. Ryan.*) I can only speak from my own knowledge which now extends to about 16 years, and certainly in most of that period we have had an Indian member on the committee.

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184. You have come out with a somewhat detailed suggestion with regard to the control of the police. My point is this. Do you think police would be better controlled by an agency central in nature than by an agency of a provincial nature?—(*Mr. Souter.*) No. (*Mr. Gavin Jones.*) No.

185. Would it be your idea to have an official of the provincial Government in the legislative council without any responsibility to anybody there?—Yes.

186. That means that you will not allow even cuts on the police grant being discussed?—They can propose cuts, token cuts, but the Governor will have the deciding power. In other words police will remain exactly in the same position as it is now.

187. Now, you say that all other subjects besides police should be transferred, but I suppose you are aware that Law and Order are inter-dependent with revenue?—We say "Law and Order."

188. Yes, but Law and Order are inter-dependent with revenue?—Yes.

189. Would you like revenue also not to be transferred in the same way?—No, we should like it to be transferred. We do not want to reserve revenue.

190. My point is this, that Law and Order is intertwined at present with land revenue?—In a sense, it is entwined with everything.

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193. *Khan Bahadur Hidayat Husain:* Now with regard to the panchayat system of yours, you say that the panchayat should be made the unit for the election of the members of the district boards, while the

election to the municipal boards should be left as it is, that is, direct and not indirect vote?—Yes.

194. Now, I do not think that any members of your committee who have compiled this memorandum are directly in touch with the realities of rural life, and therefore may I ask you if you know how these panchayats are at present constituted, that is to say, is it not a general complaint of these panchayats that they have not satisfied the villagers themselves where they exist?—That is quite likely.

195. It is true?—I will take your word for it. I cannot say from my own knowledge.

196. If you say that the panchayats should be elected by the general body of the villagers, then in that case do you not think that these panchayats are likely to be swamped by the nominees of either the zamindars, the *patwaris* or the moneylender?—That is a possibility.

197. In that case do you think that the panchayats would serve the purpose which you have in view?—We realise it is not ideal. We have suggested a system of summary election. We see that there are difficulties there. They are pulled both ways. We quite understand that a zamindar might resent the establishment of a panchayat in his holding, and we quite realise the influence that could be brought to bear; but with all those things in recognition, we feel that an attempt should be made in that direction.

198. What have you to say with regard to this objection, that in that case the members of the district boards would not be held answerable to the villagers, but they would be answerable only to the panchayat?—I cannot accept that. The panchayats, after all, are only speaking for those who elected them. Even if they have been defectively elected, yet they are merely a funnel to express the opinion of the lowest grade, that is, the people themselves.

199. I find from your memorandum that you think that separate electorates for the Muslims have to be preserved as they are at present. Well, do you think that Muslim villagers must elect Muslim *panchas*?—With villages largely Muslim, the larger number of *panchas* would be Muslim. If a village is entirely Muslim, all Muslims would be elected.

200. That, of course, is different. Take the stretch of land from Cawnpore right up to Allahabad; there are very few Muhammadans residing in those villages?—Yes.

201. My point is this, that in villages, for instance, where the proportion of Muslims is very small, say only 5 per cent., what do you think should be the proportion of Muslim representation in the panchayats there?—On the same basis generally, if it can be worked, as we have recommended for the other, on the weighting principle.

202. Then your point is this, that the district has to be divided for the purposes of election into several parcels, and the Muslim *panches* have got to elect Muslim members for the district boards. In that case, do you not think there would be very few Muslim *panches* to elect Muslim members of the district boards?—It is a point of detail which we have not worked out.

203. *Dr. Shafaat Ahmad Khan:* Why do you think that communal representation is necessary at the present time?—(*Mr. Carnegie.*) For the reason already already given by Mr. Ryan, that we do not think the Muslim community will be given adequate representation without communal representation.

204. If they are not given communal representation at the present time, what will be the result?—They will be very largely unrepresented, I should say.

205. And what would be the result of lack of representation?—(*Mr. Gavin-Jones.*) A 'narrow' oligarchy.

206. A narrow oligarchy will be established in India if separate electorates are not maintained; that is the view of the Chamber of Commerce?—(*Mr. Carnegie.*) Yes.

207. Do you think that commercial interests cannot be entrusted to general constituencies?—Certainly not.

208. What will be the advantage? I suppose the advantage will be that a person elected by your Chamber will have a mandate, and that he can resign if he goes wrong, and you can elect another representative?—Quite so.

209. But do you advocate election by Associations?—Such as ours.

210. But there are some Associations which are not yet members of your Chamber. How will you provide for representation of those Associations?—Can you give us a concrete instance?

211. I suppose there are some interests which are not represented. Are all interests represented in your Chamber?—(*Mr. Ryan.*) They have opportunities of being represented, either on our Chamber or on the United Provinces Chamber. If they do not avail themselves of their opportunities, that is their lookout.

212. So it would be associational, not territorial?—(*Mr. Carnegie.*) Territorial to a limited extent. (*Mr. Ryan.*) It is economic.

213. You say the executive has been weakened and the Government has deteriorated. You want to strengthen the executive by giving Law and Order to the Governor, do you not? Well, how will you strengthen it still more by simply giving Law and Order to the Governor?—(*Mr. Gavin Jones.*) The question of Law and Order will be strengthened, will it not?

214. By the mere fact of the Governor keeping Law and Order?—(*Mr. Carnegie.*) That is merely ancillary; that is not the whole question. I think your point is that the Government will be strengthened by keeping the executive itself out of the House, and letting them get on with their job.

215. How will they do that?—The permanent official, I mean, not the executive.

216. You are in favour of the transfer of more subjects?—(*Mr. Gavin-Jones.*) Yes.

217. What do you mean by strengthening the Government? You said the executive has deteriorated. Do you wish to strengthen the executive?—I should like to strengthen the executive, yes.

218. How will you do that?—I have just told you a little while ago what would strengthen it in a general way, but as far as Law and Order is concerned the strength of the executive would remain precisely as it is now.

219. If you leave Law and Order in the hands of the Governor, why do not you call it diarchy?—(*Mr. Ryan.*) We have admitted in our memorandum that we recommend only a virtual autonomy, and we have admitted also the inconsistency of the retention of this aspect of diarchy.

220. So it would be diarchy really, in fact?—That is so, attenuated.

221. What subjects do you include in the words Law and Order?—Police and executive magistracy. (*Mr. Gavin-Jones.*) It is a general term, which you have just discussed.

222. How will you define it?—(*Mr. Ryan.*) Police and executive magistracy.

223. What is your opinion about the judiciary?—Transfer it, so long as it is not under the control of the Government of India. High courts that are reserved to the Government of India would remain so. That point is discussed at more length in, and we would prefer to refer you to, the Associated Chamber's Memorandum.

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233. *Dr. Shafaat Ahmad Khan:* From page 370 I gather you would like to maintain Rule 49 of the Devolution Rules so far as the power of the Central Government is concerned, but you would like, I suppose, to invest the Central Government with greater powers?—(*Mr. Ryan.*) Yes.

234. Would those greater powers be negative or positive?—Positive.

235. Would the Central Government be empowered to offer constructive suggestions with regard to these

departments, or be able only to prevent these departments from doing anything wrong?—Why not both?

236. I thought you meant only positive?—Both.

237. Both positive and negative?—You would get more illumination on that point by referring to the report of the Muddiman Committee.

238. *Dr. Shafaat Ahmad Khan:* To which paragraph do you refer?

Chairman: 48.

Witness (Mr. Ryan): 48, yes.

239. *Dr. Shafaat Ahmad Khan:* You said you could not have communal representation in the Cabinet?—(*Mr. Gavin-Jones.*) Yes.

240. Are you aware of the fact that in Switzerland they choose the members of what is called the Federal Executive Council—the Cabinet, really—from various communities and various cantons, according to Lord Bryce?—I do not know the details of that.

241. You may take it from me he refers to it?—In what sense is it communal?—

Dr. Shafaat Ahmad Khan: He is talking of the members of the council, and he says this: "One of the seven is annually chosen to be President of this Council and another to be Vice-President, and neither may be re-elected for the same post the following year. One is also by custom taken from a Roman Catholic canton, and very often one from the Italian-speaking cantons." So they are chosen from various cantons.

242. *Chairman:* I am very glad you read the passage, for it is what I expected. We must draw a distinction between two things which, from the point of view of drawing up a Constitution, are perfectly distinct. One question is whether it is going to be the written established law of the Constitution that a cabinet *shall* contain persons of different communities.

Dr. Shafaat Ahmad Khan: I meant only a convention.

243. *Chairman:* I am pointing out a distinction which I think your question suggested. The other question is quite distinct; it is whether it may not be, as a matter of expediency or as a matter of custom, a good thing to do. Let me give you an example. You can examine the list of members of the Cabinet in the Dominion of Canada, and I am fairly sure you will always find there is a Roman Catholic in it. No doubt the reason for that is that in the province of Quebec there is a great number of French-speaking Roman Catholics. Sir W. Laurier is one. But there is no section in the British North America Act which says there *must* be. If you were to take the High Court of England at this moment, you would probably find that amongst the judges there are members of the Church of England, there are Roman Catholics and there are Dissenters; but there is no law that there *must* be. It is a thing which is very likely to happen and very suitable. I was not clear, when you put your question just now, whether you meant to inquire whether these gentlemen thought it ought to be the law that there must be, or whether you meant only you thought it would be a good thing that such a custom should exist.

Dr. Shafaat Ahmad Khan: I thought it was a very sweeping statement that only the strongest party in the House should be able to form a Cabinet, even if it consisted only of one community. The object of my question was to ask whether it would not be expedient—not as a matter of law—to choose members of the Cabinet from various groups, representing the various communities.

244. *Chairman:* I follow; I am much obliged. I thought you were inquiring about an actual constitutional Statute. (To the witness) What do you think about that?—I think it would naturally work out that way. If a Cabinet were formed which wanted the support of the Muhammadan party, the Cabinet would be formed so as to get that support and would include someone from the Muhammadan party. But you cannot lay down a law to that effect: that is my point.

245. *Chairman:* That is the distinction, because I think, doctor sahib, some at least of the Muslim deputation were disposed to suggest it should be part of the written Constitution that there should be representatives of the different communities in a given Government?

Dr. Shafaat Ahmad Khan: Yes.

Chairman: That is the contrast.

Dr. Shafaat Ahmad Khan: We advocate this.

246. *Mr. Desanges:* You have given an opinion on education. What is your opinion about transferring European and Anglo-Indian education to the control of the Central Legislature?—I agree with that. (Mr. Ryan): As a Chamber we have no mandate to speak on the subject. I am prepared to give you my private opinion, if it is worth anything.

247. You are also chairman of the European Association?—Of the United Provinces branch, yes.

248. Can we have your opinion as chairman of that body?—Certainly. I strongly favour the transfer of European education to the Central Government.

249. I see you advocate the official *bloc* should be removed from the Lower House and not included in the Upper House?—Quite.

250. Then surely you would want more than one representative on behalf of the European community in the Lower House?—We are not prepared to press for it. You see, Mr. Desanges, we realise that there is little use in according seats when we find, as we do find difficulty in finding capable men to put forward to fill those seats. I emphasise the word "capable."

251. In that case there is a chance, if Europeans are represented only by one staccato voice, of having legislation made against them?—If it is staccato, so long as it is loud enough, it is all you can expect. If you doubled the number or trebled it you could make no difference in the voting power of the community. (*Mr. Souter*): None at all. (*Mr. Ryan*): We want a spokesman to put forward the opinions of the community and watch their rights and privileges.

252. You spoke about the franchise being too low. What would you suggest the franchise should be. It is on page 367?—I do not know that we are instructed to recommend anything, but we do think it is too low.

253. *Kunwar Bisheshar Dayal Seth:* You said just now your Association was in favour of communal representation?—Yes.

254. If somehow it was possible to find some other method to substitute for communal representation which would secure Muhammadan representation I think you would not object to it?—Minority representation.

255. For the minority, yes?—Have you any alternative in mind?

256. Not just at present?—I am not prepared to put one forward.

257. *Raja Kushalpal Singh:* Is not it one of the functions of a panchayat to settle petty civil and criminal cases?—Yes, and that is the function in which I understand they have been successful.

258. Is not it against the canons of sound administration that judiciary should be elected?—I think that the effects of the non-enforcement of that canon, in regard to panchayats, would be practically negligible. It is already laid down what panchayats, as a judicial body, may and may not touch. The limit is very low. Government officials serving in the same circle cannot appear before a panchayat, and, with due respect to the chair, a very useful recommendation is that lawyers may not be employed.

259. Are you aware that factions exist in very many villages?—I am aware that factions exist, yes.

260. Are not they great impediments to the smooth working of panchayats?—Yes, but we cannot expect the working of the panchayat is going to be made ideally smooth. It should be the purpose of the Government to overcome these factions, and I

should think one of the best ways of doing it would be to go on with the panchayat system.

261. *Chairman:* We have had a very interesting afternoon, I think you will agree. May I detain you for two questions only? One is this. Was this Memorandum, which we have been so interested in looking through, of the Upper India Chamber of Commerce, examined by your members and approved by them in any way?—(*Mr. Carnegie*): By the committee. (*Mr. Ryan*): It was not approved by the members before issue.

262. But they have seen it since?—It was issued to them almost immediately after it was sent to your Delhi office, and we have not had one single objection.

263. Did you issue it to the members of the committee, or to all members?—To all members, under seal of confidence until it was published.

264. I am not making any point of that; I only meant, it has been before all the members of your Chamber of Commerce?—Yes, certainly.

265. Can you tell me whether, after that, you have had any information as to whether it was generally approved?—We have not had one expression of disapproval. On the contrary, we have had many expressions of approval.

266. I think you told us earlier in the day that your Chamber of Commerce contains Indian members as well as European members?—Yes.

267. Does it contain many Indian members—what proportion?—About 10 or 12 out of the total membership, and there are two Indians on the committee.

268. Two Indians on the committee, who would help to draw this up?—Yes. There was one Indian gentleman on the sub-committee who first went into it, and he and another gentleman on the general committee.

269. And then you say there are some ten, perhaps more, who are not members of the committee, but are members of your Association, out of a total of how many?—About 76.

270. Of course, we recognise that that total represents a very large volume of business. The reason I ask is because it is interesting to know whether or not the broad lines of this memorandum are to be treated as approved by the Indian as well as by the European members of your Chamber?—It has not been disapproved of, and since one Indian gentleman assisted us to draft it, and both the Indians on the committee agreed to it—at least, they did not disagree with it—we must take it as approved.

271. Of course, I do not mean by that that I treat everybody as agreeing to every syllable?—Quite so.

272. *Chairman:* In the main, is that your opinion, Mr. Srivastava?

Mr. Srivastava: Yes. I was on the committee.

Chairman: That is a very interesting fact.

Witness: I would like to say that that informative note on education which is one of the annexures to our memorandum, we owe to Mr. Srivastava's assistance.

273. *Chairman:* I have looked at it with a great deal of care. It is a very admirable appendix. The only other question I want to put to you—it is perhaps more thinking aloud than a question, but perhaps it will not do any harm put as a question—is this. Has this occurred to you gentlemen? You see, up to the present the constitution of the different legislatures in India has been laid down in advance, as it were, very precisely, that is to say, there has been a superior authority, a different authority, which has said, "They ought to contain so many members, and they ought to be distributed in such and such a way, and the vote should be so and so," and all that kind of thing. The structure has been prepared in great detail, and then, when the legislature has been created, the legislature itself has not had very considerable powers to bring about changes in its own internal structure. Do you see what I mean?—Quite.

274. Have you gentlemen realised this, that that is not by any means the invariable plan that is followed when Constitutions are being framed. As I am quite sure my friend Dr. Shafaat Ahmad Khan has observed on his own account, there are many instances in which when you have set up the legislature and have given power to it, you not only give it the power to pass ordinary laws, like a law about landlord and tenant, roads, or motor cars, or anything, but you also give it powers within limits to make changes in its own constitutional structure. Do you see what I mean?—Yes.

275. What I wonder is whether you gentlemen have at all considered this question. Do you think that we ought to consider whether the new legislatures in India ought not to have conferred upon them some powers of internal alteration, without, as it were, always having to go through the business of reviewing it from outside?—That is a very large question, on which we should not like to commit our Chamber

276. I do not expect you to commit your Chamber; but, you see, there is a great deal that is very ingenious and interesting and suggestive in the document. What I am wondering is, ought the Conference to treat itself as though it had got to prescribe, as it were, to the last screw and the last inch what the plan is, or is it not perhaps to be considered whether they ought not to advise as to how the thing should be constructed to begin with, and then to give the body some power of internal change?—(*Mr. Gavin-Jones*): It would have to be very limited

277. That occurs to one, that it would have to be limited; but you know, of course, in many parts of the Empire, at any rate after a certain period, there are quite substantial powers conferred upon the legislature, sometimes if they pass by a special majority, sometimes after the Bill has been specially reserved for consideration, quite considerable powers sometimes conferred on a subordinate legislature to consider whether its own internal structure would not be better if it was somewhat varied. You have not looked into it, I think, very closely from that point of view?—(*Mr. Ryan*): We have seen a suggestion somewhat approaching that. I am not quite sure the intention was not the same. I believe it was put forward by the Karachi Chamber of Commerce.

278. *Chairman:* Sir Sankaran Nair, I think you will agree with me that it is a little important to consider that. Perhaps I may give the Conference for a moment an example from my own knowledge of it. I am not saying at all that the thing applies here, but take, for instance, a State in Australia. I will take one within my own recollection, which is a very long constitutional case, the State of Queensland. There is no doubt at all that the legislature there was acting within its powers when it altered a great deal the previous arrangements under which it was constituted. I can think of a case where one of the provinces in Canada attempted to carry legislation which would have started what is called the initiative and the referendum inside the colony. That particular case was going too far; it was found out that they could not do it. I do not think it is necessary that a legislature should have a suit of clothes exactly cut out for it, and then be told to go and wear it. As Mr. Hartshorn says, a good instance is what exists already in some of the provinces; without any reference to outside authority, they decided to have female franchise. You can imagine a further latitude than that, and it seems to me that it might be possible to consider whether, when you set up these legislatures in some revised form, they might not perhaps have some powers which would enable them, for example, to adopt some of the things in your memorandum if they thought right; or again, if they were set up on the lines of your memorandum would be entitled to alter it into something rather different if they found it did not work?—(*Mr. Carnegie*): To carry on your metaphor, they might be permitted to alter the

buttons of the coat without referring to the tailor.

279. That is what it is, because the best suit of clothes made for somebody else does not always fit?—(*Mr. Gavin-Jones*): They ought not to have power to alter the suit altogether. (*Vide* Appendix.)

280. *Mr. Hartshorn:* On page 366 you say: "Owing to the backwardness of these classes"—the depressed classes—"and their lack of education any system of direct election would be unsuitable but it is felt that a system of electoral colleges could be established in each province among the depressed classes and that they should be given a right of election under this system." Would you tell us in a few words what your idea is about that? In what way do you think electoral colleges could be created for the depressed classes?—(*Mr. Ryan*): I think we were here inspired more by hope than by belief. We know the depressed classes are moving towards self-assertion, and we feel it will not be long before they have moved sufficiently to allow some such machinery to be established; but what that machinery should be we have not been able to consider.

APPENDIX.

Copy of a letter from Mr. J. G. Ryan, M.B.E., V.D., Secretary, Upper India Chamber of Commerce, Cawnpore, dated the 12th December, 1928, to the Secretary, Indian Statutory Commission.

The attention of my Committee has been directed to the following passage in the press report of the examination of the delegates of this Chamber by the Joint Conference at Lucknow on Friday the 7th instant. It is at the end of the report and reads:—

"*Sir John Simon:* Should the new legislatures in India have some powers conferred upon them to make changes in their own internal structures?

"*Mr. Gavin-Jones:* The Chamber is not opposed to the idea of legislative bodies being empowered to effect minor changes in their internal structures provided such changes do not affect the structure as a whole."

As this report would lead to a very grave misunderstanding as to the Chamber's attitude in regard to such a proposal I am directed to make the position clear.

Sir John Simon was good enough, quite at the close of the examination of the Chamber's delegates, to throw out a suggestion, which, without committing himself to any opinion, seemed to strike him as a point of view which had not been considered. As he put it, he was thinking aloud.

This suggestion was that the legislatures should have the power to amend their own constitution in some respects, and he cited the action of one of the Australian Governments in this respect.

The Chamber's delegates were rather taken aback by this suggestion and could not at the moment offer any definite opinion, especially as they had no mandate from the committee on the subject. Mr. Carnegie remarked that it was a very difficult question on which the delegates could not then give an opinion. He endeavoured to get a better appreciation of the suggestion by pursuing Sir John Simon's own simile but refrained from committing the Chamber to an expression of opinion. Mr. Gavin-Jones merely remarked that the powers of amendment would have to be very limited, and Mr. Ryan remarked that the Karachi Chamber of Commerce, in their memorandum, seemed to have had in mind a somewhat similar proposal.

Actually all the delegates felt that the suggestion was not free of certain elements of danger, but put as it was, they were unable, on the spur of the moment, to focus their views as to this.

In view of the fact that the Karachi Chamber of Commerce have, in their memorandum of the 3rd of October, 1928, made a very definite proposal on these lines, a proposal which the Associated Chambers of Commerce have not been afforded an opportunity of considering, my committee feel that it is necessary for them now to state their definite views on the subject.

They consider the Karachi Chamber's proposal not only to be dangerous, but actually, in principle, opposed to the Imperial policy which Great Britain has always adopted towards the British Dominions and Colonies.

In effect the Karachi Chamber propose that when the British Parliament decides the form which the future Government of India shall take, and which they call the static Constitution, the Constitution shall become, after a certain period, "a fluent constitution in which the future impelling influence will essentially be the Indian people themselves."

They wisely state their case in general terms only, but they definitely state that "at the end of the static period the future government should be by agreement amongst the people concerned, either directly or through the legislatures."

Since the Karachi Chamber agree that complete autonomous Government should be given to the provinces my Committee assume that their intention is that either the Central Legislature will have the power of altering its constitution or that a concensus of opinion of the people, as voiced by the provincial legislatures, shall have the power of extending self-government to the Central Legislature.

Such a proposal is, in the view of my committee, impossible of achievement. It is totally opposed to British policy and it is impossible to reconcile it with the "certain fundamental and unchangeable provisions," which are outlined, and which, of themselves, are entirely incompatible with the ideal of "self-government."

The British Parliament, when relinquishing the full control of the Government of a Dominion or of a Colony, has done so only to a legislature responsible to the people. To no other authority is it conceivable that such control could be relinquished and the very first essential in the grant of self-government is that the Dominion or Colony shall be capable of providing for its own defence and its own internal security, following upon the immediate withdrawal of the British Army. As my committee read the Karachi Chamber's proposals it is intended that after the static period the legislatures will have the power to extend self-governing institutions to the full, without reference to the British Parliament. And yet it is definitely intended that the British Army is to remain, together with a percentage of British officers in the Indian Army and a percentage of British in the Civil Services. Such a position would be impossible.

The proposal practically means that the British Parliament would draw up the static Constitution, and immediately divest itself of all further responsibility. The development of self-governing institutions would be left to the people of India themselves, and the British Army and the Services in India would be left, as it were, in the air.

Such a proposal is entirely lacking in an appreciation of the realities of the situation.

My committee naturally do not for a moment think that Sir John Simon had such a proposal in mind when he made his suggestion, but the lines on which he was thinking would seem to be much the same as those which have led to the Karachi Chamber's proposal, and my committee desire definitely to express their disapproval of the Karachi Chamber's memorandum.

In regard to Sir John Simon's suggestion my committee are inclined to think that if the provincial legislatures were permitted to modify their own Constitutions, within a strictly limited sphere, no harm might follow, but even here, when the present communal tension is considered, such powers might lead to disruption.

My committee hold the very definite view that there should be no tampering with the Central Government, even in regard to internal detail, except by the authority of the British Parliament.

Memorandum submitted by THE BRITISH INDIAN ASSOCIATION OF THE TALUKDARS OF OUDH.

The Blue books and other official records are replete with the history of Oudh Talukdars. We therefore only give a brief outline of the position of the Talukdars in this Memorandum.

The Talukdars of Oudh are a body of landlords, who, before the annexation of Oudh, held estates under a system which was akin to the continental feudalism. After the annexation of Oudh, the British Government proceeded with the summary settlement of land in the province. Unfortunately the officers who at the time were the advisers of Government had no knowledge of actual conditions prevailing in Oudh and the Government on their advice thought that it would be to its advantage to make settlement directly with the occupants of the soil and to change the established system prevailing in Oudh from long ages. On the 4th February, 1856, an order was passed to make settlement directly with the actual occupiers of soil and to ignore the Talukdars.

The Mutiny broke out in 1857 and the community of small holders of land newly created by the British Government soon rallied round the Talukdars—their former feudal Lords. Lord Canning came up and personally studied and investigated the whole question which resulted in the entire reversal of the policy of 1856. He was convinced that the Talukdars had been unjustly treated, and came to the conclusion that unless the rights and privileges of the Talukdars were recognised and their position restored, it would not be easy to restore peace and tranquillity in the Province and to ensure its prosperity. The rights and privileges which the Talukdars enjoy to-day are those which were conferred upon their ancestors under terms of Sanads issued during the time of Lord Canning by the order of the Crown.

The British Indian Association was established in 1861 and represents the entire body of Talukdars of Oudh. The Talukdars, as it would appear, are a compact body with a common interest and with special laws of inheritance, usage and customs. The British Indian Association is perhaps the oldest or one of the oldest institutions of its kind. Every Talukdar is a hereditary member of it and has to contribute a percentage of the income of his estate for its maintenance. It therefore represents the entire Talukdari community.

The necessity of the representation of the interests of the Talukdari community has been fully recognised in the legislature and our association has been allotted four seats in the present Provincial Council. This number was lower than our demand and the recommendation of the Local Government, and we, therefore, claim a larger representation. We have got large stakes in the Province and in view of the recent communist movement, the maintenance of the landed aristocracy like ours which is a stable element in the Indian Polity may be in danger unless our representation is increased, and in the future constitution of India our full proprietary rights, title and possession, which have been guaranteed in perpetuity by British Government, are permanently protected. Oudh has an area of about 24 thousand square miles with a population of 12 millions and yields a Government revenue of over $1\frac{3}{4}$ crores. Of this over a crore is the contribution of the Talukdars to the Public Exchequer. In addition to the land revenue, they pay 10 per cent. cesses towards the maintenance of the local boards and also largely contribute permanently towards educational and other institutions for the public benefit. Their importance in all affairs connected with the prosperity and well-being of the people of this Province is undeniable. This association, therefore, without being assertive in regard to the claims of the Talukdars for representation in the Legislature of this country, ventures to submit that their representation at present is inadequate, and should be increased. The Government of these Provinces also recommended five seats for us in the Council and this recommendation was accepted by the Franchise committee.

Basis of Franchise.

Property should remain the basis of Franchise. We have fully considered this matter in relation to the conditions prevailing in these Provinces, and we are convinced that under the present conditions no other basis is feasible. The standard of qualification should be maintained. No lowering of the standard of income for purposes of qualification to vote would be desirable.

Voting should be by ballot. We consider the desirability of introducing the system of open voting, and in our opinion while it has its virtues of developing more independence and moral tone in the voters it is subject to extraneous influence.

Methods whereby particular interests may obtain adequate representation.

We represent particular interests. There are other communities of interests such as those of commerce, trade and labour. If our Legislatures, Provincial and Central, were to be composed of representatives of different interests this perhaps would alter the grouping and help the political evolution of representative institutions and divert the thoughts of the people from communalism to question affecting the material welfare of the country. The most suitable method by which particular interests can obtain adequate representation will be to allow their representation in the legislatures in proportion to the amount paid by such bodies to the Public Exchequer. The numerical strength of such bodies should not be the criterion for fixing the number of their representatives but their social, political and economic importance should be given due consideration. The chief classes who are likely to suffer, if this principle is accepted, are the depressed classes and unorganised labour. In order to protect their interests some effective method should be adopted for such time as they are not properly organised.

As regards the communal question, unfortunately it is there and is due to cultural differences, economic reasons and last but not least, lack of political education. We do not, however, consider it necessary to make any suggestions as to the method of solving this problem. The British Indian Association represents special interests and is composed of people of all denominations whose economic interests are common and so far no communal feeling has disturbed us.

Growth of Parties.

We are conscious that Parliamentary system of Government without a party system is an anomaly. The electorates are mostly ignorant and the political education, if any, they are receiving, is not of the right kind. Behind all political activities lurk communal and religious feelings which are great obstacles to the growth of healthy public opinion. In the first election, under Montford Reform Scheme, the political cry of Non-co-operation was raised, but by the time of second election, non-co-operation had lost its magic power, and the communal question and religious sentiment began to be noticeable. In the last election, the communal question and religious sentiment became prominent. The political-minded people have been thrown in the back-ground by persons whose outlook is either religious or communal. That the growth of political parties entirely depends on the relations between the various communities in India, goodwill and trust between them can only create such an atmosphere in which political parties can flourish. The growth of parties would entirely depend on the growth of public opinion.

Nomination of Officials.

Public opinion is against the official voting in the legislatures, but it is likely that their total absence may be felt when questions involving technical knowledge come before the Councils. This deficiency can be removed by means of a provision in the consti-

MEMORANDUM SUBMITTED BY THE BRITISH INDIAN ASSOCIATION OF THE TALUKDARS OF OUDH. [*Continued.*

tution that the Ministers in charge of the department will have a right to call upon the heads of the department and experts to speak in the house in order to enlighten the house on a particular question. But they should not be allowed to vote.

The presence of an official block is also an obstacle in the way of the growth of party system in the legislature. The ministry, under the present constitution, can, with the help of the official block, afford to treat the non-official majority in the house with scant courtesy.

Territorial changes.

We do not consider it necessary to make territorial changes either for purposes of Provincial legislatures, Council elections or re-adjustment of local self-governing administrative units, so far as the United Provinces are concerned.

Local Self-Governing Bodies.

The result of the working of the Local Self-Governing bodies, with a few exceptions, indicates that full advantage has not been taken by them of the opportunities afforded by the new liberal constitution to carry on their administration on democratic lines. This is largely due to inexperience of the members. With more experience and educational progress, it is hoped that the state of things will improve. In these circumstances we are of opinion that the present system should continue. While suggesting the maintenance of the present system in case of these bodies, we strongly recommend that they should receive financial and advisory help from Government to enable them to make improvements in education, hygiene and communications.

Provincial Government.

The demand for autonomy in Provincial Governments appears to be unanimous, but we consider it necessary to provide certain reservations at this stage. We, therefore, beg to suggest that:—

1. the Cabinet system consisting of Ministers with joint responsibility should be introduced and the Ministry should be responsible to the Legislature;

2. that with the exception of the department for the maintenance of Law and Order, all other departments should be made Transferred Subjects;

3. that the department relating to the maintenance of Law and Order should be placed in the hands of a person appointed by order of the Crown and remain a reserved subject as at present;

4. the life of the Provincial Legislature should be increased from three to five years. It is too short a time to carry through any scheme that may be started by the Government and the election expenses on the Public Exchequer as well as for the candidates recur too frequently;

5. the power to assent or to veto a Bill should be vested in the Governor and as a representative of the Crown, the dignity of his office should be maintained as well as his position as a constitutional ruler. The legislature should not therefore have the power to curtail the expenditure necessary to maintain his position as such;

6. the position of the Governor in relation to the Ministers should remain as it is under the present constitution;

7. the Provincial Governments should be made independent of the Government of India so far as their powers of dealing with Provincial Subjects go. The control of the Government of India on the Provincial Government should be limited to departments which are primarily the concern of the Government of India;

8. the strength of the Council as at present constituted is hardly justifiable for a representative legislature.

The population of the United Provinces is very large. While on the one hand, we are not inclined to have the number of the representatives in the Council fixed in proportion to what is generally found in the democratic constitutions in Europe; on the other hand we are of opinion that the representation in the Council should be such as would admit of a fair amount of representation in the Council, considering the area and population of the Province. The ration of one representative for every two lacs of population is what we recommend. This will increase the number of constituencies and will thereby automatically decrease their area and make them more compact and workable. At the present moment, the candidates find it very difficult to nurse their constituencies, but with smaller constituencies the candidates will be in better position to canvass and educate their voters more effectively. We have already submitted that our representation in the Legislative Council is inadequate. We therefore urge that the number of our representatives in the Council in its present strength should be six. The same proportion should be maintained in case of any increase in the numerical strength of the Council.

Second Chamber.

It may be said that until complete autonomy is given to the Provincial Legislatures, there is no need for a Second Chamber in the Provinces. Our recommendations for the constitution of Provincial Legislature, if adopted, will not result in complete autonomy of the Provincial Councils but will no doubt go far towards autonomy and make a substantial advance in that direction. If we have not recommended the transfer of the department for the Maintenance of Law and Order it is for weighty and special reasons. While we recognise the importance of the extension of the representative system of Provincial Governments, we are of opinion that it should be well-ordained and judiciously controlled. We, therefore, strongly feel the necessity of a restraining power and sober scrutiny of the work of our Provincial Legislature which is still in its earlier stages. In these circumstances, we feel that is is necessary to create a Second Chamber in this Province, consisting of persons of large vested interests, higher educational qualifications and experience of higher form of judicial and administrative work, in order to supervise, control and restrain by means of their mature judgment any decisions that may be taken by the First Chamber in a state of excitement.

We do not make any proposals regarding the strength and composition of the Second Chamber but we are of opinion that broadly it should be on the lines of the Council of State.

Before we conclude this memorandum, we beg to submit that an Association like ours representing such an important community of interests has not been given any representation in the Central Legislature. We are a body ancient and legally constituted and have a record of public services which we can justly be proud of. We therefore earnestly put forward what we believe to be our just claim for representation in the Central Legislature and to be moderate we only ask for two seats in the Assembly and one in the Council of State, in the present strength.

Memorandum submitted by the AGRA PROVINCE ZAMINDARS' ASSOCIATION, ALLAHABAD.

Special Representation.

Special representation and Franchise has been granted under all Reforms to important minorities and special interests in the various provinces of the country. What we have now to look to is that an adequate and proper representation is secured to such constituencies under any Reform Scheme.

The Association regretfully submits that justice has not been done to the claims of the great zamindar community of the Province of Agra. Rather discrimination has been shown and in some quarters to an invidious extent. This is one of the most pinching and long standing grievance of the zamindars of the Agra Province. They have never been given an adequate and proper representation on the various Legislatures concerned although they have fought for it every time an opportunity presented itself.

In the United Provinces of Agra and Oudh the Province of Agra is the major province. There are altogether 48 districts in both the provinces of which no less than 36 districts belong to the Province of Agra, while out of the ten divisions which go to make up these two Provinces, eight divisions belong to Agra alone, there remaining only two divisions assigned to the Province of Oudh; viz., in point of territorial area the Province of Agra is four times as large as Oudh is. Similarly, in point of land revenue, Agra pays Rs. 5,15,00,000, while Oudh pays Rs. 1,76,00,000 only as land revenue; in other words, the Province of Agra contributes over two-thirds of Government revenue, while the Province of Oudh contributes only one-third. This will be found to be the case in almost all resources of taxes, cesses and other incomes to the Government of the Province in all branches of life.

It is therefore safe to conclude, that a great injustice has been done to the zamindar community of the Agra Province, when they of the eight divisions or 36 districts, have been allotted only two seats in the Local Legislative Council, while the Taluqdars of Oudh confined to two divisions, or 12 districts only, have been conferred four seats, and that all at once by direct method through the British Indian Association, Lucknow, which direct election through their own Institution gives them an additional development and consolidation in the political life of the country.

The zamindars of the Agra Province therefore on the data and precedence given above, should reasonably get three times, if not four times, more than what the Taluqdars of Oudh have got, viz., the Agra Province Zamindars should be awarded 12 seats in the Local Legislatures and a proportionate number of seats in other Legislatures in the country.

At the lowest, the Agra Zamindars should get eight seats in the Local Legislatures, corresponding with the number of divisions which go to make up the Province of Agra, and that by way of direct representation through their Institution at Allahabad; in other words eight representatives elected by the Agra Province Zamindars' Association, Allahabad. If, however, the strength of the Local Council is appreciably increased, our representation should in that case proportionately increase automatically.

The Agra Province Zamindars claim special representation in the Indian Legislative Assembly as well as in the Council of State.

Direct representation has been granted to the British Indian Association, Lucknow, in respect of all the four seats allotted to the special land-owning interest there. The Agra Province Zamindars' Association, Allahabad, similarly claims the privilege of direct representation in the legislatures. The qualifications for electors (to the Legislative Council elections) under the Rules for Agra Landholders' constituency and for membership of the Agra Province Zamindars' Association, Allahabad, are the same, viz., zamindars paying Rs. 5,000/- and over, as Government revenue, are eligible for the membership of the Association also, while the same qualification makes a zamindar qualified to become an elector in the Agra Landholders' constituency, as also qualifies him to become a member of the Council representing the special zamindar constituency in the Legislatures.

In view of the rapid turns that the Democratic spirit is taking in this country, it seems desirable to foresee the result. Although at present zamindars are being returned in a goodly number, yet it will not be the case in the near future, and it is thought desirable to have a Second Chamber added to the Local Legislature. This will insure the retention of a fair number of such representatives as have got a stake in the country and could take a calm and dispassionate view of the problems before them, avoiding extremes.

The Association claims direct representation in all Legislatures including the proposed Second Chamber for the great Zamindar Community of the Province of Agra.

Previously, when the Reforms were under consideration in 1917–19 the Association was refused direct representation. It was said that the British Indian Association of Lucknow was self-supporting by virtue of its funds, and established finances and (that it) had its own Headquarters buildings. It was mainly on these grounds that direct representation was conferred on the Taluqdars' Institution. Now the Agra Province Zamindars' Association, Allahabad has also got both these things; it has now its "Agra Province Zamindars' Association Contribution Act of 1927," as well as it has just completed its Headquarters building called Meston Mansion and the Marris Hall. This Institution has therefore now been firmly established by virture of its "Contribution Act II of 1927" and own Headquarters buildings and can therefore claim direct representation like the one which has been in vogue in the Province of Oudh in respect of the British Indian Association.

We rightfully beg to claim that the Zamindars of the Province of Agra, apart from their right to stand for the General Constituency, must have seats allotted for their Association in the Assembly and the Council of State, and the Agra Province Zamindars' Association of Allahabad only should have the right to return them.

The Association also begs to press the claims for an adequate representation of Zamindars in public services, both Provincial and Imperial. The Association further begs that in making appointments of the Cabinet Members in the Central and Provincial Legislatures due regard will be paid to the Importance and Interest of the Landed Classes.

The Association hopes that it has been reasonable in its humble claims and fair to all concerned in this problem of special Representation of the Agra Zamindars in the Legislatures of the country.

TRUE COPY.

Copy of Resolution No. 7 passed at the Annual General Sessions of the Agra Province Zamindars' Association, Allahabad, held on the 6th of January, 1928, at the Association's premises at 9 a.m.

7. *The Coming Royal Commission.*—There was an animated and prolonged discussion on the question at the end of which the following Resolution was adopted:—

(*a*) "Resolved that the Agra Province Zamindars' Association while feeling greatly dis-

appointed at the entire exclusion of Indians from the Simon Commission, do realise that owing to their demands, as regards their proper and adequate representation on the Legislatures as well as the creation of a Second Chamber having been neglected by the former Reforms they cannot afford to simply wait and mark time."

(*b*) "That their representation in the Legislature of the Agra Province should be increased from two to eight by allotting eight seats for them on the U.P. Legislative Council.'

(*c*) "In any scheme of further instalments of Reforms to be granted to Indians a Second Chamber in the Provincial Legislature should form an integral part of the Constitution."

(*d*) "An adequate separate representation in the Central Legislature should be granted."

(*e*) "That the above resolution be made over to their representatives selected from the members of the Association, who will submit the same to the proper authorities."

The Resolution was put to vote and was carried by majority.

AGRA PROVINCE ZAMINDARS' ASSOCIATION, ALLAHABAD.

THE SIMON-COMMISSION SUB-COMMITTEE.

Proceedings of an urgent meeting held on the 15th October, 1928, at 3.30 p.m., at the Association's premises.

1. To consider the memorandum and redraft it in the light of the changed circumstances, with Assistant Secretary's note.

"The re-drafted memorandum was considered and adopted unanimously with slight amendments and alterations."

"Further resolved that Khan Bahadur Mohammad Obaidur Rahman Khan, Mir Ali Sajjad Sahib, the Raja Bahadur of Padrauna, the Raja Bahadur of Manda, Raja Kalicharan Nuira Sahib and Rai Ishar Sahai Bahadur be requested to kindly prepare themselves to give evidence before the Simon Commission as representatives of the Association."

Supplementary Memorandum by the AGRA PROVINCE ZAMINDARS' ASSOCIATION.

I have the honour to inform you as follows :— We had our Annual General Sessions of the Association on the 4th November, 1928. The slightly amended Memorandum already submitted to you was adopted *in toto* and in addition it was also resolved to bring two more important facts before you in the best interest of the general progress of the Reforms to come :—

One is that the life of the Legislatures be enhanced to five years, instead of three years as obtains now. This is expected to give better and fuller education to the Council members of the methods of responsible government to be followed under a representative and democratic form of government.

The second point is, that it appears from the newspaper reports, that the educated party wants the Meston Awards to be amended and financial relations between the Provincial and Imperial Government to be readjusted. In case if this suggestion is to get a hearing at the hands of the Simon Commission, the prayer of the Association is, that in any such case, direct or indirect, the Permanent Settlement where obtaining should not be allowed to suffer any go back on the pledges so sacredly and solemnly made by British Government to the people of the Provinces which such a settlement already extends. It would amount to a breach of faith and injure the cause and existence of the landed community fearfully.

I hope you would bring this matter as well before the Commission.

Memorandum on behalf of the PEOPLE OF ORISSA.

We, the undersigned, on behalf of the People of Orissa accord a cordial welcome to you, the Members of the Statutory Commission, and heartily make the following submissions for your careful consideration. We reserve our suggestions and observations, in general, upon the structure and working of the existing constitution of British India, and submit at present a tentative bare outline on your terms of reference from (*a*) to (*g*) and most respectfully lay particular stress upon one point, namely, the suitability of existing areas for legislative and administrative purposes and growth of representative institutions. Here we draw your special attention to the case of Orissa and Oriyas placed under four distinct Provincial administrative units, forming a hopeless minority in every Province they are attached to.

The aim of the Reforms inaugurated in 1917 was to lead India to progressive realisation of *full responsible Government* by increasing association of Indians in every branch of administration. To the Oriyas who have been placed under four administrations this increasing association has been an impossibility. They have been tied to the tail end of each Province and as such the pulsation of the heart at the centre of administration fails to reach the extremities. They are as the Government of Bihar put it in their letter to the Financial Relations Committee a "distant adjunct" of all the Governments and as such relegated to negligence. Moreover it has served to create intermediary ruling races who dominate the Provinces and naturally all the benefits, that accrue from any Scheme of Reforms calculated to grant more power and privilege to the people, come to them. Hence the Oriya position has become more insecure and the fruits of reforms are practically denied to them. Their fate is no better than that of the Scheduled Districts classed as backward tracts.

Since the eighties of the last century the Oriyas have agitated and agitated for their unification under one administration. This was recognised by Commissioner Cook of Orissa in the Annual General Administration Report of Orissa in 1894–95. In their letter No. 3678 of 3rd December, 1903, the Government of India were "disposed to unite the whole of Oriya-speaking peoples, both hill and plain, under one Administration." Over 25 long years have passed,

during which great and momentous administrative changes were made and unmade, partitions were made and annulled, but the pious wish of the Government of India to unite Oriyas is still unfulfilled and their strenuous continual constitutional agitation goes unheeded.

In the great Indian body politic, the Oriyas emerge as a distinct factor. They have a history of their own and are distinguished from others psychologically and socially, ethnologically and linguistically, educationally and economically. The predominance of a vast majority of another race has in many instances tended to effect this distinctive feature of the race. Lord Crewe in his Durbar despatch of 1911 admitted this when he said "Orissa has long felt uneasiness at a possible loss of identity as a distinct community." But this lip-sympathetic recognition of the psychology of the Oriya people ultimately ended in getting them from the frying-pan to the fire by placing them under four administrations instead of three as before.

The Oriya's demand of his linguistic boundary is corroborated by Dr. Grierson in his Linguistic Survey of India. "The Orissa country is not confined to the division which now bears that name. It includes a portion of the district of Midnapore in the North, which together with a part of Balasore was the Orissa of the phrase "Bengal, Bihar and Orissa" met in the Regulations passed by the Government in the last decade of the 18th century. Oriya is also the language of most of the District of Singbhum belonging to the division of Chhotanagpur and of several neighbouring Native States which fall politically within the same division (some of which have lately been transferred to the Orissa States). In the West it is the language of Raipur in the Central Provinces and also of the number of Native States which lie between those Districts and Orissa proper. On the South it is the language of the North part of Madras, District of Ganjam with its connected Native States, and of the Jeypore Agency of Vizagapatam. It is thus spoken in three (*now in four*) Governments of British India, viz., in the Lower Provinces of Bengal, in the Central Provinces and in the Madras Presidency (and in Bihar and Orissa). "Sometimes the Oriya characters are frankly abandoned and the language is written in Bengalee character." The above statement is a clear proof of the loss of the identity of the Oriya race referred to above.

After two decades of strenuous and continuous constitutional agitation the Oriyas were fortunate in drawing the attention of the authors of the joint report during the Reform days in 1919 who recognised the claims of Orissa in the following terms:—

"In Orissa and Berar at all events it seems to us that the possibility of instituting Sub-Provinces need not be excluded from consideration at *a very early date*." Ten long and expectant years have passed, but the "*early date*" adumbrated by Montague and Chelmsford has not yet arrived, though the Orissa representatives have, since then, in the local and Imperial Legislatures, drawn the attention of the Government to the fact of uniting the Oriya-speaking tracts under one Government. The Government of India only moved so far as to institute a Commission of Enquiry (under Philip and Duff) into the Oriya tracts in the Madras Presidency, who sum up their enquiry thus: "There is a genuine, long standing and deep rooted desire on the part of the educated classes including the Oriya Zamindars and that wherever the Rayats have learnt something of the matter they are entirely in favour of Amalgamation."

That at least is a piece of "accumulated official evidence" and would have satisfied Mr. Montagu were he living to steer the administrative ship of India.

The authors of the Constitutional Reforms were impressed with "the artificial and often inconvenient character of existing administrative units" and were "convinced that the business of the Government would be simplified if administrative units were smaller and more homogeneous." All those just and weighty considerations were consigned by them to the limbo of impracticability under the weight of Reforms which they advocated. Further, they say that "division of territory which are not made in response to a popular demand is apt to provoke wide and deep-seated dissatisfaction." Is not the demand of the Oriyas for union a popular demand? Is not this uncouth combination of the Oriyas with people of other races and languages unnatural and unjust? Have not the Oriyas been "sacrificed without compunction" as Lord Curzon put it? It is a pity that the authors of the Reforms failed to do what they could have done by a stroke of their pen. Certainly the Oriya union would never have been imposed upon the people by official action. The Oriyas demanded it and they could have granted it if they meant to do justice. Instead of having recourse to a process which should have *preceded rather than followed* the Reforms in order that all peoples and races of India might have reaped its benefits, the authors left the matter to the Government of India which in July, 1917, has been depicted by the Right Honourable Mr. Montague as "too wooden, too iron, too inelastic and too ante-diluvian." Till now the case of Oriya union has been buried under red tape and it may continue there till Doomesday unless the Oriyas put themselves under better tutelage to learn the mode of agitation that tells.

Orissa has always been the pawn of experiments. Like a football she was kicked from one Province to the other and the people were never consulted. In uniting all Oriyas under one administration a consultation of the wishes of the people concerned is deemed necessary, but in putting the Oriya people under other races it was never dreamt of. Rather this vivisection of the Oriya people is explained away as a matter of historical accident over which the Government have no control and they cannot remedy it even if they so desire.

A separate administration for fifteen millions of people is not an unreasonable or childish demand. The only peg on which the authorities hang their arguments against, is finance. If the Government were determined to save the Oriya people, no financial difficulty would stand in the way. It never did in the case of the North-Western Frontier Province. It was never thought of in the case of Bihar. The North-Western Frontier Province does not meet its own finance. What vast sums of money were spent over the abandoned temporary capital at Ranchi and the new capital at Delhi? Were the people consulted then? Did financial considerations weigh with the authorities in these matters? Certainly not. "There is a Way where there is the Will."

But only in the case of Orissa, finance proved to be the stumbling block of the authorities. Recently our Intermediary Ruling Races in the All-Parties Conference, that met at Delhi and Bombay have also stumbled on the same financial rock. This mentality is the outcome of a notion of Standardised Provincial Government in all the Provinces of India. "Cut the coat in accordance with the cloth you have" is an old saying, inapplicable to the Indian Administration. The Government is not shaped to suit the Finance of the country, rather the people are required to supply money to feed the hobbies or prestige of administration. Belgium, Holland and Switzerland which in area and population though small carry on their efficient administration. They do not emulate England, Germany, France or Italy in matters of finance. Even in India there exist administrative units with much less population and area. The North-Western Frontier Province, Baluchistan, and Ajmere Marwara are instances. Their area, population and finance will not exceed that of the united Oriya Province. If the suggestion of Mr. Lionel Curtis be considered sound and healthy for the good and efficient Government of India, a number of small federated States on the line of the States of the United States of America will be necessary.

States formed on the basis of language and race are more homogeneous and so calculated to bring on peace and contentment to the various linguistic units forming the great Indian Nationality. The parable of body and the members should not be lost sight of. A weak unhealthy portion of India will neither contribute to the strength of the Indian Government nor facilitate the growth of Indian Nationalism which leaders of all shades of opinion so ardently desire. Unity and expansion of the diverse racial units of India can only contribute to the autonomous development of the United States of India or else democratic Swaraj will be an impossibility; and Swaraj, whatever be the connotation of the term, will mean a substitution of the brown bureaucrat in the place of the white one.

A sore in the extremity of a limb takes time to heal as circulation is feeblest towards the end and it is far removed from the heart. The human body affords a striking parallel to an administration. The disabilities and disadvantages due to distance have been summed up by the Government of Bihar in their letter to the Financial Relations Committee on May 29th, 1920. "The development of Bihar and Orissa was hampered in the past by its attachment to Bengal. That Province not unnaturally devoted a large part of its limited resources to develop in and near the capital city of Calcutta, while its distant adjuncts in Bihar and Orissa were neglected." What was true of Bihar and Orissa with Bengal is more true in the case of Orissa with Bihar. Calcutta, the capital city of Bengal—was only 250 miles from the seat of Orissa's capital, while Patna, the capital of Bihar is over 600 miles from Cuttack. Orissa the distant adjunct of the Province of Bihar "not unnaturally" suffers disadvantages and inattention due to distance by a greater degree than she suffered with Bengal. Hence we emphatically declare that the existing areas so far as the Oriya-speaking tracts are concerned are most unsuitable for Legislative and Administrative purposes.

The foregoing sentiments also find an echo in the Parliamentary Speech of Lord Curzon, the Author of the Partition of Bengal, where he made a prophecy the following terms:—

"Take the Orissans. No one has paused to think what they want. You could not know of your secrecy, because you consulted nobody in advance. They want the re-union of the Oriya-speaking people. They want to remain under Calcutta to which they have been attached so long. What is the good of Orissa being tied to the tail of Bihar, where there is no affinity of language or race, with which they have nothing in common and from which they are separated by a great belt of mountains and rivers over which we have never been able to carry a railway. *I venture to prophesy that this is a blunder that cannot remain permanent.* Were the Orissans an agitating people, which they are not, they would soon make their protest heard. As it is they have been sacrificed without compunction. The same might be said of Chhotanagpur, but I will not labour that point. The fact is, this new Province of yours on the West of Bengal is a bundle of odds and ends which you have thrown together because you did not know what else to do with them. In Bengal you have united Bengalees because they are all of the same race and language, but when you come to these other Provinces, you force into an unnatural union these people of different race and language."

Further an Ex-Minister of Bihar, Mr. M. S. Das, C.I.E., pointed out the Oriya disabilities to the Muddiman Committee in 1925 in most unequivocal terms. We place the whole text with the Bihar Government's comment thereon in Appendix A.

The history of the movement and various difficulties have been set forth at some length in the Book entitled "The Oriya Movement" which we submit herewith as Appendix B*. A rough outline of Franchise is appended in Appendix C. And the financial aspect of the new Province in Appendix D. Some authoritative opinions of those responsible for Indian Administration and Provincial non-Officials are given in Appendix E.

While submitting this rough outline we reserve a fuller observation on these subjects at a later date. Our demand is the same as we put forward before the Montagu and Chelmsford Commission.

For reasons stated above we most sincerely and emphatically demand that all the Oriya-speaking countries be placed under a separate administration or be placed under an administration where the Oriyas will find ample scope for their expansion, peace and contentment and will be propitious for the autonomical development of the Oriya people, so that the benefit of Political and Administrative concessions may not be interloped by an intermediary dominant sister race. We want bread, pray serve us not with stones.

Whatever be the criticisms levelled at the British Administrations by the Indians, their faith in the sense of justice of the British people is not fully shaken. We, on behalf of the Oriya people, approach the Members of the Commission with an unswerving faith in their sense of justice and hope that justice be done, if justice be due, to the Oriya grievance.

* Not printed.

APPENDIX A.

NOTE OF MR. MADHU SUDAN DAS, C.I.E., LATE MINISTER OF BIHAR AND ORISSA.

The reforms were introduced as a remedy to the political situation created by a foreign rule more than a century old. The peasants who form 99 per cent. of the population are ignorant. They do not understand economic principles underlying the administration. They know that their economic condition is growing from bad to worse. They trusted the high caste educated people and had been in the habit of being led by them. When the educated people were disaffected towards the ruling race disaffection permeated the whole social atmosphere. It became a simple race question, people did not stop to enquire into the relative merits of the existing system and the promised Swaraj. Race feeling is the overpowering passion. Race feeling is not directed to a particular race. Race feeling, as history shows, seeks to promote the interest of the race and it does not matter what race's interest clashes with the interest of the race which occupies a vantage ground. History shows that the Jews divided the population of the world into two classes, Jews and Gentiles. The Greeks divided the world's races into Greeks and Barbarians, the Hindus divided the world's population into Hindus and Mlechhas.

The population of this Province has two races, Biharis and Oriyas. A perusal of the reasons given in paragraph 20 of the despatch dated the 25th August 1911 will furnish sufficient justification for the Bihar feeling that Orissa has been tacked to the new province for the benefit of Biharees, as without tackling Orissa Bihar could not claim a Council Government being too small both in area and population.

Once a race is impregnated with the belief that the best interests of another race will be secured by the former's control of the administration, it is not possible to induce the more powerful race to give the inferior race an opportunity to develop a sense of responsibility.

This is illustrated by the strong objection of the British members of the various services to transfer the control of a subject to an Indian Minister. It is nothing but a race question.

It is not possible for an Oriya to hold the office of a Minister in the Bihar and Orissa Government. On account of the presence of the Oriya race, the Biharees will support any Bihari Minister. But if the province had only a single race there would be criticism against an incompetent Bihari Minister. Two dogs will fight over a bone but if while fighting for the bone they see

a jackal both the dogs would chase the jackal. The Biharees will not permit an Oriya even to retire honourably, and as Biharees form the majority in the Council His Excellency the Governor is not in a position to examine the situation with an eye to protect the weaker party's self-respect. The development of a sense of responsibility in Orissa under Bihari Minister is a travesty of the Reforms so far as Orissa is concerned.

These arguments must have weighed with the authors of Montagu-Chelmsford report when they suggested the formation of a sub-province of Orissa.

I beg to suggest that a separate Minister should be appointed for Orissa. He will have control over all transferred subjects. It may be necessary to have two Ministers for Bihar, if that is found necessary, an additional post should be created.

As regards the transferred subjects the Minister should be at liberty to select his Secretaries from the members of the services in the Province. All the members of the services do not relish the idea of serving under an Indian Minister. This is natural and I do not find fault with them. The services have been accustomed to see India from England. It is necessary now to see India from India. The standpoint of view makes a great difference. One may see in England the sun enveloped in a mist while the man in India sees his country flooded with sunshine.

Calcutta, M. S. DAS.
The 6th June 1924.

OPINION OF THE GOVERNMENT OF BIHAR AND ORISSA ON THE ABOVE NOTE.

Para. 21 Special Treatment for Orissa. Mr. M. S. Das (vide annexure 11) considers that Orissa should always have a special Minister of its own, apparently to be in charge of all transferred subjects in Orissa. The point does not arise in the present connection but section 52A (1) of the Act provides for placing part of a Governor's province under the administration of a Deputy Governor. It appears to be a question of administrative convenience and financial expediency rather than one connected with the general working of the Government of India Act.

APPENDIX C.

CONSTITUTION AND FRANCHISE OF THE PROPOSED PROVINCIAL GOVERNMENT OF ORISSA.

We sketch a rough outline of the future constitution of the Orissa province. The ultimate goal of the people is the same as of other peoples and provinces of India. A federated states of India with full Dominion status, with a central Government to control Army, defence and foreign relations, having power of advice to and supervision over the federated states on the lines of the United States of America.

The provincial Government of Orissa should be autonomous like other provinces. The legislature of the Government should be bicameral and the lower house should consist of 60 to 75 members while the upper house which may be styled "Senate," should consist of 15 to 20 members. For 100,000 individuals there should be a representative in the lower house and the Oriya-speaking country under British administration be divided into constituencies on a population basis, each constituency having an approximate population of 2 lacs and will elect two members for the lower house of the provincial legislature.

Franchise for the lower house shall be a graded one, based on property, income and literacy. The Franchise for the upper house should be based on income or property and will conform to the same standard as do the voters for the Council of State of the Central Legislature. Provision should be made for at least 15 elected members of the Upper House or Senate. There should be at least 5 nominated seats for non-officials in the Senate.

There should be an age limit for candidature to the Council and Senate—25 to 30 being the minimum age respectively. Candidates should comply with the electoral laws prevalent for the time being.

The electorate should be a joint one. There should be reservation of seats on the legislature for Mohammedans on population basis, there being one representative for each 50 thousand inhabitants. Special interests such as Land-holders, Industries and Labour and Depressed Classes should be provided for. In view of the importance of the landholders in the Province of Orissa 15 p.c. seats in the council should be reserved for them. The Mohammedans of Orissa insist on a separate electorate.

Financial Relations :—

A baby Province needs careful nursing and so there ought to be careful adjustments of revenue between the Central and Provincial Government of Orissa. In the case of Bihar, Assam and N.W.F. Province the Central Government contributed liberally until the Provinces could stand on their own legs. This can only be satisfactorily done by parting with certain sources of Imperial revenue to the Provincial Government. Our claim for the new Province to make it stand on her own legs is a sacrifice on the part of Central Government of the Income-tax, salt, export duties on certain goods to the Provincial Revenue. Our estimate of the Provincial Finance is based on that assumption. This demand has the support of the Taxation Enquiry Committee and various non-official legislators.

The Orissa Feudatory States which for over a century were governed by the Commissioner of Orissa are now under a Political Agent, under the Governor-General. In order that the Oriya speaking tracts both "hill and plain" should all remain under one Government we suggest that the Governor General should delegate all powers of supervision etc. to the Governor of Orissa.

The language of the legislature should be Oriya and English.

APPENDIX D.

REVENUE OF THE PROVINCE OF ORISSA.

We have already stated that the Central Government must allot minimum equitable share of revenue —specially when it will be a minor Province like Orissa or N.W.F.P. We have claimed the whole of Income Tax reducing the supertax, export duties on hide and leather and forest produces and salt revenue as Provincial revenue of Orissa. In the light of the foregoing remarks we give here the estimated revenue of greater Orissa which includes all the Oriya-speaking tracts at present lying in different provinces and we are satisfied that our revenue will be above two crores of rupees which in our opinion is quite sufficient for internal administration of Orissa.

These figures are based on figures culled from Departmental Administrative Reports.

Income of the present Division of Orissa in the year 1925 *and* 1926.

		Income.
(I)	Land Revenue	Rs. 30,53,628/-
(II)	Excise	Rs. 31,52,519/-
(III)	Stamps :—	
	(*a*) Judicial	Rs. 9,69,722
	(*b*) Non-Judicial ...	Rs. 2,41,708.
	(*c*) for Angul ...	Rs. 10,000
(IV)	Forests :—	
	Puri	Rs. 102,157
	Sambalpur	Rs. 180,207/-
	Angul...	Rs. 91,612
		Rs. 373,976

(V) Mines, Forest and Mis. Revenue (Provincial)			Rs. 61,238
(VI) Local cess, Roads and P.W. incomes :—			
Cuttack	...	...	Rs. 2,30,190
Puri ...	...	...	Rs. 1,13,404
Balasore	...	...	Rs. 1,12,679
			Rs. 456,282/-
Sambalpur (Figures are included in land Revenue Account).			
(VII) Jails :—			
Cuttack	...	...	Rs. 17,805/13 as.
Puri ...	...	...	Rs. 2,784/15 as.
Sambalpur	...	...	Rs. 2,783/3 as.
(VIII) Registration :—			
Cuttack	...	...	Rs. 85,533
Balasore	...	...	Rs. 43,412
Puri ...	...	...	Rs. 38,487
Angul...	...	...	Rs. 1,168
Sambalpur	...	...	Rs. 4,418
			Rs. 173,924

Total of Income (I)—(VIII) Rs. 85,15,470.

The land Rev. will undergo an increment of 25 to 30 p.c. after the present settlement in 1929 Rs. 10,00,000/-.

To this total must be added the income on other heads of revenue which may amount to Rs. 5,00,000/-.

From Orissa with Bihar and Orissa we get an annual Revenue of about one crore.

Income-tax and supertax in Ganjam as gathered from Mr. U. M. Sen's report Rs. 40,00,000/-.

Income from Ganjam as per Mr. Sen's report Rs. 38,00,000/-.

Income from other Oriya-speaking tracts, *e.g.*, the District of Singhbhum in Chotanagpur, nine thanas in Bengal, Khariar, Bastar, Padampur, Chandrapur and Malkhurda States etc. in C.P. approximately about Rs. 30,00,000/-.

We may fairly estimate a total revenue on all heads of Orissa to be two crores and twenty lacs.

When Assam was taken over from the Chief Commissioner to be a Governor's Province it had an income of one crore and 75 lacs.

As far as could be gathered from these incomplete figures finance won't stand in the way of creating Orissa a Governor's province just like Assam, if the Government of India and the British people desire to save from extinction a very ancient race, with history, literature, architecture and language of their own.

APPENDIX E.

OPINIONS OF PROMINENT OFFICIALS AND NON-OFFICIALS.

GOVERNMENT OF INDIA'S LETTER TO THE GOVERNMENT OF BENGAL, DATED 3RD DECEMBER 1903.

"On the grounds above stated the Government of India are disposed to unite the whole of the Oriya-speaking peoples, both hill and plain, under one administration, and to make that administration Bengal. In other words they would add to Orissa the Oriya-speaking tracts of Sambalpur (615,941 Oriya-speaking people out of a total population of 829,698) and its Feudatory States, the Ganjam District (with the possible exception of one Taluq in which Oriya is said not to be the prevalent language) and the Ganjam and Vizagapatam Agency Tracts. Such a scheme would solve the question of language once and for all. This change would relieve both the Central Provinces and Madras of a troublesome excrescence upon their administrative system; and it would result in handing over the Oriya problem to one Government alone, on a scale and with a unity that would admit of its being treated with consistency and efficiency."

LETTER OF LIEUTENANT GOVERNOR OF BENGAL TO THE GOVERNMENT OF INDIA, DATED THE 12TH SEPTEMBER 1904.

"Probably it may be admitted that geographically and ethnologically the Ganjam district and its Agency tract ought to have been under one administration with Orissa proper and with the Oriya-speaking tracts of the Central Provinces, the common bond being the identity of race and the longstanding connection of the Orissa district with the rural tracts of the hills. The ancient history of these tracts seems to indicate that this would have been the suitable arrangement."

THE HON'BLE MR. (NOW SIR HUGH) MCPHERSON, I.C.S., AS CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, WROTE TO GOVERNMENT OF INDIA (10th DECEMBER 1928).

"The politicians of Orissa concentrate their attention to the claims of Orissa to a separate provincial administration and to the union with the parent stock of all Oriya-speaking tracts which are now included in the adjacent Provinces."

SIR WILLIAM VINCENT, HOME MEMBER, GOVERNMENT OF INDIA, IMPERIAL LEGISLATIVE COUNCIL (1920).

"I am quite prepared, however, if I can secure the sanction of His Excellency in Council to this course, to have a full investigation of the facts, to ascertain the view of the Local Governments and prepare such materials for the use of the new Governments as may assist them in arriving at a just decision in this matter."

REPORT OF PHILIP-DUFF COMMISSION, 1924.

"There is a genuine, long-standing and deep-rooted desire on the part of the educated classes including the Oriya Zamindars and that whenever the rayots have learnt something of the matters, they are entirely in favour of amalgamation."

H.E. SIR HUGH MCPHERSON, ACTING GOVERNOR, BIHAR AND ORISSA, AT DARBAR CUTTACK, (APRIL 1925).

"Orissa sometimes grumbles about her neglect under the existing regime and calls herself the 'Cinderella' of the new province."

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"That consummation for which all good Oriyas aspire, a reunited Orissa with a University of its own as a first step towards the goal of being completely self-contained."

RAI BAHADUR DWARIKANATH (BIHAR AND ORISSA COUNCIL 1921).

"*Even if Orissa is lost to us,* I am prepared to say that it will not be fair for us to stand in the way of the aspirations of the people of Orissa. It matters little whether it is a gain or loss to us. Let us sympathise with their aspirations. Let us say distinctly that so far as we are concerned we wish them god-speed, we bless their aspirations and we have every sympathy for them."

THE LATE SIR SURENDRA NATH BANERJEE ON MR. SACHIDANANDA SINHA'S RESOLUTION.

In the Indian Legislative Assembly 1920.

"My friend has referred to the fact that the Oriyas are in a minority all over India, they are in a minority in Bengal, in Bihar, in the Central Provinces and in Madras. What does that mean? It implies that in all matters affecting their well-being the *representatives of the Oriya-speaking population have no determining voice,* and *evil is likely to be aggravated when the Reform Act comes into operation.* That seems to me to be an intolerable situation inconsistent with the self-respect of a growing and advancing community.

SIR B. N. SARMA.

(*Indian Legislative Council Debates*, 1920.)

"Sir, it is because I feel that the future safety and well being of the Oriya-speaking people would consist *in their having in time a province of their own and in* their not being included in Bihar and Orissa."

THE RAJAH OF KANIKA.

(*Indian Legislative Council Debates* 1920.)

"Their (Montagu and Chelmsford) conception of the eventual feature of India is a sisterhood of States, self-governing in all matters of purely local or provincial interests in some cases corresponding to the existing provinces, in others perhaps modified in area according to the character and economic interests of their people."

* * * * * * * * *

"Even Mr. Montagu in 1912 in the House of Commons said, that the question might be reconsidered at any time if accumulated evidence is forthcoming."

THE HON'BLE SIR GANESH DUTTA SINGH.

Bihar and Orissa Council 1921.

"If you want to be united, and if you say that some of them in Madras, some in Bengal, some in Bihar and some in Central Provinces and you want *they should be in one Province, there is no reason why any one should stand in your way.* As some of the speakers have said these are the days of self-determination and if you think that it is to your interest and you say you want to be placed in one province you would certainly have it. I think if any Government has a claim that all the Oriya-speaking people should be placed under it, it is the Bihar Government."

MR. SACHIDANANDA SINHA.

In Indian Legislative Council 1920.

"The proposal made by Sir Herbert Risley on behalf of the Government of India was that the Oriya-speaking tracts should be amalgamated and brought under one administration."

* * * * * * * * * *

"Orissa proper lies within the province of Bengal, and the people of Ganjam suffer in that they have been separated from their brethren; they are foundling children; alien from the more favoured, because better recognised Dravidian races; alien even in the origin to which their ancestry has been traced."

THE HON'BLE SIR DINSHAW E. WACHA.

Indian Legislative Council.

"Looking at it from a broad point of view and at the condition in which small nationalities are struggling all over the world to have independence of their own and from homogenous communities under a single territory, it might be better if the Government of India would consider, *perhaps a year or two hence, that nationalities like those of Orissa should be allowed to form a homogenous province of their own.*"

STRELING'S ACCOUNT OF ORISSA.

In the progress of migration and conquest the Oriya nation carried their name and language over vast extent of territory both on sea shore and on the hills including besides Orissa so-called, a portion of Bengal and Telengana. Occasionally the conquest of Gajapati princes extended into the more remote parts of Telengana and even to the Carnatic."

Criticism on NOTE by Rai Saheb U. N. SEN ON REVENUE AND EXPENDITURE OF GANJAM. (An Addendum to the Oriya Memorandum.)

INTRODUCTORY.

Before going to scrutinise the report of the Special Officer deputed by the Government of Bihar and Orissa to study the financial condition of the District of Ganjam, it is desirable to go into the question of what has been styled "Excluded area." The people of Ganjam never demanded the exclusion of Parlakimedi, Tikali, Sompette, Jeypur and Vizag agencies, neither did the Rajas of those places except Jeypur give an inkling of aversion to amalgamation. On the other hand, they unanimously demand it. The Phillip and Duff Commission Report rather says that even the non-Oriya section of the people of those places clearly indicate their desire to go along with the Zamindars to wherever they go. The Oriyas never demanded Chicacole and its exclusion is justifiable, but no reason could be assigned to the exclusion of the other three Taluks, Jeypur and Vizag agency against the wishes of the Rajas and people of those places. If the figures of these Taluks were properly gone into by the Financial Expert of the Bihar Government his financial statement should have assumed another colour and the imaginary deficit would have disappeared.

1. The report of the Special Officer deputed by the Government of Bihar and Orissa to study the financial condition of the district of Ganjam is almost the only official document of the subject available to the public. On the authority of that report it has now come to be regarded as an accepted fact that the district of Ganjam as a whole is run at a loss of six and a half lakhs of rupees and that the portion of it, excluding Chicacole, Parlakimedi, Somepeta and Tikali which have been treated in the report as excluded area is run at a loss of 11½ lakhs. A closer examination of the report suggests, however, that it should not be taken as a document of unassailable authority. The Special Officer's estimate of revenue is rigidly, perhaps unjustifiably low and is valuable in only so far as it shows that the revenue of the district cannot be less than his estimated figure of 3,863 thousands of rupees. His estimate of expenditure is unduly high, all sorts of possible expenditure which Government may have to undertake in the near or distant future or may not undertake at all, having been taken into account. The whole report reads as if he were a surveyor on behalf of an unwilling purchaser of a property who had instructions not to take any chance on the credit side and not to omit any item on the debit side.

2. However that be, it seems that there is a clear under-estimate in his assessment of revenue of land. To make the matter clear, the following table

CRITICISM ON NOTE ON REVENUE AND EXPENDITURE OF GANJAM. [*Continued.*

is taken from the Special Officer's note on land revenue :—

	Original (*i.e.*, figures supplied by Madras Govt.) (thousands of repees).	Revised calculations (*i.e.*, Mr. U. N. Sen's revised calculations) (thousands of rupees).
April, 1923, to June, 1923 (3 months) ...	1,987	367
July, 1923, to June, 1924 (1 year) ...	2,270	2,270
July, 1924, to June, 1925 (1 year) ...	2,505	2,505
July, 1925, to March 1926 (9 months)	2,149	2,149
Total ...	8,911	7,291
Deduct cess levied in Zamindari and inam lands for three years ending March, 1926	1,294	1,294
Deduct Raiyatiwari cesses for three years ending March, 1926	500	500
	7,117	5,497
Average for three years ending March, 1926	2,372	1,832

It will be seen that the average annual revenue of 2,372 thousands has been reduced by Mr. Sen to 1,832 thousands. He explains that there was an error in the figures originally supplied by the Madras Government for the three months—April, 1923 to June, 1923. Granted, but why should the revenue be 367 thousands against a gross annual revenue of 2,270 thousands in Fasli year 1333 (July, 1923, to June, 1924) and of Rs. 2,505 thousands in Fasil year 1333 (July, 1824, to June, 1925)? Does 367 represent the net revenue instead of gross revenue? In Ganjam revenue is paid in four kists against two kists in Orissa. We should therefore take a quarter revenue paid into treasury which Mr. Sen does not appear to have done. Again, if we take the average of the actual revenues of the two years 1333 and 1334, the annual average comes to 2,388 and one-fourth of that representing three months' income comes to 597. And if we take actual figures for nine months of the year, 1925–26, an approximate revenue of three months will amount to Rs. 716 thousands Taking the average between the lowest and the highest figures (497 and 716 respectively) the average comes to 606. It is not clear from Mr. Sen's report that 1,987 represents the actual figure for the whole Fasli year 1332, but supposing it were so, a quarter's revenue should be 497 thousands (gross revenue) and not 367 thousands, as assumed by Mr. Sen. Again from the three years' gross revenue of 8,911 as estimated by Madras Government and of 7,291 thousands as revised by Mr. Sen a deduction of 1,794 thousands has been made by Mr. Sen on account of cess payable to the District Board. In Orissa cess is assessed separately from land revenue, but in Ganjam it forms an integral part of land revenue, though the revenue from cess is paid to the District Board as in Orissa. Therefore any mistake in calculating gross revenue produces a similar mistake in the amount of cess revenue. As Mr. Sen reduced the gross revenue by 16½ lakhs he should, for the purpose of deduction, have reduced the cess revenue proportionately. He has not done this, with the result that the net land revenue has unduly been under-estimated. Cess revenue in the original estimate was about 20 per cent. of the gross land revenue, so that after necessary corrections, Government's share of the average annual land revenue stands as below :—

	Mr. Sen's revised estimate.	Correct revised estimate.
Gross revenue in three years ...	7,291	7,531 [7,291+(606—367)]
Deduct cess ...	1,794 (Madras Govt. figures)	1,506 (20 per cent. of 7,530)
Net revenue in three years ...	5,497	6,024
Annual average	1,832	2,008

The revenue of the district as a whole thus comes to (as calculated by Mr. Sen) 3,863

Add for mistake as above ... 176 (2,008—1,832)

Total 4,039

This reduces the deficit in the district as a whole from 651 thousands to 475 thousands or, say, from 6½ lakhs to less than 4¾ lakhs.

3. There is a very strong presumption of another unconscious fallacy at the end of his report (Para. 46 of Mr. Sen's Report). Mr. Sen's calculations of revenue are not based on the recommendations of Phillip and Duff Commission inasmuch as they recommend the inclusion of Parlakimedi, Tikali and Somepeta in Orissa. Mr. Sen has calculated the revenue and expenditure of what may, for want of a better description, be called the predominantly Oriya speaking tracts of the district as follows :—

	Revenue in thousands.	Expenditure.	Surplus (+) or deficit(—)
For the whole district ...	3,863	4,514	—651
Deduct amount for the excluded area	1,357	872	+485
Net for predominantly Oriys speaking tracts ...	2,506	3,642	—1,136

A glance at the above statement will show that though the district as a whole is in deficit to the tune of 6½ lakhs, yet that portion of it which is treated as an excluded area has, according to Mr. Sen, a surplus revenue of 485 thousands. To the ordinary mind this is an inconceivable situation. How does it happen that only that portion of the district which it is desired to transfer to Orissa is maintained at a loss? The answer is suggested by Mr. Sen himself. He subjected the revenue of the district to a severe scrutiny but in respect of the excluded area he accepted the untested figures supplied by Madras. (Para. 46(2) of Mr. Sen's Report.) For instance—

(1) He made a deduction of 540 a year under land revenue in the district as a whole (para. 7 of Report, *see* under V—Land Revenue) but made no corresponding reduction for the excluded area. Assuming that the land revenue of the excluded area is one-fourth of the total revenue, a deduction of 135 should have been made on this account, as below :—

	Rs.
Deduction in three years' revenue	1,620
Annual average	540
One-fourth of above	135

(2) He did not allow reduction in revenue to be made for the excluded area on account of cost price of opium—*see* para. 8 of his report.

Opium is purchased from the Government of India, the cost of this was 157 thousands for the Ganjam district in 1925–26. This is shown as an expenditure in the accounts of treasury, but not in the accounts of sub-treasuries. Opium

is issued to licence-holders both from treasuries and sub-treasuries at about double the cost price. Therefore double the cost price is shown as the revenue of a sub-treasury or a treasury and the net revenue should be an amount equal to the cost price. In the case of the district as a whole, Mr. Sen has taken the net revenue only, but in the case of the excluded area he must necessarily have taken the gross revenue. It is not possible to say what the net revenue in the excluded area should be, but it may be taken as about one-fourth of 157, *i.e.*, 39 thousands.

(3) Again under XIII.—Irrigation, Madras Government had shown no revenue, but in Mr. Sen's report a deficit of 90 thousands was entered, of which, according to para. 14(*b*)(2) of his report, the Ganjam Minor River System in Chicacole is responsible for 30 thousands. This 30 thousands at least should have been deducted from the figure 1,357 which he regards as the revenue of the excluded area.

(4) On the expenditure side he added a sum of 37 thousands under "Stationery and Printing" to the expenditure of the district, but could not have allowed proportionate increase in the expenditure of the excluded area, as his figure is taken from the sub-treasuries which do not include indirect expenditure like this. Moreover in calculating the expenditure of the excluded area he has taken the accounts of 1925–26 only, but in working out the expenditure of the district he has taken the highest possible figure. Thus the revenue of the excluded area should not have been taken at more than 1,357−(135+39+30)=1,153 and its expenditure should not have been less than 891. Thus according to his own methods of calculations and allowing for obvious mistakes the deficit in the predominantly Oriya speaking tracts works out to

	Rs.
District revenue	4,087
Deduct revenue of excluded area	1,153
Revenue of the "predominantly Oriya speaking tracts" ...	2,934
District expenditure	4,514
Deduct expenditure of excluded area	891
Expenditure of predominantly Oriya tracts	3,623
Deficit in ditto	689

against 11¼ lakhs reported by Mr. Sen.

4. There must have been other mistakes which cannot be readily detected by the unpractised eye. We have not the advantage, which Mr. Sen had, of having recourse to all the records of Government, of advice of experts like the Accountant-General, Board of Revenue, and Finance Department of Madras. Our conclusions are based on the statistics and details given by Mr. Sen himself. In my opinion, even if we assume that the deficit is not shared by excluded area, there is no reason to suppose that that area alone is surplus to the extent of 485 thousands. The utmost that can be conceded is that revenue and expenditure balance in the excluded area. There can be no doubt that the assumed deficit of 11¼ lakhs is greatly exaggerated.

5. What has been stated above is a mere restatement of conclusions reached by Mr. Sen, allowing for obvious mistakes. It does not mean that his conclusions are accepted. He has in fact dealt with the subject from a view-point which was really a financial survey on behalf of a Government unwilling to take over charge of the district. He has reported not on the question whether Ganjam *is* paying its way but whether Ganjam *will* pay its way after adopting for the district the best standards of administration both under the Madras and the Bihar systems. We shall illustrate our point in the following paras. by examining the standard of expenditure recommended by Mr. Sen under some of the heads:—

6. *8 and 8A. Forest.*—Mr. Sen worked out the probable expenditure in 1926–27 to be 199 thousands to which he added 28 thousands on account of the Saw Mills of Russelkunda, thus giving a total of 227 thousands rounded to 230 thousands (Para. 12 of Mr. Sen's Report.) Now this loss of 28 thousands on the Russelkunda Saw Mills is not a real loss but a fictitious one. The Saw Mills at Russelkunda worth more than four lakhs of rupees were completed in 1921–22. It appears that the capital had been financed from ordinary revenues and no interest had actually to be paid to any one, but in 1924–25 either because the accounts were commercialised or because there was some change in the system of keeping Government accounts, the capital invested in the Mills appears to have been treated as a part of the loan fund. Whether the Madras Government actually borrowed money in 1924–25 to finance its ordinary revenues is not clear. In their reply to a question put in the Madras Legislative Council on 8.9.1928 by Sriman Biswanath Das Mahasaya, M.L.C., the Government of Madras published a copy of the statistics furnished to the Government of Bihar and Orissa regarding the revenue and expenditure of Ganjam. They have specifically mentioned therein that interest has to be paid to the Government of India on capital sunk in the Rusikula Irrigation System, but they make no reference there to the payment of interest to the Government of India on account of the Saw Mills. The presumption therefore is that the money spent or advanced was found from the Provincial Exchequer and no interest is paid thereon. There is therefore no reason why this interest should be taken into account in examining the financial condition of the district, it being merely a paper transaction like emptying one pocket to fill another. We may assume, however, that interest has to be paid, say to Government of India. What we wish to emphasise is that under the commercial system of accounts, in spite of a depreciation fund of Rs. 15,000 having been opened out, of which nothing has been spent so far, a sum not less than Rs. 20,000 is debited to the accounts of the Mill, year by year, as depreciation of buildings, machinery, etc. This amount has certainly not to be paid to any one and its omission would mean a corresponding profit of over Rs. 20,000. This including a profit of about 8, which the Mill is latterly making, would exactly cover interest. For the purpose of calculating the finances of the district what is required is to find out the direct receipts from and expenditure on the Mill, allowing for interest and not commercial profit and loss. We cannot quote the direct receipts and expenditure, but from what we can make out from the balance sheet there is no actual loss on the Mill. The expenditure under Forest should therefore be taken at most to be as 199 thousands and not as 230 thousands. It may be noted that taking the expenditure in March to be $\frac{20+27}{2}=23\frac{1}{2}$ or 24, the average expenditure in three years figures given by Mr. Sen works out to $\frac{175+158+(172+24)}{3}=529$ or say 176. As the Forest Department generally works on a profit, an income of 178 and expenditure of 176 is more probable and should be taken as the standard.

May we point out here that if the excluded areas are not transferred to Orissa it may not be necessary to maintain a Divisional Forest Officer at Ganjam in addition to a second Imperial Service Officer at Russelkunda and the Provincial Service Officers at Berhampur. Cannot the Divisional Forest Officer, Khurda, add Ganjam to his charge? This is a point which Mr. Sen has not examined.

7. 5. *Land Revenue and* 22. *General Administration.*—As there are no Divisional Commissioners in Madras, senior officers are probably placed in outlying tracts as Collectors, but even so an officer on the maximum pay of Rs. 2,500 cannot always be placed in charge of the district. (Paras. 18 and 19 of the Report.) Mr. Sen should have based his calculation on average pay instead of on the highest possible actual expenditure. He has also exaggerated expenditure in other respects. For example, under Works expenditure actuals in 1925–26 were 50, and probable in 1926–27 was 68, but Mr. Sen adopted 75 without any reason whatsoever. The average expenditure was worked out to 964 in the Collector's Office. Mr. Sen raises it to 1,035 which was the probable actual at the time he collected the figures. 1,000 which is the mean between Mr. Sen's and the Collectorate figures would be a fair average.

8. *Stamps* 17 *and* 24. *Administration of Justice.*—No allowance has been made on the revenue side for court fees payable in suits in the Madras High Court. It is also doubtful whether with a reduced area there will be sufficient work for a District Judge at Berhampur. The Judge may take up one Orissa district and by process of adjustment the revenues of Bihar and Orissa are likely to be proportionately relieved of some expenditure on Additional Judges.

9. 31. *Education.*—Under Education, Mr. Sen found that the expenditure in 1925–26 under Grant-in-aid and in 1926–27 under Establishment was 780 a year. (Para. 26 of Mr. Sen's Report.) He, however, rejected this and took the actuals of 1926–27. He found that 713 had been spent up to February, 1927, in 11 months and adding to it 133 which is the maximum in March during three years as the probable expenditure in March, 1927, arrived at the annual expenditure of 846. To this higher figure he has again added another 20 on account of two new schemes costing 20 in all. We are not informed when effect will be given to these or whether they have been finally approved nor do we know whether these will benefit the district only or any larger area. It is doubtful whether this sum of 20 thousands should be taken into account, when the expenditure was not being incurred at the moment. We may omit these for the present. Mr. Sen's apprehensions about the Ganjam students going to Madras and consequent contributions is fictitious. It is rather strange that Mr. Sen jumps from Madras to Patna, without taking any note of a first Grade College at Cuttack, where at present the Oriyas of Ganjam do not find place, as they are treated as aliens of another Province, though domiciles of this Province find an easy berth in the College.

10. *Medical* 32.—Here again it is doubtful whether the additional 30 for dispensaries is justifiable. It should therefore be omitted from present calculations as expenditure is not incurred at present.

11. 41. *Civil Works.*—It is here that the capacity of the Financial Expert to bend statistics to his will has been given the full play. (Para. 37 of Mr. Sen's Report.) Mr. Sen got 277 "as more or less normal" annual Civil Expenditure under this head. To this he added 75 as Public Works Expenditure thus making a total of 352. This did not, however, satisfy him. He must look forward and allow "something" for the programme of work to be carried out in the "near" future. The "something" turns out to be 45 lakhs and the "near future" to be 18 years, seeing that he has recommended an additional expenditure of 2¼ lakhs a year. Taking his projects one by one, there was a programme of 701 to be completed by 1931–32 for which 178 was required in 1927–28. If Madras have not put it off on the ground of uncertainty as to whether Ganjam will pass out of their hands, in which case the Government of Bihar and Orissa can put it off on the ground of financial stringency, this programme will have been completed by the time Ganjam is transferred to Orissa. Secondly, regarding the model village for Government officials, and thirdly, regarding a group of projects, costing about 16 lakhs, it is not stated if there is any need for hurry over the matter. Then the Collector's Office and the Taluk Office, which if urgent, Madras Government will have completed them before the amalgamation is effected. Then the police programme of about 15 thousands a year, and lastly, a group of projects for which Government may have to find funds. I ask, if the proposals of the Road Development Committee go through, will not Ganjam get a share of the additional revenue? The fact is Mr. Sen was peeping into the gloomy future without turning his eye towards anything bright, so much so that he forgot to take into account the amount which is already spent in Civil Works. Though expenditure on roads and buildings and bridges is continuous, the completion of a project means the liberation of money for taking up another. He has given a full list of projects which may have to be taken up during the next two decades and he says that about 2½ lakhs will be required for these annually. Now what is the difficulty in financing these from the grant of 191 to local bodies and 75 which is spent directly by Government or how will this 191 and 75 be utilised, if 2½ lakhs are required for all the future programmes. The fact seems to be that he prepared a big list of projects and got frightened into thinking that these required additional funds, forgetting that he had already included 268 thousands in the normal expenditure which would be available for these purposes. Let us examine this from another standpoint. The total provision in Bihar and Orissa under Civil Works excluding Angul is 7,382 in 1928–29 which works out on average to 369 thousands per district. If the Government of Bihar and Orissa are spending 369 annually in districts already under their charge what reason is there to say that they will spend double that sum in a district which is newly transferred to them. Is Madras Government neglecting Ganjam? Are there no cracked buildings in Bihar and Orissa? Are roads fully provided? Every river bridged? Either say the Government of Madras is inefficient and neglectful or say you are deliberately setting up a financial scare to put off the heart's desire of a dismembered and downtrodden race. It may be pointed out, however, that the Executive Engineer of Ganjam will probably be able to take over Puri district and part of Cuttack, thus enabling the Executive Engineer, Cuttack, to take over Angul. The pay of the District Engineer, Angul, will thus be saved. It is most unjustifiable to add 2½ lakhs to the standard recurring expenditure, which should be omitted altogether.

12. Allowing for these corrections as suggested above, the revenue and expenditure account stand as follows :—

		Rs.
Revenue of district as worked out by Mr. Sen		3,863
Add for mistakes under land revenue		176
Total		4,039
Expenditure as calculated by Mr. Sen		4,514
Deduct :—		
	Rs.	
8 and 8A—Forests	54	
Land Revenue and General Administration	35	
Education	20	
Medical	30	
41. Civil Works	248	
		387
Standard Expenditure		4,127
Net deficit ...		88

The deficit of the district as a whole thus works out to 88 thousands. If we suppose that it is distributed evenly between the excluded and the other areas the amount will be reduced still further.

As against this there is every possibility of savings in existing establishment under Forest, Judicial and 41—Civil Works by redistribution of charges. On the whole it may be said that though Ganjam may not be a paying district from the financial standpoint there is not going to be any serious loss over it. British India as a whole is paying its way. The provinces somehow manage to maintain themselves decently. The average districts must be contributing their quota to the general revenues and there is no reason to suppose that Ganjam will be the only exception of a deficit district. Mr. Sen applied a most rigid and parsimonious scrutiny to income and was as liberal as possible with expenditure. It is no wonder that a deficit of nearly 35 per cent. or half the revenue was declared by him.

THE FALLACY OF A DEFICIT:—A Reply to Mr. U. N. SEN, Financial Expert of Bihar and Orissa, on The Revenue and Expenditure of Ganjam, by Biswanath Das, B.L., M.L.C., Ganjam.

A REPLY TO MR. U. N. SEN.

Mr. U. N. Sen was deputed by the Bihar and Orissa Government in March 1927 to make further enquiries on the figures furnished by the Madras Government regarding the revenue and expenditure of Oriya-speaking tracts. The present Ganjam District with the Agency Division consists of 15 Taluqs and Sub-Taluqs. They are :—

1. The Agency Division.
   - I. Balliguda.
   - II. Udaygiri.
   - III. Ramagiri Udaygiri.
2. The Ghumsur Division.
   - I. Ghumsur.
   - II. Aska.
   - III. Surada.
3. The Chhatrapore Division.
   - I. Chhatrapore.
   - II. Kodala.
4. Berhampore Division.
   - I. Berhampore.
   - II. Ichhapore.
   - III. Sompetta.
5. Chicacole Division.
   - I. Chicacole.
   - II. Narassannapetta.
   - III. Tekkali.
   - IV. Parlakhemundi.

The Agency Division covers 3,500 sq. miles while Ganjam District 4,798 sq. miles with a population of 18,35,562. Mr. Sen's report not only forgets to include the Jeypore Agency extending over 12,000 sq. miles with a population over 10,10,000 with a preponderating element but also excludes the revenue taluqs and sub-taluqs of Chicacole, Narasannapetta, Tekkali, Parlakhemundi and Sompetta with a population of about 7½ lakhs extending over an area of 1,800 sq. miles. It is not the purpose of this rejoinder to commend or condemn this exclusion but only to show that neither Treasury figures nor his standard figures are based on a correct understanding of facts.

His Figures.—Some of his figures are based on a comparison of the Treasury accounts, books of Accountant General's office and figures supplied for the preparation of Administration Report. There is therefore little to question the accuracy of certain items of income of Ganjam District for the three years of 1923–24 to 1925–26 given in Appendix A. Nor have we very much to say against the average of these three years. He then suggests his standard figures which are not only incorrect but are also misleading. To illustrate the point, the average receipts of the District as per Treasury accounts is Rs. 45.84 lakhs while the average expenditure comes to Rs. 37.81 lakhs. Brushing aside the surplus by a curious process of jugglery he arrives at the conclusion that Ganjam is a deficit district and that this deficit may come to Rs. 11.36 lakhs. It is the purpose of this rejoinder to show that Ganjam has never been a deficit district, that the Treasury accounts are correct but are inaccurately noted by Mr. Sen and that these 9 Taluqs taken by themselves have always a plus balance.

Before I begin my observations I wish to present the reader an account of the incomes of the Province as a whole during these three years :—

1923–24	16.47	Crores.
1924–25	16.27	,,
1925–26	16.41	,,

It is seen that the year 1924–25 was the worst year on record for the reason that there were severe floods in the North-East Coast called the Circars and the West Coast of the Presidency causing breaches of irrigation works and crop failures. I quote the following from the report on settlement of the Land Revenue for Fasli 1333 dated 29th April 1925 from the last page reviewed by the Government.

"There was exceptionally heavy rainfall during both the monsoons in certain areas which caused local floods in Malabar, the Northen Circas and Tinnevelly * * *" "Relief operations under the famine code were conducted in parts of Ganjam, Bellary and Anantapore. Remissions were granted to the extent of Rs. 24.04 lakhs as against Rs. 8.21 lakhs in the previous fasli." This clearly shows that the cyclone of November 1923–24 had its after-effects in the year 1924–25. The receipts under one and Revenue had necessarily to be reduced owing to the heavy remissions which government had to give as the result of cyclone. The actuals of these three years therefore represent the minimum receipts. On the other hand heavy expenditure had to be incurred in repairing breaches of irrigation works, in appointing special staff to estimate remission and also loans under the Agriculturists' Loan Act and the Land Improvement Loans Act. The relief operations noted above combined with cyclonic repairs have also increased the spending capacity of the Public Works Department. The Treasury Accounts of revenue and expenditure of these three years are not therefore a safe guide for the normal receipts not even for the normal expenditure. Being ignorant of these conditions Mr. Sen arbitrarily enhances his standard figures of expenditure to the highest pitch. Thus under Civil Works (P.W.D.) his average treasury actuals come to Rs. 2.75 lakhs in forests, he suggests a standard of 2.30 lakhs without giving any treasury figures.

His calculations of the expenditure for these five Taluqs proposed to be excluded are equally defective. These figures leave out of account the proportionate share of expenditure incurred in the shape of pay, establishment, contingencies etc., both of office and of officers of every Head of Administration in the District. Not content with all these omissions he cuts down the receipts of the District. The receipts under Land and Revenue as per Treasury account of these three years have on the average been shown as Rs. 23.72 lakhs. The figures given in reply to my interpellation No. 448 dated 7–9–28 correspond to

this amount. But Mr. Sen would not agree to anything less than Rs. 18.32 lakhs as his standard figure. With these general observations I invite the reader to a discussion of the item.

REVENUE OF GANJAM DISTRICT.

Income Tax.—I proceed to deal with certain important items of Mr. Sen's account given in Appendix 1 and 2. His first item is tax on income. This is an imperial source from which the Madras Government only gets a share as provided in the Devolution Rules. Mr. Sen does not give us the average receipts under this head of the last three years though he was furnished with these figures by the Madras Government. In reply to my interpellation answered in the September sitting of this year the total revenue of these three years has been stated to be Rs. 6,41,368. Thus the annual average comes to Rs. 2,14,000 in round figures which is much more than the income for 1920–21. The total for Tekkali, Sompetta, Parlakhemundi and Chicacole Taluqs has been stated to be Rs. 63,000 in round figures. The assessed income under Devolution Rule 15 now exceeds Rs. 50 lakhs. The income under this head may safely therefore be fixed at Rs. 15 thousands.

Land Revenue.—The income under this head includes Peshcush, Jodi revenue from village service, both proprietary and ryotwari, sale proceeds of waste lands and land revenue including ryotwari, miscellaneous, etc. The average receipts of three years under the head have been correctly stated by U. N. Sen in his Appendix 1 as Rs. 23·72 lakhs. This agrees with the figures furnished by the government of Madras to my interpellation quoted above while Mr. Sen suggests Rs. 18.32 lakhs as his standard.

In explaining the difference he speaks of certain wrong calculations, *i.e.*, Rs. 19·87 lakhs being noted in place of 3¾ lakhs. He then furnishes certain tables in proof of his above statements which is confusion worse confounded. The statements instead of showing the final March Treasury actuals for each of these three years speak of treasury accounts of April 23 to June 1923, July 23 to June 1924, July 1924 to June 25 and lastly July 25 to March 1926. One fails to see how this roundabout course goes to disapprove the accuracy of the treasury actuals furnished by the Government of Madras to the Government of Bihar and Orissa and to me in reply to an interpellation.

Again in reply to my interpellation dated 13–2–26 Madras Government stated that the land revenue and the peshcush from the District of Ganjam alone for 1921–22 amount to Rs. 17·52 lakhs and for 1922–23 Rs. 17·70 lakhs. These sums do not include the incomes under the head of Land Revenue of the three Taluqs of the Agency Division, as also revenues of some of the minor sub-heads of Ganjam District classed under Land Revenue. A further proof of the inaccuracy of the figures in his last statement (details) is seen from the fact that Rs. 4.08 lakhs have been wrongly noted as against Rs. 5.14 lakhs under the head of peshcush in permanently settled areas (*vide* Administration Report—Land Revenue for 1926–27). Similarly under the head of Ryotwari and miscellaneous for the same year Rs. 12.51 lakhs is wrongly noted for Rs. 13.65 lakhs while the collection for 1926–27 according to statement No. 10 of Settlement of Land Revenue administration is Rs. 14.10 lakhs. Added to these a number of small items such as incomes of cattle compounds. Agency toll-gates receipts' process fees and many similar items with tens of thousands of rupees have been left out of account. All these carry an undoubted inference that no case has been made out to reject the Treasury figures of the Madras Government.

Again in the same table (details) an average deduction of more than 5 lakhs a year (in place of Rs. 3.6 lakhs) is shown annually as advance given to Local Bodies for Land Cess. If actual dues from land cess in place of these heavy advances are deducted from the total income Land Revenue, the income of the Ganjam District under this head ranges from 20 to 21 lakhs of rupees. Looked therefore from any point of view the tables of Mr. Sen are misleading and inaccurate. I have already stated that the year 1923–24 started with an apprehension of famine and closed with cyclone. Government reports are quoted how the province was given a remission of 24 lakhs as against 8 lakhs a year as remission and how loans to agriculturists were freely given with special staff from which Ganjam had her due share. Thus the three years taken by Mr. Sen had not only the minimum income from land revenue but also the maximum expenditure by way of remission, etc., as also repairs to breaches, irrigation works, etc.

Forests.—Neither the income nor the expenditure under this seems to have been properly estimated while the incomes are cut down the expenditure is unnecessarily over-estimated. Thus in the administration report of 1924–25 the income is shown as Rs. 2·35 lakhs and in 1926–27 as Rs. 2·16 lakhs. Mr. Sen states that the income of 1924–25 is abnormal as they include moneys realised from the commercial undertaking of the previous year. The amount under question is Rs. 46.6 thousand, recoveries from government commercial undertakings. We are not told how much of this represents sales of the previous year and there is nothing to believe why this unprofitable sawmill, kept under the system of commercial audit, keeps in arrears such a big sum of money. In the revenue account of 1924–25 Rs. 94,000 and of 1926–27 Rs. 99,354 (at page 124 of Part I) is shown in the administration report as the annual sale of timber through Government agency to the sawmill. The audit reports clearly show that the Government was supplying logs to the mill at a flat rate of 2½ annas and 4 annas when the actual price of rejected logs was ranging between 6 annas to 8 per cubic foot. It is therefore expected that the income under this sub-head from all kinds of logs would at least double itself. The mill has now been closed from 1st July 1928. This reduces the spending capacity of the forest department in the district as also the investment of sums like Rs. 25 thousands during the year 1924–25 or a loss of Rs. 97 thousands in 1926–27 on its sawmill. Items like the expenditure on roads, buildings and conservancy exceeding Rs. 10 thousands may not be found necessary, while establishment, travelling allowance and contingencies of officers will have to be reduced. In reply to my interpellation answered on 8th September 1928 Government stated that the pay of all officers, establishment allowances, travelling allowance and contingencies amount to Rs. 1.05 lakhs while the Administration Report for 1926–27 fixed them at Rs. 1,00,473. Like other districts the formation of Forest Panchayats in Ganjam will further reduce this expenditure leaving aside Rs. 50,000 for protection, improvement of forests, conservancy and works which approximates the administration reports, we may safely fix the expenditure under this head at Rs. 1½ lakhs and income at Rs. 2½ lakhs.

Registration.—The income is progressive (*i.e.* Rs. 98 thousands in 1927). The registration fee alone is brought to its old level from April 1928. Its average income may therefore be kept at Rs. 80 cutting down the gross by about Rs. 20 and the expenditure at Rs. 60 thousands.

Excise.—The income under this head has been correctly stated in the Treasury actuals of 1923–24 and 1924–25 as Rs. 12·25 and Rs. 11·52 lakhs. In reply to my interpellation of 13th February 1926 Government furnished Rs. 11·45, 12·04, 11·53. There was a great fall in the Excise Revenues of the Madras Government in these years and specially in 1921–22 due to Non-co-operation. Since then the revenue under this head shows a steady increase as may be seen from these figures—

Accounts of	1922–23	...	Rs. 4·88	Crores.
,,	1926–27	...	Rs. 5·10	,,
Revised estimate	1927–28	...	Rs. 5·20	,,
Budget estimate	1928–29	...	Rs. 5·24	,,

These figures clearly prove that there has been a progressive rise in this revenue. No case is therefore made out why the revenue for 1925–26 should be Rs. 11·01 lakhs. These figures for 1924–25 quoted by Mr. Sen as Rs. 11·52 lakhs do not seem to be accurate as the government's reply to my interpellation quoted above fixes the same at Rs. 11,53 lakhs. I must confess that I could not get the necessary information on this head for want of time. There is nothing in the administration report or in any budget memoranda of any year showing such heavy fall in the excise revenue from Ganjam. While disputing the accuracy of income for 1925–26 I fail to see why Mr. Sen should further reduce this average by Rs. 34 thousands. No reason has been shown why the expenditure should exceed the average of the two years shown in the account. I therefore accept the average of the treasury actuals of Rs. 11.59 lakhs for the time being as correct as also the average expenditure of Rs. 75 thousands.

Medical.—The expenditure under this head on the average is 1.01 lakhs, while the suggested standard is Rs. 1.34 lakhs. At page 112 of the Administration Report of the Department for 1926 Government contribution under all heads in the District and the Ganjam Agency amount to Rs. 60.2 thousands. This excludes the pay of the District Medical Officer, his office and establishment as also the contribution for a few rural dispensaries started after the said administration report with an annual contribution of Rs. 500 each. I therefore suggest Rs. 1.10 lakhs as the maximum standard figure for the purpose.

LAND REVENUE AND GENERAL ADMINISTRATION.

There seems to be a lot of miscalculation under this head. Mr. Sen thus summarises his result (in thousands) :—

(*a*) Collectors and Magistrates in the District, including establishment	Rs.	89
(*b*) Treasury establishment ...	Rs.	30
(*c*) Sub-Divisional Magistrates, their establishment, allowances and contingencies, etc.	Rs.	104
(*d*) Taluq establishment ...	Rs.	192
(*e*) Village establishment ...	Rs.	471
(*f*) Process serving	Rs.	9
(*g*) Works Expenditure ...	Rs.	75
(*h*) Audit and Travelling Allowance of M. L. Cs. ...	Rs.	11
	Rs.	981 a year

A reading of this reveals the fact that (*a*) and (*c*) are mere repetitions, since both these include the pay of the four Sub-Divisional Officers drawing Rs. 39 thousands a year. The expenditure under this head does not include the retrenchment of village establishment effected after 1926 and reduction of establishment in the District after the separation of Salt and Income Tax. The sum of Rs. 9.81 lakhs representing all expenditure was not then drawn in the treasury accounts of those years. The reply to my interpellation answered on the 8th Sept., 1928, shows an expenditure of Rs. 1.24 lakhs, while budget estimate for the year 1927–28 under the head amounts to Rs. 9.30 lakhs. Taking the treasury actuals of any of these three years on reply to my interpellation to my budget estimate for 1927–28, we get less than the standard figures suggested only under general administration. In any calculation the expenditure on both these items does not exceed Rs. 9.64 lakhs.

IRRIGATION.

There are three irrigation systems in the District *i.e.*, the Rushikulya, Nagavali and the Ganjam minor irrigation system, including the rivers of Langulya and Vamsadhara. Besides these there are 2,460 irrigation tanks in charge of revenue and P.W.D. Officers, who also look after buildings and roads in the agency tracts. Under the 3 heads, *i.e.*, XIII, XIV and XVI Irrigation, he estimates the revenue at Rs. 118 lakhs. The revenue derived from these irrigation works have not therefore been properly noted. In reply to my interpellations on the 13th February, 1926, at page 570 of the Madras Council Proceedings, the Government state that the revenue under Irrigation in Ganjam District amounts to 6.15 and 6.13 lakhs respectively for the years 1921-22 and 1922-23. Table 8-A at 93 and 94 from the Administration Report, Part II, on Irrigation for 1926-27, confirms the above figures.

VIII–A.

I. Extract from page 93 and 94 of the Administration Report, Part II, Irrigation for 1926–27 :—

———	Share due to old irrigation.	Total Revenue due to improvement.	Works Expenses direct & indirect.	Old main.
Rushikulya ...	67.0	197.0	123.6	7.6
Nagavali ...	37.4	84.2	27.7	3.9
Ganjam Minor irrigation works	95.0	65.1	56.0	6.4

(N.B.—The figures are in thousands of rupees.)

The gross receipts of these three systems amount to Rs. 5,45 lakhs, which have not been brought to account by Mr. Sen under the head of revenue, as also the income directly due to minor Irrigation for the year Rs. 1.82 lakhs given at 141 and 142 of the Administration Report. The interest on capital outlay of these systems under Devolution Rule 24 is 3½ per cent. The Ganjam minor irrigation system never brings less than 5½ per cent. net return, while the Nagavali system 3½ per cent., and the Rusikulya 1½ to 1¾ p.c. on the capital outlay. The share due to old irrigation amounts to Rs. 199.4 thousands in these three systems. Under rule 24 of the Devolution Rules interest on all these three systems is to be calculated at 3½ p.c. If the receipts under old revenue are added, the income always exceeds the expenditure. The gross receipts from all these works therefore amount to a sum of Rs. 7.27 lakhs. Having shown the revenue I proceed to examine figures relating the expenditure. Since irrigation works are controlled and worked by the P.W.D. Officers, discussion of both these items in this place is necessary.

The following are the items of expenditure on irrigation, Civil Works and interest on loans on irrigation works in the district.

1. The pay of the Executive Engineer, 3 Sub-Divisional Officers, their staff, allowances, T.A. and contingencies ...	Rs.	89
2. Grant to local bodies	Rs.	191
3. Maintenance of minor irrigation works by Civil and P.W.D. Officers	Rs.	75
4. Civil works expenditure ...	Rs.	75
5. Minor irrigation works by P.W.D. Officers	Rs.	43
6. Total working expenses of 3 river systems Rs. 2.05 lakhs, deducting Rs. 70 thousands under establishment as the expenditure under direction and execution are already included in No. 1 (*vide* Administration Reports) ...	Rs.	135
7. Interest on the capital outlay of 3 river systems	Rs.	225
	Rs.	833

The figures given in items 1 to 5 are those adopted by Mr. Sen in his Appendix II under the heads of Irrigation and Civil works under grant to local bodies.

In item 2 the normal figures amount to Rs. 1.60 lakhs both for trunk roads at the rate of Rs. 500 per miles and Rs. 89 thousands for the II class roads and general resources of the District Board. The rest (*i.e.*, 191–160–31) represents the special grants due to cyclone in 1923–24, which ought to have been excluded. Similarly, items 3 and 4 represent the maximum expenditure on those works. Mr. Sen speaks of certain pending schemes. The Bahuda bridge is on the trunk road and has been practically completed. Other schemes involving non-recurring expenditure relate to the development of the Agency. Under the law the development of backward tracts is a charge on the Government of India. Having, however, claimed these backward tracts, reserving our right to claim the expenditure on the tracts from the central revenues, I include a recurring sum of one lakh of rupees a year under this head for the backward tracts of Ganjam and Vizag Districts which are mainly Oriya. Thus the income as per administration report amounts to Rs. 7.27 lakhs, and expenditure Rs. 9.33 lakhs, which in round figures may be taken at Rs. 9.35 lakhs.

EDUCATION.

The estimation under this head has been highly exaggerated. Instead of commenting on every item I take the various items of expenditure in the Ganjam Dist. (Plains), to disprove Mr. Sen's suggested standard of Rs. 8·66 lakhs. Some new schools have been started since he submitted his report and the figures given below represent the up-to-date estimate of expenditure mostly corresponding to the treasury actuals of the last year.

Inspection	56,609
Scholarships	3,473
Training School	52,413
Subsidies to all local schools both for boys and girls	2,20,465
Grant to elementary education council	1,77,061
Grant to Sec. & Collegiate Education	1,02,362
Agency Education	1,34,000
	7,46,383

In round figures I estimate the expenditure at 7½ lakhs. The average (7·2 lakhs) of the past 3 years from the treasury actuals as also the figures of the Accountant-General (Rs. 7·23) lakhs also support my figures.

STATIONERY AND PRINTING.

The expenditure of the past three years put together amounts to Rs. 29 thousands giving an annual average of Rs. 9·6 thousands. Mr. Sen takes a big leap in the dark by suggesting Rs. 40 thousands a year which beats down the total. This is because "It cannot be estimated." Nothing could be more consoling than a confession as this. Inability to estimate a certain item of expenditure is no justification to enhance. There is a small press attached to the Collectorate which is already provided for under the heads of Land and Revenue, General Administration. I therefore estimate the expenditure at Rs. 10 thousands.

CERTAIN ITEMS OMITTED.

In summing up the items of revenue and expenditure it has to be noted that certain items of income under the heads of stamps both judicial and non-judicial in Madras has not been taken into [? account] Ganjam has to take credit for her from the income on stamps from the High Court, the Board of Revenue and the Hindu Religious Endowment Board. The income of the minor ports in the District and a few smaller items have also been left out of account. We have also to claim our share out of the accumulations of the Famine Insurance Fund which in Madras has exceeded 36 lakhs. Famines are not so frequent in this District as have been depicted in the report. For the last one decade we have very little expenditure on famines and during the 3 years under review the average as per treasury accounts amounts to Rs. 8 thousands. Exigencies of time and space make [? omission] to adopt small items of revenue and expenditure suggested by Mr. Sen though I feel that they have not been properly stated besides government reply to my interpellation dated 13th February 1926. I place before the reader the average figure of three years either from the treasury actuals or from the administration reports published by the Government or from the budget reports published by the Government or from the budget estimates of certain departments from the Ganjam District.

AVERAGE FIGURES FOR THREE YEARS FOR GANJAM DISTRICT.

	Receipts (in lakhs of Rupees).			Expenditure (in lakhs of Rupees).		
	Madras Government figures.	Mr. Sen's Standard figures.	Our Standard figures.	Madras Government figures.	Mr. Sen's Standard figures.	Our Standard figures.
1. Taxes on income	—	0.09	15	—	—	—
2. Land revenue	23.72	18.32	23.72	1.24	0.34	9.64*
3. Excise	11.59	11.23	11.59	0.50	0.82	0.75
4. Stamps	5.56	5.85	5.85	0.12	0.15	0.15
5. Forests	—	1.78	2.50	—	2.30	1.30
6. Registration	0.87	0.87	0.80	0.58	0.58	0.60
7. Irrigation (XIII)	—	0.90	7.27	5.54	8.79	9.50†
8. Irrigation (XIV)	0.02	0.02	—	—	—	—
9. Interest (XVI)	0·26	0·26	—	—	—	—
10. Administration of justice ...	0.33	0.33	0.33	2.00	2.00	2.00
11. Jails and convict settlement	0.06	0.06	0.06	0.50	0.50	0.50
12. Police	0.12	0.14	0.14	6.45	6.95	6.95
13. Education	0.03	0.01	0.01	7.23	8.66	7.50
14. Medical	0.05	0.01	0.01	1.01	1.34	1.10
15. Public Health	0.03	0.01	0.01	0.36	0.42	0.42
16. Agriculture	0.03	0.01	0.01	0.37	0.37	0.37
17. Industries	0.07	0.07	0.07	0.06	0.10	0.10
18. Miscellaneous departments	0.08	0.08	0.08	0.05	0.05	0.05
19. Civil works	0.13	0.15	0.15	2.75	6.00	(*Vide* items 7, 8 and 9).
20. Superannuation	0.08	0.08	0.08	1.33	1.33	1.33
21. Stationery and printing ...	0.03	0.03	0.03	0.09	0.40	0.10
22. Miscellaneous	0.10	0.10	0.10	0.03	0.03	0.03
	Rs.45.84	Rs.38.63	Rs.52.96 lakhs.	Rs.37.81	Rs.45.14	Rs.42.59 lakhs.

Summary.	Receipts.	Expenditure.
Average of three years for 1923–24 to 1925–26	Rs. 45.84 lakhs	Rs. 37.81 lakhs
Mr. Sen's suggested Standard	Rs. 38.63 „	Rs. 45.14 „
Our estimates	Rs. 52.96 „	Rs. 42.59 „

* This includes expenditure—22 General Administration.

† This includes expenditure under 41 Civil Works which is item 19 here.

CONCLUSIONS.

I have already shown that Ganjam has never been a deficit District as was misrepresented by the financial expert of the baby province. We have further to prove that he has mercilessly underestimated the expenditure on the five taluqs which according to him are to be excluded as non-Oriya tracts. In the absence of any details it is difficult to rely on such rough estimates of one having half a week experience of the District. The report observes that the District as a whole appears to be deficit and Mr. Sen's ingenuity has succeeded in showing a plus balance of Rs. 4·85 lakhs (Rev. 13.57 against an expenditure of Rs. 8·72) for the excluded area. He states to have adopted all these figures of these excluded tracts. Besides inaccurate estimation which is bound to result in such a calculation he has not at all taken into account the contribution that these 5 taluqs have to pay for the maintenance of Officers and offices of the Heads of various Depts. in the District such as Collectorate, Sub-Judge and Dist. Judges's Court, Dist. Jail., Dist. Medical Officer and the Berhampore Jubilee Hospital, Police Office and Reserve at Chhatrapore Forests, P.W.D., District Health Officer, D.D. Engr., Dist. Education Office, Added to these five excluded taluqs have got two river systems which pay interest on heavy capital outlay on them their proportionate contribution towards superannuation, printing and stationery has also to be estimated. Again Sompetta taluq will have to contribute its proportionate share of the Divisional Officer, Berhampore and his office.

Under the circumstances I would not attach any importance to these findings. The Ganjam collectorate as a whole owing to local prejudice does not favour the amalgamation of Oriya speaking tracts much less a separate Oriya province. Mr. Sen was therefore led and guided by people who as a body never had any sympathy in his mission. I feel certain that an accurate calculation of receipts and expenditure of the Ganjam District or for the matter of fact of these 10 taluqs and sub-taluqs by themselves will always shows a plus balance to meet their due contribution to the provincial administration and improvement of the backward tracts.

SCHEME FOR A SEPARATE PROVINCE FOR AMALGAMATED ORISSA.

FOREWORD.

While the Oriya deputation were giving their evidence before the Joint Free Conference, and pressing their claims for a separate province for Orissa after amalgamation of the outlying Oriya-speaking tracts, a member of the Central Committee diverted the discussion to more academic problems and suggested alternate methods of administration that might possibly be tried in case a fully constituted Governor's province was not found feasible or otherwise for Orissa. We were taken by surprise at this diversion of the issues and therefore asked for time to restate our position and define our attitude on the complex problem of alternate constitution-making for Orissa. We stand by our original memorandum and claim separate province for united Orissa enjoying full status as other provinces subject to certain definite financial co-ordination with the Central Government. We claim same form of Government, same stages of advancement, similar franchise and electorate as other provinces particularly as Bengal Bihar and Madras, inasmuch as the Oriya people have all along been associated with these advanced provinces and the Oriya people will not be prepared to sacrifice any part of their acquired constitutional rights and privileges.

We have gone into the history and theory of constitution of a sub-province and if the constitutional interpretation we have given to that ephemeral phrase is accepted, the Oriya people will be prepared to carve out their destiny under a Deputy Governor, whose status may be a bit inferior to that of a Presidency Governor only for the fact that he has to get financial help from the Central Government for some years to come. In other matters he and his Council and the Orissa Legislature will enjoy same stages of progressive democracy as other provinces in India.

In preparing the scheme we have kept in view the present and past constitutions of India without anticipating the future. The problem of a minor community being yoked with a major one on their march towards responsible Government has practically been left unsolved. With a hope for the better, we venture to submit this alternative of a less ambitious scheme for a Sub-province which can only bear the construction we have put upon it and in which case only it will be acceptable to us.

CHAPTER 1.

SAFEGUARDS UNDER A JOINT GOVERNMENT WITH AN EXISTING PROVINCE.

INTRODUCTION.

It has been suggested that any scheme prepared by us should take into consideration the possibility that eventually it may not be found practicable to fulfil the legitimate aspirations of the people of Orissa for a separate Province. In that case we are asked to indicate special safeguards, if any, we would like to be provided if Orissa continues, as at present, to share the benefits and advantages of the progressive march towards responsible Government. It will be shown in the following paragraphs, it appears to us impossible that the benefits and privileges of a responsible Government in provincial matters can be shared in an equal degree by two races whose interests are not identical, and one of whom is in an overwhelming majority and the other in an insignificant minority and supposed not to be prosperous financially. We shall, however, bend our wishes to the circumstances and prepare the scheme of safeguards, which we are required to do.

2. The scheme of a third ministry has been considered in many quarters as the cheapest sop for the Oriya aspirations. We have considered it in all its aspects and are forced to abandon it. This scheme is that a third Minister should be appointed to the Bihar Government who will look after all matters relating to Orissa in the transferred departments. If this is adopted in the existing administration it will naturally happen that we shall not be allowed any say in the reserved departments. The Minister will become all in all, he is not likely to have the sympathy or support of his colleagues. The major part of the Council itself may look upon him and the representatives of Orissa with disfavour. If they criticise his action, he himself and the Oriya members are likely to resent such criticism and thus bring about estrangement between the two races living together. If they do not scrutinise his administration he may become an autocrat and irresponsible. Even the representatives of Orissa will find themselves in the awkward position of not scrutinising his actions closely before a hostile Council. We do not see that any effective measure can be suggested for remedying these defects. If it be a fact that provincial autonomy creates provincial jealousies, if it

is a fact that communal electorates create communal jealousies, it must be the case more so that the scheme for a third ministry will create hostilities between the major and the minor races. We, therefore, reject this scheme as unworkable.

3. Another scheme can be developed with some sort of feasibility from the published demands of some of the minority communities. Under it the Oriyas should be given an adequate number of seats in the Council, necessarily in excess of the proportion to which they would be entitled under the general scheme of representation, and a non-official Oriya should always be nominated as a member of the Government either as a Minister or as an Executive Councillor. With the amalgamation of the Oriya-speaking tracts, the number of seats for united Orissa will be increased under any general scheme. The reservation of some more seats will not really affect the majority community materially; it is likely to give Orissa just a louder voice in the Council. But a little thought will convince any one that this is really a form of the Morley-Minto scheme under which the Councils were enlarged to admit more non-officials and an Indian member was taken into the Executive Council. The Morley-Minto Reforms did not satisfy the aspirations of the Indians. The reservation of excess seats in the legislature and a seat in the executive Government will no more satisfy our aspirations. At all events it will not lead the Oriyas to the avowed goal—the goal of responsible Government.

4. A third scheme is that the affairs of Orissa should be entrusted to a Committee of the Council. Under this scheme a Standing Committee of the Council may be constituted, as there are Standing Committees now, which will examine and report on all matters relating to Orissa. Oriyas will, as at present, be represented in the existing Standing Committees—if these continue after the introduction of the reforms—but there will be a special Committee for Orissa. The Government will nominate their own members and the Council will elect its members mostly Oriyas. All matters affecting Orissa will be examined and reported on by this Committee, its recommendations will ordinarily be accepted by the Council and the Government. It may be given power to initiate schemes and not merely to give its opinion on schemes which the Government may refer to it. Here again the policy of the British Government to give responsible Government to the people will not be fulfilled though it is likely to give the Oriyas some share in shaping the administrative policy of the Government in the Government. This is considered inadequate and will not serve even for immediate temporary satisfaction of the people.

5. So whatever scheme is devised our lot is never likely to improve for so long we remain with another province. Responsible Government will always remain a dream to us, rather the worse will happen. Without being accused of anticipating the extent of the next instalment of the reforms, it may safely be said that the Executive Government and the Legislature will remain antagonistic to each other for some time to come. Our representatives are certain to get bids from both sides for support and afraid of displeasing either they will sell their votes sometimes to the one or to the other or will divide them in shares between both. In plain words that is what will happen and in fact our representatives have so far taken the moderate course of merely attaching themselves to the Government or to the opposition and thus divided they are unable to gain any influence in either camp.

6. It will thus be seen that so long we remain with another province we do not and cannot get any benefit and privileges any larger than the provinces enjoyed under the Morley-Minto reforms. The transfer of control from the Parliament to the local legislature, from the Secretary of State and the Government of India to the Governor and Ministers will virtually mean that we shall be ruled completely by a sister race (whom in our Memorandum we styled the "intermediary ruling race"). We shall become the more helpless, now that it is widely though erroneously believed that Orissa does not pay its way and the amalgamation of Oriya-speaking tracts is likely to increase the deficit. We need not labour this point in detail.

CHAPTER II

SUB-PROVINCE THE LEGITIMATE ASPIRATION OF ORIYAS.

7. The only scheme, therefore, which is satisfactory from the political view-point is the constitution of amalgamated Orissa into a separate province or sub-province, and this alone will satisfy the legitimate aspirations of the people. The objection that a large number of administrative units demand separate Government on mere sentimental grounds of linguistic or historical associations alone does not apply to the case of Orissa. We do not claim a separate province on sentimental grounds alone but we suffer from specific disabilities under the present system for the removal of the which we are unable to explore any other alternative.

8. But what is a sub-province and what will be its administration? This new name was first given currency in the report on the India Constitutional Reforms of 1917 (paragraph 226) and in order to give effect to the promise held out in that report power was taken in section 52A of the Government of India Act that any part of a Governor's Province might be placed under the administrative control of a Deputy Governor. These words "Sub-province" and "Deputy Governor" have unfortunately given rise to various unauthoritative interpretations in certain quarters that a sub-province must mean subordination to a major province and a Deputy Governor must be the subordinate to a Governor or in other words a Deputy Governor will only be an exalted Commissioner of a Division. Such misconception about sub-province has kept the people back from demanding the fulfilment of a hope which was held out by so distinguished persons as the Secretary of State and the Viceroy and to which the British Parliament is, we respectfully submit, committed in a way by including section 52A in the Government of India Act. A closer study of the Montagu-Chelmsford Report and of the Government of India Act, however, gives the real clue to the intentions of the authors of the Indian Constitutional Reforms. Paragraphs 39 to 44 of the Report described the names and status of the administrative units as then existing.

These were:—

- Presidencies—administered by Governors.
- Provinces—administered by Lieutenant-Governors.
- Local administrations of Assam and Central Provinces administered by Chief Commissioners.
- Minor administrations—also administered by Chief Commissioners, such as Coorg, Ajmere—Merwara, etc.

Under the reforms the names "presidencies" and "provinces" were retained, the designation of the administrators of the provinces was changed to "Governors," but the designation "Lieutenant Governor" had also to be retained as the reforms did not originally apply to Burma; the local administrations disappeared but the designations "Chief Commissioner" had to be retained in sections 46, 53 and 58 of the Government of India Act. New names had to be devised to distinguish these from an administrative unit which would be given the benefits of the reforms to a limited extent. The words "sub-province" and "Deputy Governor" came handy for this purpose and they do not in the least imply subordination to another province. They imply, however, subordination to the Government of India probably to

a greater extent than in the cases of Governor's Provinces.

9. While on this subject it will be convenient to examine the relations between the Governor General in Council and the Deputy Governor of a Sub-Province. The obligation to take the initiative is laid by statute on the Government of India. It is for them to consult the local Government and the local legislature concerned and to obtain His Majesty's sanction. The Governor General in Council will appoint the Deputy Governor and section 52A proceeds "may . . . apply, with such modifications as appear necessary or desirable, all or any of the provisions of this Act relating to Governor's provinces, or provinces under a Lieutenant Governor or Chief Commissioner to any such province or part of a province." It is unprofitable to enter here into a detailed examination of the modification which may or may not be considered desirable or necessary, but the financial relations between the Government of India and the sub-provincial Government have to be gone in detail owing to the crippled financial condition of the Oriya-speaking tracts.

10. A misconception exists in the minds of many that under the reforms it is not permissible for the Government of India to divert any part of the central revenues towards provincial expenditure. This is true of the Governor's provinces to which specific sources of revenues have been transferred sufficient to carry on the provincial administration efficiently, but it is not true for other parts of British India which are not placed under the administration of Governors. The Government of India do spend their revenues in the minor administrations of the North Western Frontier Provinces, Beluchistan, Delhi, Ajmere, Coorg, etc., and there is nothing in the Government of India Act to prevent them from devoting a part of the Imperial revenue towards expenditure in connection with the administration of subjects entrusted to a Deputy Governor. On the other hand, in providing in section 52A that all or any of the provisions relating to a Governor's province or Lieutenant Governor's province or a Chief Commissioner's administration may be applied to a sub-province, the Parliament must have in mind that the status of the sub-province must be determined by the degree of financial assistance which the Government of India must be called upon to bear.

11. Yet another misconception exists that though the Government of India have to bear the financial burden of provinces like the North Western Frontier Provinces and Baluchistan on account of their strategic importance there is no such administrative or political interest in Orissa as would induce them to shoulder financial responsibility for the sub-province. This class of criticism overlooks that the reforms under which the Imperial finances were separated from provincial finances are experimental, that they can be withdrawn in any province and the old system under which the Central Government of India assumed certain financial responsibility commanding the provincial resources can be reintroduced. Such criticism seems therefore to have no validity. The above explanation seemed to us to be necessary as a sort of introduction to our scheme which we beg to submit in the succeeding paragraphs.

CHAPTER III.

THE SCHEME.

12. The existing Orissa Division together with the outlying Oriya-speaking tracts now under four Governors' provinces of Bengal, Bihar and Orissa, Madras and the Central Provinces should be brought under one administration and constituted into a separate province or sub-province under a Deputy Governor to be appointed by such authority as the Government of India Act may provide. The Deputy Governor will be directly subordinate to the Governor General in Council; the honorific title of a Knight and "His Honour" should be conferred on him as a matter of convention. He shall be entitled to salutes in his own jurisdiction or outside, as may have been the practice in the case of the Lieutenant Governors. He will be provided at the expense of the State with such personal staff and other amenities as may be determined by the Government of India with the sanction of the Secretary of State.

13. The government of the Deputy Governor in Council will be known as the Local Government of the Sub-province and the Local Government will correspond direct with the other provincial governments and the Central Government through its Secretaries.

14. The executive Government will consist of the Deputy Governor and his Council. If as in the major provinces all the provincial subjects are transferred to the control of the local legislature, he will be assisted by two Ministers, otherwise by one Minister and one Executive Member will assist him in the administration of transferred and reserved subjects respectively. They will both be Indians. The Minister will be nominated by the Deputy Governor. The members of the Executive Council will be appointed in the same way as in major provinces.

15. We now come to the constitution of the Legislative Council. In the pre-reform days Legislative Councils were created even in the Chief Commissionerships of the Central Provinces and Assam (para. 42 of Montagu-Chelmsford Report). Even now there is a Council in Coorg. There can, therefore, arise no question about the Deputy Governor having such a Council. The strength of the Council must depend on the extent of territory and the general scheme of franchise which will be adopted for India as a whole. We merely suggest that the number of elected non-officials should in no case be less than 30 and that the proportion of non-officials and officials and elected and nominated members should be at least what it will be in the Legislative Council of Bihar and Orissa. We do not go into the general question of electorals and proportion of representation of different communities. These matters may be decided on the principles adopted in the general scheme for India.

16. The members of the Legislative Council will have at least the same power of interrogation, bringing forward motions and private bills as they enjoy in the present Council of Bihar and Orissa. There can be no curtailment of the existing powers to control expenditure by budget motions and through a Public Accounts Committee.

17. It shall lay down the policy in matters of purely provincial interest, but its power to recommend new schemes or policy which involves additional expenditure beyond specified allotments or sources of revenue be restricted except in the case of education, public health and medical.

18. We do not attempt to suggest the scales of staff, which will be necessary for the administrative posts beyond pointing out that as the volume of work will be much less than in a big province the number of Secretaries and Under-Secretaries can be greatly reduced and so also the number of heads of departments by combining several charges under one administrative head. These are matters which the local Government and the Government of India are in a better position to work out. We should further point out that both a Board of Revenue and a Divisional Commissioner, an Inspector General of Police and a Deputy Inspector General, and so on, are not likely to be necessary.

19. We venture here to bring one or two matters of importance. So long as the responsibility of good government of India devolved solely on the Secretary of State and the Government of India it was incumbent on them to keep up the same standard of uniformity in all provinces. Now that the responsibility is being transferred to the people, it should be definitely recognised that the same standard of expenditure cannot be maintained in all provinces in every matter. In subjects which are not an

essential part of the function of Government like agriculture, the Deputy Governor in Council and his Legislature should be given discretion to lay down their own policy and the Government of India should not dictate the policy to them when additional expenditure is not involved. We would also suggest that in matters of recruitment and appointment to services other than imperial services and in laying down the conditions of service of officers whom the local Government of the sub-province appoint, the Government of India will have no power of interference except when more liberal treatment of service conditions is proposed than is accorded by the Government of India to its own servants.

20. In the matter of pay of Government servants the sub-province will immediately inherit from the main body scales of remuneration which its own slender means may not be able to bear. In this matter also the Deputy Governor in Council and the Legislature may be given the discretion of adopting a less expensive standard.

21. But in spite of all the economy which the future government of Orissa may adopt it may not be possible to secure a sufficient margin of surplus revenue to introduce measures of development and progress. We must have to look to the Government of India for financial assistance. It has been shown in paras. 10 and 11 *supra* that the grant of such financial assistance is not incompatible with the existing principles of financial relations. A fair share of the provincial balance and of the old Famine Insurance Fund is all that we may expect from the Government of Bihar and Orissa. Promises of financial assistance of the Central Government regarding drainage scheme of Puri given as long as 1916 yet remains unfulfilled. But at the start the new province will have to meet heavy non-recurring expenditure. We trust that the Government of India will realise their responsibility and come to our help in this. We also would strongly press for exemption from payment of the recurring interest charges amounting to 8 or 9 lakhs on Irrigation works from which the people derived no benefit and which were thrust upon the provincial Governments and are obviously an inequitable charge. In addition to this we suggest that over and above what Orissa may get from any general scheme of re-arrangement of financial relation, some special financial settlement be accorded to the future Government of Orissa so that the sub-province may start with an assured surplus of a substantial amount.

22. It will be necessary for the new sub-province to share certain services with other provinces, *e.g.*, we cannot maintain a separate High Court or Medical or Engineering College and the like. In such cases, if it is the practice at present to pay a share cost to the province which maintains the institutions, we hope that the new province will be exempted from such payment or at any rate favourable terms will be secured for us. The province concerned will not incur any additional expenditure on this account and therefore such an arrangement will not be felt by them. On the other hand, as under our scheme, the Government of India will bear the additional cost involved in the creation of the new sub-province, such arrangement will indirectly be a help from the province to the Government of India. There will presumably be a fresh financial settlement more favourable to major provinces. It would not therefore be difficult to persuade the Provinces to agree to this measure of relief. We claim proportionate share of reservation of seats on a population basis in all Imperial institutes such as the Military College at Dehra Dun or the Imperial Forest Institute or the Imperial Agricultural Institute, Pusa or L.H.M.C. We claim also similar quota in the services of the Central Government where not a single Oriya clerk or a peon even could be found to-day after 126 years of British connection with Orissa.

23. Before we proceed to explain the reasons for which the Government of India will accord a sympathetic treatment to the people of Orissa, we wish to draw attention to two points. The first is that as under our scheme the Executive Government will have more control over the Legislative Council, the district of Angul should no longer be excluded from the benefits of the Reforms. It would be more economical to administer Angul as a sub-division of the Cuttack District. Some 6 lacs of Rupees may be saved if such an arrangement be made. The second is that the Sub-province should be represented in the Legislative Assembly by at least eight members including an official nominated member. At present two members are elected from the Orissa Division. It should also be represented in the Council of State by at least two non-official members and one official member. The above suggestion we put forward in view of the present strength of the Assembly and the Council of State. If under further reforms the numbers go up our members should proportionately be increased.

24. We now proceed to explain the reasons for which special treatment should be accorded to the sub-province in financial matters. Orissa passed into the hands of the East India Company in the year 1803. Some 50 years before that Bengal and the portion of Orissa now included in Bengal had come into its hands and that province in the north and Madras on the south had already been brought under the British system of Government. On getting Orissa which was at the time a valuable acquisition to them on account of its being the connecting link between Bengal and Madras it was attached to the advanced province of Bengal merely on the ground of administrative convenience ; and within a short period of its occupation the laws and regulations and administration suitable for a people who had come for 50 years under the British Government were made applicable almost wholesale to the Oriyas. A very severe land law was enforced for the realisation of land revenue under which zemindaris were forfeited to the State and put to auction of Calcutta in the days when there were no easy means of communication. The indigenous landed aristocracy was thus reduced to poverty, their zemindaris passed into the hands of Bengalis. Government offices, even small posts as Sub-Inspectors of Police earning a monthly remuneration of Rs. 20/- or Rs. 30/- were filled in by the Bengalees. The economic condition of the people thus grew worse year after year. It was not until the great famine of 1866 in which about a quarter of the population disappeared for want of adequate relief that the neglected condition of Orissa drew the attention of the authorities. Even after that all the big assignments which the Government of Bengal received from the Government of India from time to time were devoted to schemes of improvement in Bengal. Orissa continued undeveloped and stationary. Orissa remained a " distant adjunct " as stated in our memorandum and was far removed from metropolis Calcutta. No schemes of development for advancement of education and prosperity were introduced and Orissa remained undeveloped, but was exploited to enrich Calcutta. This happened directly under the eyes of the Government of India which was stationed then in Calcutta. Similar or worse was the fate of the Oriyas linked to the Government of Madras and Central Provinces. The past neglect cannot be made up now by heaping on us measures of political reform in conditions under which we cannot utilise them. We can proceed on the path of progress only with the same assistance which the sister races have enjoyed for 150 years. If that assistance is denied to us, we shall remain crippled and in the background now as before.

25. In conclusion we beg to point out that we have suggested the utmost economy in the form of Government coupled with restricted power of the legislature to propose additional expenditure. We are willing to submit to a policy of future progress being arrested in such important matters as Education, Agriculture, Industries, Forest, Veterinary and the like, which are justly called nation building services. If need be

we are willing even to see to the curtailment of expenditure in these respects. The Government of India and the Central Legislature will, for the time being, control expenditure. Again our revenue is sure to expand. The greater part of Orissa is temporarily settled and land revenue increases at regular intervals. The greater part of Ganjam is also temporarily settled where settlements come at quicker intervals. There are also possibilities of growth of revenue in other directions. In any case we can only leave ourselves in the hands of the Government of India in this matter. The control of revenue and expenditure will thus be resumed by the Government of India and the Central Legislature. To preserve the race from utter extinction, we are thus ready to go back upon the reforms and to begin from an earlier period in financial matters. As has been the case in other provinces such as the existing province of Bihar and Orissa and Assam our financial position is sure to undergo a change for the better when we get a separate Government to look solely after our own advancement. We shall not then stand in need of spoon-feeding by the Government of India. But we can show no improvement immediately and it is only for the time being that financial aid is sought from Government of India. Centuries neglect dealt to Orissa, their administrative disadvantages, total absence of any share in the Government of their country, the threatening extinction of an ancient race, all these should outweigh the financial considerations which stand in the way of a united Oriya Province. No attempt till now has been made to improve the finances of the country by improving the economic resources of the people. In the previous paragraph we mentioned how the Oriya people have not been given the chance to develop their industries, ports, communications, etc., which facilitate trade and industry and bring prosperity to a nation. Administrative policy of the old Bengal Government and the present Bihar and Orissa Government, Madras and C.P. Governments has been all along to enrich the capital and to keep the rural area undeveloped. The Oriyas with a great past as an industrious and skilful people with traditional skill in arts and crafts have, by sheer neglect of the successive Governments degenerated to-day to only a race of workers and peasants. An administration of our own will conserve all resources of the nation and the economic wealth of the people is bound to increase. It would not be too much to expect a helping hand from the Government of India. Even now there exist provinces with a big deficit. Even established Governments and advanced people have had encouragements for further advancement in the shape of annulment of all Provincial contributions. Will it then be too much, on the part of a long neglected race to expect the helping hand of the Government of India for uplifting them?

26. In addition to Mr. Montagu's indictment of Indian administration as being "wooden, iron, antediluvian and inelastic," it is a matter of common criticism that the Indian administration is extremely top-heavy. Multiplication of departments without reference to the actual needs and potentialities for development of the people does not make up for a good Government. With the growth of responsible Government, a paper Government must necessarily yield to an actual Government. The amount of money spent should not be the criterion of efficiency. In any scheme for a new Government the above should not be lost sight of, and the machinery of Government should always be simple, real and economical.

27. A bush or a tree under the shade of a full grown tree scarcely thrives or at least has a stunted or crippled growth. Similar is the fate of a race linked to a more powerful and advanced race. That this very common lesson learnt from nature be not lost on those who have to make or mar, mend or end the destiny, nay the very existence, of an ancient race—with mines of ancient literature still unexplored, with monuments of ancient architecture the type of which is all their own, with an era of their ancient Sovereigns a scion of whom is still living as the Raja of Puri temple current in the almanacs and horoscopes of the country and with a perennial spring of history and tradition that still inspires them—is the sincere desire of the Oriya people.

BRAJASUNDAR DAS.
NARAYANCHANDRA BIRABAR DHIR NARENDRA.
GOPALCHANDRA PRAHARAJ.
BHIKARICHARAN PATNAIK.
B. N. MISRA.
BHAGBAT PRASAD SAMANTARAI MAHAPATRA.

SEPARATE PROVINCE FOR UTKAL.—Being a Scheme presented by the UTKAL ALL PARTIES CONFERENCE COMMITTEE to the ALL-PARTIES NATIONAL CONVENTION at Calcutta, December, 1928.

SEPARATE PROVINCE FOR ORISSA.

CHAPTER I.

THE LANGUAGE QUESTION AND THE ORIYA PROBLEM.

Leaders of thought and public opinion in India have been declaring in unmistakable terms that for the healthy growth of India's culture and the contribution it is expected to make to the world's civilisation, the country should be divided for purposes of administration into homogeneous units on the basis of language and race. In a proper arrangement of affairs, the business of Government and education would be conducted through the means of the indigenous languages. A democracy must be well-informed, vigilant and able to take care of its interests. It is clear that the common people cannot take that intelligent interest and be able to shoulder the full responsibilities of a democracy if the administration is run in a language not their own. It is therefore that not only enlightened Indian opinion but those in intimate contact with the actual task of administration have realised the present irrational and artificial division of provincial boundaries. Apart from questions of language and culture, the work of administration is beset with difficulties by reason of the present irrational distribution. The present territorial units are the results of accident and the circumstances attending annexation by the British. During the few decades, there have been no doubt instances of recognition by the Government in India of the principle of linguistic unity in effecting territorial changes. The enfolding of the Beharis in a separate province from Bengal, the detachment in 1874 of three Telugu speaking taluks of the Central Provinces for union with the Godavari District, the separation of Sambalpure in 1905 from the C. P. changes in the boundaries of the Malayalee-speaking districts are cases in point. But apart from isolated cases such as these, there has been no clear-cut underlying plan kept in view by the executive government of the country.* In 1903 though the Government did not underrate popular sentiment in favour of local language, they realised the effect on the actual day-to-day

* (See letter No. 3678 Calcutta, 3rd December, 1903, of the Government of India to the Governments of Bengal, Madras, and Central Provinces.)

administration caused by the diversity of languages in the Provinces. They recognised that the problem had been for years "a source of anxiety and the trouble to the different provinces" and the solutions proposed by them were intended, to use their own words, to deal with the problem "on a scale and with a unity that would admit of its being treated with consistency and efficiency." In 1918 the Report on Indian Constitutional Reforms went a step further, and recognised not only that the business of government would be simplified if administrative units were both smaller and more homogeneous being based on language, but that such redistribution would help to evolve responsible self-government.

The following gives the number of persons representing the more important languages, according to the census of 1921:—

Language.	No. of speakers.
1. Western Hindi	96,714,369
2. Bengali	49,294,099
3. Telugu	23,601,492
4. Marathi	18,797,831
5. Tamil	18,779,577
6. Punjabi	16,233,596
7. Rajasthani	12,680,562
8. Kanarese	10,374,204
9. Oriya	10,143,165
10. Gujarati	9,551,992
11. Burmese	8,423,256
12. Malayalam	7,497,638
13. Western Punjabi	5,652,265
14. Kherwari	3,503,215
15. Sindhi	3,371,708
16. Bhili	1,855,617
17. Assamese	1,727,328
18. Western Pahari	1,633,915
19. Gondi	1,616,911
20. Pashto	1,496,267
21. Eastern Hindi	1,399,528
22. Kashmiri	1,268,854

There are 22 languages claiming over a million speakers each and eleven languages each of which claim over eight million speakers. All the principal languages spoken in the existing nine Governors' provinces except the Assamese are included in the first eleven languages in the list. The position of Assam which is a Governor's province and of Sind, the N. W. Frontier Province, and Baluchistan is given below:—

	Areas in sq. miles, 1921.	Total population, 1921.	Population speaking the principal language 1921.	The principal language.
Sind ...	46,506	3,279,377	less than 2,645,786	Sindhi
Assam ...	53,015	7,606,230	1,725,689 (Bengali 3,525,220)	Assamese
N.W.F. Province	13,419	2,251,340	1,202,326	Pashto
Baluchistan	54,228	420,648	201,065	Pashto
Baluchistan States ...	80,410	378,977	150,724	Balochi

The comparative figures of total population and the number of speakers of the principal language in the case of Sind, the North-West Frontier Province, and Baluchistan will be found interesting in view of the recommendation in the Nehru Committee's Report and of the All Parties Conference (August 1928) that these provinces should have the same form of government as the other provinces in India. It will also be seen that the Oriyas, the Kanarese and the Guzuraties occupy much the same position in point of numbers.

We shall now examine the distribution of the Oriya-speaking people as revealed by the Census of 1921:—

Province.	Oriya speakers (1921).
1. Behar and Orissa ...	4,810,308
2. Behar and Orissa States called also the Orissa Feudatory States (26 States)	2,940,338
3. Madras	1,573,942
4. Bengal	293,700
5. C. P. and Berar	204,937
6. Assam	161,868
7. C. P. States	102,851
8. Burma	47,545
9. Bengal States	4,672
10. Delhi	1,177
11. Mysore States	721
12. Andamans and Nicobars	673
13. Hyderabad States ...	240
	10,142,972

Oriya speakers are found in such large numbers in Assam and Burma, because of their migration for exigencies of labour supply. We shall later allude to the deliberate manipulation of the Census figures in Midnapur in Bengal. Apart from these considerations, the above position reveals that about half the total number of Oriyas, viz., 48 lakhs are found in the Orissa Division of the Behar Province. Out of the remaining 53 lakhs, 29 lakhs are in the Orissa Feudatory States, 16 lakhs in Madras, 3 lakhs in Bengal, and 3 lakhs in the Central Provinces and its States. Except a large population in the city of Calcutta, most of the 99 lakhs of the above population live in a contiguous area divided between four provincial administrations and a large number of Feudatory States having political relations with the Governor in Council acting as agent to the Governor-General. If we leave out this contiguous territory, only about 3 lakhs live outside We shall show in a following chapter that this contiguous Oriya-speaking country has a total area of 89 thousands of square miles containing a total population of 15 millions of persons, of whom 10 millions are Oriya-speaking. The British portion of this territory comprises an area of 42 thousands of square miles and a population of 10 million souls.

Let us compare the area and population of the proposed province of Orissa with the existing nine Governors' Provinces:—

	Area.	Population 1921.
1. Assam	53,015	7,606,230
2. Bengal	76,843	46,695,536
3. Behar and Orissa ...	83,161	34,002,189
4. Bombay	123,621	19,348,219
5. Burma	233,707	13,212,192
6. Central Provinces and Berar	99,876	13,912,760
7. Madras	142,260	42,318,985
8. Punjab	99,846	20,685,024
9. United Provinces ...	106,295	45,375,787
Proposed Orissa.		
British Orissa ...	41,816	10,071,662
Orissa States	46,704	4,953,221

We shall discuss the question of the future relations of the States with British India. Meanwhile it is our clear opinion that united Orissa has got both territory and population for a separate province. The question of the form of administration and the financial aspect will receive separate treatment.

In the next chapter we shall show that the Oriya problem stands apart by itself, and that it has assumed a keenness which it is well to bear in mind in offering the solution which it sorely needs.

CHAPTER II.

THE SPECIAL NATURE OF THE ORIYA PROBLEM

Growth of British Power in Orissa.

It will have been seen from the foregoing chapter that the problem of the Oriya people is singular in All India in that they have been divided into no less than four provinces and a number of small Feudatory States. This condition of things has been brought about by historical accidents and by the circumstances attending the growth of the British power in Orissa and its outlying tracts. We shall not enter into a detailed history of this territorial vivisection, but it will be enough to mention that different parts of Orissa came into British hands at different times and the ceded tract was united with the province then already annexed for the convenience of administration. Most of the Ganjam District which was known as the Chicacole Sirkar was got from the Nizam by the French in 1753, and in 1759 it was ceded to the British along with the Vizagapatam Agency which contains the large Zamindari of Jeypore. It was not till 44 years later that the Orissa province including 17 Feudatory States or Tributary Mahals was ceded to the British by the Mahrattas and annexed to Bengal. In 1837 the two states of Baud and Athmallik which originally formed part of the South West Frontier Agency with headquarters at Ranchi, were added to the Orissa States. In 1905 two other groups of States were added. These were the five Oriya-speaking States of Patna, Kalahandi, Sonepur, Bamra, and Rairakhol which were transferred from the Central Provinces, and the two states of Gangpur and Bonai which had hitherto been attached to the Chota Nagpur Division. The vicissitudes through which the Sambalpore District has passed make interesting, though painful, reading. It was in 1856 that the Raja of Sambalpore died without a heir. Till 1860, Sambalpore with the attached Tributary States were placed under the Agent of the Governor-General for the South West Frontier when the District was transferred to the Orissa Division in Bengal. But in 1862 it was made over to the newly constituted Central Provinces. In 1905 it was retransferred to the Province of Bengal with the exception of Chandrapur-Padampur, Phuljhar, Malkhorda, etc. On the same occasion the States of Jashpur and Udaipur together with a few other States were transferred to the Central Provinces from Chota Nagpur. Raigarh and Sarangarh were originally presented by the ruler of Sambalpur to chiefs for military services, and Phuljhar and Padampur were under Raigarh. Padampur Zamindari under Raigarh was ceded to the British in 1800. The British caused the Chiefs of Sarangarh and Raigarh to declare their independence from Sambalpore and annexed their territories in 1818. In 1861 their management was transferred to the Superintendent of the Tributary Mohals, Cuttack and in 1862 these territories were transferred along with Sambalpore to the Central Provinces. Dhalbhum in Singbhum came into British hands in 1777 and the territory was permanently settled in 1800. It was transferred in 1833 to Manbhum but in 1848 it was again transferred to Singbhum. The Kolhan tract was annexed in 1836. Four Ho *pirs* or divisions in Mayurbhanj also were during this disturbance added to Singbhum. The estate of Porahat was confiscated in 1858 and in 1892 was included in Singbhum. Midnapur was from ancient times under Orissa. The state of things continued till 1646–1658 when Shah Shujah annexed the Jelesar Sirkar, the Hijili tract of Orissa, to Bengal. When the Mahrattas took possession of the country in 1751, Orissa included the Parganas of Bhograi, Kamarda, Pataspur, and Shahbanda and a part of the present thana of Gopiballabhpur. In 1760 Nawab Mir Kasim Ali ceded to the British among other tracts the whole of the Midnapur District except the Pataspur Pargana which was in possession of the Mahrattas who held Orissa also. In accordance with a treaty between the Mahrattas and the British, the former ceded the Pataspur Pargana together with the rest of Orissa, and Pataspur thereafter formed part of Midnapur in Bengal. Pargana Bhograi and two other Parganas of Hijili had been added to Balasore before 1886, and in 1870 Jalesar and its neighbourhood were also amalgamated.

In four Provinces.

This outline of the sequence in annexation of the Oriya-speaking country has resulted in the present unnatural boundaries. There was no strong government at the seat of the Orissa Kingdom at the time when the British appeared on the scene. And in the anxiety to annex and consolidate the territories which the British obtained into their hands, the notion that the people are a unit with a language, literature, culture and common interests was totally lost sight of except when the difficulties in administration imposed by the variety of languages in Bengal or Madras Provinces called for a change. And such a change even when proposed as it was done at the time of Lord Curzon by the Central Government in 1903 could not overcome opposition of the local administrators arising out of a conservatism and unwillingness natural with those accustomed to think and work along stereotyped lines. It is not surprising that this attitude should fancy that the problem of the Oriyas would be capable of solution by palliatives other than territorial changes which necessarily entail inconvenience or unsettlement. We do not think that there is in India any other people like the Oriyas who suffer as acute a dismemberment. The Telugus or the Tamils are all in the same province and both are numerous enough to effectively influence the policy of the Provincial Government, and this will be more clearly realised when Provincial Autonomy comes to be exercised. The Kanarese are divided into two provinces, and there is the fairly large progressive State of Mysore whose state language is Kanarese, which besides looking after the interests of its own people, serves as a model in several matters to follow, to people in other states and provinces. Malayalse are a much smaller community than the Oriyas and number about 7½ millions, but besides inhabiting two districts in a single province, namely, Madras, are found in such large native states as Cochin or Travancore whose state language being Malayalam gives it a distinct status. The Sindhi speaking population are all in the Bombay Province and number a third of the Oriya-speaking people. The Assamese are 17 lakhs strong but have a Governor's Province along with twice their population of Bengali speakers within the territory. The Pasto which has no settled language claims about 15 lakhs of people divided between the N.W. Frontier Province and Baluchistan, each of which is a separate province under a Chief Commissioner, proposed to be raised to the status of a governor's province by the All Parties Conference. We do not make these comparisons in order to belittle the movements in these provinces for a separate territorial recognition, but to show that nowhere has any people been divided into four Provincial Governments and 31 Feudatory States* the population of each of which ranges between 22 thousands (Pallahara) to 6 lakhs (Mayurbhanj). In no province are the Oriyas again the predominant partners. Even in Bihar and Orissa, the so-called Orissa division contains a population of about 5 millions in a total provincial population of 34 millions. The evil is not mitigated by any of the numerous Feudatory States, being too antediluvian or too small to pursue bold experiments in starting representative institutions or in inaugurating far-reaching schemes of welfare for their

* 26 of these with an area of 28,648 sq. miles and a population of 3,959,669 persons are known as the Orissa Feudatory States under a Political Agent and Commissioner.

people. As it is, the Feudatory States, almost all of them, are governed by primitive methods, and are least progressive. It is not our present purpose to demonstrate why this is so, or what remedy could be applied; but the situation both in the British tracts and the Feudatory area alike is unrelieved by any arrangement containing within it the assurance of political progress.

The Oriyas cannot regulate the policy of any Province.

It is no wonder that far from the Oriyas anywhere being able to regulate the policy of any provincial government, they have struggled as impotent minorities at the tail end of four provinces for preserving their very existence. The children of Orissa are no doubt moved by the struggle for winning the country's freedom, the Government declare that it is their intention that people in India should be trained in responsible self-government, but what prospect is there for Orissa to throw in her full force into this endeavour for constitutional progress if there be no province which they could call their own? As it is, practically all the energies of the community are spent away in profitless agitation for securing the elementary requirements of a civilised life, viz., recognition of Oriya as a court language, provision for teaching Oriya children in their own language, and not in Telugu, Hindi or Bengali, and local endeavours to get Oriya officers appointed who, being conversant with the language and customs of their people, are expected to discharge their task with sympathy and efficiency. It is here also that a grave danger lies. The struggles to secure these minor benefits in provinces which are predominantly non-Oriya give rise to jealousies and fan the flame of provincial rivalry which we readily concede is detrimental to the growth of Indian unity. On the other hand, as years roll on, the struggle becomes keener and in proportion there is the greater risk of opposition to the aspiration of the Oriyas by the predominant peoples in each of the provinces. It is not, of course, possible for such opposition to assume the aspect of an idealistic movement especially if the community concerned is itself agitating for a separate province of its own, but nevertheless any proposal for Oriya territorial unity will be discounted both in non-official circles and through the spokesmen of the provincial Governments on very plausible grounds. It will be urged that linguistic provinces will foster parochialism cutting at the root of national solidarity, that they will increase the overhead charges leaving insufficient funds for the development of provincial institutions, that recent history and commercial and political conditions are more important than mere sentimental considerations of language and race and that palliatives can be found to mitigate administrative difficulties. Our fears as to the future are grounded on the experience of the last half a century.

Without going into the details, we shall show that the interests of the Oriyas have been criminally neglected during a century and quarter of British rule, and certain grave injustices have been perpetrated which no government mindful of the welfare of the people committed to its charge could have looked on with equanimity, much less directly or indirectly participated in such acts.

Dispossession of Estates.

A Commissioner of Orissa in 1818, that is 15 years after the annexation of the province, writes:—"They (the natives of Orissa) seem unconscious of any particular benefits which have resulted to them from the operations of British laws and regulations, whilst it is very apparent that they have increased the assessment, required payment of revenue in silver instead of cowries, augmented the price of salt to six times its former rate, *and dispossessed upwards of two-thirds of the original native proprietors from their estates.* The people of the interior seemed also to have thought all applications to the court vain and fruitless of late years, unless besides the legal, authorised overwhelming expense of stamp paper, fees, etc., they could further produce a considerable sum to purchase the favour or at least the forbearance of the *sudder amlah*..... Translations of the regulations exist only in the Persian and the Bengali languages. Not a single regulation has ever been translated into the great vernacular language of the Province..... After a whole race having been thus long proscribed and thrown into the background..... In the second and third years after the extension of the Bengal Regulations to Cuttack, estates paying a *jumma* of 4½ lakhs of rupees out of a jumma of Rs. 12,00,000 were sold at public auction for arrears of revenue. Surely any temporary sacrifice of revenue would have been a less evil than rigorous enforcement of the rules of a new code. The inadequate value at which these lands were sold also immensely aggravate the hardship of the measure, and has justly been termed by the Collector (in his report) *little better than downright robbery.* To omit all mention of other cases, Moonshee Nussee Mooddeen alone, the dewan of the gentleman then holding the situation of Collector, purchased in one year at the public auction sales estates paying a jumma of Rs. 53,000 for a sum of Rs. 23,000." And the writer adds in a marginal note, "the purchases were made of course, *benamee*,..... The estates in question have, I understand, long since been disposed of to other speculators."

The Great Orissa Famine of 1865–7.

A second flagrant case of misgovernment or criminal neglect was in connection with the great Orissa Famine of 1865–7. *The Imperial Gazetteer of India*, Vol. III, records:—"Distress was greatest in Orissa, which was at that time practically isolated from the rest of India, but the gravity of the situation was not realised, the Bengal Board of Revenue being misled by defective estimates of the population requiring food and by fictitious price lists. The position was not grasped till the end of May, and then the monsoon had set in. Carriage by sea was extremely difficult, and even when grain reached the coast it could not be conveyed inland..... Meanwhile the mortality had been very great. It was estimated that *at least a million people, or one-third of the population, died in Orissa alone.* Adding the loss of revenue in all departments, the famine in Orissa is said to have cost the state about 1½ crores." The *Cuttack District Gazetteer* says:—"It (the famine) had to be dealt with by a body of officials necessarily ignorant of the signs of its approach, unprepared to accept it, and inexperienced in the administration of relief measures. When the harvest failed, the gravity of the occasion was not perceived, and no special enquiries were instituted." This phenomenon of officials ignorant of the signs of the approach of famine and unprepared to accept it obviously continues to this day. We do not consider that even an official government with its capital in Orissa and in touch with the people could have been so indifferent or so oblivious of the elementary requirements of its people.

Onslaughts on Language.

In the beginning of the seventies of the last century, serious efforts were made by Bengalis who filled the public services in Orissa to demonstrate that the Oriya language had no separate identity from Bengali, but that it was a mere dialect of the latter. It may be interesting to contrast this with what Mr. Beams had written in his Comparative Grammar of the Modern Aryan Languages:—"At a period when Oriya was already a fixed and settled language Bengali did not exist. The inhabitants of Bengal spoke a vast variety of corrupt forms of Eastern Hindi." Oriya, however, survived this agitation. Even in the University, the language had not received the recognition that was its due; and it was only since 1902 that in the F.A. and B.A. examinations

of the Calcutta University Oriya was permitted to be used as a language. And even this was effected through the intervention of the Lieutenant-Governor of Bengal, while the Syndicate of the University at first refused permission for such recognition. Surely, the Oriyas could have been spared many such efforts to prove what was already proven, if their energies had been harnessed to the practical work of administration.

Decrease in Numbers.

A further point we wish to make is the decrease of the Oriya-speaking population in successive Census enumerations. Since the great famine of 1865–7 which cost British Orissa, according to official estimates, a third of its inhabitants, the population continued to increase until 1911 but at a steadily diminishing rate. Oriya speakers decreased during the last two Census enumerations, thus :—

	Oriya speakers in Orissa Division.
1911	4,771,984
1921	4,657,947

While the birth rate continued at about 43 per thousand, the death rate at certain periods rose to 53 per thousand in the Cuttack District and as high as 70 per thousand in the Puri District.

In the Ganjam District, however, the total population has increased, but there has been a continual reduction in Oriya speakers :—

	Oriya speakers in Ganjam District.
1901	1,274,975
1911	958,661
1921	931,790

In the Midnapur District in Bengal, the change is very marked :—

	Oriya speakers in Midnapur District.
1891	572,798
1901	270,495
1911	181,801
1921	142,107

The Census Report, India, says on the decline in Oriya speakers thus :—"The number of Oriya speakers in Bihar and Orissa declined from 7,820,000 to 7,751,000, a loss which is more than accounted for by the actual loss of population in the purely Oriya speaking districts of Orissa. On the other hand politics seem to have affected the Return in part of the Midnapur District. The number of Oriya speakers in the Ramnagar Police Station has declined from over 50,000 in 1911 to about 170 in 1921. The explanation is interesting. The people were aware of the Oriya national movement and their leaders guessed that in deciding the matter the Government of India would give weight to the language figures of the Census. As they did not want their tract to be transferred to the neighbouring district of Balasore in Orissa they took care to return Bengali as their language." The Census report for 1911 of Madras commenting on the anomaly in the decrease in Oriya speakers of the Ganjam District points out that while the total population of the district had increased during the previous decade, Oriya speakers had considerably declined. The report suggests "a possibility of deliberate misrepresentation by Telugu or Oriya enumerators not uninfluenced by the contentions which prevailed some five or six years back between Telugus and Oriyas of the District."

It is needless to state that such manipulations would have been unnecessary under a normal condition if the Oriyas had been enfolded in a province of their own. And as regards actual fall in the population by a higher death rate due to diseases, an Orissa Government would have paid greater attention to the matter than one to which the Oriyas have been tacked on to serve temporary political exigencies.

The Standing Menace of Floods in Orissa.

Dr. Hunter in his "Orissa," written about 50 years ago, says that the history of Orissa is the narrative of a province at the mercy of a great river." But the history referred to is the history of the province during British occupation. Captain J. C. Harris of the Royal Engineers wrote in 1858 : "How great have been the vicissitudes to which the province of Orissa has been subjected; how vast the amount of suffering and how loud the lamentations of its inhabitants; how widely proclaimed, and deeply recognised, are the necessities of the district; how much might have been done towards the relief thereof will appear in the sequel; but I would ask, why are these things so in A.D. 1858?" No, it was not in A.D. 1858 that the situation had remained unsolved. It continues to the present day with an added intensity because there has been no plan or system to tackle the question all these years while new mistakes have continually been made. A recent Committee of engineers, including a representative of the Government of India, explored the entire question. They are of opinion that the embankment system or want of system is at the root of the troubles. Their own words are a sufficient condemnation of the want of plan or policy underlying the attitude of the Government. They say : "The whole system of embankments seems to have grown up without any reasoned plan underlying it. Some of the embankments have been constructed and are maintained by Government, some by the Zamindars. There are marginal embankments, running along the banks of rivers, and ring *bandhas*, completely enclosing villages and estates. They have come into being solely in the interests of the particular area to be protected, and with complete disregard of their effects upon other areas. The river shackled in one direction bursts its bounds elsewhere; fresh shackles are applied at the new danger point which necessitate the strengthening of the original defences and the institution of new ones which would otherwise not have been required. The whole arrangement can only be described as chaotic." Many of these embankments run at right angles to the big rivers, and the railway line which also cuts the rivers right across their course being insufficiently provided with culverts and bridges to drain off the water in flood time, has multiplied the difficulties. Nay more, the solicitude of the Government has created fresh embankments to protect the railway line which has been insufficiently provided with bridges and let-outs.

The situation created by the floods is becoming increasingly menacing, and large areas are verging on depopulation, some of the inhabitants, migrating in thousands to the Jute mills at Calcutta or to engage themselves in the city as domestic servants, some others going to the tea gardens of Assam as labourers, and others still to the rice fields in Burma. A Professor of Economics* who served in Orissa commenting on this emigration writes :—"The Oriya emigrant is in any case lost to his native land and is soon absorbed in the population amidst which he works. Again, though he manages to keep himself above want, his lot is not exactly happy. Having left Orissa under stress and with a defective equipment, he is only offered the lowest and most degrading jobs. He becomes a mere cog in the industrial machine of Calcutta. He rarely rises to a position of trust and responsibility, but is merely an instrument of exploitation for the capitalists who swell their incomes by cheap and docile labour. His loss is nevertheless serious for Orissa as, by the emigration of the most steady and adventurous elements, Orissa loses the best of its population and comes to be the land of the old and the infirm living on the bounty of the young men abroad. The greatest harm, however, consists in the disintegration of family life. Very few Oriya emigrants are in a position to take their families with themselves.

* Prof. H. R. Batheza, M.A., I.E.S.

I need not describe the moral and social consequences of young men living abroad and young women and children left behind."

As regards the problem of flood, it may be that large sacrifices have to be made, enormous outlay in capital necessitating the co-operation of many parties will be found essential, that any expenditure from sources like the Famine Insurance Fund on schemes proposed by the Adams-William Committee will be found inadequate and that therefore for a permanent solution the people of Orissa should feel that it is ultimately they who have to shape their future.

In conclusion, we wish to point out that the movement for linguistic provinces in the country is a legitimate aspiration of the people. The Andhra Movement dates from 1912 after the formation of the Bihar and Orissa Province. The agitation for a Kannada Province commences from 1921 when the Congress ordered its own constitution on a linguistic basis. Such movements are bound to arise as the struggle for freedom increases, and the responsibilities consequent on self-government are envisaged. But the history of the Oriya people under the British is the story of a long-drawn agony. We have mentioned in the foregoing paragraphs some of the main problems which have either directly arisen from the present state of dismemberment or are of such magnitude that only a government completely responsive to its requirements can tackle them in an adequate measure. We have omitted to mention the infinite disabilities to which the Oriyas have been subjected, the slow process of denationalisation that is going on in the outlying tracts, the dull apathy and indifference to human suffering betrayed by the lower classes, and the quiet but pathetic self-complacency with which people have come to depend on government for small mercies. This is the surest way of undermining that capacity for initiative and the willingness to undertake risks and shoulder responsibilities which is the essence of self-determination. We consider too that hemmed in amidst such difficulties, it is not surprising that the Oriya people were agitating for minor benefits at the risk of being parochial and have become conscious that unless they achieve a status of their own in the future polity of India, their interests will not be looked after by any community with whom they may be yoked into a province.

CHAPTER III.

EFFORTS AT UNION.

Stress on Language in Earlier Stages.

The scheme which it is our purpose to present will be incomplete without a brief sketch of the efforts made from time to time by the Oriya people to get united and to obtain a separate status. Due to late annexation of the Oriya-speaking country, the importation as members to subordinate civil services of persons belonging to neighbouring races and the comparative desuetude into which the Oriya language fell for a long time as a medium of instruction in schools or as a court language, was the occasion for repeated complaints on this score by the Oriyas. Coupled with the demand for recognition of the language, there was the claim for preserving the particular system of culture which corresponded with Oriya. While administrative union was envisaged as the proper remedy for putting an end to an anomalous position relegating the indigenous language to the background and as a means of fostering the local literature and culture, the revision of provincial boundaries was not in the earlier stages conceived to be part of a constitutional experiment or a stage in the evolution of a full responsible government. All the idealism and power of sentiment was, however, concentrated on the anxiety to save the Oriya language from this unnatural onslaught by the predominant peoples in each of the provinces.

History till 1912.

We have described on a previous page the terrible neglect of the Government when faced with the appalling exigencies of the great Orissa Famine. In the seventies of the last century, a memorial was sent by the people to unite all the Oriya-speaking tracts under a single administration. Sir Stafford Northcote, then Secretary of State for India in 1868, referred to the famine as "furnishing evidence of the defects of the existing system of Government when exposed to the ordeal of a serious emergency" and suggested that Orissa might be separated from Bengal. In 1895 Mr. Cooke, Commissioner of Orissa, proposed to extend the boundaries of the Orissa Division by the addition of Sambalpur and Ganjam. In 1902 the Oriyas of Ganjam submitted a monster memorial to Lord Curzon who was the Viceroy praying that the Oriya-speaking tracts might be united "under the Government of Bengal or under any one government and one University." The people of Sambalpur waited in deputation on the Chief Commissioner of the Central Provinces in 1901 to pray for union with Orissa. The Central Government, however, on the representation of the Central Provinces only restored Oriya as the court language of the District. In April, 1903, the citizens of Cuttack demanded of the Government of India that all the outlying Oriya-speaking tracts be amalgamated with the Orissa Division in Bengal or that Orissa be raised to a Chief Commissionership like that of Assam retaining the connections of the Calcutta High Court and University, "whichever of these two measures is, in the opinion of the Government, better calculated to secure the advancement of the race." The Oriyas were now forming the Utkal Union Conference which had been all along their premier national institution. The Conference was due to meet on the 30th and 31st December, 1903. On the 3rd December the famous proposals of Lord Curzon were published. It was proposed to unite the whole of the Oriya-speaking people, both hill and plain, under the Bengal administration. They said :—"Such a scheme would solve the question of language once and for all. This change would relieve both the Central Provinces and Madras of a troublesome excrescence upon their administrative system; and it would result in handing over the Oriya problem to one government alone, on a scale and with a unity that would admit of its being treated with consistency and efficiency." The proposal was supported by the Governments of Bengal and Central Provinces, but was opposed by Madras who, among other considerations, said that "it was useless to strive after an administration based on linguistic uniformity." The upshot was that Sambalpur became amalgamated while Ganjam and Jeypore were left out. In 1907 representations were made to the Royal Commission on Decentralisation asking for a Chief Commissionership for united Orissa. While the movement was thus in progress, and the Utkal Union Conference was reiterating its demands, and deputations on governors and viceroys were being organised, the unexpected announcement of the formation of a new province of Bihar and Orissa greeted the attention of the public in 1911. The despatch was hatched in secrecy and in uniting Orissa with the new Province made the ostentatious claim that the arrangement would well accord with popular sentiment in Orissa and added that it "will be welcome to Bihar as presenting a sea-board to the Province." The illusions of certain Assembly representatives that this last proposal meant that major ports would be opened in Orissa was shattered by the Government of India. Apparently a sea-board was to provide sea baths!

Before Mr. Montagu.

After the announcement to form the new Province was made the Government of India was approached, but they declared that the amalgamation was neither necessary nor desirable. From now Orissa's name

became tackled to that of Bihar, and a Lieutenant-Governor, Sir Charles Bayley declared that Orissa would obtain a half of the Government's attention, a promise which was never fulfilled. When Mr. Montagu came to India in 1917, the Utkal Union Committee waited on him and pressed for a united Orissa with "an administration of the type which Bihar and Orissa now has," or if that be not feasible, to yoke united Orissa with Bihar with a view to develop it as a separate province. In the latter case the Committee asked for a wider representation to bring Orissa on a level with Bihar. They also urged that amalgamation should precede Reforms.

Sub-Provinces.

The Montagu-Chemsford Report of 1918 wanted to work out a plan whereby Responsible Government would devolve in instalments, and instituted the novel plan of "dyarchy." Now, dyarchy is a vertical division of the Governmental machinery. There was also before them the plan of a horizontal division, viz., to divide the country into small and homogeneous units based on language and race and hand over to these units, called sub-provinces or provincial states, the task of administering the "transferred" subjects pertaining to the area. There would be sub-provincial councils, ministers responsible thereto, and independent powers of taxation. "As the State councils developed, more and more functions would be made over to them . . . until finally the provincial governments disappeared, and the future polity of British India was represented by a series of States enjoying responsible government." This plan the authors rejected generally because they did not want to "unite the sufficiently difficult task of revising the constitution of India with the highly controversial labour of simultaneously revising the political geography of the entire country." In the case of Orissa as also Berar the authors recommended an exception to be made and proposed that the reformed provincial governments should test popular opinion about such schemes when forthcoming. They laid it down that such changes in redistribution of provincial areas should be effected through a "process of consent." The present Section 52 (a) of the Government of India Act which embodies this recommendation reads :—

"The Governor-General in Council may, after obtaining an expression of opinion from the local government and the local legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new governor's province, or place part of a governor's province under the administration of a deputy-governor to be appointed by the Governor-General, and may in any such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of this Act relating to Governor's provinces, or provinces under a lieutenant-governor or a chief commissioner, to any such new province or part of a province."

The Joint Select Committee which reported to Parliament defines in regard to the "process of consent" mentioned in the Report :—

"The Committee have two observations to make on the working of this clause. On the one hand, they do not think that any change in the boundaries of a province should be made without due consideration of the views of the legislative Council of the province. On the other hand, they are of opinion that any clear request made by a majority of the members of a Legislature Council representing a racial or linguistic territorial unit for its constitution under this clause as a sub-province or a separate province should be taken as a *prima facie* case on the strength of which a commission of enquiry might be appointed by the Secretary of State, and that it should not be a bar to the appointment of such a Commission of inquiry that the majority of the Legislative Council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit."

A safeguard for the minorities in the provincial Legislative Councils who intend to move in the matter has been here provided. But what about minorities like the Oriyans in four provinces? In none of the outlying provinces except Madras are the Oriyans strong enough numerically to return even a single member to the Provincial Legislature. In the next chapter we shall discuss that this provision has been of no avail even in Madras, where a resolution by an Oriya member was not admitted for discussion.

Mr. Sinha's Resolution.

The Government Act was passed in 1919, and before the formation of the new councils under the Act, Mr. Sachidananda Sinha of Bihar moved in the old Imperial Legislative Council in February, 1920, for a mixed committee of officials and non-officials to formulate a scheme for amalgamation of the Oriya-speaking tracts with the present Orissa of the province of Bihar and Orissa. Mr. Sinha explained that the people of Bihar did not object to a separate province for the Oriyas, but that he thought the simpler scheme of amalgamation was more likely to be accepted by the Government. This motion received a great deal of support, and among those who favoured amalgamation being the late Sir Surendaranath Bannerji, Sir Dinshaw Wacha and Mr. Kamini Kumar Chanda. Mr. B. N. Sarma supported the principle of linguistic union but advocated a separate province for the Oriyas. All the speakers were for a separate province ultimately. Mr. Bannerji declared what was too true that representatives of the Oriya-speaking population had no determining voice in matters concerning their welfare, "*and the evil is likely to be aggravated when the Reform Act comes into operation.*" Sir William Vincent speaking on behalf of the Government stated that he believed that there was a very great feeling among Oriyas for amalgamation, that the Government was in no sense opposed to an examination of the question, but that they were precluded from appointing the Committee because it was for the reformed Councils to express their opinion about the matter. He added : "I am quite prepared, however, if I can secure the sanction of his Excellency in Council to this course, to have a full investigation of the facts, to ascertain the views of the local governments and prepare such materials for the new Governments as may assist them in arriving at a just decision in this matter." On this assurance the mover withdrew his resolution.

Views of Provincial Governments.

The result of this debate and the assurance of the Government gave a different turn to the Oriya movement. In Madras, an Oriya member wanted to move the subject in the new Council in 1921 but it was not admitted for discussion. A subsequent motion was withdrawn on the Government agreeing to publish materials in their possession. In 1922, the same Government is known to have definitely opposed amalgamation and even the idea of an enquiry in terms of the new Act. They also did not consider that it would be to the advantage of the country as a whole to create a united Orissa Province, sub-province or even amalgamate the Oriya tracts with the Orissa Division in Bihar. In 1921 a resolution by an Oriya member recommending the administrative union of all the Oriya-speaking tracts under one Government was passed in the Bihar and Orissa Legislative Council. And the Government of Bihar did not disfavour amalgamation in 1922, while it fully recognised the deep sentiment of the Oriyas of Orissa in the matter. In the same year the Government of the Central Provinces admitted that in Khariar and Phuljhar the Oriyas wanted amalgamation, and that there was a *prima-facie* case in its favour. The Bengal Government found that the Census figures were manipulated in Midnapur.

Philip-Duff Enquiry.

The Government of India in 1924 appointed a Committee consisting of two officers, Messrs. C. L. Philip and A. C. Duff, to ascertain the desire of Madras Oriyas in respect of amalgamation, who reported both as regards Jeypore and Ganjam as follows:—"Our enquiry has shown that there is a genuine, long-standing, and deep-seated desire on the part of the educated Oriya classes of the Oriya-speaking tracts of Madras for amalgamation of these tracts with Orissa under one administration . . . It is unquestionable that wherever the Oriya raiyats have learned something of the matter, they are entirely in favour of amalgamation."

In the Assembly.

At this stage there seems to have been a further reference made to the provinces. In February, 1927, Pandit Neelakantha Das moved in the Legislative Assembly for putting all the Oriya-speaking tracts under one local administration. The Home Member revealed during the debate that both the Central Provinces and Madras Governments opposed amalgamation, and the Bihar and Orissa Government wanted to make sure that the additions to its territory should be financially solvent. He expressed his sympathy with the aspirations of the Oriyas, and stated that the position was not quite satisfactory and that the tracts would be transferred if financial considerations made it possible to take such a step. The resolution was then withdrawn.

Mr. U. M. Sen.

The Government of Bihar and Orissa in 1927 deputed one of its officers to investigate into the finances of Ganjam, and that gentleman reported that there would be an annual deficit of 11½ lakhs because of Ganjam. We shall discuss the financial aspect of the matter in a subsequent chapter, and therein will be shown how the standards adopted by this officer are incorrect.

The Utkal All-Parties Conference held on the 7th December, 1928, attended by representatives of all schools of opinion has definitely demanded a separate province, and also asserted that the finances of the united Orissa Province would suffice her needs. The resolutions passed by the Conference are given as an appendix to this Scheme. The administrative aspect of the problem and matters arising therefrom will be discussed in the next two chapters.

CHAPTER IV.

THE DEMAND FOR A SEPARATE PROVINCE.

Demands from Time to Time.

We have seen in the previous chapter that while the demand for amalgamation of the Oriya-speaking tracts received a uniform and insistent emphasis from the outset, claims for the creation of a separate province have been made since 1903. That year the citizens of Cuttack wanted a "Chief Commissionership like that of Assam" but advanced it as an alternative proposal. In 1907, before the Decentralisation Commission, a demand for a Chief Commissionership was made. Before Mr. Montagu in 1917 the Committee of the Utkal Union Conference put forward the demand for a united Orissa and for "an administration of the type which Bihar and Orissa now has." The Conference sitting after the M. C. Report was published, declared in 1918 that "unless a separate province under a Governor-in-Council and a legislative assembly with an elected non-official majority be given to the united Oriya-speaking tracts, the proper solution of the question cannot be fulfilled." It is obvious that till the questions of responsible government and provincial autonomy were definitely in view main stress was laid on the union of the Oriya-speaking tracts, but the claims to a separate province were mentioned unerringly at the same time.

Separate Province as Amalgamation.

As late as February, 1927, Pandit Nilkantha Das asked in the Assembly for amalgamation, but pointed out that nothing less than a separate province would satisfy the Oriyas. The Government then stated that this question of a separate Province needed further enquiry being obviously a more serious matter than amalgamation. We concede that it is so, but the Oriyas never made a secret of what they wanted. Amalgamation was sometimes advanced by politicians only as either a necessary first step or with a view to obtain ready acceptance because it was a simpler proposition. But if the Oriya movement should be brought into line with the Swaraj Constitution, it should be unmistakably pointed out that we want a separate province to shape our own future and to shoulder our own burdens which recent history has pointed out were capable of being borne by no others. A point has sometimes been made that the politicians of Orissa are not united as to what they want, whether, it should be amalgamation or a separate Province. We consider this entirely beside the issue as there has never been want of unanimity as to how Orissa should be governed under a liberal constitution. The Conference of the All Parties in Utkal which appointed the signatories to the present scheme has after deliberate consideration ruled out the question of merely stopping at amalgamation. We do not see why the Oriyas should perpetually be yoked with a predominant and overwhelming partner in a province. It is in no spirit of antipathy to particular provinces that we make this claim: we feel that it is time that our right to self-determination be definitely asserted and recognised and that the risks and responsibilities as much as the glories incident to the creation of a separate status be fully taken over by this ancient people. The Oriyas in the present Orissa Division are only a seventh numerically in the province of Bihar and Orissa, and the position will hardly be altered by adding to the province a population as strong as that of the Orissa Division in point of numbers. Already the financial argument has been advanced that neither the Orissa Division nor the Ganjam District pay their way. The implication undoubtedly is that the extreme solicitude alone of the present Bihar and Madras Governments had been responsible for the well-being of the Oriyas and that otherwise their resources cannot suffice their needs. Without anticipating the arguments to be adduced in a succeeding chapter, we must say that nothing is bound to perpetuate the inferiority of the people concerned than this assertion. A Government is not entitled to advance this argument after a century and a quarter of its rule, singularly marked by neglect. If it had been mindful of the best interests of the people, Orissa would not have been faced by serious problems like floods, her appalling poverty, lack of facilities for education, general or specialised, an increasing death rate, depopulation of certain areas, emigration in thousands of its youthful sections, with all the consequences moral and material. A few minor adjustments or palliatives made to satisfy local agitation will but postpone the day of a final solution. The best of us are not quite free from that morass of pessimism which is so detrimental to corporate effort or new enterprise. The unrelieved lot of a public worker in Orissa is very often to engage himself in the solution of her poverty and to relieve the effect of her floods. But even the best non-official efforts consummate a small solution only. A quiet self-complacency has come over the educated Oriya, and the masses of the population are betraying a dull apathy to suffering, not to speak of co-operative effort. The process has got to be arrested, and the present arrangement is least calculated to advance the position. Delay at best only postpones the evil, while it very often gives rise to new complications requiring new effort to tackle them. The situation needs a comprehensive understanding of the problem, a proper programme, and the application of extra-

ordinary remedies. We do not think that judging from past history, the present provincial governments can develop anything better than caution and tinkering with small details. Even if there is a change by broad basing the government on a democratic franchise without the needed territorial distribution, it will not be possible to work, actuated with that dominant feeling of Orissa's interests, which is now urgently called for, all the more insistently because of past neglect. Yoked with overwhelming numbers of sister nationalities the problem of Oriya progress assumes in all the four provinces the unwholesome aspect of seeking the remedy to minor grievances, if not of an attempt to gain fishes and loaves of office, which is very demoralising.

The Question of a Sub-Province Examined.

We do not think either that our problem is capable of satisfactory solution if what is known as a sub-province be instituted. We have already indicated what in broad outline this proposal meant to the authors of the Indian Constitutional Reforms. The essence of the plan of sub-provinces is dyarchy with a horizontal division of functions along territorial line added to the present anomalous and difficult system. Even official opinion does not declare that dyarchy has been successful these eight years while most of those who had worked the transferred departments under the system have condemned it. And this, quite apart from the stigma to the nation attached in "training" in, and in the offering of successive stages of, responsible government. In consonance with advanced political opinion, we are for provincial autonomy, consistent with the presence of a strong Central Government. Dyarchy is consistent with Provincial Autonomy, and a Sub-Province can exist only if there is dyarchy. We wish this simple truth could have been realised in certain quarters. If a Sub-Province be formed, we anticipate that subjects like Public Works, Education, Local Self-Government, Agriculture, would be transferred in the first instance for administration by the Sub-Provincial Government with the aid of a Sub-Provincial Legislature. We are already familiar with the practical effect of a so-called joint purse on the progressive transferred departments in the provinces. In fact the division of heads of revenue between the Central and Provincial governments, the juxtaposition in which excise was placed with a subject like education, and the all-India agitation for prohibition which affected excise revenues of the provinces at the commencement of the Reformed constitution, all these factors taken cumulatively have adversely affected the chances of dyarchy. The proposal of a sub-province does in no way improve the position. Thirdly, an arrangement where not only the Central Government but also the Provincial government will be an additional controlling authority over the actions of the Sub-Province is least to be desired. And then, the creation of a Sub-Province within a province presumed the formation of other Sub-Provinces therein. Let us take the illustration of Behar and Orissa. Let us suppose the outlying Oriya tracts are added to Orissa, and Orissa is then constituted a Sub-Province. Should not Behar be made a Sub-Province? But Behar has never wanted to be a Sub-Province. Our point is that if only one section like Orissa in Behar and Orissa be made a Sub-Province, the Provincial Council at the top, whatever ingenious arrangement be proposed, will acquire control of some sort over the affairs of the Sub-Province, which, it is obvious, no advocate of the system desires. There would be in the Sub-Province three sets of officers, two of which are not under the control of the Sub-Province. Even if an elaborate system be adopted for allocating funds or dividing heads of revenue between a Province and Sub-Province, for co-ordination and control of functions, and for collection of taxes, with all the complications that the administrative aspect involves, we are confronted with the outstanding status of inferiority of such a Sub-Province. Nor would the situation be improved by the presence of a handful of Orissa representatives in the Provincial Council. Occasions of conflict on the score of finance between the Provincial Council and the Sub-Province will multiply and the conflicts this time will assume a racial character, leading not to the consummation of that Indian unity which we all seek in the sphere of a democratic government but to a very different position. In fact, a Sub-Province, if it is not to furnish scope for mischief, will remain a dignified edition of an organ of local self-government like a District Board. We are aware that the failure of the Government to pursue the suggestion of the authors of the M. C. Report to create a Sub-Province at an early date after the Councils of 1921 were formed, was only in keeping with their policy of indifference towards the interests of the Oriyas and was not the result of anxiety as to the success of this new experiment. The protracted correspondence which they carried on during these nine years since Mr. Sinha's motion in the old Imperial Legislative Council betrayed the truth of this remark. Each Provincial Government seemed to vie with the other as to how little it should give. The Madras Government shut its eyes to the repeated representations which they received year after year from Madras Oriyas, propounded theories as to the language of Madras Oriyas being different from that of the Oriyas of Orissa, and went to the length of asking to be reimbursed for the cost of buildings which they had created in Ganjam. The Government of the Central Provinces during these years has made a somersault in going back upon their own recommendations. But this by the way.

Proposal for a Separate Minister.

A fourth proposal, of a novel character, remains to be mentioned. The proposal is of Mr. Madhusudan Das, C.I.E., once Minister of the Bihar and Orissa Government. Instead of a Sub-Province, he wanted an Oriya Minister in charge of the transferred departments pertaining to Orissa. Apart from the novelty of the plan, the assumption that all the subjects could be administered by a single Minister goes against the proposal. The administration would practically be in the hands of a number of secretaries not responsible to any legislature, and even the minister is not mentioned as being responsible to the members from Orissa in the Council. But if the latter is provided in the constitution, a further anomaly will be created. While the Orissa minister may not enjoy the confidence of the Orissa members, he may win other votes in the council, so that practically he will be at the mercy of votes of persons belonging to places with whose transferred subjects the minister has nothing to do. On the other hand, so far as the Orissa portion is concerned, a bureaucracy worse than what the existing machinery provided would be brought into being. We see no reason why this anomalous state of affairs should be brought into existence in the attempt to safeguard Orissa's interests. We cannot think that this would conduce to democracy and believe this is worse than the solution offered by a Sub-Province.

We clearly see the need of forming a separate Province. The fact that there are provinces in India with long experience of government should not render it necessary that we should begin our career with an "instalment" or "a stage" of responsibility, nor is there any reason to think that our progress, instead of being based on the lessons furnished by the experience of other provinces, should be extended over as many years as it has taken them to arrive at the present stage of development. We have indicated that mere amalgamation will only put off the solution of the outstanding question which the sons and daughters of Orissa alone are competent or bound to achieve. Makeshifts like the creation of a sub-province will multiply constitutional difficulties without effectively or at all solving

vital matters affecting the people. Orissa's long history when she was an independent kingdom with military and maritime activity, her surpluses which enabled the famous temples to be built, and her zeal in literary and religious movements, all demand that she should be a distinct entity in the future polity of India. Without being such a unit, it is impossible for Orissa to unfold her life and culture.

CHAPTER V.

SCHEME OF AMALGAMATION.

The actual constitution of the future province of Orissa resolves itself into two parts, firstly the amalgamation of the Oriya-speaking country lying in Bihar and Orissa, Madras, Central Provinces, and Bengal, and secondly creation of a separate provincial unit. In a previous chapter we have indicated the additional difficulties arising out of the Oriyas being scattered in four provinces. A commission has therefore to go into the question of the delimitation of the boundaries.

Union of Areas.

The scheme of areas and population which have to be united is given below. This was adopted eleven years ago by the Utkal Union Conference. Some modifications may undoubtedly be necessary, and we neither have the material nor the time to deal with the question as to which taluka or which zamindari should be added or left out. These are bound to be controversial matters and should be settled by an Expert Committee who should give full consideration to all aspects.

Underlying Principles.

The general principles which should underlie such delimitation in our opinion are as follows. Full consideration should be given to the question of linguistic uniformity. By "language" we do not mean that the language spoken at home should be the sole criterion. An Oriya caste may have under the stress of the present dismemberment become Telugu or Hindi-speaking because of want of facilities in schools, courts and katcheries for the Oriya language. A unit of area should be fixed in each of the outlying tracts, and if Oriya is the predominant language in that unit, then it should go with Orissa. So far as the Madras tracts are concerned, this unit should be a revenue taluka. If large estates have a bi-lingual population, the opinions and conveniences of the proprietor or zamindar should certainly weigh with the Expert Committee, but the desires of the tenants, if they conflict with those of the zamindar, should generally be upheld, unless there are strong reasons of administrative convenience why the desires of the tenants should be overruled. We are not in favour of partitioning estates for purposes of a separate province of Orissa. Then there may be large industrial centres like Jamshedpur within a district like Singbhum proposed to be amalgamated. A question like this should be settled by a sort of arbitration of a representative of the Central Government. Then the question of aboriginal races has to be decided. The principle to follow in this respect is to find out to which province the particular race is mostly confined, and then put them together in the same province. A second consideration in respect of the aboriginal classes is to pay due regard to the language which has been the civilising medium in their case. And if they entered into any agreement as to which language they should receive instructions in, the same should be respected. If in a tract mostly peopled by aboriginal classes, the tests above do not yield a result in consonance with the object of securing a linguistic province out of a contiguous area, then the desires of the major non-aboriginal community as to which province the tract should be transferred should finally decide the question. But we do not think the problem in any tract will assume this last form, if the interests are sought to be served of the aboriginal population as well as the Feudatory States of Orissa which are an integral part of Utkal so far as propinquity of language and race is concerned. Finally, there may be one or two small areas predominantly Oriya speaking but as a result of the disruptive force working so long in the outlying areas their leaders may be incapable of realising the value of a separate Utkal Province. In such a case there should be a referendum to the adult population to finally decide the issue. Our proposals might seem meticulous, but knowing as we do the strongly evil effects of this long dismemberment, we feel that no pains should be spared to go into the question. As we have already stated the Oriya problem is the acutest and is not merely a part of the general movement for linguistic distribution of provinces.

The Scheme.

The following will give an idea of the Oriya-speaking country. The population figures are of the 1921 Census, except where otherwise indicated :—

Serial No.	Oriya Tracts.	Area in square miles.	Total population 1921.	Oriya Population.	Remarks.
	BIHAR AND ORISSA.				
1	Orissa Division	13,736	4,968,873	4,657,947	
2	Orissa Feudatory States (26)	28,648	3,959,699	2,940,338	
3	Singhum Dt. in Chota Nagpur Division ...	3,891	759,438	140,821	
	MADRAS.				
4	Ganjam Dt., except Chicacole Taluk ...	7,920	1,894,851	1,024,043	
5	Vizagapatam Agency, except Gudam Taluk	11,883	938,576	473,710	
	CENTRAL PROVINCE.				
6	Chandrapur, Padmapur, Phuljhar and Khariar Zamindaris, etc.	1,822	266,344	139,362	We have taken figures for 1911 as it was not possible to get figures for 1921.
7	Bastar, Sarangarh, Raigarh, Udaipur, and Jhaspur States	18,056	993,552	102,022	
	BENGAL.				
8	Contai sub-division, Dantan, Gopiballabpur, Mohanpur, Nayagram, etc.	2,564	1,243,580	572,798*	
	Total	88,520	15,024,883	10,051,041	
	British Territory	41,816	10,071,662	7,008,681	
	States	46,704	4,953,221	3,042,360	

* As admitted in the Census Reports both for Bengal and India and the Bengal Government, there has been a manipulation of figures representing Oriya speakers at the Census of 1921, and hence the figure of 1891 is taken as likely to be more correct.

Status of the Administration and other matters.

The status of the administration for this 15 millions of population should be a Governor's Province. The Governor should be appointed by the Governor-General in Council as recommended by the supplementary Report of the Nehru Committee. The Provincial Executive should consist of three ministers appointed by the Governor. The Governor should select the Chief Minister and appoint others *only* on his advice. We have accepted the provision of a uni-cameral legislature for the provinces consisting of a number of members calculated at the rate of one per 100,000 of population, and a bi-cameral system for the Central government, the upper house being elected by the provincial Councils. The present system of a circuit High Court at Cuttack should be continued, but which High Court of a neighbouring province should in the future exercise control may be determined by eliciting popular opinion. We favour the formation of a Supreme Court. So long as a separate High Court is not established for Orissa, we propose that the Supreme Court should have jurisdiction over disputes concerning the Orissa Feudatory States.

There should be no Divisional Commissioners. The Officer in charge of the States should be appointed by the Governor-in-Council. A University for Orissa should come into existence, which should put emphasis on studies relating to Orissa's natural resources and her language, arts, and crafts. As the University will have to serve both British Orissa and Orissa States a way should be found of constituting the governing body on the elective principle of not only giving representation to graduates, the legislative council, and local bodies, but also to donors from the Feudatory States. The proposed Orissa Chamber of Princes should be provided with representation on the governing body.

There should be universal adult franchise to the legislature, and a candidate for election must have attained 21 years of age. There shall be reservation of seats in the legislature for Mussalmans on the proportion of their population with the right to contest additional seats. This reservation shall be for ten years and the matter may be reconsidered after the expiry of the period. The term of the provincial council should be five years.

The maximum salary of the Governor shall be Sixty Thousand Rupees while the Ministers should be paid Thirty-Six Thousand Rupees.

CHAPTER VI.

THE FINANCIAL ASPECT.

The Financial Consideration is of Recent Origin.

The creation of a separate province of Orissa has recently been discussed in the country, and the All Parties Conference held at Lucknow in August last has assented to the proposal if the Oriya-speaking people "are able or are prepared to bear the financial burden which is incidental to separation." This declaration assumes two things, viz., that either the present revenues of the Oriya-speaking country do not satisfy all its needs, and the deficit of the burden is borne by the present provincial governments in whose jurisdiction the Oriyas live; or, that the income just balances the expenditure so far as the provincial finances are concerned, and that the cost of equipping the new government with offices and residences and the additional establishment have to be met from new sources, which in this instance the Conference suggests should be the people concerned by means of additional taxation; or, further still, that both the present deficits if any and the additional cost of forming a new government should be so borne. It is needless to point out that this opinion of the Conference has not been founded on any examination of the finances of Orissa. But apart from this objection, we confess that this apotheosis of the financial consideration has been recently imported, and that even the government has till now never adopted this line of argument. Of course, it has been reported that the Bihar and Orissa Government has expressed its unwillingness unaided to undertake the task of administering Oriya tracts transferred from Madras unless a way was found to reimburse them for the supposed deficit of the tracts proposed to be transferred. We do not consider this attitude entirely unreasonable, for both the provincial legislature and the Central Government have to be consulted by them, however much we may desire that a bold policy should be adopted on their own initiative by the Bihar and Orissa Government. Neither the Report on Indian Constitutional Reforms (in para. 246) nor the Report of the Joint Select Committee of the Government of India Bill (Recommendation on Clause 15) nor Sec. 52A of the present Government of India Act lay down any condition as to the financial question. This is not to say that the financial question is not at all important. Our contention is that it should not supersede other very vital matters which form the prime consideration in respect of the Oriya demand. Under the circumstances we regret exceedingly the decision of the All Parties Conference on the subject, while we readily concede that the question of finance has to be examined preliminary to amalgamation and creation of a provincial status.

Orissan Finances in olden times.

Before examining the question of finance, we should first like to allude to the historical fact that Orissa like several other administrative units was in the past in the full enjoyment of an autonomous government both self-contained and efficient. We do not make this reference with a view to obtain a solution from the past as to the exact question which immediately needs a solution but wish to make out that both history and sentiment are in our favour and the experiment of a separate province is not proposed to be made in the dark. We find from the account of Orissa by Hunter that a substantial surplus was in most cases the invariable rule when the Kings of Orissa governed. Dr. Hunter asserts (*see* Orissa, Vol. 1, p. 325, *et seq.*) that under the native dynasty, the revenue sufficed to support an administration infinitely more minute and as regards its higher officials infinitely higher paid than at present under British control. He says (*ibid*): "Under the Hindu princes it supported, besides, a peasant militia of 300,000 men and a regular army of 50,000 foot, 10,000 horse, and 2,500 elephants. We know from the Mussalman annalists that the Orissa King could at a moment's notice take the field with 18,000 horse and foot. But the public works of the Hindu Dynasty attest the magnitude of their resources in a way that admits of no dispute. Thirty or forty thousand pounds* were not considered extravagant for an ordinary temple. The accumulations of one monarch (Anang Bhim Deo) are stated at £1,296,750 and from this he set apart £406,250 (1,500,000 marhs of gold) for the holy edifice of Jagannath. A similar magnificence surrounded the private life of the Orissa Kings. Their five royal residences (*Kataks*) still live in popular tradition." And Raja Narasinha Deo spent for the building of the Black Pagoda at Konarak an amount no less than the revenue of twelve years.

Provinces not Independent Fiscal Units.

Before considering the present revenue and expenditure of the Oriya-speaking tracts, it is well to bear in mind a few general considerations. The provinces in India are admittedly the creations of mere administrative exigencies, having grown in a haphazard fashion. They have been considered as independent political entities only recently. The supreme, central government was in existence long before. Even when the provinces began to function, they acted simply

* Dr. Hunter wrote in 1872, and the appropriate value in modern terms should be taken to arrive at a proper figure.

as agents or representatives of the central government with neither an independent will nor an independent policy of their own. Till the Reforms of 1921 the provinces spent money allotted to them by their principal and it is only recently that the goal of a political federation and fiscal autonomy has been accepted by every shade of public opinion. But frequent changes in the boundaries of the province as well as the fact that they came under British rule at different times and under different stages of development obviously destroy the hypothesis of treating the provinces as independent fiscal units, capable of all being treated according to a uniform standard of financial relations with the central government or of taxation by the respective governments. Attempts at standardising the financial relations between the provincial governments and the government of India have no doubt been made ever since 1870–71 when Lord Mayo first introduced an element of decentralisation.

No Uniform Standard of Financial Relations with Provinces yet possible.

Although in 1909 the government of India laid down and the Royal Commission on Decentralisation endorsed that the same share of the chief sources of revenue should be given to the provinces, there was no uniformity observed as regards the percentage of each head of revenue allotted to each of them. In fact the standards adopted in 1910–11 in these "permanent settlements" were based primarily on the estimated needs of individual provinces on the actual data of expenditure then available. The scheme of these "permanent settlements" which converted fixed assignments to the provinces into a system of divided heads provided special contributions from the central exchequer; and what is interesting, such contributions were larger than during the period when the quasi-permanent settlements were in force. The Meston settlements of 1921 separated the resources of the central and provincial governments and fixed a system of contributions by the provinces to the central exchequer, but in a number of cases these contributions had to be remitted by the central government, notably in Bengal for three years at the rate of 63 lakhs per annum from 1922–23 onwards. The Meston Committee fixed the "initial contributions" of provinces on the basis of the increased spending power resulting from the redistribution of the revenue heads. And agreeably to the recommendation of the Joint Select Committee of 1919, these provincial contributions have been finally wiped out in the current year. And even at that a final stage has by no means been reached. The recommendations of the Taxation Enquiry Committee in their relation to the Meston Settlement are awaiting translation into action. The Government of India seems committed to idea of giving provinces a greater share of income tax than that accruing under Devolution Rule XV; they are suggesting that the provinces should have the proceeds of flat rate of income tax on personal assessable incomes from all assessees resident within the province; the resulting provincial deficits are proposed to be made up by fixed assignments or by a system of grants in aid for specific purposes. The position indicates that the provinces and the central government have not developed a fixed system of relations.

Provinces not to be left to their own devices.

Since the Reforms the provinces have obtained independent powers of taxation and there have been varying rates of increase of revenue during the period. In a province like Bihar and Orissa, the development has been slower than the more advanced provinces firstly because of the comparatively recent constitution of the province, and secondly because of the low taxable capacity of its population. In provinces like Punjab or Madras the development was more rapid, and for obvious reasons. What we wish to point out is that though it should be the ideal of the federal government of India to attain a common standard of economic welfare for all the provinces, the fact that they are not all equally developed or even capable of identical lines of simultaneous progress, that their possibilities of new revenue resources are also unknown and unrealised, should not be overlooked. While the system of assignments by the Central government has to be deprecated as a permanent arrangement affecting the aim of self-sufficiency of the provinces, the method of provincial contributions will impair the credit of the central government both inside and outside the country and consequently is equally undesirable. We therefore do not think it advisable even if possible to abandon the provinces to their own devices of enhancing their revenues. The insistent demand for provincial fiscal autonomy might not permit that "watchful might of a common central government, supreme as it will be solicitous" to the developmental needs of each province. We therefore consider it necessary to utter this note of warning when federation ideas are in the air, and we are particularly gratified to find that the Nehru Report endorses the sentiment that it is not absolute federation that the country should have a view.

But minimum standard of welfare necessary.

The question of financial self-sufficiency therefore is beset with limitations of a fundamental character. India has nine Governors' provinces and six backward provinces. These backward provinces, for instance, ought not to lag behind in the standard of material prosperity and comfort. But if these were to depend entirely on their own resources, they may not for a long time be able to provide for the people in their charge all the facilities that go to make up civilised life. While, therefore, no absolute uniformity of conditions is attainable or even desirable, we must insist on a minimum standard, below which no province should go in the national interest and up to which certain provinces may not come of their own resources.

Need for a different angle of vision.

These considerations imply that the problem of a separate province should be approached from a totally different angle of vision. By this we do not compromise the position we have taken up in the succeeding paragraphs that the present revenues of natural Orissa are sufficient for her needs so far as her present scale of expenditure is concerned. We have discussed the general question because the financial relations need a further adjustment and in fact the proposals are on the anvil, while the fact that Orissa which has been in four provinces and neglected during a century and a quarter, makes it essential that the general considerations should not be lost sight of in providing the wherewithal for her development as a distinct provincial unit.

Full data not available.

In the examinations of the financial aspect we are however, confronted with an initial difficulty. The figures of revenue and expenditure for a Division or a District are not separately available unless information is gathered from answers to Council interpellations and unless the government makes the calculations separately. In the case of the Ganjam District, however, comparatively full information is available as the average of the three years from 1923–24 to 1925–26 have been worked out and an officer of the Behar finance department was deputed in 1927 to Ganjam and Madras to study the position. There is also no means of arriving at the indirect or undistributed revenue in the case of the Orissa Division. Nor has any data been available for our purposes of Singbhum or the Oriya tracts in the Central Provinces and Bengal. Even the Government has to base its calculations on rough approximations.

Orissa Division.

In 1925–26 the revenues stood as follows for the Orissa Division :—

	In lakhs of Rupees.
Land Revenue	30.54
Excise	31.53
Stamps	12.21
Forests	3.74
Mines and Miscellaneous	0.61
Jails	0.23
Registration	1.73
Law, Justice, Police, Education, Medical, Roads and Buildings	2.62
Total of direct revenue Rs.	83.21
Add on the basis of the comparative population of the Orissa Division and of Behar and Orissa, *one-seventh* of the undistributed revenue ... Rs.	5.62
Total Revenue ... Rs.	88.23

This Total does not take into account the receipts under local cesses for the years, of Rs. 4.56 lakhs. The recent land revenue settlements just concluded are expected to yield about Rs. 10 lakhs. As to further increases in revenue, we note that the revenues of the Orissa division were calculated once in 1922 and a second time after 1926. During these four years, while the revenues of the entire province increased from Rs. 443 lakhs to Rs. 579 lakhs, those of the Orissa division rose from 73 lakhs to 88¼ lakhs. The increase percentage is less in the Orissa division. But we think that considering the normal increase the revenues of the Orissa division would swell to at least 116 lakhs by 1931 when the first decennium after the Reforms would have been completed.

Deficit of Surplus.

In the absence of data for expenditure, we shall consider the Behar Government's assertion that in 1925–26 there has been 17¾ lakhs of deficit in the Orissa Division after taking into account the undistributed expenditure at one-seventh of the provincial total. This undistributed expenditure provides for headquarters charges, the Governor, the Executive, the Legislature, the Secretariat, the heads of the departments and a share of the High Court. We have said that the settlements have enhanced land revenue by about Rs. 10 lakhs, and even if the contention of a deficit of 17¾ lakhs falling as a deficit in 1926 be true, the balance of 7¼ could be made up by removing the iniquity of having to pay out of normal revenues to pay interest charges on the Orissa canals. The receipts and working expenses of these canals are said to be mutually balancing themselves, while Rs. 8.50 lakhs have to be paid to the Central Government annually on capital account and shown as irrigation charges. Originally these canals were not wanted, and this iniquitous burden was saddled on the provincial revenues under strange circumstances. The recent report of the Adams-Williams Committee which enquired into the Orissa floods write about the Orissa canals: "As the result of a report by Sir Arthur Cotton which has since been based upon incorrect premises the Orissa canals were taken in hand in 1863 by a private company, the East India Irrigation and Canal Company in spite of a warning from Government that the profits anticipated were almost certainly over-estimated. The Company failed in 1868 when the works were only half completed and government took them over and finished them, although on a less ambitious scale than had originally been contemplated. Owing to the huge capital cost, the canal system has never been remunerative; it does little more than pay its working expenses leaving the bulk of the interests on the original expenditure to be met from other revenues. Since 1891, the cost of all new works required for the system has been met from revenue. We do not see why the future generation of Orissa should be penalised for the mistakes, consciously acquiesced in by a government which went out of its way to evince solicitude for the misfortunes of a private company. If this amount be remitted, a measure which is long overdue, the finances of Orissa division by 1931 would be more than self-sufficient.

Ganjam District.

The figures of the Ganjam District are available from answers to interpellations by Sjt. Biswanath Das, member of the Madras Council and a signatory to this report. The Madras government has worked out an average of income and expenditure for the district during the three years 1923–24 to 1925–26, and showed that revenue of the whole district is Rs. 45.84 lakhs while expenditure is Rs. 37.81 lakhs. Mr. U. M. Sen of the Behar Government worked out what he calls "standard figures" which are totally divorced from local conditions or the experience of the Madras Government itself. Sjt. Biswanath Das has gone minutely into the matter, and shown both on the basis of the government's figures, the Administrative Reports, and statistics obtained from departmental officer in the district that there is no justification for departing very much from the data contained in the Madras Government's replies to his interpellations of February, 1926, and September, 1928. We have adopted Mr. Das's figures and do not think it necessary to deal item by item of Mr. Sen's errors. The position stands thus :—

	Revenue.	Expenditure.	Difference.
	lakhs.	lakhs.	lakhs.
Madras Government's averages ...	45·84	37·81	+8·03
Mr. U. M. Sen's standard figures ...	38·63	45·14	−6·51
Our standards ...	52·96	42·58	10·37

The table shown on page 419 will illustrate the position under each head of receipts and expenditure.

Mr. Sen's excluded areas.

Mr. Sen excludes a number of taluks of the Ganjam district whose revenue and expenditure he arbitrarily puts at Rs. 13.57 and Rs. 8.72 lakhs without including therein a proportionate share of expenditure incurred in pay, establishment, contingencies both of office and Officers of the district heads of departments There is no warrant for doing so if even the recommendations of the Philip-Duff Report are taken into account. We shall deduct Rs. 7.17 lakhs from both revenue and expenditure of the total district figures to arrive at the financial position of the portion of the district proposed to be added. This figure is taken from the statement of the Madras Government. Thus from Ganjam portion we shall obtain an additional revenue of not less than Rs. 45.5 lakhs.

Other tracts.

Then there is the Vizagapatam Agency except the Gudem taluk, Singbhum, the Midnapur areas and the C.P. Oriya speaking tracts. Accurate and up-to-date figures of these areas are not available, but the additional revenue would be in the neighbourhood of Rs. 35 lakhs from these areas

Not a deficit Province.

Thus the total revenue of the Oriya-speaking country would be in the neighbourhood of Rs. 197 lakhs with a present scale of expenditure which does not exceed the receipts of the province. The Behar government estimates that the expenditure of a separate Oriya province will be about Rs. 150 lakhs and there would be a deficit of Rs. 20 lakhs annually. We have shown that there would be increase in land

SCHEME FOR SEPARATE PROVINCE FOR UTKAL. [*Continued.*

AVERAGE FIGURES FOR THREE YEARS FOR GANJAM DISTRICT.

	Receipts (in lakhs of Rupees).			Expenditure (in lakhs of Rupees).		
	Madras Government figures.	Sen's Standard figures.	Our Standard figures.	Madras Government figures.	Sen's Standard figures.	Our Standard figures.
1. Taxes on income	—	0.09	.15	—	—	—
2. Land revenue	23.72	18.32	23.72	1.24	0.34	9.64*
3. Excise	11.59	11.23	11.59	0.50	0.82	0.75
4. Stamps	5.56	5.85	5.85	0.12	0.15	0.15
5. Forests	—	1.78	2.50	—	2.30	1.30
6. Registration...	0.87	0.87	0.80	0.58	0.58	0.60
7. Irrigation (XIII)	—	0.90				
8. Irrigation (XIV)	3.02	0.02	7.27	5.54	8.79	9.50†
9. Interest (XVI)	0·26	0·26				
10. Administration of justice ...	0.33	0.33	0.33	2.00	2.00	2.00
11. Jails and convict settlement	0.06	0.06	0.06	0.50	0.50	0.50
12. Police	0.12	0.14	0.14	6.45	6.95	6.95
13. Education	0.03	0.01	0.01	7.23	8.66	7.50
14. Medical	0.05	0.01	0.01	1.01	1.34	1.10
15. Public Health	0.03	0.01	0.01	0.36	0.42	0.42
16. Agriculture	0.03	0.01	0.01	0.37	0.37	0.37
17. Industries	0.07	0.07	0.07	0.06	0.10	0.10
18. Miscellaneous departments	0.08	0.08	0.08	0.05	0.05	0.05
19. Civil works	0.13	0.15	0.15	2.75	6.00	(*Vide* items 7, 8 and 9).
20. Superannuation	0.08	0.08	0.08	1.33	1.33	1.33
21. Stationery and printing ...	0.03	0.03	0.03	0.09	0.40	0.10
22. Miscellaneous	0.10	0.10	0.10	0.03	0.03	0.03
	Rs.45.84	Rs.38.63	Rs.52.96 lakhs.	Rs.37.81	Rs.45.14	Rs.42.59 lakhs.

Summary.	Receipts.	Expenditure.
As per average of three years for 1923–24 to 1925–26	Rs. 45.84 lakhs	Rs. 37.84 lakhs
Mr. Sen's suggested Standard	Rs. 38.63 ,,	Rs. 45.14 ,,
Our estimates...	Rs. 52.96 ,,	Rs. 42.56 ,,

* This includes expenditure—22 General Administration.
† This includes expenditure under 41 Civil Works which is Item 19 here.

revenue of the Orissa division, the annual payment of interest on the Orissa canals should be remitted besides the factor of normal increase in revenues. These show that at present the province is not a deficit province.

Future development.

We certainly realise that development of the province would need additional revenues. There is one factor to be considered. The Oriya province contains within its limits the scheduled or backward tracts of (1) Jeypore, (2) Ganjam Agency, (3) Angul, (4) Singhbhum, and other tracts, whose revenues do not suffice the expenditure that must be incurred on them and will not suffice till a minimum standard is reached. There was a discussion in the Legislative Assembly in February, 1927, about withdrawal of Angul from the operation of Sec. 52A of the Government of India Act on an amendment by Sjt. B. Das, a member from Orissa. It may be that some of the provincial governments concerned have been bearing the burden of developing these areas at present, but under the reformed constitution this should be a charge on the Central Government. The claim receives added weight in view of the fact that no legislature, Provincial or Imperial has any jurisdiction over these areas. In our opinion specific assignments should be made to the new province for the purpose, without thereby reviving the old system of doles. As regards expenditure too, we think that a policy of retrenchment will make it possible to cut down expenses which may tend to make the administration top-heavy And if a national policy be pursued both new sources of revenue and possibilities of retrenchment will open out to the province, and a new enthusiasm and a new sense of responsibility will be substituted for the present morass of cynicism that scoffs at a financially self-contained Orissa.

Other Provinces.

The revenue of 197 lakhs of Rupees is in our opinion sufficient for a new province like Orissa to start its career. The province of Assam began its post-reform career with Rs. 182 lakhs, while in 1912–13 its revenues were only Rs. 170 lakhs. The Central Provinces after the Berars were added began with a revenue of only Rs. 168 lakhs, though this was in the pre-Reform days. The province of Bihar and Orissa showed an increase of 79 per cent. in its revenues during the last 16 years of its life, while other older provinces during the same period revealed a lower rate of increase, thus :—

Bengal	63 per cent.
Central Provinces ...	75 per cent.
Assam	63 per cent.

In the matter of land revenue, the Behar part of the province is less elastic than Orissa, because of the permanent settlement. If this result was possible, and Behar could beat an advanced province of Bengal during the last 16 years, we believe Orissa's future is still more hopeful, and that her nation building departments will not be starved because of the over-head charges of a new provincial administration.

Conclusion.

We must also claim special treatment so far as the future development is concerned. Orissa's revenues have till now gone to create equipment in Bengal, Behar and in the other provinces. They have created the balances of the provincial governments. They have added to the Famine Insurance Funds without, in our opinion, obtaining in the case of the Behar administration, an adequate return when her population was stricken with disasters. We therefore deem it necessary that the "watchful might" of the

Central Government should be discreetly and beneficently exercised to bring the economic welfare of the Oriyas to the level of advanced provinces. In the Nehru Report and in the resolutions of the All Parties Conference both N.W. Frontier Province and Baluchistan are proposed to be made governors' provinces. Their financial positions stands thus in 1926–27 :—

	Revenue.	*Expenditure.*
N.W. Frontier Province.	86.2 lakhs.	285.3 lakhs (of which Rs. 99 lakhs is political expenditure).
Baluchistan ...	21.62 lakhs.	82.19 lakhs.

Judged from whatever standards, from the point of view of population, education and revenues, despite all the handicaps resulting from long neglect, Orissa deserves a far better treatment, consistent with her history, her traditions and her aspirations. We note too that the Madras Congress of 1927 did not make any assumptions about financial deficits when they recommended the formation of all Utkal Province. It is but right that the bogey of finance be once for all removed and a more optimistic view taken by these concerned. We consider that linguist distribution of province should not be made conditional on questions of finance, for it is really the principle of self-determination which is involved in this proposal.

B. DAS.
LAKSHMINARAYAN SAHU.
NEELAKANTHA DAS.
LINGARAJ MISHRA.
HAREKRUSHNA MAHATAB.
NANDAKISORE DAS.
MUKUNDAPRASAD DAS
JADUMANI MANGARAJ.
LINGARAJ PANIGRAHI.
BISWANATH DAS.
JOGINDRANARAYAN ACHARYA.
RADHANATH PATI.
RAM NARAYAN MISRA.
NIRANJAN PATNAIK.
GOPABANDHU CHOWDHURI.

Memorandum submitted by B. N. MISRA, Barrister-at-Law, Ex-M.L.A. (Orissa Division).

REGARDING THE UNION OF ORIYA-SPEAKING TRACTS.

I herewith beg to enclose a memorandum for the Amalgamation of the Oriya-speaking-tracts under one of the existing Provinces preferably under Bihar and Orissa to avoid the embarassing question of Finance.

I need hardly mention that the principle of forming Provinces on Linguistic Basis has been admitted on all hands, *i.e.*, the Government of India, British Parliament, the National Congress of India and by prominent and advanced Politicians and Political Leaders of India and England.

(*a*) In case the formation of a separate Province for Orissa is decided which will be most welcome to the people, the Province ought to be formed of the British District of Puri, Cuttack, Balasore, Sambalpur Singhbhum and Angul from the Province of B. & O.

(*b*) Phuljhar, Khariar, Padmapur, Chandrapur, Malkhurda from the Central Provinces.

(*c*) Ganjam District (with the exception of Chicacole and Narsanepetta Taluqs); Jeypore in the Vizagapatam District from the Province of Madras.

(*d*) Cantai Sub-division and 4 Thanas of Midnapur Sub-division from Bengal.

(*e*) And the States of Baster, Raigad, Sarang Garh, Jashpur from C.P. together with the 24 States of Ruling Chiefs now existing in Orissa.

It is respectfully submitted that the area, population and finance will justify the formation of a separate Province.

The constitution of Orissa will be as follows :—

Executive Government: A governor with 3 Ministers chosen from the elected members of the Legislature without any executive Council.

Legislative council will consist of as many members as the population and importance of the Province demands.

The Commissioner's post and establishment will be abolished and merged in the formation of the Executive proposed.

The States of the Ruling Chiefs will have the same rights and privileges as are enjoyed by them subject to their affiliations and submissions to any general scheme that will be arrived at after full consideration for all the Indian States.

The scheme for the Amalgamation of the Oriya-Speaking-Tracts is pending before the Government of India for a very long period. Most likely Reports of the several Provincial Governments will soon reach the Government of India's Office and final decision by His Excellency's Government is anxiously awaited for by the people concerned.

A brief survey of the Oriya country will convince your Commission that no other part of India has such a long-standing-grievance as the Oriya-Speaking-Tracts. The province of Orissa has enjoyed no better lot than that of Cinderella as compared with her neighbouring sister provinces of Andhra or Bengal under the benign British Government. No other race has suffered as much as the Oriyas in matters of

A. Education.
B. Court language.
C. Service under Government.
D. Administration of Law and Justice.
E. Representation in the Government as well as in Councils, and public bodies.

This long-standing neglect of the Oriya Interest by the British Government has greatly handicapped the progress of the race—a race that had a glorious past but is now described as backward and is unable to keep pace with the neighbouring races.

The province of Orissa which is rightly described as the "Holy land of India" and which boasts of the finest specimens of Architecture in the magnificent Temples of Jagannath, Bhubaneswar and even in the ruins of Konark, in suffering most miserably and bleeding from dismemberment of her head and limbs.

Geographically viewed the Oriya-speaking Tracts have been cut into 5 parts and are being administered by 4 Provincial Governments viz. Madras, Bihar and Orissa, Central Provinces and Bengal.

It is unnatural that a race speaking the same language, having the same customs and manners, having same traditions and history, living in one compact and contiguous area should desire to be administered by one Provincial Government and be educationally brought under one University ?

MEMORANDUM BY B. N. MISRA, BARRISTER-AT-LAW, EX-M.L.A. (ORISSA DIVISION). [*Continued.*

It is submitted most respectfully that complaints and representations have been made to the Madras Government often :—The result being the passing of several orders, particularly Government Order of 1876 (recognising Oriya as a vernacular for educational purposes) G. O. of 1890 (for dividing the District or fixing percentage of Oriyas and Telegus in offices of Government), G. O. of 1912 (recognising Oriya as the sole Court language of Gumsur Division) and similar others to remove some crying grievances. But with due respect to the said Government it must be said that the said orders except the last were more honoured in breach than in observance.

The Oriyas living under C. P. have often prayed for Amalgamation of their tracts with Orissa since 1865. Although Sambalpur has been added to Orissa in 1905, still a good portion in the Raipurand Biaspur districts, viz., Khariar, Phulajhar Padmapur Chandrapur, etc., remain untransferred.

In 1903 the Government of India under the régime of Lord Curzon proposed to unite the whole of Jeypore Zamindary and Ganjam District except Chicacole and Narasannapet Taluqs but unfortunately for the Oriyas the scheme fell through.

Since 1903 the Utkal Union Conference (the most important representative organ of the Oriyas living under Madras, Orissa, Bengal and C.P. Governments) have made representations to unite the Oriya-speaking parts under one Government but no result has yet come out.

The Montford Report of 1919 suggested that a Sub-Province for Orissa should be formed " at no distant date." But nothing has yet been done. Mr. S. Sinha moved a Resolution in the old Imperial Council in 1920 which was supported by the Raja of Kanika. The subject was pressed before the Government of India in the Legislative Assembly in 1921. 1922, 1923 and thereafter, by my humble self, B. S, Das, Ex-M. L. A., and B. Das, M. L. A., and many others besides the several public bodies of Orissa and Ganjam and Members of the Madras and Bihar and Orissa Council.

As a result of these representations the Government of India was pleased to appoint a commission in 1924 to ascertain the wishes of the Oriyas of Madras and the Report of the Phillip-Duff commission was the outcome.

Most likely the Government of India have made up their mind to proceed provisionally on the assumption that the Oriya-speaking-tracts in other provinces may ultimately be included in such amalgamation for which Government deserve the grateful thanks of the Oriyas. But at the same time they express a view that the matter is complicated owing to the presence of the Telugus in :

(*a*) Jeypore Zamindari.

(*b*) Parlakimidi and Tekkalli Talluqs and endeavour to make a case against Phillip Duff Recommendation. This news has greatly roused the feeling of the Oriya-speaking people and has disheartened them deeply although they find a silver lining in the dark clouds in the enunciation of the principles to be applicable to the transfer of such tracts.

To the Oriyas the Amalgamation of the Oriya-speaking-tracts is a life and death problem.

To the Telgus
it is a question of retention of Official influence, power and position in the Oriya parts.

It being a very critical moment in the annals of Oriya agitation it is earnestly hoped that your commission will be pleased to bestow their best thought on the question.

For a proper understanding of the case I humbly venture to make some suggestions for consideration by your commission as each area has some peculiar circumstances and the application of the principles has not been rightly made.

(A.)

As regards the Jeypore Zamindari the following submissions may kindly be noticed.

Jeypore Zamindari includes the Taluqus of—

	Oriya.	Telugu.
Nowrangpur	142350	1291
Jeypore	140879	3963
Karapur	37398	912
Malakangiri	22932	3976
Padwa	35841	43559
Bissamcuttack	20890	7310
Raygada	18314	14845
Gunpur	22304	35227
Total	440908	111083

With a population of 440,908 Oriyas as against 111,083 Telugus.

The Government of India proposes to leave this area as it presents some difficulties mentioned below.

(1) It is said the Maharaja of Jeypore is against the transfer of his Zamindary.

(2) In the Taluqs of Padwa and Gunpur the majority being Telugus the said Taluqs cannot conveniently be transferred to the Oriya country.

(3) If the above mentioned 2 Taluqs are retained under the Madras Government the Zamindari will have to be split up.

(4) Nowrangpur, Jeypore and Karaput Taluqs although they have about 98 p.c. of Oriyas still they cannot be transferred because they are

(*a*) separated from the rest of the Orissa by the Kalahandi state.

(*b*) if transferred the addition of the area will be too small for a district.

With due respect to the observations of the Phillip-Duff Commission and the provisional decision of the Government of India it is submitted that the tests of—

(1) Majority of population.

(2) Entirety of estate for transferring areas

have been mis-applied in the case of the tracts mentioned above.

That admittedly Nowrangpur, Jeypur and Koraput contain 320,627 Oriyas as against 6,116 Telegus and must therefore be considered suitable for transfer to Bihar and Orissa.

Two arguments have been advanced against the inclusion of this area in Bihar and Orissa viz. (*a*) it is separated by the Kalahandi state of Orissa and (*b*) the addition of the area would be too small for a district.

It is submitted that Angul in Orissa, which is similarly separated by Feudatory States, is well managed by the Bihar and Orissa Government. There will be no difficulty for the said Government to manage the Nowrangpur, Jeypore, Koraput area which is equally circumstanced in position, quality, in point of administration of law and justice, both being non-regulated portions or scheduled districts.

That the Jeypore Zamindari considered as a whole contains 440,908 Oriyas as against 111,083 Telugus, *i.e.*, the proportion of Oriyas to Telegus being 80 to 20.

It is most respectfully submitted that the entire Zamindary fulfils both the tests for transferring the area to Bihar and Orissa.

There will be no administrative difficulty to the Bihar and Orissa Government as they are all administering large tracts in Chhotanagpur, the laws applicable and the form of administration being similar in as Jeypore in Angul and Chhotanagpur districts in Bihar and Orissa.

As regards the second objection it may be said that the Jeypore area will be quite big to form a district, if not two, as the Madras Government treats it for the purpose of Police and Local Self-Government administration. The administration charges being moderate it will not be a heavy burden on the Bihar and Orissa Government. Jeypore has got very large possibilities

MEMORANDUM BY B. N. MISRA, BARRISTER-AT-LAW, EX-M.L.A. (ORISSA DIVISION). [*Continued.*

of material development like Singhbhum and Hazaribagh districts of Chhotnagpur. The Bihar and Orissa Government ought to be too glad to have the entire area.

Further it is submitted that a point or test cannot be carried too far and it is nothing but ridiculous to push it to arrive at a vanishing point.

It is not only unsound but dangerous to go on searching village after village, thana after thana, Taluq after Taluq, to provide for each race to transfer a tract. It is enough if the entire zamindari or Revenue Division contains a good majority of Oriyas.

It is said the Maharaja of Jeypore is opposed to the transfer. The reason is not far to seek. (1) The Maharaja was very likely afraid that his zamindari would be bifurcated, the portion containing a majority of Oriyas might be transferred to Orissa and the portion containing a Telugu majority might be left under Madras.

(2) Then again in spite of the overwhelming majority of Oriya population the Telugus have managed to monopolize his Office. Their interest is antagonistic to the Oriya cause and no wonder that the Maharaja might have been misled about the consequences and necessity of the transfer of his Zamindary.

In case of the transfer of the entire Zamindary prudence ought to dictate to the Maharaja not to oppose the transfer against the the wishes all the Oriya Zamindars and others who welcome the change.

The fact that the entire Zamindary contains about 80 per cent. of Oriyas—the fact that Court language of Jeypore, Nowangpur and Koraput is Oriya—the fact 90 p.c. of the schools are Oriya Schools, are sufficient to convince any one to consent to the transfer. What value can be attached to the opinion of the Maharaja when he does not seem to take a rational view of things and does not interest himself in the welfare of the large majority of his Oriya subjects?

What will be the fate of the Oriya schools in the Zamindari?

What will be the Court language of his Oriya subjects if his Zamindari is kept under Madras?

It is to be regretted that the Maharaja is unable to grasp the situation and to form a proper opinion in the matter.

The Government have always to look to the greatest good of the greatest number. After all the Maharaja is one individual only. It may be, the misled Maharaja may change his opinion if matters are properly explained to him. Therefore at this stage his opposition has neither any force nor any reason in it.

(B.)

Submissions as regards the Parlakhemdi and Takkali Sempetti Taluqs of Ganjam.

It is said these Taluqs contain a majority of Telugus hence it is difficult to transfer them.

This argument ought to be considered with several attendant circumstances.

The Phillip-Duff Commission says :—

"The Zamindars in these Taluqs are mainly Oriyas including the Raja of Parlakimdi who is the owner of the largest permanently settled impartible estate in Ganjam District. They appear to be in favour of Amalgamation."

Messrs. Phillip and Duff concluded so far as Parlakimdi is concerned, that while educated Oriyas desire amalgamation of the Taluqs the Telugus who form the majority of the population do not really care much what Government they are under, provided they keep their lands.

They also observe that if the major portion of the Ganjam District including most of the Zamindary area is taken from Madras, the Parlakhimdi estate should naturally go with the majority.

Further these are small Taluqs and will have to be included in the Berhampur division of the Ganjam District. The Berhampur division has a large majority of Oriyas. When it is proposed to transfer the whole of Berhampur Division these two Taluqs ought to be included in the proposal, if perchance they already existed in the said Division instead of Chicacole.

The Telugus living in those tracts are not very ancient inhabitants. They have settled there for a few generations either for service under the Raja or for agricultural purposes in the Raja's estates. They will have no direct dealings with the Government offices and Courts. Their relations are mostly concerned with their landlord who is an Oriya Raja. If the Rajas of Parlakhimidi, Tekkalli, Nandigram, Tarla and Mandasa choose and maintain the records of their Office in Oriya there is nothing to compel them to keep Telugu records. The result will be same whether the tenants live under the Madras Government or under the Bihar and Orissa Government. It may also be added that if the Government is disposed not to transfer Jeypore area simply because the Maharaja of Jeypore does not wish it why the same principle be not applied in the case of the Rajas of Parlakhimidi, Tekkalli, Nandigan, Tarla and Mandasa? Why the wish of the Raja of Parlakhimidi will not prevail?

If the Maharaja of Jeypore who pays a Government revenue of Rs. 16,000 only is to be respected why the Raja of Parlakhimidi, who pays a revenue of Rs. 87,000 to Government, who maintains a Railway for the benefit of his tenants, who has established a Second Grade College and several other schools for the benefit of his Telugu subjects as well, will not receive the same amount of attention?

Moreover the Telugus of Parlakhimidi are accustomed to the Oriya Raja and Oriya system and can easily adopt the language in case of its transfer to Orissa.

Objects of the Amalgamation.—Above all the object of the amalgamation is to decide the Oriya problems for ever. The Oriyas of Jeypore and Parlakhemidi must not be left in Madras, for it will cause hardship and inconvenience to the people and that Government. The Madras Government will have to maintain Oriya educational staff, Oriya Court language and its Officers and staff will have the same difficulty as now.

The Oriyas will also suffer (1) in education (2) in the use of their language in Courts and Kutchery, etc. The interests of Oriyas will always have to be sacrificed for the benefit of the powerful Telugus as the Oriyas will form a small minority in Madras.

What will be the fate of Oriya schools and Oriya Court language if these tracts are left under the Madras Government?

Why the Andhra people who are claiming for Andhra Province and have got Andhra University be solicitous to carry the burden of the Oriyas and Oriya Education?

Broadmindedness and generosity ought to dictate to them to sympathise with the Oriyas in their struggle to stand on their own legs.

The Agency of Parlakhemdi.—Leaving the aboriginals of Parlakhemdi Agency almost all the inhabitants are Oriyas. The aboriginals are reading in Oriya Schools adopting Oriya Language and are imbibing Oriya civilization in all matters. They have so far Oriyaised themselves that they even object to be called Sauras by which class they were originally known.

What will be the fate of these simple people, their education and court language?

The correspondent raises an objection to the addition of the Agency tracts to the plains in forming a district as has been suggested by the Government of India. In this he betrays his utter ignorance of the present system of Government of those tracts by the Madras Government.

The Agency tracts both in Ganjam and Vizagapatam are being administered by the District Officers who are styled as Agents to the Governor ex-officio.

What will prevent the same system from being continued under the Bihar and Orissa Government?

MEMORANDUM BY B. N. MISRA, BARRISTER-AT-LAW, EX-M.L.A. (ORISSA DIVISION). [*Continued.*

Further these aboriginal tribes are found nowhere in the Madras Presidency except in Ganjam Agency and Jeypore Zamindary. The Sauras and Kandhas [Khonds] of Ganjam Agency are only found in the Kandhamals and other Garjats of Orissa Proper. All measures taken to improve their condition can conveniently be taken by the Bihar and Orissa Government. It cannot be denied for a moment that both the Governments have spent much to improve their condition and to educate them in Oriya Schools, etc.. The Jeypore Zamindary Hill Tribes [Parojas, Sawras, Gadwas] are being trained in Oriya and vast sums have been spent on their education.

Will the Madras Government undo all this and compel the aboriginals to learn Telugu and import Telegu Teachers from South to replace Oriya language and Oriya Teachers ?

Surely it will be a disaster to these Hill people, a death blow to their education and civilization ? If the Madras Government intends to retain Oriya language and Oriya schools etc. in these tracts what objection can there be to hand over the same to Orissa Government ?

The Madras Government or the Madras High Court will not really suffer from the diminution of its area or jurisdiction. For they are already suffering much from the diversity of languages of people under their charge and their officers are compelled to learn so many languages to understand the people to administer the law and justice in those tracts, which greatly suffer when an officer is transferred from the South to the North, the languages, customs and the manner of the Oriyas being greatly different from those of their Dravidian brothers and *vice versa.*

Owing to heavy work some new districts have been recently formed and more officers are required for the establishments in those districts.

Hence it is submitted that the Presidency will not lose any importances and the Madras Government will be pleased to judge the matter impartially. The weak and backward Oriyas cannot strongly represent their case as against their Dravidian brothers who as a sub-ruling race appropriated the loaves and fishes of the State and hence are very reluctant to part with the Oriya Tracts and raise selfish and unreasonable cries.

Moreover no small number of Oriyas living in Chicacole, Marasannapat, Taluqs and Vizagapatam plains have adjusted themselves to their Telugu surroundings and Telegu language. Hence justly and equitably there ought to be no cries from the Telegus who have chosen to be the tenants of the Oriya Rajas and have cast their lot in the Oriya country.

Khariar, Phuljhar, Padmapur etc., in C.P.—As regards the Central Provinces areas of Khariar, Phuljhar, Padmapur, etc., it is submitted that Phuljhar and Padmapur formed part of the Sambalpur district till 1905. These are as with some States were retained under C.P. without any justification for the same, when Sambalpur was transferred to Orissa. In these tracts the Sahras, Agharis, Binjals, etc. are genuine Oriyas by birth, social customs and manners but in recent census they have unreasonably been taken to be Hindi speaking peoples as they know colloquial language called Laria used by people being in the border of the Chhatisgarh Division in C.P. and Sambalpur District. It is submitted that at home they speak Oriya, and read Oriya religious books such as Bhagabat, Marabharata, and other Puranas. The land tenure in these tracts is the same as that of the Sambalpur District. The majority of the people who are Oriyas are willing to be transferred to Sambalpur. The *kuttas* saharas and Agharias who form the population of Phuljhar are emigrants from Sambalpur as will appear from the fact that such castes do not exist in any of the C.P. Districts. These people have their relations in the Borhgar Subdivision of Sambalpur.

The observations as regards the Zamindars of other tracts also apply to the Zamindars of these tracts who have no opinion of their own and are guided by their subordinates whose interests are antagonistic to those of the Oriyas. As the Oriyas form a majority these Zamindaries with Khariar should be conveniently restored to Sambalpur District.

Allocation and Appropriation of Finances.—This question does not arise as no new province is being created or additional establishments are to be made or new buildings to be constructed.

The income arising from and expenditure made on the tracts with all the establishments of the Madras and C.P. Governments will simply have to be handed over to the Bihar and Orissa Government who will take charge of the area.

It is hoped the representatives of the Government of India and other Governments concerned will meet and decide the matter as early as they can and place all facts before the Commission.

For these reasons it is respectfully submitted that the entire Jeypore Zamindari and the Ganjam District with the exception of Chicacole and Narasannapet Taluqs and the tracts of C.P. referred above should be transferred to Orissa as was proposed by Lord Curzon's Government in 1903.

For this act of kindness the Oriyas as a race will remain under a deep debt of gratitude to and will ever pray.

SUPPLEMENTARY MEMORANDUM BY MR. B. N. MISRA.

THE DISTRICT OF ANGUL.

An important question bearing on the Oriya problem is the Administration of the District of Angul which has not yet received the benefits of the Reforms introduced in 1921 nor has its inhabitants got all the advantages generally available to people in the neighbouring British Districts.

The District consists of two Sub-divisions.

(1) The Angul Sadar Sub-division covering an area of 881 sq. miles, with a population of 108,315.

(2) The Khodmels extending over 800 square miles, with a population of 74,259.

These two subdivisions are entirely detached being separated by the Band state the headquarters of each Sub-division being 87 miles apart.

The Angul district contains a population of 182,574 and covers an area of 1681 sqr. miles which is much less than the population of many Sub-divisions of other British districts.

It is situated within 70 miles from Cuttack the Headquarters of the Cuttack District. It has an income of not more than a lac and a half.

In spite of the smallness of the subdivisions and peaceful nature of the people it is administered by a Deputy Commissioner assisted by two S.D.O.s and Deputy Magistrates. It has got a large Police force, Medical and other officers, having the paraphernalia of a full District which entails heavy expenditure.

The expenditure as shown in the Budget of 1927 was about 8 lacs of Rupees as against an income of not more than a lac and a half. There being a clear excess of six lacs and a half on the expenditure side.

The Angul Sub-Division came under the direct management of the British in 1847 and the Khondmals in 1855. Owing to the peculiar system of administration as laid down in the Regulation I of 1894 as amended by Angul District Amendment Regulation (IV of 1904) the interests of the people have been greatly neglected. The top-heavy administration absorbs a large amount of money; consequently nothing has been done to improve the conditions of the people.

It is submitted that this District can be converted into a Sub-division of the Cuttack District and be taken away from the Scheduled Districts, and Reforms may be introduced to these parts.

The peopie in spite of disadvantages and neglect of Government have improved educationally and will improve much better if Responsible Government comes into vogue.

There will be a clear saving of six lacs of Rupees to the Province. If any expenditure is necessary on

political grounds that amount should be borne by the Central Government and not by the Provincial Government.

It can be well managed from Cuttack as the Headquarters of the Angul District is only 70 miles from Cuttack; moreover there is Railway communication up to Talcher Angul being connected by a motorable road from the railway line. In education and other matters this portion is in no way inferior to many other Sub-divisions of Chotanagpur and Orissa District.

Therefore, it is prayed that the Commissioner will be graciously pleased to consider the advisability of the proposed change as regards this area.

PATNA.

Dated 14th December, 1928.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT SIR ARTHUR FROOM AND MR. KIKABHAI PREMCHAND), AND OF THE BIHAR AND ORISSA PROVINCIAL COMMITTEE.

The ORIYA DEPUTATION.

The Deputation consisted of the following:—

1. Babu Braja Sunder Das, B.A., Ex-M.L.C., Ex-M.L.A. Editor, "The Mukur," Cuttack.

2. Birabar Narayan Chandra Dhir Narendra, Ex-M.L.C., Landholder.

3. Babu Gopal Chandra Praharaj, B.A., Vakil.

4. Mr. B. N. Misra, Barrister-at-Law, Ex-M.L.A.

5. Raj Saheb Bhikari Charan Pattanayak, Pleader.

6. Chowdhuri Bhagwat Prasad Samantaraj Mahapatra, Pleader, M.L.C., Ex-Deputy President, Legislative Council, Bihar and Orissa.

84. *Chairman :* Babu Braja Sunder Das, I believe you are going to act as spokesman of the deputation ?—Yes.

* * * * * * * * * *

86. * * * *Witness* (Babu Braja Sunder Das): The Deputation demands that all the Oriya-speaking tracts, viz., (1) Present Orissa Division; (2) Singhbhum district in the Chota-Nagpur Division; (3) Ganjam district; with the exception of Chicacole and Narsanpeta taluka as proposed by Lord Curzon; (4) Jeypur Agency under Madras; and (5) Oriya-speaking tracts under Central Provinces and Bengal be united to form a compact United Orissa.

A separate province is our ultimate goal.

We submit that a separate province be formed of the United Oriya Tract. As a good government is never a substitute for self-government, so a partnership in financial prosperity in subordination with any other Indian race with whom we can have nothing in common, can never be a substitute for a separate province. Popular voice is supreme in the present day government and under the reformed conditions the Government cannot do justice to a minority race if the majority race (*i.e.*, the intermediary ruling race) goes against, and wishes to tyrannise over it. We shall be in an insignificant minority in any other province if tagged to it.

We have been so far denied a separate province for the simple reason that Orissa would not be able to maintain the administration. The case has been judged by standards of expenditure which Bihar inherited from the more prosperous and wealthy province of Bengal. It is not possible that the standard of expenditure will be the same in every province, in fact it is not so even at present. We claim that by adopting a less ambitious standard the expenditure can be substantially reduced. Moreover, the Government have not given sufficient attention towards the possible development of revenue in Orissa as it has not been necessary for them to do so. A separate Government will explore all sources of revenue and curtail expenditure to the lowest minimum. The Government of Bihar themselves did this, so much so, that while all other provinces remained in deficit for four or five years after the War, Bihar managed to balance its revenue and expenditure except for a year or two. In spite of its poverty the Government could manage to keep the balance. We humbly submit that without help from the Government of India a separate province will not be able to make much progress. We pray that the financial settlement be so adjusted at least till the next instalment of Reforms that separate Orissa can be run properly.

We again emphasize that an amalgamated and separate Orissa is our goal. These Reforms are unreal to us under present conditions and we will derive no benefit in any further instalments of Reforms, as we have no control under present conditions over the affairs of the administration nor any voice in any matter touching us. On the other hand our position will become worse, if we be tagged to any other single province.

If in consideration of the financial aspects the formation of a separate province cannot be conceded now, we suggest that United Orissa be formed into a sub-province under a Deputy Governor with a legislative council and a minister, as was contemplated in the Montagu-Chelmsford Report.

We declare again emphatically and respectfully that we shall never remain contented under the present miserable existence. Discontent will grow year by year until we get a separate province. British administration has so far been an evil for us, though

unintentional. The Governments have always been compelled to neglect us as their attention has been engrossed by the major and more advanced partners and the several provincial Governments have no time to understand, realise, and attend to our crying needs.

* * * * * * * * * *

88. *Major Attlee:* Do I understand from your memorandum that your people feel so strongly the need for union and self-government that they would be prepared to accept a lower standard of administrative device for the Government?—After we are united, we would prefer a lower standard of government for the present which would be more economic.

89. Do you think that you will be prepared when united even to vote more taxes on yourselves if necessary to make up the deficit in order that you might be a united people?—To a certain extent, sir, if it be necessary.

90. What does "to a certain extent" mean?—Of course I can see there is always an incidence to any taxation, and, so far as the people could bear, we would be quite prepared to go into any fresh avenues of taxation and to tax ourselves for meeting the requirements of the Government.

91. You will be prepared to make sacrifices for your necessary ideal?—Yes, certainly.

92. Why? Would you suggest that as regards what should be included in an Oriya province, the right way will be by taking the opinions of the inhabitants of the outlying areas?—There will be difficulty in such cases in the border tracts where there is always an inter-mixture of different races. And then again there is the question that wherever there are zamindars and landlords their views are respected. In that respect I would rather refer you to the opinion of the Philip and Duff Commission who said that the tenants of the Parlakimedi and other zamindaris in Ganjam though mostly illiterate will be quite prepared to go along with their zamindars.

93. But if you share the views of the landlords, you will lose touch with the tenants?—But, sir, as the zamindars of Parlakimedi, Tekkali and Mandasa are keen and the non-Oriya tenants are indifferent as to where they go as long as they are with their zamindars; so also the tenants of Jeypur are desirous of being united and the zamindar is indifferent to it.

94. If you include a number of Telugu-speaking people, you must have a number of Telugu officials, Telugu schools, etc?—Not too much, sir. Certainly there are a few Telugus also. We do not want to include Chicacole and Narasanpeta where there is an admixture of Telugu and Oriya and a clear Telugu majority.

95. Supposing it is possible to have a separate province, have you any special preference as to what province you would like to come under?—No preference.

96. Would you attach yourselves to either Bengal, Bihar or Madras?—To any province so long as we are united.

97. But on the whole you would prefer to have a separate province?—Yes, on the whole we would prefer to be a separate province.

98. *Chairman:* As regards the statement in your document which you just now read that "A separate province is our ultimate goal," supposing it could not be obtained now you would still think it a great advantage if a change was made which united your area into a sub-province of some sort?—Yes, sir.

99. *Lord Burnham:* I would like to resume the question of the Chairman and ask you to define a little more clearly what you would be prepared to accept as part of your demand. When you talk of a sub-province, do you mean that you would be satisfied with a chief commissioner and, we will say, 50 per cent. scale of expenditure in regard to official equipment? Would you be satisfied with that?—As regards the question of a sub-province, of course we sought enlightenment from the Government, local and Imperial, while we were in the council, but we could not be sufficiently enlightened as to the proper definition of the term "sub-province." We sought a definition from the Indian Government as to the real nature and meaning of a "sub-province"; we sought it as members of council by putting questions for explanation, but we could not get it. Our ideas are not very clear on the point. At any rate, we would rather like to put our own construction on it and have, as I understand it, a deputy governor with a legislative council and a minister. That will satisfy us for the present.

100. You use the phrase "Deputy Governor." That has not any very clear meaning to my mind, and I do not know whether there is such an officer in the organisation?—In pre-Reform days there were Lieutenant Governors.

Lord Burnham: Yes, I know . . .

Sir Hari Singh Gour: Under the Government of India Act a Deputy Governor will have to be under some Governor.

Lord Burnham: They have a different status although the Governor's title. But I am not sure what you mean by a Deputy Governor. Therefore it was that I put my question more precisely as to whether you would acquiesce in the appointment of a chief commissioner such as we have in some cases in India?

Chairman: A good instance, if I may suggest to him, is the case of Sind. We know that Sind has got its own special case, but as things are, though Sind is out of the presidency of Bombay, it is really for many purposes treated like a sub-province. It has got a chief commissioner.

Lord Burnham: He is called the Commissioner in Sind. "Commissioner is the distinctive title in Sind—"Commissioner-in-Sind."

Chairman: Again in Sind they have got a system of law courts which is separate from the system in Bombay. In a rather special way it is a kind of sub-province almost though of course it is not satisfactory in the view of many people who urge that Sind should be more completely separated.

101. *Lord Burnham:* Then what would be the figures of population that you contemplate being brought into this sub-province?—About 15 millions.

Lord Burnham: Then clearly it would be far below the numbers of any province of the Government.

102. *Major Attlee:* Fifteen millions? There are only 10 million Oriya-speaking people in the whole of the peninsula?—But there are other people who speak Dravidian languages, who are aborigines and are gradually adopting Oriya. They read in Oriya schools, and instruction is imparted to them in Oriya, and the court language is Oriya.

103. *Dr. Suhrawardy:* Do you include the Muhammadans?—No.

104. *Lord Burnham:* Could you read out the figures of the different people that you bring into this new province?—(The witness referred to the figures which will be found printed at page 565 of Vol. IV.)

Lord Burnham: The other figures worth giving are: Singhbhum district in Chota Nagpur.—There are 108,584 talking Bengali and 35,000 speaking Hindu.

Ganjam in the Madras Presidency: There are 573,332 speaking Telugu.

Ganjam Agency: There are 6,000 speaking Telugu.

Vizagapatam Agency: There are 170,260 speaking Telugu.

Sir Hari Singh Gour: We are not concerned with these agencies.

Lord Burnham: But these are the districts proposed to be amalgamated into a united Orissa.

105. *Sir Hari Singh Gour:* The agencies are separately managed. So, we are not concerned with agencies.—Not with Jeypur district proper. We are concerned with agencies where there is a large Oriya element.

Lord Burnham : The point is that there is a substantial number of people, nearly five millions, who are not Oriya-speaking.

Chairman : There is no doubt at all that the records show the figures Lord Burnham has been analysing and that these figures show an addition to the Oriya population of a substantial number of people speaking other languages. However, the question of the boundaries, the proposed boundaries of any Oriya-speaking district is one of the complicated details of any scheme.

Lord Burnham : As Major Attlee points out, I see these figures were given in the address presented to the Viceroy by the conference of 1917.

106. *Chairman :* There is a tendency for people to embrace in their own areas a little bit more than is really theirs, but I do not know whether the other people will agree.—In the Government of India's letter in 1904, Sir Herbert Risby (then Mr. Risby, himself an authority on ethnology, thus speaks of the aboriginal people in the centre of Singhbhum —"2,30,000 people speaking Munda language—it is believed that in course of time they would be speaking Oriya." He makes the same remarks regarding the Ganjam Agency tracts. They have no written language. They read the Oriya language, and the missionaries who mostly educate them have devised a romanised Oriya for them. They have no written script. They read romanised Oriya.

107. *Chairman :* This is exceedingly interesting from the ethnological and linguistic point of view. Do I understand rightly that in the area you are speaking of there are some spoken languages, that are understood and spoken, but they have not got any written script of their own, and that as people become educated and require to be able to read and write they have to use some new script or language ?—They use both the languages and read the Oriya language in the Roman script.

108. That is the ground on which you suggest that these Dravidian languages are dialects in essence and perhaps the Oriya language may be regarded as the master tongue ?—Yes.

109. *Lord Burnham :* There is only one other question I want to ask, and that is in regard to the prospects of revenue in the new province. Of course we know that the land revenue is not fixed in Orissa. On page 37 of the Memorandum presented to us by this Government* it is stated : "It would not be in accordance with the wishes of the legislative council nor would it be possible to exploit the land revenue of Orissa as a revenue producing head." Therefore evidently you cannot expect very much more revenue from that head, I understand ?—From land, yes. Recently a settlement has been concluded. Land revenue is elastic.

110. It is stated here that no large appreciable incomes can be expected under this head. The Memorandum says : "In Orissa the land revenue is not fixed save in some fairly extensive estates and is at present under revision as the result of which it is expected to rise, roughly, from 21 to 26 lakhs a year. But these and a few less important revisions can only be effected at long intervals of 30 years and then only in accordance with strict rules" ?—Yes.

111. Could you define for us exactly what methods you had in mind when you said that you were prepared to make financial sacrifices for this political purpose ? The idea I had was that we could levy a pilgrim tax, or the development of a port which has already been explored might add to the economic betterment of the people. From that source we can get a little revenue. Then again if Ganjam is added from the salt industry in the sea coasts of Orissa we can get some revenue.

112. *Sir Hari Singh Gour :* "Salt" is Central.—Of course, but if there is an adjustment with the Central Government it may become provincial.

113. *Lord Burnham :* Are you working coal ?—Yes, we work coal at Talchar. That is a Feudatory State.

114. Do you think you can get anything considerable out of coal ?—Yes, that is the expert opinion that we hear. I cannot say for certain.

115. I am trying to help you to suggest some additional means of subsistence for this new province. Could you tell us what you could do ?—We can tax coal and other minerals. If they are worked in the Feudatory States we can tax them in the process of transition through the British territory.

116. *Sir Hari Singh Gour :* I think the main object of your deputation is the reunion of all the Oriya-speaking tracts under one Government ?—Yes.

117. The rest is all a detail. Your aspiration naturally runs towards that object ?—Yes.

118. And you think that provincial autonomy will be secured by an arrangement with a main province which will give you autonomy within that province, by having, for instance, a legislative committee and your own members and ministers to run your own province. You will be satisfied with that ?—Yes.

119. That would not increase the overhead charges of the Central Government ?—No.

120. I think to that extent you modify your Memorandum, your demands. Now, I wish to point out to you the difficulty that we have in discussing about this separate province. If you have a separate province you cannot possibly go back to a bureaucratic form of government, say a chief commissionership ?—We do not like that.

121. You want with the rest of India responsible government, with ministerial responsibility in some form. You cannot be left behind. Therefore you must support a ministerial form of government. If you had a separate ministerial form of government under a Deputy Governor, the Deputy of course will be subordinate to some other Governor. Therefore if you have a separate Governor, you must have a separate establishment and a separate legislative council—a Governor, secretariat, executive councillors and ministers, in other words all the paraphernalia of a full-fledged government. So, as you are a poor province and you want to develop the nation-building departments you will be quite satisfied if you remain where you are and have inter-provincial autonomy of the nature I have described ?—Yes.

122. *Chairman :* I wish you would just tell me, tell me in your own words, what it is you want me to understand from what has been said. What is it that you would be quite content with ?—The amalgamation of the Oriya and placing them under one government, that government being a responsible government of the modern type. But if it is not practicable on financial grounds, then, they should be placed under another government, with a legislative committee or council as the case may be, a Deputy Governor, and a minister to administer the transferred subjects, if there be such a thing, for the Oriya-speaking tracts.

123. *Lord Burnham :* What do you mean by a legislative committee ?

Sir Hari Singh Gour : Some of the leading members had a consultation with me and I think the general sense of what they really want—I think they are agreed upon it, though they may not be able to express themselves in very clear language—is autonomy by bringing them all together, with a legislative committee of the Oriya-speaking members who will be able to deal with the local needs and requirements, and a minister.

124. *Lord Burnham :* Do you mean, excuse my asking the question, a standing committee of the legislative council consisting of the Oriya-speaking members who are to deal with matters apart from the rest of the council ?

Sir Hari Singh Gour : Yes. They have it in Berar. There they have a legislative committee to deal only with the Berar questions.

125. *Lord Burnham :* And these members will not be dealing with the other questions affecting Bihar ?

Sir Hari Singh Gour : They will be members of the Bihar and Orissa legislative council.

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126. *Chairman :* Let us put it like this. We are sitting in this building, which is the building of the legislative council of Bihar and Orissa. When there is a meeting of the legislative council of Bihar and Orissa a certain number of members from Orissa come here. Now, under this suggestion those members coming from Orissa and sitting here will also go on to the Orissa committee or council which will meet either here or in Orissa from time to time. When they do so meet and form a committee what will be their legislative functions? What will they do?

Sir Hari Singh Gour : Certain amounts will be allocated to them, which they will spend.

127. *Chairman :* A lump sum will be allotted to Orissa which that committee will be responsible to deal with?

Sir Hari Singh Gour : Yes.

128. *Lord Burnham :* Would they also deal with the budget for Bihar as well?

Sir Hari Singh Gour : Yes, they remain members of the Bihar and Orissa legislative council.

129. *Lord Burnham :* That is to say, they will not only remain as full members for the whole province but that they also will have separate powers in regard to Orissa?

Sir Hari Singh Gour : That is it.

Lord Burnham : May I suggest that there is a possibility of following the precedent set up in regard to the Scotch Grand Committee. They do not have full powers to deal with measures coming before Parliament; they consider them in their committee stage and they bring them back to the whole House.

Sir Hari Singh Gour : That is a matter of detail.

130. *Chairman :* It is very important to get the main idea. If I follow rightly, as the result of the discussion which you have been having, you think that these gentlemen, if there is a difficulty in creating a wholly separate province, will feel it is a good plan. In outline they say, "Very well, let there be one "legislative council for Bihar and Orissa, with one "Governor and one secretariat, but let the member "of Orissa have certain functions which they will "discharge as Orissa Committee." I just want to ask this question. So far as Orissa is concerned will the committee have legislative functions in respect of transferred subjects?

Sir Hari Singh Gour : They will not have legislative functions, but they will initiate legislation and the committee as a body will recommend it to the council.

131. *Chairman :* There will be in the element of the Government of Bihar and Orissa one of the ministers selected by the Governor who would be what we might call the Orissa minister?

Sir Hari Singh Gour : Yes; he will represent the Oriya tract.

132. *Lord Burnham :* Will the Committee have power to deal with financial matters?

Sir Hari Singh Gour : It will have powers; there will be a grant and a sub-grant.

133. *Lord Burnham :* It means they will have a *bloc* vote.

Sir Hari Singh Gour : Yes.

134. *Chairman :* I am grateful to you, Sir Hari Singh Gour. I will now ask the deputation. You have followed the discussion that has gone on here just now. Do you think, sir, that if there was found to be overwhelming difficulties in the creation of a separate Oriya province, some scheme of the sort that has just been sketched out would be the scheme that your deputation will welcome?—At present I am not in a position to say "yes." I would rather ask your permission to take some time so that we can present you with a sketch of the scheme we would be prepared to accept.

135. That seems to be a very reasonable request. You will understand of course that the Conference is not at all pronouncing an opinion that a separate province cannot be created. It is a very complicated question ; it must be looked at most closely from many points of view and it shall be looked at carefully by all of us. But what I would like you to tell me is whether you think it will be worth while to consider more carefully the sketch of a scheme which Sir Hari Singh Gour has brought to our notice, and if you think it would be, it may be that your deputation would like to send in some supplementary memorandum and explain their views. I am not asking you to abandon or to give up your desire to have a wholly separate province, supposing it turned out that there were difficulties about that, then every one would like to know what is your deputation's view about the suggestion of a separate Orissa committee composed of the Orissa members with the powers which have been suggested. Let us know in due course what you think about that * * *

Witness (Babu Braja Sunder Das) : Yes, sir.

136. *Chairman :* I think that is a good plan Raja sahib?

Raja of Kanika : Yes, sir.

137. *Dr. Suhrawardy :* Would you kindly tell me what is the percentage of Muhammadans in your province?—About 3 per cent.

138. I was for the separation of Orissa from Bengal when I had the honour of representing the Mussalmans of Orissa in Bengal legislative council. That is why I am interested in the question. Are the Mussalmans of Orissa with you in your demand for a separate province?—Yes.

139. Is there any Muhammadan in your deputation today?—One, Khan Bahadur Abdul Majid, could not come.

140. In the event of a separate Oriya province being created, are you prepared to support the Muslim demand for separate electorate and effective representation in your province?—We have referred to this in our memorandum.

141. You have no objection to the Muslim demands for separate electorate and effective representation?—No, so far as Orissa is concerned.

142. You have got no communal tension in Orissa?—No; Orissa is the only place where communal element is not to be found.

Maulvi Sayid Mubarak Ali Sahib : They are a very happy family there.

143. *Sardar Shivdev Singh Uberoi :* I would like to know the particular disadvantages which the people of Orissa are suffering from due to the present administration for which they want a separate province of their own because I have not been able to find them in both the memoranda submitted by the deputation and by the Government. What are the particular disadvantages you are suffering from under the present administration?—For instance, educational disadvantages. In Madras, the Oriya people have to read Telugu and Urdu, the Oriya people in Singhbhum have to read Hindi and Bengali and the Oriyas in Central Provinces have to read Hindi and Urdu.

144. Oriya has got a special script of its own?—Yes

145. There is no disadvantage to the Oriyas of Bihar, I understand, so far as language is concerned?—No.

146. What other disadvantages are you suffering from?—Administrative difficulties. All the educational institutions are in the centre; we are placed 600 miles off the centre. So it is quite natural that the attention of the Government would not be diverted to reach such a long distance.

147. Do I understand that there are a sufficient number of high schools in Orissa?—There are a good many of them but they are not sufficient.

148. Only the colleges are here in Patna?—There is a first grade college in Orissa; but then for post-graduate studies there is not sufficient provision. There is no engineering college, there is only an engineering school; there is no medical college there whereas there is a medical college here; other industrial colleges are in the centre. It is very difficult for a poor province like Orissa to send its children all the 600 miles for education.

149. Supposing these institutions for higher education are provided in Orissa, then of course this want would be met?—Educational want would be met.

150. Any other point that you desire to state?—One thing I would like to point out in this connection is this. When Orissa was separated from Bengal and joined to Bihar as a separate province the first Governor who visited Orissa in a public announcement said that half the attention should be paid to Orissa. I put it to you, sir, to enquire and find out how much attention is paid to Orissa. In the Government service, in the High Court, in the university, in the secretariat, you will find only a handful of Oriyas, about twelve in number, who were retained when the province was created; and since then there have been only very few admissions.

151. Is there any statutory prohibition for the Oriya people to enter these institutions?—There is none.

152. It is only the distance which prevents these people to come and join these institutions?—Yes, it is distance and the attention of Government is diverted to those who are nearer to them; that is quite natural.

153. Have you not got sufficient representation on the legislative council here?—I cannot call it sufficient; of the 76 elected members we are only 10.

154. Is there any other disadvantage you are suffering from that you would like to tell the Conference?—In Midnapore in the census of 1891 the number of Oriyas was 5 lakhs; then in 1901 they became 2 lakhs; in 1911 they became 1,80,000 and in 1921 they became 1,40,000. So within 30 years they have come down from 5 lakhs to 1,40,000. They are not all dead; there was no epidemic. The thing is that they were all denationalised. They were made to read Bengali in the institutions, the court language was Bengali and so they were forced to use that language which paid them most.

155. *Sir Hari Singh Gour:* It comes to this, is it not, that it stands in the way of your national development?—Yes.

156. *Maulvi Saiyid Mubarak Ali Sahib:* I hope you will not misunderstand me when I put you a few questions. Let me make it plain that I am one with you in your aspirations. Are you aware that if the scheme sketched out by our friend Sir Hari Singh Gour is adopted, that is, for the appointment of a legislative committee, the Bihar members will have the same voice as they have now in all matters concerning Orissa that will come before the legislative council?—No. You know we have asked for time to consider the scheme.

157. Will you please tell me if all the Oriya-speaking tracts are amalgamated into one province, you will be prepared to make sacrifices and tax yourselves to pay your way?—I have already said that we would.

158. *Sir Hari Singh Gour:* To a certain extent?—Yes.

159. *Maulvi Saiyid Mubarak Ali Sahib:* Are you aware that your representatives in the legislative council have made constant efforts to have the present arrangement of land revenue annulled and to get them permanently settled?—Yes.

160. If this is going to be done there would be no possibility of expanding your land revenue?—There are other sources.

161. If the land is permanently settled, there will probably be no possibility of getting any increase from the land revenue?—I cannot say whether the incidence of land revenue has reached its limit in Orissa. Even if the rules allow it, I think it would be difficult on the part of the Government to tax further than a certain point. So far as the incidence of taxation is concerned, I can say this much that even if the incidence has been reached, there would be no harm in granting permanent settlement to Orissa.

162. I think I can take it that you are not keen in having your area permanently settled?—We are keen. We will find other avenues for taxation.

Memorial by THE CATHOLIC BISHOP OF RANCHI.—Representing the Catholic Aborigines of Chota-Nagpur.

This memorial which we have the honour to lay before you, represents the wishes of the Catholic community of Chota-Nagpur.

This community numbers 155,000 members, all of them belong to the aboriginal races and are present at this time in Chota-Nagpur. The figure given above does not include the many thousands working as coolies in the tea gardens of the Doars and of Assam. These too are keenly interested in the preservation of their special land-laws as they intend returning to their own country. According to the Census of 1921, out of a natural population of 16 lakhs, three and a half lakhs of the inhabitants of the Ranchi District were then in the tea gardens. We estimate that at least 60,000 of them belong to our community.

For fifty years, the Catholic Mission has been working with undiminished energy and prudence among the aboriginals. The Missionaries have been living among their people, and in their constant desire for the uplift of these races have acquired an intimate knowledge of the mentality of the aboriginals and of the conditions under which they live, of the dangerous measures to be avoided and the safeguards to be provided and therefore, we can state unhesitatingly that all the aboriginals, animists as well as christians, would be ready to endorse this petition.

In this petition we will develop the following three points:

First point—Our experience of the conditions in Chota-Nagpur, makes it evident to us that it is of vital importance for the aboriginals that their land laws and customs should remain untouched whatever the measure of self-government granted to other parts of India and that adequate safeguards should be provided lest these special laws be at the mercy of a non-aboriginal administration.

Second point—It is altogether necessary to take such measures as will ensure that the help given up to now by the Government, to foster education among the aboriginals, be not diminished but rather increased.

Third point—It is not enough to keep intact the land laws of the aboriginals. These laws should be administered to them by sympathetic officials intimately conversant with these laws and with the mentality of the people, who prefer personal government to lawcourts' decisions.

If these safeguards are granted there is not the least doubt that the aboriginals will respond to the care taken of them and fit themselves to take their place among the other races of India without any fear of being trodden down. Were these safeguards to be denied them, they would lose their lands and would soon be reduced to the level of outcasts and hewers of wood among the other races. Ray Bahadur Sarat Chandra Roy, resident in Ranchi, would be able to answer any questions in connection with these three points.

EXPLANATION OF THE THREE POINTS OF THE MEMORIAL.

First Point.—The granting of responsible self-government may or may not be a distinct advantage to many of the peoples of India. To the aboriginal races (Oraons, Mundas, Kharias, etc.) it would be a distinct disadvantage.

The reason is that the degree of civilisation attained by the aboriginals of Chota-Nagpur is still so far below the degree attained by the other races of Bihar and Orissa, that the aboriginals are unable to meet these other races on an equal footing.

No doubt their own social customs and land laws admirably meet their own requirements but would not at all fit them to keep their rightful position were they made to enter into competition with other races.

Education is bound to remove gradually this weakness, as a matter of fact, education is making great strides among the aboriginals. But it will take still some years before education produces its civilising effects.

As matters stand now, an illiterate Bengali is more wide awake, more civilised than an aboriginal who has completed the primary course of schooling—or even the secondary course. The illiterate Bengali indeed obtains all the advantages arising out of his civilised surroundings; the educated aboriginal loses much of the fruits of his education on account of the backward society in which he lives.

The aboriginal society is still in the primitive stage, in which the genuine concept of individual property is unknown. The aboriginals are not free to sell their land according to their own pleasure but must follow in this the tribal laws. This is based on their idea of communal property. Neither have they the power to make a will. This shows at once how far removed they are from the degree of civilisation attained by other races.

The special customs as to the disposal of their lands have been accepted by sympathetic officials as law and embodied in the Chota-Nagpur Tenancy Act. The aim of the Government in this case was to save the aboriginals from the more advanced races. Had the Government not done so, the aboriginals would have lost their lands and their hope to be raised to a higher degree of civilisation.

The Government rightly considered this protection of the aboriginals as a point of duty. In fact, practically the whole of the cultivated area of Chota-Nagpur has been reclaimed from the jungle by the aboriginals and their ancestors.

For this work of converting jungly tracts into well laid and terraced fields, the aboriginals have a special talent. That work involves patience and laborious effort. Years may elapse before the newly made lands produce enough to support the pioneer, and in the meantime he must live as best he can on the products of the jungle and defend himself and his crops against the wild animals that infest it. Hindoos and Mohammedans who have within the last couple of hundred years come into Chota-Nagpur have shown little aptitude for the work of reclamation and little desire to undertake it. Their superior intelligence and education and their proficiency in taking advantage of the simplicity of the aboriginals have, however, enabled them to devise various means of appropriating for themselves the lands reclaimed by the industry of the latter.

The first champions of the aboriginals were the Christian Missionaries who defended them from false charges in the courts and protected them from eviction, and by representing their grievance to Government, obtained a sympathetic hearing which resulted in the passing of the Chota-Nagpur Tenancy Act. This act admits as law the tribal laws of the aboriginal society. These laws so intimately connected with the constitution of the aboriginal society and at the same time so essential to its welfare would once more be in danger of being ignored or suppressed were Chota-Nagpur to remain joined to Behar and Orissa, the while a greater measure of self-government would be granted to India.

In such a contingency, these privileges would be inevitably considered as a mere obstacle by the more clever races who desire to obtain a footing in Chota-Nagpur and to wrest from the aboriginals their ancestral lands.

Even now, notwithstanding the safeguard of the Tenancy Act, full protection is not enjoyed by the animist aboriginals. Their simplicity leaves them open to the wiles of the other races and so, even now, some lose their land.

There are some, who, to pay off a debt of 100 Rs. have mortgaged for fifty years fields producing a crop of paddy worth from 50 to 100 Rs. One mortgage deed stipulated a term of 100 years. All these mortgage deeds having been registered before the passing of the Tenancy Act (1908), are considered quite legal.

These examples show clearly the simplicity of the aboriginals.

As soon as the Government was made aware of the injustices done to the aboriginals, by applying to them the land laws of Bengal, the Civil Servants, who then used to begin their career in Chota-Nagpur as Sub-divisional Officers, took up the cause of these poor people. Since that time they have remained their sincere well wishers. It would be a great pity were these ryots to lose now this beneficent patronage. The Chota-Nagpur Tenancy Act and the Assam Labour Act are striking proofs of the great work done by the Civil Service for this country.

Again, in February 1927, in the Bihar and Orissa Legislative Council Mr. J. D. Sifton, I.C.S., admittedly the greatest living authority on Chota-Nagpur, withstood to the utmost "the withdrawal of safeguards in Chota-Nagpur" which was then vehemently urged by a great number of the members of that Council. The very same question was raised a little later in the Delhi Legislative Assembly and Mr. J. Donovan, I.C.S., ably championed the rights of the aboriginals.

From the above it appears that many non-aboriginals would like the "privileges" of Chota-Nagpur to be withdrawn and that the Civil Servants alone take their stand as the defenders of the aboriginals. We may, indeed, say that the instructions given by His Majesty the King, in his charge to the Governor of Bihar and Orissa, have been conscientiously obeyed: "*We do charge you—to take care of those who—from their lack of education, specially rely on our protection and cannot as yet fully rely for their welfare upon joint political action.*"

What has been said up to this, should not be understood as implying that the aboriginals are a hopelessly primitive race. They are not. And we affirm, with the full knowledge we have of them, we affirm that due protection given at the present time, will gradually and surely make of them well-instructed citizens, able to take and keep their rightful position among the communities of India.

Second Point: Education.—We said just now that these races will without doubt amply repay the care bestowed on them by Government. In fact they show a genuine desire and aptitude for education. This is proved by the Educational Report, Bihar and Orissa of 1927, which shows the percentage of children actually going to school in comparison to the total number of children of school going age.

For Bihar only the percentage is 21%.
For Chota-Nagpur the percentage is 20·4%.
For Ranchi District (a part of Chota-Nagpur) it is 27%.

Again, the total population of Bihar and Orissa is 38 millions, that of Chota-Nagpur is 5·6 millions or a little more than 1/7 of the total population of the province. Yet the number of all kinds of schools in Chota-Nagpur is greater than 1/7 of the total number of schools in the province.

	High School.	Middle English.	Middle Vernacular.	Primary.
Bihar and Orissa Province.	139	330	250	30,000
Chota-Nagpur only	20	58	40	4,820

These very satisfactory figures go far to show, and even to prove, that the aboriginals are hastening to fit themselves to take their place among civilised races, yet once more be it said education does not at once bear its civilising fruit.

It might be thought that the great number of schools and pupils in Chota-Nagpur is to be ascribed in a great measure to some quite special help given by government. This is not the case for however much the Government wished to assist the aboriginals, other factors had to be considered, and these factors have prevented the beneficent action of the Government in such a way that the Chota-Nagpurians do not obtain their fair share of educational grants. Indeed, were it not for the assistance so generously given by the missionary bodies, the above given figures would have to be changed and greatly diminished.

We have shown that the aboriginals manifest a real readiness to avail themselves of any educational facilities offered to them, we have shown the great need they have of education to preserve their community from disruption and annihilation; and therefore it appears evident that they have a special claim to the continued sympathy and liberal help of Government. Under the new conditions, after the granting of a new measure of self-government to India, if Chota-Nagpur remains joined to Behar and Orissa, the aboriginals will in vain look for that sympathy from the legislative bodies. The past shows clearly that little support can be hoped for, in the Legislative Council for any measure benefiting education in Chota-Nagpur.

Third Point: The Administration of the law.—Up to this, we have explained that the aboriginals require protection and have a right to claim it. Then in the second point, we have proved that, considering their desire for education, we may safely affirm they will amply profit by that protection to raise themselves. We wish now to point out that their mentality is such as will respond readily to "personal" government, but will be unable to adapt itself to a mechanical and complicated way of administering the law.

Education is of recent growth in Chota-Nagpur, hence it has not yet leavened the mass of the people. They are not yet able to understand the, to them, complicated machinery of the courts and therefore the present system of administering the law is often detrimental to their best interests. Hence also, they distrust the law-courts. Three reasons may be assigned for this:—

First: the technicalities of the courts are mysteries to them;

Second: the magistrates are sometimes imperfectly acquainted with the customary law as embodied in the Chota-Nagpur Tenancy Act;

Third: the law-courts do not always give full justice to the aboriginals and help to undermine their moral character.

We add a few words, by way of explanation to each of the above three points.

First point: Their ignorance of the forms of law and procedure leads them to damage their case, often too, they do not grasp the meaning and purport of the questions put to them and their answers therefore appear to be insincere. The rules regulating evidence are too complex for them and in fact when their case rests mainly on oral evidence, they have hardly any hope of proving their right.

Second point: It is only natural that an officer who had his training outside Chota-Nagpur should find it rather difficult to grasp the full meaning of the privileges and customs of the aboriginals. Of course this want of knowledge has its influence on the decision.

We do not ask that an officer trained in Chota-Nagpur should always remain in that country as his training does not make him unfit to serve elsewhere. But we would propose that all officers to be employed in Chota-Nagpur, should be required to begin their career in that area.

Third point: The unexpected decisions sometimes given by the courts, have led the aboriginals to think of a lawsuit as of a trial of wits in a pejorative sense. so that, out of fear and distrust, they will often rather lie than say the truth. They go so far as to say that a lawsuit is a fight irrespective of justice. If then by lying they can obtain what is not rightfully their own, "*well, the Sarkar has given it to them and therefore everything is for the best.*"

It is hardly necessary to point out that this must be grievously harmful to their character and that the causes of the low opinion they have of the lawcourts should be removed as adequately as possible. Litigation is not as prevalent here as in Behar. Recourse to litigation is not to be encouraged but measures might be taken to prevent the lawcourts to sap their honesty and truthfulness. These aboriginals are fundamentally more simple and also more truthful than many other races. Among them debts are acknowledged even after a considerable number of years. Limitation is a concept alien to them. Now the law has introduced the limitation of three years for ordinary debts. The aboriginals understand this to mean that after three years of non-payment, the debt is annulled, with the consequence that some aboriginals make an abuse of the law of limitation: they mortgage their land, intending to use the law of limitation to escape repaying the mortgage money, whilst resuming their land with the help of the magistrate. This evil is very widespread and consequently confidence is on the wane between aboriginals.

To secure better justice, it seems then to be not only desirable but even of the utmost importance, that many cases should be tried informally, without lawyer, by the magistrate whilst on tour, in the village itself. These magistrates, trained as we said above, in Chota-Nagpur and consequently knowing the customs and mentality of the people, would be in a far better position to come to a just decision. Again, their sentence would be accepted willingly by the aboriginals as they prefer personal government by sympathetic officials, to government by lawcourts. Mr. J. D. Sifton, I.C.S. expressed the same idea: "for advanced areas, for advanced races, Government is a system of rules, procedure, parliament and councils with a hierarchy of lawyers who interpret and control the mysteries regarding it. For backward areas and for backward races, Government is a person and not a system." (Behar and Orissa Legislative Council 18th February 1927.)

We may resume in a few words, the several points of this memorial as follows:

The aboriginal races of Chota-Nagpur require the continued protection of the Civil Service to save them from losing the lands they now cultivate and from the danger of being brought down to the degraded condition which is the lot of the Kamias or serfs of Palamau and Hazaribagh, who are themselves the semi-hinduized remnants of former land-owning tribes.

They need that paternal protection also, to enable them to rise to a higher degree of culture.

That such a protection will produce its full fruit is abundantly shown by what has been said above about their desire for education and about the efforts they are making for their self improvement.

Such a protection will be most beneficial to them if it includes a simple way of administering the law by sympathetic officials trained in Chota-Nagpur.

Therefore we are ready to welcome any proposal which will efficiently safeguard their special land laws and customs, promote education among them and give them a simple and paternal way of settling their disputes.

LOUIS VAN HOECK,
Catholic Bishop of Ranchi.

Memorandum submitted by Rev. KENNETH KENNEDY, Bishop of Chota-Nagpur.

It has been represented to me that instead of presenting to the Statutory Commission a separate memorial in the name of the Anglican Missionaries and the Aboriginal Inhabitants of Chota Nagpur, among whom the S.P.G. Mission has been working for 60 years, it would be better, in view of the great similarity in the points put forward by the leaders of the Anglican Community with those dealt with by the memorial of the Roman Catholic Mission, to submit to the Commission an endorsement of what has been presented by the Bishop of Ranchi. The two Missions work largely in the same districts, and inevitably their experience to a great extent coincides. Merely to repeat what has already been said seems to be an unjustifiable waste of time of the Commission.

I may therefore briefly say that the three points emphasized by the Bishop of Ranchi are exactly what we had agreed, out of an even longer experience of the Aboriginal people of Chota Nagpur, to be of primary necessity for their well-being : viz. :—

(1) The retention, and protection from unsympathetic alteration, of the tribal land laws and customs of these people ;

(2) The continuance of special help to foster education among them;

(3) The importance of having officials who will be guided by intimate knowledge of the peculiarities of the people and their hereditary customs, rather than by a desire to administer any code or system of government which, however excellent in itself, is wholly foreign to Aboriginal ideas.

My personal knowledge of Chota Nagpur, extending over 37 years, enables me to recall repeated occasions when the attempt to apply laws and customs in force among the non-aboriginal inhabitants of other parts of India has led to widespread discontent, amounting in the year 1900 to armed resistance. The experience gained by the results of these attempts has been embodied in the special laws and administration which have for the last twenty years brought peace and prosperity, with steady advance in education and self-respect, to the people of Chota Nagpur.

I and two other members of our Community have successively sat as representatives of the Aborigines in the Legislative Council of Bihar and Orissa since its establishment, and we are able to appreciate the probable effect on the interests of these people of giving unreserved control over them to any body whose sympathies are principally, and naturally, with those classes of the community whom the Aborigines look upon as their hereditary enemies, viz., the Hindu and Mohammedan immigrants who have used their superior intelligence, and the facilities afforded by the land laws before their modification, to oust the simple people who had reclaimed by their industry all the cultivated land of Chota Nagpur from jungle. Almost more to be dreaded are legislators who, for the sake of uniformity in this vast country, would ignore the peculiarities of the comparatively small, but actually large, aboriginal population—a population approximately equal to that of the Irish Free State

I present this as representing the considered opinion of the entire S.P.G. Anglican Mission working in every District in Chota Nagpur.

Memorandum submitted by The BISHOP OF CALCUTTA and METROPOLITAN OF INDIA, BURMA AND CEYLON.

Having spent fourteen years in the Chota Nagpur Division of the Province of Bihar and Orissa, as Bishop of the Diocese of Chota Nagpur, during which time a large portion of each year was spent in touring through the villages, and having, in addition, from July, 1915, till leaving the Diocese in July 1919, taken charge, at the request of the Government, of some 300 schools controlled by the Gossner Mission, I desire to endorse the representatives made by the Bishop of Ranchi on behalf of the Roman Catholic Mission, and by the Bishop of Chota Nagpur on behalf of the Anglican Mission in that Division.

Having during the nine years since my translation to the See of Calcutta frequently toured through that portion of the Santhal Parganahs in which the Church Missionary Society has been working, I further desire to endorse the first four proposals embodied in a Memorandum placed before the Honourable Members of the Statutory Commission by the Rev. T. Lenman on behalf of Missionaries, leading Santhals and others who have identified themselves with the uplift of the Santhal people.

In my experience of 23 years. I have seldom met an Indian, who was not himself an aboriginal, who took any real interest in the development of these attractive but backward peoples, but I have had bitter experience of the way in which such men have taken advantage of the simplicity or weakness of the aborigines to deprive them of the land which their ancestors had won from the jungle by strenuous labour.

Memorandum submitted by the CHOTA-NAGPUR IMPROVEMENT SOCIETY.

In response to the invitation from the Indian Statutory Commission to submit memoranda, the Chotanagpur Improvement Society, representing the principal aboriginal peoples of Chotanagpur, which number about 20,00,000, humbly begs to submit the following :—

With a view to the right understanding of the standpoint of the aborigines of Chotanagpur, the Chotanagpur Improvement Society deems it necessary to narrate at the outset a short history containing the sufferings, feelings and thoughts of the aborigines who till now are smarting under a sense of injustice and unfair treatment meted out to them from time immemorial.

Our country, known as Chotanagpur, now within the province of Bihar and Orissa, inhabited mostly by the aboriginal race, was very little known until quite recently, when the summer seat of the new province was set up at Ranchi. We the aborigines are a people who are very backward in everythng intellectually, politically and otherwise in comparison with the rest of the people of this province. It is a well-known fact that this central tableland now known as Chotanagpur was full of dense forests, the abode of wild animals. In those days, when the modern instruments of protection were unknown, it was dangerous to clear the ground and settle down. However, braving these dangers of the primitive

forests, our forefathers cleared the jungles, levelled the grounds and prepared fertile lands and established villages in the hearts of dense forests. Thus our forefathers became the first settlers of this land. The wild land of Chotanagpur has been turned, so far as possible, into a beautiful garden by the aborigines of Chotanagpur, our ancestors, by the sweat of their brow and at the sacrifice of numerous lives.

Since the beginning of the British rule in this part of India the authorities would appear to have ignored the fact that it is the ancestors of the aboriginal population of Chotanagpur who first cleared the primeval forest, brought the virgin soil under cultivation, established the first settlements and made smiling villages spring up all over the country which they then owned by right of prior occupation.

It was not until the early years of the British rule that the systematic campaign against our ancient rights was undertaken by alien "landlords" constituted by the British Government over the heads of the aboriginal peasant proprietors, and the times, which were out of joint, greatly favoured them. The early British administrators, then ignorant of the real history of land-tenures in Chotanagpur and misled by interested information and supposed analogy with really dissimilar things in other parts of Bengal and Bihar, came to recognise the Chotanagpur Raja and "Zemindars" as proprietors of the soil like Bengal or Bihar Zemindars; and from this initial and radical error sprang erroneous decisions of courts and acts of legislatures in the shape of inequitable land laws and tenancy laws which have since played havoc with the ancient rights and status of the aborigines of Chotanagpur, thereby giving rise to a chronic state of discontent.

Ages have passed and long years have gone by and the aborigines of Chotanagpur are still left in a state of deplorable backwardness. The aborigines of Chotanagpur form a separate people by themselves. They radically differ in custom, manners, language and religion from their non-aboriginal neighbours of the surrounding Divisions. Chotanagpur presents a surprising contrast in respect of social organisation and intellectual attainment to the rest of the province. In the keen economic competition and struggle for existence the aborigines lag far behind their non-aboriginal neighbours who naturally defeat the aborigines in the struggle, consequently the general progress of Chotanagpur has been very much retarded.

Since the time when Chotanagpur was separated from the Province of Bengal Chotanagpur is not at all free from the encroachment of outsiders who naturally look upon the aborigines of Chotanagpur as outcasts and untouchables. Such treatment meted out by the non-aboriginal element to the aborigines is a constant source of trouble to the aborigines and has been a fruitful cause of chronic unrest and discontent and occasional risings among the aborigines of Chotanagpur. Moreover, it is impossible for the Government to pay sufficient attention to the uplift of the neglected aborigines in preference to the other elements of the population who naturally mind their own interests more than anybody else's. In fact the aborigines feel that they are at the present even more neglected than when they were under Bengal Government. Even the name of Chotanagpur has been omitted in the title of this new province which is most regrettable. The members of the Legislative Council of Bihar and Orissa, with the exception of a chosen few, cannot enter into or voice the sentiments of the aborigines whose ways, manners, customs and temperaments radically differ from those of the people inhabiting both Bihar and Orissa.

The deepest wound in the heart of the aborigine has been the one caused by alien ideas of land tenures introduced into Chotanagpur by British Laws. The Village organisations among the aborigines in the good old days had been the very type of democracy but at present that system has deteriorated through want of encouragement and even actual discouragement by the current laws. The aboriginal principle had been the village for the villagers. To-day the principle of village system is that the village belongs to the Chief and his Lieutenants, the tyrannical so-called Zemindars in Chotanagpur. These are mostly non-aboriginals brought in by the Chief from outside Chotanagpur against the wishes of the people.

Before the arrival of these Zemindars, according to the then village system, the lands were of one description forming the common stock of agricultural lands of the village community. Since the introduction of the Zemindars the lands of the village have been divided into two classes, viz., the *Majhias* and *Rajhans*. This division was made to reduce the aborigines, the real children of the soil, to mere serfs. According to this division the *majhias* lands (generally the best lands of a village) were those usurped by the Zemindars and taken in their direct possession and the *Rajhans* lands also came to be supposed to be the chief's or "landlord's" and "permitted" by him to be cultivated by the villagers on payment of rents generally determined by the chief's lieutenants. Thus the original aboriginal clearers of the soil have nothing left to call really their own. This unjust action of dispossession of lands by the chief and his lieutenants in dividing it up into two classes was never accepted and recognised by the aborigines. It is only after the so-called "Bhuinhari Settlement" that the aborigines were compelled to recognise the action by force of law which in vesting the Rajhans and Majhias right on the chief and his lieutenants respectively portioned out a meagre share for the aborigines in the form of Bhuinhari and Khuntkatti lands. At present, to all intents and purposes, the aboriginal people are serfs and the village organisation is "feudalistic." The Chotanagpur Tenancy Act has only confirmed these unjust divisions of lands and aggravated the life-long grievances of the aborigines. On the one hand, the people have been ousted from their own lands and, on the other hand, owing to the neglect of the "landlords" to do their duty to their "tenants," and also from natural causes, the lands of Chotanagpur have become deteriorated and the produce has become woefully reduced within recent years.

In the opinion of the Chotanagpur Improvement Society there will be no peace in Chotanagpur as long as the artificial distinction between the Rajhans and Majhias and Bakast lands is not done away with and all such lands not brought into the common stock of raiyati lands of the village. Under the present condition there is bound to exist a perpetual party feeling between the chief and his numerous lieutenants on the one side, and the aborigines on the other. Government do not appear to have ever realised the gravity of the situation. No Government separating these two parties will be a democratic and responsible Government.

The Chotanagpur Improvement Society wants reconciliation and peace in Chotanagpur and therefore begs to make the following proposals :—

(1) That the system of Rajhans and Majhias lands be abolished from Chotanagpur.

(2) That the rights and interests of these lands be vested in the village communities which shall deal with them respecting such provisions in the Chotanagpur Tenancy Act which specially safeguard aboriginal interests and that the rights of use for necessary domestic, agricultural and house-building purposes in jungles and grazing rights in gairmajruwa lands be freely granted to all tenants under the supervision and controlling power of the village corporations.

(3) That each village should have its own corporation for self-government in civil matters and judicial panchayats in certain matters and executive body in dealing with village lands.

(4) That the Chotanagpur Tenancy Act be amended in accordance with the principles contained in the above three proposals.

(5) That a less complicated system of laws and administration of justice may be introduced so as to suit the simple habits and limited intellect of the aborigines.

(6) That the aboriginal areas of the province, namely Chotanagpur together with the Santal Parganas and the District of Sambalpur, be formed into a separate Province or Sub-Province with a more direct and paternal form of administration.

(7) That if this is considered feasible, as indeed it should be if the aboriginals are to be saved from ruin, the Governor of the new aboriginal Province or Sub-Province, as the case may be, may have a Council of his own, composed of members elected one from each thana area or at any rate three or four from each subdivision.

(8) That an Aboriginal Regiment be maintained at Ranchi manned and staffed purely by the aborigines.

BASIS OF FRANCHISE.

(1) That the franchise be extended to every male member of the age of 18 of all the Bhuinhar and Khuntkatidar families of Chotanagpur and to every other tenant paying a rent of Rs. 5/– a year and to every male aboriginal of age who has read up to the Lower Primary Standard at any recognized school.

(2) That if it be decided to constitute the aboriginal tracts into a Sub-Province with a Legislative Council of its own, under the Behar Government, at least four seats be reserved for the representatives of aborigines in the Bihar and Orissa Council, and that such members be elected by the aborigines themselves.

(3) That in either case one seat be reserved in the Legislative Assembly for a representative of the aborigines from each aboriginal district.

The Legislative Council electoral roll of 1923 for the Ranchi district was very disappointing, for the method adopted in preparing the Council electoral roll for the said district has done a great injustice to the rural population. In the said district the number of voters in 1920–21 was 7,414, whereas in the year 1923 it has been reduced to 6,653. Thus a fairly large number of voters found no place in the list of 1923. The method adopted in preparing electoral rolls, as we aboriginals can make out, is that officers consult the Khatian prepared years ago and go to various thanas, and make enquiries from the village chowkidars, thanadars and chowkidari Tahsildars as to the names of persons who are eligible as voters and then the list thus made is hung up in the thana. Thus the major part of the population, who are illiterate, receive no proper information as to the publication of draft list and if they know of it they could take no steps. The publication of the list in the thanas is of no use to the illiterate villagers and thus as far as the aborigines are concerned, the correction of the list cannot be effected in this way. The method employed in preparing the electoral roll should be that responsible officers should be sent to each village and that the village headman (Munda, Mahto, Pahan or Jeth raiyat) instead of the village chowkidars be utilised for helping the officers in preparing the lists and that the draft publication be read out in the presence of the assembled villagers and claims and objections be received orally then and there or, if made later, in writing to the officers concerned.

Many voters cannot register their votes in some polling stations, the time limit fixed for registering votes being very short. Some polling stations are located at a distance of 30 to 35 miles from the villages. In a district like Ranchi, where the means of communication are not convenient, voters have to come from a distance of 30 to 35 miles on foot. All elections in this district should take place between the months of November to May.

Franchise to vote in the Self-Governing bodies may be more extended. For D B. elections the following classes of persons be included in the list of voters :—

(*a*) Every male member of age of the families of Mundari, Khunt, Katidars and Bhuinhars.

(*b*) Aboriginal raiyats who pay a minimum rent of Rs. 5/– or 2a. 6p. as cess per year.

(*c*) Every male aboriginal of the age of 18 holding a Lower Primary Examination Certificate from any recognised School.

PROPOSAL FOR DIVISION OF EXISTING PROVINCES.

Little heed is paid to the needs of Chotanagpur and Chotanagpuris by those responsible for the welfare of the Behar and Orissa province. Even resolutions moved in the Legislative Council of Bihar and Orissa by our chosen representative for the establishment of educational institutions or other improvements in Chotanagpur do not find favour with most members from other parts of the province. The aborigines of Chotanagpur keenly feel that so long as this division remains tacked on to B. and O. and is not provided with a separate administration of its own, together with other aboriginal tracts of the province, the material and intellectual progress of Chotanagpuris will hardly receive the impetus it badly requires, and backward Chotanagpur will helplessly look on while its ever-increasing revenues will go to feed and develop other Divisions of the province. And yet no other Division of the province is half so backward or stands in half as much need of all available revenues for its economic and intellectual development as this hitherto neglected Division.

For the purposes of good administration Chotanagpur should be given its own special administration with its special laws, objective and substantive, special executive officers and specialised judiciary, and pursuing a steady policy of filling up in time all posts under Government in Chotanagpur with suitable aboriginal candidates, just as a similar policy is being pursued in other provinces. No measure appears to us, however, better calculated to conduce to our welfare than the formation of Chotanagpur with the aboriginal tracts of Orissa, the Santal Parganas and perhaps the Central Provinces into a separate administrative unit with its own administrative head and a council of its own. So long as this Division is tacked on to more advanced areas, its people will ever be neglected and pressed down and they will ever remain unfit for effective Self Government.

It may be added that the Chotanagpur Improvement Society, representing the entire aboriginal population of the Ranchi District, cannot too strongly emphasise the necessity of giving the aboriginal tracts a separate administration of their own with its own Legislative Council and its own elected Ministers. So long as the administrative unit is not composed of a more or less homogeneous population, the position of the backward aboriginal tracts, if attached to more advanced tracts, will be like that of the friendship of the dwarf with the giant in which the dwarf is sure to go to the wall. We Chotanagpuris are painfully consoious of the fact that, ever since the constitution of the "reformed" Councils, Chotanagpuris have been receiving much less consideration or even attention than they used to receive in "pre-Reform" days. If the Feudatory States of Orissa, which are mostly inhabited by aboriginal population, and the Khondmals are joined together with Chota Nagpur and the Santal Parganas, there will be one homogeneous Province under a suitable form of administration, and the Governor or Chief Commissioner, as the case may be, of this aboriginal Province may also act as the Political Agent of the Orissa Feudatory States, thus saving the pay of a separate Political Agent.

LAW AND JUDICIARY.

We keenly feel the unsuitability of the present administrative and complicated judicial system to

the simple aborigines of this Division. No one with a knowledge of the country and its people can shut his eyes to the great mischief that has been done and is still being done by throwing the aboriginal people into the melting pot of one common administrative and judicial system and common laws with their more advanced fellow subjects, and the urgent necessity of introducing a simpler system. There can be no gainsaying the fact that no measure will contribute to the rescue of the aboriginal people of Chotanagpur from economic and moral ruin so much as special laws and a special administrative system less cumbrous than those now obtaining. The present lack of familiarity of our own courts and officers with our language and customs, combined with the aboriginals' lack of comprehension of the complicated laws of Procedure and Evidence and Limitation and the like, has been and is still a fruitful source of miscarriage of justice and consequent discontent amongst the aborigines of Chotanagpur.

It was under the present system of administrating justice that our rights were swept away, giving rise to what are called "vested" rights and interests in favour of alien "Zemindars." The present system of laws and administration of justice affords but little protection to the aborigines and their rights in these and other matters. Our Executive and Judicial officers, for the most part ignorant of the history of our land tenures, afford us but meagre protection. And to add to our misfortunes, Executive and Judicial officers who are from time to time transferred to this Division are transferred to other parts of the Province even before they acquire a sufficient working knowledge of its peculiar customs and land tenures and languages. The proposed Panchayat courts under the Village Administration Act are indeed calculated to go a little way in improving the administration of justice in so far as petty cases and particularly cases among the aboriginals are concerned; but in the much larger number of cases that arise between us on the one hand and the Zemindars and Mahajans on the other, we aboriginals are placed at an almost hopeless disadvantage by the present machinery of administrating justice with its cumbrous procedure and its subtle laws of evidence and pleadings which are beyond the comprehension of the ignorant aboriginals, and its system of pleading through lawyers which is ruinously expensive for us.

GROWTH OF EDUCATION.

Little heed is paid to the growth of Education in this part of the province. The authorities seem to forget that the aboriginals are unlike their neighbours who have a civilization of thousands of years behind them. The policy that is pursued, being the same for aborigines and non-aborigines, is quite unsuitable to this Division. The kind of education afforded to the Bengalis, Beharis and Oriyas is quite unsuitable for the aborigines of Chotanagpur. Consequently the education that is now provided is of little practical utility to an aboriginal and this may account for the apathy which is at present shown to education by an aboriginal.

The Chotanagpur Improvement Society makes the following recommendations for the growth of education among the aboriginals of this province:—

(*a*) That Compulsory Primary Education be introduced. That the education at the primary stage be imparted through the medium of languages spoken in the area.

(*b*) That a board consisting of aboriginal members be maintained to conduct and look after the education of the aborigines.

(*c*) All Inspecting Officers in the aboriginal area be selected from among aboriginal candidates; and under no circumstances should non-aboriginal Inspecting Officers be appointed to hold charge.

(*d*) That recurring grants be made both from the provincial as well as the central exchequers for the education of aborigines.

(*e*) Special facilities may be afforded to the aborigines for University Education. At least one aboriginal student be granted state-scholarship every year to pursue higher studies in foreign lands.

(*f*) That a Government Degree College in Arts and Science be forthwith established at Ranchi. Our representative in the local Legislative Council moved a resolution to that effect in the council, but failing in his attempt to secure this, he moved again for the establishment of at least one Intermediate College in Arts and Science; but government did not think fit to grant even that modest demand, although lacs and lacs of rupees are being lavished over Colleges at Patna where (in the Science College) provision has been made very much in excess of the demand. In Chotanagpur, on the other hand, a travesty of an I. A. College has been set up without a building of its own and without sufficient choice of optional subjects suited to the capacities of aboriginal students. Now that, in spite of manifold disadvantages, the I. A. classes at Ranchi have justified their existence, Government should no longer put off the establishment of a Degree College in Arts and Science at Ranchi. Such a college should specially look to the needs of the aboriginal students. In the existing I. A. classes, for want of proper optional subjects suitable for aboriginal students, most aboriginal students cannot take their admission as no arrangements exist for teaching such optional subjects as Geography, Elementary Science, Botany, etc., which are more suitable to them than Mathematics or Sanskrit, which are of little practical value for them.

(*g*) That there should be aboriginal members to represent the aboriginal interest in the Senate and Syndicate at the Patna University.

(Rev.) JOEL LAKRA.
(Ray Sahib) BANDI RAM.
(Rev.) GABRIEL HEMROM.
DAUD KACHCHHAP.
JONAS SURIN.
MAHALI URAON.
BHANDRA URAON
PETER HURAD.
DAVID DAN FRANCIS KACHCHHAP.
EMIL KERKETTA.
PRABHUSAHAY SUREN.
JAIMASIH EKKA.
SUKRA URAON.
CHRIST PAL KACHCHHAP.
JOHN EMMANUEL NAG.

Officers and Members of the Executive of the Chota Nagpur Improvement Society, Ranchi.

Memorandum submitted by Rev. T. LENMAN, M.L.C., embodying the Opinion of Missionaries, Representative Santals, and other non-Officials, regarding the Administration of the Santal Parganas District in the Province of Bihar and Orissa.

The Santal Parganas is a non-Regulation District containing about three-quarters of a million Santals and other aborigines along with a very large semi-aboriginal population.

The special Regulations in force in this District, which in its present form dates from just after the Santal Rebellion of 1854, owe their origin to Sir George Campbell, Lieut.-Governor of Bengal, who in 1873 or thereabouts, issued certain Rules for the administration of the Santal Parganas District, rules which are still valid and excellent, and which were intended to protect the Santals, a simple race of aborigines, from the oppression of their more sophisticated neighbours. The Santal Rebellion itself was solely due to such oppression.

The District is a large one, containing six Subdivisions, some of which contain a much larger Santal element than the others. Also, the Government Estate of the Damin-i-koh, which is situated in part of the four sub-divisions of Dumka, Godda, Rajmahal and Pakaur, contains a preponderating aboriginal population, Hindus and Mahomedans, generally termed "Dikkus," being for the most part, segregated in "Bazars." As regards the non-Damin area, the Dikkus have in many cases followed, and frequently ousted, the Santals who reclaimed the land and brought it under cultivation.

The whole of the Damin and the sub-divisions of Dumka and Jamtara (except the towns of Dumka and Jamtara) are non-Police tracts, police jurisdiction being vested in Santal Headmen, known as Parganaits within the Damin Estate, and as Sardars outside the Damin. Their powers approximate to those of a sub-inspector of Police. It is an economical system, and one suited to the genius of the aboriginal races, and it might be considerably extended not only within this District, but also to others where such races are found in large numbers.

The principal features of the non-Regulation system are:—

1. Special rules regulating the criminal and civil procedure of the Courts, designed to simplify and cheapen the administration of justice.

2. A Tenancy system which is intended to discourage the transfer and alienation of lands. Within the Damin Estate the rules are strictly opposed to transfer of any kind. Outside the Damin Estate, in certain areas, lands are transferable or saleable under certain conditions.

3. A very large measure of autonomy in village and police administration in the Damin and non-Police tracts.

4. Usury Laws regulating the rate of interest payable on loans. The amount of interest must not exceed the amount of the loan. This rule is constantly evaded owing to the illiteracy and improvidence of the aborigines.

In recent years there has been much agitation on the part of interested persons, zemindars, moneylenders, and lawyers especially, to have this system abolished and the District brought into line with other "Regulation" Districts. This agitation has been carried up to the Legislative Assembly at Delhi, and to the Legislative Council at Patna, and both these bodies have passed motions in favour of the change. The debates in both cases were not conspicuous for any very intelligent understanding of the system itself, or of the issues involved in the proposed change of administration.

We are of the opinion that this agitation has been deliberately engineered by those who have everything to gain by the exploitation of the Santals, that the agitators represent nobody but themselves, and that the Santals, and probably the bulk of the general population other than Santals, are strongly opposed to any such change, knowing that they have little to gain and a very great deal to lose by it. Common experience goes to prove, that, even under present conditions, wherever a landlord can find a loop-hole or a way to evade the rules, he is merciless to the Santal tenant. The latter if he goes to law must perforce employ a pleader if he is to overcome the argument of the longer purse, and to do this he must, in most cases, have recourse to the money-lender. By the time all three have finished with him he is generally worse off than he was before. This experience is a very common one, especially in the Regulation Districts, and in Bengal the local Government has had to introduce special tenancy regulations to protect the interests of Santals in those districts where they are found in large numbers.

We are emphatically of the opinion that the non-Regulation system should be retained for some long time to come. Its advantages are very great and we think that its retention is an absolute necessity if the Santals are not to be driven out of the District altogether. At present the Santals are a contented, law-abiding, loyal people, confident in the good-will and the ability of the Government to protect them. If this protection is removed, then instead of their being, as they are, an asset to the Government, there is a very real danger of their becoming a serious and troublesome political problem.

If it is asserted that the Santals are, numerically a minority of the population of the District, we would reply that these are days when minorities are generally recognised to have definite political rights, and we are fairly certain that such rights as the Santals at present enjoy would soon cease to exist altogether were Government protection to be removed. In other Districts where there is no such protection and the Santals have come under the influence of the Hindu population the result has been pitiable. They have greatly deteriorated, adopting from their neighbours only what is bad and grotesque, while at the same time they are being continually ousted from lands which they have brought under cultivation, by being rack-rented and oppressed in other ways by Hindu landlords. In the Santal Parganas, if the protection should cease, and the Santals, as we believe, be no longer able to sustain themselves in their old homes or to find new ones elsewhere, it would not be long before they would succumb to the political agitator who would, in that case, find in them material after his own heart, and they would become a serious problem to the Government.

Further, the great majority of the non-Santal population of the District are to a large extent just as greatly in need of protection as the Santals are. It is essentially a backward district, and the semi-aboriginal population is very considerable. It will be a long time before these latter are capable of self-dependence.

We appreciate the force of the assertion which is sometimes made by those who dislike the system, that protection of a backward race tends to destroy self-dependence and renders the protected races effete and lacking in political stamina. We agree that protection in itself is not the ideal form of government, but in this particular instance the Santals are so seriously handicapped *vis-a-vis* their Hindu neighbours that we are strongly of the opinion that they would be in every way the worse and not the better for the removal of any of the restrictions which at present enable them to exist at all in the District. In so far as they are to-day a healthy and thriving race they are mainly so because of the protection they have received. Without it we believe that their numbers would be very much smaller and they would be a down-trodden community.

MEMORANDUM BY REV. T. LENMAN, M.L.C. [*Continued.*

We do not assert that protection by itself is sufficient to create stamina in a backward people. Nor do we claim that the non-Regulation system has succeeded to the extent intended by the Government. We believe that, generally speaking, Government officials who are intimate with the District would endorse this. In certain directions, in details of administration it is capable of improvement, but in essentials, and in basic principles, it is, we are confident, the only system which is suitable to the district and people. It might even, with very great benefit, be extended to adjacent districts also. We believe that the administration can be improved in certain details and we are preparing to submit proposals to the Government of Bihar and Orissa for such improvements as we believe will steadily contribute to the growth of self-dependence and to the general uplift and advancement, socially and politically of the aboriginal races in this district and adjacent areas. It is, we are sure, no less the desire of Government than it is our own, that the people themselves should desire, when they are able to fend for themselves, to be emancipated from Governmental leading strings.

We do not wish to burden the Statutory Commission with mere details of administration which fall within the competence of the local Government. We would only stress the importance of retaining the present system of government in the Santal Parganas in the interests of the people most closely concerned, and in this recommendation we believe we have the entire support not only of every non-official who knows anything at all about the District, but also of the whole Santal population, and of most of the Government officials who have had practical experience of the system of administration.

Our proposals are as follows :—

1. That the Santal Parganas continue to be regarded as a Backward District for the purposes of administration.

2. That it be governed by Regulations passed executively by the Local Government with the approval of the Central Government, and that its administration be excluded, for the present, from the purview of the Provincial Legislative Council. This Council has hitherto shown very little regard for the interests of the aborigines of the Province, and the latter have little to hope for from the various political parties of the country as these at present exist.

3. That with a view to the steady development of racial self-dependence of the aborigines such provisions of the Local Self-Government Act as appear practicable to the Local Government be gradually applied to this District, this policy to proceed *pari passu* with the growth in fitness of Santals to be employed by Government to administer this Act.

4. That the special cadre of officers known as the Santal Commission be revived.

This District was formerly administered by a special body of men known as "Santal Officers." They were mostly Anglo-Indians who spent most of their official career in the District. They were encouraged to learn the language, were specially trained in the local system of administration, and were expected to tour about the villages and to get amongst the people. In recent years, for various reasons this most excellent system has practically ceased to exist. Deputy-Magistrates and other officers who have served in other Districts are posted to this District, and in the nature of the case, these men, however good they may be, can know little or nothing about the people, their language or their customs, while the system of administration being different from what they have been accustomed to, some of them, no doubt, start off with a prejudice against it, and this must affect their work adversely, even if unconsciously. Then too the motor car has done away with the old camping system, and we submit that the result has not been altogether to the advantage of the people or conducive to efficiency. It is difficult for these men, good officers all of them, to pull their whole weight in working a peculiar system unless they are part and parcel of it. We suggest therefore that the Santal Commission be revived and that either Anglo-Indians or Indians be recruited for it, that a knowledge of the local vernacular be obligatory, a sound training in the local form of administration be given them and that they be encouraged to get amongst the people. It ought never to be impossible, as it is only too frequently the case at present, for an illiterate aboriginal to speak to a Deputy-Magistrate in Court in his own language.

5. That the present basis of electoral franchise be expanded to enable the aboriginal population of the Province to be more truly represented in the Legislative Council. The present franchise is of such a limited nature as to effectively prevent any proper representation of the aboriginal races of Bihar. The Santal Parganas, for instance, has three elected members of the Provincial Legislative Council—two Hindus and one Mahomedan Two of these are Congressmen, and the other an Independent with a strong bias towards the Congress Party. They do not in any wise whatever represent the large aboriginal population, whose interest in politics, especially of the Congress pattern, is nil. But it would probably have made a very great difference if every Santal village Headman and Parganait had had a vote. These men have a stake in the country, they are the recognised leaders of the people, and their number is sufficiently great to make itself felt in any election. So long as the franchise remains as it is at present the aborigines will continue to lack representation and to take no interest in politics.

We pass this suggestion on to the Commission for their sympathetic consideration. We would not restrict the vote to Santals only but would give it to all pradhans and headmen.

Dated, Barharwa, E.I.R. Loop Line,
May 20th, 1928.

(Rev.) T. LENMAN,
Church Missionary Society. Nominated member of the Legislative Council to represent aborigines.

The Substance of this Memorandum which bears the signature of the writer, has been submitted to and received the approval and endorsement of the following Missionaries, representative Santals, and other non-Officials, amongst others :—.

Missionaries :—
- Rev. W. J. Tillott, Pathra, Santal Parganas. Church Missionary Society.
- Rev. R. Rosenlund, Santal Mission of the Northern Churches.
- Rev. P. O. Bodding, Santal Mission of the Northern Churches.
- Rev. M. A. Pedersen, Santal Mission of the Northern Churches.
- Rev. J. M. Macphail, M.D., United Free Church of Scotland Mission.
- Rev. W. Dempster, M.D., United Free Church of Scotland Mission.
- Dr. Ronald Macphail, United Free Church of Scotland Mission.
- Rev. W. Miller, United Free Church of Scotland Mission.

Santals :—
- Rev. C. H. Koomar, Church Missionary Society.
- Rev. J. Soren, Church Missionary Society.
- Rev. L. Murmu, Church Missionary Society.
- Rev. S. Murmu, Church Missionary Society.
- Christo Das Tudu, Headmaster, Pathra M.E. School.
- Mr. E. H. Koomar, Offg. District Inspector of Schools, Santal Parganas.
- Mr. R. R. Kisku Rapaz, Spl. Dy-Inspector of Schools, Santal Parganas.
- Mr. S. S. Murmu, Sub-Inspector of Schools, Godda.

DEPUTATION ON SUBJECT OF THE "BACKWARD TRACTS."

Mr. P. J. Soren, Sub-Inspector of Schools, Rajmahal.
Mr. I. K. Tudu, Sub-Inspector of Schools, Pakaur.
Mr. R. M. C. Soren, Sub-Inspector of Schools, Jamtara.
And over 80 other signatures.

Other non-Officials :—
Mr. S. S. Day, M.L.C., Late S.D.O. Rajmahal, Deoghar and Dumka.
Mr. S. P. D. Shaw, District Inspector of Schools, Santal Parganas.
Rev. P. L. Singh, M.L.C., Nominated member representing aborigines.

PATNA.

Dated 17th December, 1928.

MORNING.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT RAO BAHADUR RAJAH AND MR. KIKABHAI PREMCHAND), AND OF THE BIHAR AND ORISSA PROVINCIAL COMMITTEE (EXCEPT THE RAJAH BAHADUR OF AMAWAN).

The "BACKWARD TRACTS."

Mr. J. A. Hubback, I.C.S., Special Officer, Reforms, Government of Bihar and Orissa.

Mr. R. E. Russell, I.C.S., Revenue, Secretary to the Government of Bihar and Orissa.

Mr. M. G. Hallett, I.C.S., Collector and Valuer.

Khan Bahadur Muhammad Hamid, late Settlement Officer, Sambelpur.

Mgr. L. Van Hoeck, Catholic Bishop of Ranchi.

The Rt. Rev. Dr. K. Kennedy, Bishop of Chota Nagpur.

The Rev. T. Lenman, M.L.C. (representing the Missionaries).

281. *Chairman :* I think we had better begin, Mr. Hubback, with a few questions to you. Perhaps I may try to shorten matters on behalf of the Conference as a whole. First of all I have a few questions which are more geographical than anything else. As I make it out, we are really here concerned, are we not, with Chota Nagpur, which contains five districts ?—(Mr. *Hubback*) Yes.

282. And with another group which we may call the Santal Parganas and Angul, which are dealt with under an additional section of the Government of India Act. There is also Sambalpur, which lies outside Chota Nagpur ?—Yes, it is part of the Orissa division and not of the Chota Nagpur division.

283. To put the thing in terms which will be understood by those of us who come from Great Britain, as I make it out the area of Chota Nagpur is about the size of Ireland. It works out to about 38,000 square miles ?—38,000 square miles is the total area of all the backward tracts, including Chota Nagpur.

284. They come to more than Ireland, which I think is 32,000 square miles ?—Yes.

285. The Chota Nagpur area consists of Hazaribagh, Ranchi, Palamau, Singhbhum, and then I suppose there are the Santal Parganas and Manbhum. It constitutes altogether between one-third and one half of the whole province ?—38,000 square miles out of 84,000 square miles of British territory.

286. Let us see how these are dealt with under the sections of the Government of India Act. There is a section, is not there—section 71—which makes it possible for regulations to be made for the peace and good government of an area in British India which will take it quite outside the regular scheme of legislatures and ministers which ordinarily applies ?—I would not put it precisely in that way.

287. Put it in your own way and tell us what section 71 does ?—Section 71 permits the Secretary of State to apply the section to any part of British India. When the section has been applied it is then possible for the Governor-General in Council, on the advice of the local Government, to make regulations for the area to which the section has been already applied which have the force of law; that is to say, it is a way of making positive legislation for these particular areas.

288. I understand that has been done in reference to the Santal Parganas and Angul ?—That is so.

289. Just make this clear to me. Does the law which is passed by the provincial council of Bihar and Orissa apply to the Santal Parganas ?—No.

290. Or to Angul ?—Not without the definite Act of the Governor under section 52A, by which he can apply it either in full or subject to such exceptions or modifications as he thinks fit.

291. Turning to section 52A, I understand that section of the Act will apply to all these districts of which we are now speaking ?—That is so.

292. Both the Santal Parganas and Angul and the others ?—Yes, but Angul has additional restrictions.

293. I am still speaking of section 52A. Never mind whether anything else applies : does section 52A apply to all these areas ?—Yes.

294. Just describe to us (I have it before me) what section 52A does ?—If I am permitted to take Angul first, section 52A permits the Government of India by notification to restrict the application of the present constitution, the general Constitution of India, in certain backward tracts. That notification was published immediately after the Reforms came in, on January 3rd, 1920.

295. I see the reason why you mention that. If you take the first page of this Memorandum on the

backward tracts*, you will see the year is omitted. It is at the end of the first paragraph. The notification there set out is that of the Governor-General in Council "dated the 3rd January," but it does not give the year. It is 1920, immediately after the new scheme of Reforms came into operation?—Precisely.

296. As I follow it, to begin with the result of it is that all these areas I have just recited have thus been declared and notified to be backward tracts?—Yes.

297. When they are thus declared to be backward tracts, the Governor-General in Council may then make directions, the substance of which is set out on pages 333 and 334† of this document, is not it?—And also on page 332†. As regards page 332†, the Governor in Council can direct that "any Act of the local legislature of Bihar and Orissa shall not apply to the said territories or to any part thereof, or shall apply thereto subject to such exceptions or modifications as the Governor may think fit."

298. Those exceptions and modifications are, I think, to be found on pages 333 and 334†?—No; I beg your pardon, but I am afraid that is not so. That is as regards general legislation, legislation applying to the whole province. The exception on page 334† applies specially to laws solely applicable to all or any of the territories specified in this notification.

299. I was not saying what pages 333 and 334† contained; I was saying pages 333 and 334† were the pages which would contain whatever the Governor-General in Council's directions were. However, explain it in your own way.—There is a special provision for legislation applying particularly to the territories that are notified; that is to say, for example, the Tenancy Act for the district of Ranchi. That would come under the powers given at the top of page 334†. At the same time, the Governor has also powers to restrict the application of a general Act, an Act applying to the whole province; he can restrict its application to any of the backward tracts. The effect is described on pages 348 and 349†, paragraph 26, of the Memorandum on the backward tracts.

300. Let us see if we agree as to the results. I think I follow it. So far as the Central Legislature is concerned, if the Central Legislature is minded to pass a law which will be solely applicable to this scheduled area, the law must contain a provision that it shall come into operation only at a time and subject to such modifications as the Governor-General in Council directs?—Yes.

301. That is what I meant when I said you would find part of it on page 333†. It is stated on page 334†, is not it?—Yes.

302. The other provision is to be found, as I make it out, on page 333†, namely, that so far as the Angul district is concerned at any rate there is in effect no transferred subject, so that section 46(1) of the Act is construed as though the whole field was reserved?—That applies only to the district of Angul.

303. So it says at the top of page 333†. Then I understand in the areas to which section 71 applies (the Santal Parganas and Angul) there is not only a restrictive or restraining power, but a positive enacting power by regulation?—That is so, precisely.

304. *Mr. Cadogan:* I want to ask you one or two questions, Mr. Hubback, on the constitutional issue. The Chairman has already brought out the fact that the districts of Chota Nagpur and the Santal Parganas and Angul have all been notified backward tracts under section 52A?—Yes.

305. He has also brought out the fact that the Santal Parganas and Angul are governed by regulations under section 71, and that is not the case with regard to Chota Nagpur?—Yes.

306. I want rather to elaborate that. I want to know whether I have got this quite right. I want to compare the two systems. The chief characteristic of what I may call the Santal system, the system under section 71, is the concentration of all the principal activities of government in the hands of commissioners, deputy commissioners and subordinate officers: that is it, broadly?—Yes, broadly.

307. To enter into further detail, the system operates to check litigation, to protect the poor litigant, and I think provides some modification of the law of usuary in favour of the debtor?—Yes.

308. While on the other hand, in Chota Nagpur there is no such power under section 71?—That is so.

309. Nor is the jurisdiction of the ordinary courts, or the application of the ordinary laws, excluded to anything like the same extent. There is no suggestion is there, that Chota Nagpur wishes to be governed in the same way as the Santal Parganas? May I put it in this way. Subject to the three points brought out in the various memoranda—that is to say, the retention of the tribal land laws, the fostering of education by Government, and the employment of sympathetic officials who have a knowledge of the country—I take it that Chota Nagpur is content with the form of government which at present obtains. Am I right in saying that?—Broadly you are, but there is just one point I should like to make, and that is as regards Kolhan, which is about one-third of the district of Singhbhum. That is an area inhabited almost entirely by aborigines, it is a Government estate, so that Government is the sole landlord, and in practice the Santal Parganas system has been kept going there, though it has not got the legal backing of section 71.

311. *Mr. Cadogan:* Although the systems of government are not the same in the various districts, there is this striking similarity in the situation, is there not? The local Government only instituted these special methods of governing the tracts after the existing laws had been proved quite unworkable, and when a crisis had been precipitated by what I might call open rebellion?—That is certainly so as regards the Santal Parganas.

312. But was not it following upon a rising in Chota Nagpur?—(*Mr. Hallett*): The rising there was much later. I think it was about 1890 and no fresh legislation was undertaken after that.

313. It was not in consequence?—(*Mr. Hubback*): No constitutional legislation, no.

314. I do not quite know to whom to address my next question, as to the representation. I gather from the Government memorandum that in Bihar and Orissa, aborigines represent 14 per cent. of the population: is not that so?—I think that is a fairly close figure.

315. I do not know whether the Bishop of Ranchi would like to answer these questions. On the question of representation in the House, in Chota Nagpur the aborigines I believe are 58 per cent. of the population?—(*Mgr. Van Hoeck*): Yes.

316. The remaining 42 per cent. of the population, how do they compare with the aborigines?—The remaining 42 per cent. of the population, of course, are Hindus and Muhammadans, who come from outside.

317. Are they in a much higher state of civilisation, or not?—Very much higher, I should not say as a general rule, namely, all of them, but among them there are Bengalis, for instance, there are Muhammadans that have certainly a good high state of education and civilisation, while amongst the aboriginals there is none—of course, if I say none I do not exclude, perhaps, half a dozen or a dozen or so; but that is, I think, the real position.

318. With regard to the 58 per cent. are those who have adopted the Hindu religion and customs, and so on included?—I think the 58 per cent. included all the aboriginals, whether Hinduised or not Hinduised.

319. While on the subject of representation, the number of aboriginal electors is very disproportionate, is it not?—(*Mr. Hubback*): Perhaps I may answer the question. Page 347† shows the figure.

320. *Mr. Cadogan:* I understand that their interests are represented in the legislative council by the nominated members, besides any members whom they may be able to elect in the general constituencies

* Vol. XII, p. 332.

† Vol. XII.

in those areas in which they have a preponderance of the votes. I think there are nine members in the general constituencies from the districts?—Yes.

321. Would it be fair to say that seven out of these nine cannot be identified in any way with the interests of the aborigines?—Only one is nominated who is an aboriginal; is not that so?—There is one aboriginal who is elected for the Singhbhum district, and there is the member of the Provincial Committee, Rai Bahadur Roy. Those are the two in this document whom I take as being really representative of the aboriginal.

322. Only two; that is what I am driving at. I wanted to find out how far they were representative. Then I want to ask one or two questions on the characteristics of the aboriginal population, because it must be the determining factor in considering what measure of reforms, if any, is appropriate. They have been described, I think, in one of the memoranda as a contented, law-abiding, loyal people, confident of the good will and ability of the Government to protect them. Now, I have only read the outline of their history, but it seems that directly they are exploited they become anything but law-abiding and trustworthy?—(*Mgr. Van Hoeck*): They really are trusting in the Government, and they want to demonstrate in some way to Government their wrongs. That is what they attempted to do in the risings.

323. During the non-co-operation movement they came completely under the influence of the non-co-operators, as far as I can make out?—(*Dr. Kennedy*): That is not the case at all. I can give you an instance. In Murhi, where there is a large bazaar, 30 miles from Ranchi, the non-co-operating agents who came there and tried to stir them up were driven out of the bazaar.

324. A number did come under their influence, I understand?—A small percentage.

325. *Chairman*: May I just be clear, Dr. Kennedy, your headquarters would be Ranchi, I take it?—(*Dr. Kennedy*): Yes, but at the time of the non-co-operating movement I was living in Murhi, the place I have just quoted.

326. *Mr. Cadogan*: Another question on their characteristics. They are not hopelessly primitive, and they have potentialities for development. The education statistics bear that out, do they not?—Yes.

327. I think your point is that for the present they require protection, but they will profit by it so that ultimately they will cease to need it. That is the point, I think, of all those who have submitted memoranda on the province?—Yes.

328. Has there been any agitation from the aborigines or from any other part of the community in any legislature indicating any desire to bring the backward tracts completely within the ambit of the Reforms?—None.

329. Surely there has been discussion and debate? Has not there been a discussion?—Not from the aboriginal side.

330. Surely there has been a discussion in the Central Legislature and also in the local legislature?—(*Mr. Hubback*): There have been these discussions, but they have not originated from the aborigines.

Chairman: I had understood the position, from reading these pages, to be this. I think the position was that as far as could be ascertained the aboriginal themselves had shown no disposition to ask for being brought more completely under the normal scheme, and that so far as regards political discussion, the discussion had been in the Legislative Assembly, but was not instituted by those who specially spoke for the area.

331. *Mr. Cadogan*: There is, I think, a demand in all the memoranda that the present basis of the electoral franchise should be widened: is that so?—(*Mr. Lenman*): Changed.

332. I think there has been a suggestion to enable the village headman to have a vote, for instance?—I think that is the case in the Santal Parganas. I think most of us would agree with that. I cannot speak for the other areas.

333. *Chairman*: Your headquarters are in the Santal Parganas?—Yes. The headmen are the elected representatives of the villagers.

Mr. Cadogan: That is all I have to ask.

334. *Chairman*: Might I just ask you gentlemen to give your opinion on one or two additional broad points. First of all, I should like to collect your opinions, both the officials and the others who have a long acquaintance with this area. Do you consider that there has been material progress in an educational sense, in the sense of uplift in the aboriginals, during the last ten, fifteen or twenty years?—(*Dr. Kennedy*): Yes. (*Mr. Lenman*): Yes.

335. What is your view about that, for instance, Mr. Hallett?—(*Mr. Hallett*): The advance is much more marked in the Ranchi district, which I know fairly well, than it is in such a district as Singhbhum. That is largely due to the influence of the missions up there. Singhbhum has a very limited mission field, and on the whole I do not think they have advanced to such an extent as the Mundas and Oraons who live in the Ranchi district.

336. You think the advance has been most striking in the Ranchi part of the area?—In the areas affected by the mission work.

337. Khan Bahadur Hamid, what do you feel about Sambalpur?—(*Khan Bahadur Hamid*): In Sambalpur there has been a good deal of advance in the matter of education in the non-aboriginal part of the population.

338. Another general question I should like you gentlemen to help us about is this. In some respects the interests of the aboriginals may not be the same as the interests of the other inhabitants of the area, or at any rate of others who come to the area. There is some reference to exploitation and so on in these documents. Do you think there is any indication of improved relations between these different elements in the population?—(*Mr. Russell*): As far as the Santal Parganas are concerned I would say "No"; the aboriginal has nothing to do with the non-aboriginal if he can help it. The two communities keep entirely to themselves and the relations between the two are mostly limited to moneylending and the receiving of rents or litigation.

339. Might we know the views of the Bishop of Ranchi, the Bishop of Chota Nagpur and Mr. Lenman?—(*Mr. Lenman*): I agree with Mr. Russell entirely. (*Mgr. Van Hoeck*): In Chota Nagpur proper I think the position is much the same. There may not be such great antipathy, but there is certainly not great sympathy. The relations do not become close except, as has been mentioned, with rgard to money-lending, the payment of rent and such things; otherwise the aboriginals keep very much to themselves. (*Dr. Kennedy*): The relations are more peaceable on account of the passing of the Chota Nagpur Tenancy Act. There is not such frequent friction between them now, but it is deep in the minds of the aboriginals that these immigrants from outside are their hereditary enemies, and that they are restrained only by the British Government from exploiting them as they did before the passing of these Acts. That is why non-co-operation made no headway amongst them; they know quite well who are their protectors against the exploitation which would otherwise be their fate.

340. There is a third general question which rather follows on the others; probably again it is a case for individual opinion, but we should like your guidance. What would your views and advice be in the interests of these people? Do you think the stage has been reached when they should have increased opportunities for securing their own political representation, for instance by lowering the franchise or something of that sort, or do you think that for some time to come they will be better dealt with by nomination or by the protecting hand of Government?—(*Mr. Hallett*): My personal opinion is that the second alternative is absolutely required. (*Mr. Hubback*):

I agree with that. (*Dr. Kennedy :*) I concur in that view.

341. You will appreciate that these questions are of great importance to the Conference. I think you will agree with me we always have to be careful, when men of good will are trying to raise the level of those that are backward, that we do not keep them backward by continuing indefinitely to treat them as incapable of exercising any sort of political function, when it may be you can raise them only by giving them the opportunity, within proper limits, of taking greater care of themselves and one another. You know the difficulty; it presents itself all over the world?—(*Dr. Kennedy :*) I thoroughly appreciate it; but if you let a child walk too soon it is liable to become bandy-legged.

342. But if you do not let it walk at all it will fall down whenever it tries?—(*Mgr. Van Hoeck :*) It is not necessary to keep them constantly in bondage. As a matter of fact there is another system which I do not know whether you mentioned ; instead of having the protecting hand of Government always over them many aboriginals desire to be put under their own Government, of course with a Chief Commissioner or Lieutenant-Governor or someone over them. The whole tract would be homogeneous, and within that tract, since they would all be of the same standing, you might grant them higher political powers. Then it will be their own business. I know them well; from conversations I have had with them I do not think any of them will appreciate a widened basis of representation. Why? Because they are still like children, as the Bishop of Chota Nagpur has said, and anyone who is not an aboriginal has his own advantage to look for and can bring them round. It is astonishing to see the simple ideas by which they allow themselves to be carried away. Hence they say: "If we had our own Government here, whatever we decided would belong to us and we should have to consider ourselves alone." I think then they would take a much greater interest. Among themselves they have meetings where they discuss tribal matters with the greatest interest, because they know there they are their own masters, and what they decide they can insist on being done; they know that whatever are the disadvantages and advantages it has been decided on by their own people.

343. There is a difficulty, is not there, in the fact that interspersed among them is this other population, living in the same area and which in many places forms a quite substantial percentage?—Knowing the aboriginals, I would say they would look to their own advantage, but they would not do things to the disadvantage of others. That is what I think. They would keep secure their own rights as they are now; they would insist on that; but as far as I know the aboriginals they would not go further and willingly and knowingly try to do harm to the others. They would simply try to save their own position; that is all.

Chairman : I should like to make one observation, both to you gentlemen and to my colleagues here in the Conference. This is, of course, a most interesting subject, of which it is most attractive to learn all the details. At the same time, we must remember that even on this subject the Conference is primarily concerned with the constitutional question; that is to say, it is concerned with considering what is the proper structure of the Constitution of British India so far as it is affected by this special situation. It is not the business of the Conference to decide, and therefore it is only incidentally relevant to discuss, whether a particular set of people should or should not be dealt with under a particular section; the important question is, are sections such as section 71 and section 52A sections which are found to have a useful application in British India, as for instance here, and is the scheme which they authorise a scheme which needs to be provided for constitutionally in somewhat different terms. What particular declaration is made or what particular schedule is drawn up is of course not a matter which the report which may proceed from this inquiry would decide.

344. *Major Attlee :* I gather that in the Santal Parganas you have a very complete indigenous organisation, have you not?—(*Mr. Russell :*) Yes. There is a complete organisation over the greater part of the district. The village is the unit.

345. Are those villages self-governed to some extent?—The Code of law regulating the village customs and rights is administered primarily by the headman, and the ryots of the village have a right to approach the sub-divisional officer or the deputy commissioner if they are dissatisfied with his decision.

346. Is there any larger unit than the village? Is there any sort of tribal gathering?—Yes. In the portion of the district known as the Damin-i-Koh which is an aboriginal reserve more or less there is a higher stage than that. Groups of villages ranging from about 15 to 50 are under the control of one man called *parganait* who is elected by the headmen of the group and he performs police functions as well as judicial functions. He is the head of the tribal judicial organisation and he has certain judicial functions delegated to him by Government.

347. There is in fact an indigenous system of self-government?—Yes.

348. I should like to know how far that obtains in the rest of Chota Nagpur?—(*Mr Hallett :*) There also is a similar system in one part of Singhbhum, the Kolhan, while in the rest the village system has practically died out. It is the same there as in Bihar in respect of village self-government.

349. You say it has died out. Is there any kind of organisation among the aborigines?—(*Dr. Kennedy :*) There is a very complete organisation with regard to social matters. They have a number of villages grouped together and one man is chosen as the head and he determines the things about outcasting and things of that sort.

350. That is really the point. It does not matter very much whether he performs this function or that. You have in effect there a habit of self-government in certain matters by the aborigines?—Yes.

351. Do you think on the whole that it is fairly administered?—(*Mgr. Van Hoeck :*) I think the system works fairly well. (*Mr. Lenman :*) It is the only system which can work very well among the aborigines.

352. I was interested in what the Bishop of Ranchi was saying. Would you suggest that possibly the best way to treat this area would be to take it out from the present province and have a separate organisation with possibly a headship and thus develop the indigenous system?—(*Mgr. Van Hoeck :*) This, I think, is in the mind of very many of the aborigines, that is of those who have some education. I think that is really what they would like to have. They want to have a self-contained area having the same problems. They do not want to treat the others as their enemies provided everybody within that tract submitted to the same laws. Then they say there will be scope for looking into their private affairs. At the present time, if I may make a further remark, this is very difficult. At present Bihar is much more advanced than Chota Nagpur and has its own very serious problems. It is very difficult for one man to attend to very serious problems on one side and to very serious problems which are quite different on the other. What the people of Chota Nagpur feel is that unless they are taken by themselves and considered as a group their problems cannot receive sufficient attention however much one might be sympathetic. Even from the most sympathetic man they cannot expect all that they want if he has to look to so many other things. The Bihari has first to look to his own things.

353. *Chairman :* Perhaps it might be put in this way. I gather from what you say that the view of these aborigines is that they do not feel able to trust the Bihari to look after them?—I would not say that they distrust. Whether it is the Bihari or some other

they do not think so far. You may put the very best man; but since he has his own problems, since he has his own interests, naturally they feel "you are yourself busy about your own problems and our problems will not receive as much attention as they require."

354. *Major Attlee:* Do you, gentlemen, agree in this view?—(*Dr. Kennedy:*) I think the Chairman has put it very mildly. The attitude of the aborigines to the Bihari and to the Bengali generally is "*Timeo Danaos et dona ferentes.*"

355. The point I want to put to you is this. What do you think of the idea? Do you think it is a good thing if these tracts were formed into a separate government?—I see two sides to that question. I refrained from mentioning that point in my memorandum and I would rather not be compelled to answer that. I will have to discuss it at considerable length if I have to give my opinion.

356. I would just like to ask one other question and that is the impact of industrialism on the aborigine. I think a good many of your aborigines go and work in the mines., I do not know if they go to Jamshedpur. But what is the effect on the aborigine when he comes back home or when he stays there? Perhaps he remains much as he was before on the whole when he comes back home.—(*Mgr. Van Hoeck:*) I would say this. There is an organisation in Chota Nagpur which sends labourers to the Andaman Islands. It is being very well arranged by the Government. They work in the Andamans and they are allowed to come back. All the conditions are settled before they go and when they come back they return with a certain amount of money and they become more industrious and the people certainly like to go there. As for the mines, I believe the mines in Chota Nagpur have the same effect on the aborigines as they have anywhere else. They do not improve the aborigines at all. As a matter of fact I have spoken to very many of the people who have come back from the mines and they say they will not go back to the mines unless they are compelled to do so on account of starvation. They may be very poor and they may have scarcely anything to eat, but they would not like to go to the mines. I believe this is simply because there is no organisation. They go to the mines as any other workman goes and whatever money they earn they spend it as once.

357. In any case you agree the aborigine requires the greatest possible protection in the light of the industrial developments that are taking place?—I think he would. On account of the want of education none of them can occupy in these industries any position above that of the simple labourer and that is the great difficulty. As long as their own people cannot occupy the position of clerks—taking the smallest position to begin with—scarcely any improvement is possible. That is why they especially ask for special organisation for themselves.

358. *Rai Bahadur S. C. Roy:* Mr. Hubback, you now say that "four million" on page 103* of the memorandum is a mistake for 5½ million?—(*Mr. Hubback:*) The figure given on page 103* of the main memorandum is 4 million. It was taken from an old administration report. To the best of my ability I estimate that 5½ million is more likely to be the right figure than 4 million.

The Chairman: I understand that it is agreed that the following correction might be made: On page 103* of the Government memorandum strike out the words "four million" and substitute "5½ million."

359. *Rai Bahadur S. C. Roy:* On page 337* of the book you speak of the "long struggle between these aliens and the aboriginal population" of the Ranchi district. Again on page 338* you speak of the "subordination of the cultivators to the landlords in many places." In the same page you speak of the great power of the landholder over his tenants in Hazaribagh. Now in these circumstances do you not think it desirable not to strengthen further the power of the landlord over the aborigines?—I should certainly be averse to a modification of the Chota Nagpur Tenancy Act in that sense.

360. I am not talking of the Chota Nagpur Tenancy Act at all. Do you not think it desirable not to strengthen the power which the landlord has over the tenants either in council or in some other way?—I think the question will mainly arise in the Tenancy Act. In general I agree with you.

361. Now do you not think that in the Bihar council the landlords are over represented?—I certainly would not say that.

362. On page 126* you give a list of the men elected to the council according to which the landlords are 38 in 1920, 30 in 1923 and 27 in 1926. That is they are exclusively landlords. Then you give other classes such as lawyers, politicians, European planters and so on. But there are also landlords in these groups, are there not?—In the sense that they hold a certain amount of land in addition to their ordinary profession?

363. Many lawyers do hold land and even European planters do hold; is that not a fact?—Perhaps two or three of those mentioned on page 126, apart from landlords, hold a certain amount of interest in land.

364. So you agree that apart from the landholders given there, there are also landholders among other classes mentioned there?—Yes, a few.

365. And that is why we read in the Bihar and Orissa Administration Report for 1921, page 15, that in the election of 1920 out of the 76 elected members for the legislative council, 45 represented the landowners and out of 10 for the Legislative Assembly 7 represented the landowners? Is that statement of fact correct?—I assume so. I am not responsible for that statement.

366. Do these numbers 38, 30, 27 represent the great landowners?—No, certainly not. They include everybody whose main interest is in the land.

367. Then is the statement in the administration report of 1921 incorrect?—I am not responsible for that statement.

Chairman: One does not assume always that because a man belongs to a particular class, if he is elected by a general electorate to serve in the council he represents the particular class to which he belongs.

Rai Bahadur S. C. Roy: There is the Government statement and it may be taken for what it is worth.

368. *Chairman:* Is the point of the questions which you are now putting really this, that you want to support the view that the backward tracts should remain under the special system which now prevails?

Rai Bahadur S. C. Roy: No; the backward tracts should be separated and formed into a separate province by themselves.

Chairman: I do not think the question as to how many landlords or landowners there are in the legislative council would necessarily go to prove that. I thought your point was this, that it was not desirable that the backward tracts should come under the control and power of the legislative council but it was desirable that in some way or other they should be specially treated having regard to their special interests and needs.

Rai Bahadur S. C. Roy: In this way the interests of the Chota Nagpur people will suffer by being under a council where the landlord element predominates.

369. *Chairman:* That is exactly what I thought. Just tell me what was the year of the Chota Nagpur Tenancy Act?

Rai Bahadur S. C. Roy: 1908, sir. That has not given the full relief that the aborigines require and which they deserve.

370. *Chairman:* At any rate you do not want to alter that part of it which is favourable to the tenants?

Rai Bahadur S. C. Roy: Certainly, sir.

371. *Chairman:* And I suppose you might perhaps think that the legislative council of the province with its considerable landlord element might not be a body

which, if left entirely to itself, would preserve the tenants' rights in Chota Nagpur?

Rai Bahadur S. C. Roy: Yes, sir. And not only that, but any improvements that the ryots would require might not be favourably considered by the council. Therefore, they want a separate council in which their interests will be sufficiently represented.

372. *Babu Chandreshvar Prashad:* Is it not necessary here to know, sir, from Mr. Hubback and Rai Bahadur S. C. Roy whether any attempt has ever been made to thwart or to amend the Chota Nagpur Tenancy Act in such a way as to adversely affect the interest of the tenants?

Chairman: So far as I know, it has not been the case, and I do not know if anything is suggested. Still the fact remains that as things are any attempt to pass legislation which might be thought to be to the prejudice of the Chota Nagpur tenants will be an attempt to come under the special section of the Government of India Act, and, therefore, necessarily will be checked. I am not making any criticism against anybody. But that is the present position.

AFTERNOON.

Deputation on subject of "Backward Tracts" (continued) together with Deputation from CHOTA NAGPUR IMPROVEMENT SOCIETY.

The Deputation consisted of :—

Rev. Joel Lakra, President (Spokesman).
Rev. Gabriel Hemrom.
Rai Saheb Bandi Ram Uraon.
Mr. P. Hurad.
Babu E. Topono.
Babu Patras Dungdung.
Babu Laurentius Barla.
Pandit Masih Dayal Kujur, and
Babu Emil Kerketta.

1. *Chairman:* Rev. Joel Lakra, you are the president of the Chota Nagpur Improvement Society? (*Rev. Joel Lakra*): Yes.

2. And the spokesman of the deputation you have introduced?—Yes.

3. I understand the gentlemen in your deputation represent both non-Christians and Christians of the Roman Catholic Mission, the S.P.G. Mission and the Lutheran Church?—That is correct.

4. We have, of course, your Memorandum and we had the opportunity of studying it. Shall we for the moment leave that matter and put some questions dealing with the general subject? A little later on we will ask you if you have anything in addition to say?—May I request the honourable members of the Commission to allow us to read an address at the beginning.

5. *Chairman:* It is very good of your deputation. We shall, of course, be very glad to have the address. But do you think it is quite necessary to have it at first? We want to go on with our business in view of the fact that we have these other gentlemen also here and some of them have to go away soon. Would you mind if we postponed this for some time later? (After a stop.) Might I just see a copy of the address? (A copy was handed over to the Chairman.) I think, if you do not mind, Mr. Lakra, as it is rather a long document we will ask you to do this a little later in the afternoon. For the moment you and your deputation might be content just to be present here as some other questions are being put which affect the aboriginals of the Chota Nagpur area. We shall be glad to take the opportunity of hearing your address later on?—Thank you.

Rai Bahadur S. C. Roy: I understand that in that address they are putting forward a scheme and probably a perusal of that may simplify the cross-examination.

6. *Chairman:* Would you mind, Mr. Lakra, if I treated it as having been handed in to me. If you like I will summarise it to the Conference now, and that will be treating it as having been handed in to me?—Yes.

Chairman: This is an address, gentlemen, presented by the deputation and is signed at the end by the members of the deputation. It says :—

"As representatives of the aborigines of Chota Nagpur who number about five millions, we beg to accord a most cordial and respectful welcome to you. We are sincerely grateful to you, sir, for your having come to this distant country at great discomfort, loss and trouble to yourselves, only to listen to our grievances and aspirations and to settle a satisfactory constitutional scheme for us by which our grievances may be remedied and aspirations fulfilled as far as possible.

"We feel confident, sirs, that after you have patiently heard and sympathetically considered our case, you will be convinced of the justice of our demand for a more suitable and progressive Constitution which will afford us full scope to develop more rapidly on lines suited to the genius of our race and which will enable us to attain to the full height of our capabilities for political, social, economic and intellectual development.

"Of all the different communities of India it is we, the aborigines, sirs, who have suffered the most and the longest at the hands of alien peoples. Since the early days of British rule we have been gradually reduced from the position of peasant proprietors holding villages in joint ownership to that of humble cultivators of gradually descending degree of subordinate status down to mere serfs on lands which our ancestors reclaimed and owned. Alien Hindu interlopers have been enabled to do this by either fraud or force partly through our own simplicity and mainly through the mistakes committed by the British Government in throwing us without taking account of our past history, into the melting pot of a common law and common administrative system with more advanced districts. It may rejoice the heart of the mere student of comparative jurisprudence to see in Chota Nagpur every successive grade of rights in land arising out of the disintegration of the primitive village communes, but you, sirs, who are bent upon the sacred task of devising means of social and political amelioration for the inhabitants of his country, will, we are sure, feel grievously pained at the havoc created on our rights by the introduction of an unsuitable administrative and legislative system in Chota Nagpur.

"True, some belated protection from further spoliation of our rights was sought to be given in the last decade by a tardy tinkering with our tenancy law . . ."

That refers, I suppose, to the Chota Nagpur Nagpur Tenancy Act of 1908?—Yes, sir.

"But that law which is based on a wrong fundamental assumption has not been and cannot be effective in checking further inroads on such miserable remnants of our ancient rights as are still left. To heap insults on injury, these alien landlords despise us as 'Mlechhas' and despicable creatures — more brutes than men, and actually stigmatise us as 'Kols' which we understand is a Sanskrit term for 'pigs.'

"But we too, sirs, are human beings, with a long past—longer than that of any other race in India, with a native genius for democratic government.

"If the claim of our Muhammadan fellow-countrymen that either as kinsmen or as co-religionists of quondam rulers of India they form an important minority in the country and as such are entitled to more than their proportionate share of representation in the legislature and in the services—(which we do not certainly grudge them)"—(meaning that their claim is just?) "We aborigines, sir, can with equal or perhaps greater justice claim that as descendants of the earliest known owners of Indian soil and with more hoary traditions of sovereignty in the land, we too are entitled to as much or perhaps greater indulgence and an equal, if not a larger, share in the government of our own people. The *Mahabharata*, the national Epic of the Hindus, records the achievements of the Munda sovereign, Jarasandha who ruled northern India from Rajgriha or Rajgir in this very district of Patna, and our tradition speaks of Karakh, or Kurush, one of our ancestors who once ruled over what is now the Shahabad district and gave his name to that country as Kurushdes, as Buchanan in his memoirs tell us and Montgomery Martin in his Eastern India records. Similar traditions of the ancient rule of our people over other parts of India might be cited in profusion.

"But to turn from ancient history and tradition to contemporary facts. At the present day the aborigines of India number sixteen millions out of which as many as five millions and a half or more than one-third inhabit this most artificial and heterogeneous province of Bihar and Orissa, mostly in a compact body in Chota Nagpur and the Santal Parganas. Whereas, we aborigines form more than one-seventh of the population of this province and our brethren not more than one-tenth, they have succeeded in securing a place in the Bihar Cabinet and a decent representation in the Bihar legislature and in the judicial and executive administration of the province and in other public services, but we, sirs, have no one to represent us in the Cabinet, our representation in the council is farcical and our representation in the public services is negligible."

7. Let me just ask you this. There are at present, are there not, in the council here two members who are nominated and in addition to that you have amongst others secured the return, for instance, of the honourable member for the Ranchi district, Rai Bahadur Roy, who is here, undoubtedly by your votes. Is not that so?—Yes. Rai Bahadur Roy is perhaps the only one who really represents us.

8. Well, no doubt, he does represent you anyway. Then you go on to argue—

> "Rules by a Cabinet, of which all the Indian members hail from the landlord class, a class whose interests have always been antagonistic to ours, and who must necessarily fail to appreciate and sympathise with our needs and aspirations, and with a legislature in which the landlord element preponderates and predominates, we cannot resist the feeling that our interests stand little chance of promotion or even protection. And, as a matter of fact, our painful experience of the last nine years of what people in Chota Nagpur call Bihari rule and landlord rule, goes far to justify that apprehension."

Then you say that you have been denied your fair share in the financial arrangements for the educational and other advancement of the different parts of the province. You consider that the Chota Nagpur area has not had the necessary funds for a medical school, or an engineering school, or an agricultural school or a degree college in arts and science.

In the second place you say—

> "Suitable aboriginal candidates for appointment to public services are now frequently passed over in favour of Bihari and Oriya candidates."

In the third place—

> "The administration of justice in Chota Nagpur is mostly in the hands of Bihari or Oriya officers . . . who have no knowledge of the peculiar customs and habits, languages and mentality of our people . . ."

Then you give in quotation what Sir Andrew Fraser wrote in the Quinquennial Administration Report.

In the fourth place you say—

> ". . . the elaborate and intricate laws of procedure and evidence which may be suitable for advanced districts but are beyond the comprehension of the bulk of the aborigines are productive of much hardship and injustice to these backward peoples. If we were given our own legislature for the backward tracts, matters would have been quite different. A council composed almost wholly of men of a higher culture would regard any attempt to simplify the law as a retrograde and reprehensive step. As for the inequitable provisions of our tenancy laws, any attempt made in the interests of the aboriginal tenants to alter them would be foredoomed to failure . . ."

In the fifth place—

> "In the Bihar council, the aborigines have very little chance of a favourable hearing, whereas the other important communities are fairly well represented . . ."

In the sixth place—

> "Such European officials as in pre-Reform days evinced genuine sympathy with our needs and aspirations and sought to understand and help us so far as they could, have, under the present changed circumstances, very little chance of doing so.. In the present form of council government they are naturally more concerned with the wishes and opinions of the senior partner . . ."

In the seventh place—

> "In the council where the interests of the aborigines are often in conflict with those of the landowners or certain large mining or financial interests, the former are naturally likely to be sacrificed in favour of the latter."

In the eighth place you argue that this artificial arrangement cannot be expected to create a common nationalism and that such an unequal combination is bound to result in the less evolved party losing the good traits of their character and imbibing the worst features of the so-called culture.

> "Finally, the present administrative union of Chota Nagpur and the Santal Parganas with Bihar is harmful to the senior partners as well . . . ."

The you say that "the aboriginal tracts have been illogically tacked on as a superfluous appendage to Bihar and Orissa" and then you go on to say what you consider should be done.

> "In our opinion, the only suitable scheme appears to us to be the establishment of a separate administration under a sympathetic and well informed Governor directly under the Governor-General and a separate legislature for the aboriginal tracts now loosely and illogically tacked on to Bihar and Orissa."

The advantages you mention are these—

"In the first place such a province will form a uniform homogeneous administrative unit. It is this tract which is described in the last census report of Bihar and Orissa as the Greater Chota Nagpur. The aborigines who form the bulk of the population of these tracts are all racially, linguistically and culturally akin . . ."

"In the second place, when we shall have our own legislative council and minister we shall be in a far better position . . ."

"In the third place, we shall have a separate judicial and executive service . . ."

"In the fourth place, the question of communal representation which is bad everywhere will hardly arise in the proposed aboriginal province. Guarantees may, however, be provided for such minority interests as may exist."

"In the fifth place, a separate administration and legislature of our own will inspire in our people greater national self-respect and self-reliance."

Then you say—

"The first and indeed the only serious objection that may be raised against the scheme is the financial resources of the proposed province. To this our humble answer is that with the surplus of revenue that is left over after paying for our district administration and with the addition of such grants and financial arrangements as we confidently expect, the Central Government will be pleased to make in fulfilment of their responsibility for the improvement of the backward tracts, it may be possibly by strict economy to pay our way . . ."

Then you discuss also the subject of the smallness of the province and argue that it is big enough. Some other objections, you say, may be raised for the scheme and you argue for its advantages. I understand that that is the substance of what in this document you wish to put forward?—Yes. We have also put forward two other alternative schemes though less satisfactory than this.

9. I think I have summarised it fairly?—Yes.

10. Would you just tell me this: According to your understanding, in the old days to which you refer, was the system in your area one in which the village was owned by all people who lived there jointly?—Yes.

11. And in the old days, as you understand it, did the villagers pay tribute to anybody else?—In fact it was not called tribute; it was a kind of subscription they used to pay.

12. To some superior?—Yes. It is only when the Muhammadans conquered our country our people were compelled to pay that.

13. Then I understand there has been, as you describe in this document, a successive disintegration; many of your villages now are not owned by a joint ownership but they are broken up?—Yes.

14. One result of that is that it is difficult to get a village represented by votes from voters because the individual voter may not have the qualification. Is not that so?—It depends on what we call qualification.

15. Qualification at present is—is it not—the paying of a certain amount of rent or land revenue?—That is the understood qualification, but we do not know what should be really the qualification.

16. You think that there ought to be a different one?—Yes.

17. *Chairman:* I want you to bear in mind that the Bishop of Ranchi has to get away. Would it be convenient for you, Mgr. Van Hoeck, to add anything about this?—(*Mgr. Van Hoeck*): With regard to the scheme which has been proposed, I believe that really no insistence is sought to be placed on going back to the old customs. I would simply say this much that the problems which agitate the minds of the aboriginals should be examined very carefully to see what can be done. It seems to me that for this purpose there will be an advantage in having a separate administration.

18. *Chairman:* I think this deputation seems rather to differ on this point from what we heard this morning. We heard this morning a strong consensus of opinion from the various gentlemen before us that it was right to treat this area rather differently from the rest of the province of Bihar and Orissa and a general indication was given that what has been done to treat it separately was right. These gentlemen apparently wish to go further and say that they would like to be entirely separated from this province; they have nothing to do with it.

Mgr. Van Hoeck. I do not know whether that is the implication which they have in mind. As I said this morning, there are very many problems in Bihar which are quite different from those in Chota Nagpur. Therefore if Chota Nagpur is tacked on to Bihar, say, under one Governor, however sympathetic and qualified that Governor may be, yet it is really a super-human task to manage these two areas with their varying problems.

19. *Chairman:* You see, gentlemen, it comes to this. This deputation is urging, from their point of view, very naturally, that they should be not only separated from the ordinary administration of the province of Bihar and Orissa, but there should be what I may call a full-fledged province of their own, their own central administration, their own Governor, their own minister. That is the question which is raised by the deputation, I think.

Sir Hari Singh Gour: They want a reformed government like the rest of India.

20. *Chairman:* The question, it seems to me, is whether or not this very natural ambition of the deputation cannot at this stage very wisely be recommended. I do not know if you have any views about it, Mgr. Van Hoeck, but if you have we should be very glad to hear them.

Mgr. Van Hoeck: I am sorry I did not make myself clear this morning. In the memorandum which has been presented by us we do not speak of any form of government, we simply state that special protection should be given to these aboriginals to safeguard their rights. But now the question goes further and asks whether we would insist on more safeguards or whether we sould like the area put under a separate administration, under a Chief Commissioner or a Governor as head of the province. I should certainly prefer the latter course because if there are special protections for you it does not certainly encourage you to self-respect if you are constantly made to feel that you are inferior to others; if you are separated then there is no longer that sense of needed protection.

21. *Chairman:* May I ask how you feel about it, Dr. Kennedy?—I want to know the views of all you gentlemen because you are so disinterestedly concerning yourselves in helping the backward tracts. Whether you would take the responsibility of recommending that they should at this stage take a step forward in their own self-government—that is the real question. Can this district treated by itself be wisely encouraged to do that now?—That is what I want to know from you.

Dr. Kennedy: If there are sufficient safeguards to prevent any loss and if certain extensions of the present system are made, I think that would be a more prudent course to follow. At present I do not think on the whole that they are sufficiently developed to run a separate province without some outside help. Now, where is that outside help to come from?—If it is to come in what I might call an irregular way, from other people of the country, then I do not think that they would be better off in the new province than they are at present. You would have a certain number of people, some might be enthusiasts, others might be adventurers, who would hold a great many of the offices and posts in the country. At the present stage of development they cannot get on with filling these administrative posts by aboriginals.

22. *Chairman :* Might we ask what Mr. Lenman thinks about it ?

Rev. Lenman : I think this is a new suggestion to have an entirely separate province for the aboriginal tracts. I have not really thought out this point, but I would rather agree with Dr. Kennedy that at the present moment we would not be able to do without outside help in the administration of any province that might be created.

Chairman : What I gather is this. It seems to me that the consensus of opinion on the part of a body of gentlemen who are now before us is that to put Chota Nagpur in the position of being simply one of the ordinary parts of the province without any special provision for its needs or administration would be a mistake, and in so far as there has been a separation, you, gentlemen, think it is right there should be. The question then comes to this : Whether that separation should be maintained as it is or what is the direction in which it might be improved, and I gather that the view of these very wise advisers of the last deputation would be that it is a mistake to be too rash or to go fast. The real thing to do is to see that the protection which these people enjoy is maintained, possibly with a view to their own advancement.

Lord Burnham : May I submit to you, sir, that the creation of a fresh province for this area cannot seriously be contemplated ? If it is to be a sub-province of this province or some other province, then of course it is a different matter. The question that arises in this connection is whether under this province or any other province they would wish to be under the paternal direction and control of the Government of India with merely a commissioner and such machinery as he requires to deal with their affairs.

Sir Hari Singh Gour : As the two deputations do not see eye to eye, may I suggest that the two deputations be heard separately ?

Chairman : I think that is right. We had better continue from where we stopped before we rose for lunch. I think we should ask our friends of the Provincial Committee if they would just put briefly the points which they think it necessary to put more particularly with reference to the proceedings of this morning.

Mgr. Van Hoeck : I may say, sir, that when I speak of " their own province " I do not mean to say that all the officials of the province should come from that province. That is not my point. I do not know what is the intention of the deputation. I only want to say that they must have their own administration, let it be under the chief commissioner with his own councils or whatever it is. As a matter of fact, not that the aborigines can by themselves administer the province and furnish all the officials. When I speak of their own province I mean a separate adnimistration for them.

23. *Rai Bahadur S. C. Roy :* You think that a separate administration for them is desirable ?—Yes, that is what I think.

24. If they cannot have a separate province, would you suggest any other scheme ?—There is the other suggestion that they may have a sub-province with a sub-governor or deputy governor whose main duty will be to be in charge of this province and who will be under the authority of the Governor here. It will give this advantage that there is a special man, call him a chief commissioner or a deputy governor or anything, whose business will be to deal with the problems of that particular area, a sub-province or whatever you may call it.

25. So you think that if there cannot be a province, at least a sub-province would be desirable for that area ? Yes, I think so.

26. *Rai Bahadur S. C. Roy :* And it will be preferable to the present system ?

Chairman : He has already answered the first part. He has used the phrase very generally and said that a sub-province is a good idea; but as regards the present system we have to see how far there is a separate administration at present.

27. *Rai Bahadur S. C. Roy :* You think that a sub-province with a deputy governor whose special charge will be to look after the aborigines is more desirable than the system under which they are at present administered ?—I think so.

28. Now supposing for financial considerations even a sub-province cannot be granted, then would it be suitable for them to have something like a compartmental government, that is to say, they would elect a number of representatives, with a minister to guide them, and in the council they would discuss measures concerning them. What do you think about such a system ?—I believe that more or less it is the same as a sub-province.

29. If the deputy governor is found to be too expensive then what do you suggest ? In this case, though they are tacked on to another province they will have a separate cabinet, a separate council, and so on ?—I have not considered that point, but the question comes to this. Of course, the best thing would be to have a Governor with a separate province. The next best would be to have a sub-province with a deputy governor and the next best would be to have a minister with a separate council. But do you intend that their matters shall also be discussed in the general council of the province ?

30. No ?—Then in that case it will be a sort of sub-province.

31. You consider that that will be the next best ?—I think so.

Rai Bahadur S. C. Roy : And anything other than that would be injurious to the interests of the people ?

Chairman : I think, Rai Bahadur, you have carried this matter as far as it can fairly be carried. After all we all appreciate the interest which he and Dr. Kennedy and these other distinguished gentlemen take in the area. But you cannot ask everybody at a moment's notice to provide a new Constitution. That is the business of all of us to consider. I think you have got out facts which are important for us. You got out first of all the fact that in the view of these gentlemen they would not wish to see Chota Nagpur thrown back without any distinction. They attach great importance to its being kept separate and its problems considered separate. You also got out the fact that the best that could be devised would be separation so that the problems might be given full consideration without other things diverting attention. But whether it can be done by a Governor or a chief commissioner or a minister or the rest of it, if you allow me to suggest it, it is a very difficult constitutional question which I hardly think we can fairly ask these gentlemen.

32. *Sir Hari Singh Gour :* I understand you emphasise the one fact that these backward people require special consideration and consequently it does not matter what is the machinery for giving that special consideration provided that machinery is adequate ?—Yes.

33. You will be satisfied with it ?—Yes.

34. And your colleagues will be satisfied ?—Yes. I may add one thing. In devising that machinery this should be kept in mind, namely that their self-respect should be maintained. They should not be made to think constantly, " I am an inferior and therefore I must not bother about it."

35. It must preserve their individuality and promote their self-respect ?—Yes.

36. If these two conditions are fulfilled the rest of the machinery is immaterial ?—Yes.

(At this stage Mgr. Van Hoeck withdrew.)

37. *Rai Bahadur S. C. Roy :* Do you not think, Mr. Hubback, that under the present council the aborigines have no chance ?—(Mr. *Hubback*) : I think their interests are very liable to be neglected at present.

38. Is it not a fact that the aborigines appreciate the franchise and you had the largest number of voters attending the polls among the aboriginal constituencies ?—Yes. I think the main reason for

that is that they do follow the dictates of their headmen and their headmen understood that the Government wished to make a success of the elections, purely a numerical success.

39. Have you a personal knowledge of the motive which actuated them to go to the polls in large numbers?—I am afraid that is not first hand. That is only the impression gained by the election officers, though in some of the districts they did come forward no doubt from many other motives besides that, possibly as a civic duty.

40. But you do not know why the Chota Nagpur people came in large numbers to the polls?—The aborigines certainly polled a very large percentage.

41. Is it not a fact that they have a system of election of headmen amongst themselves?—Yes, in certain parts.

42. In the Ranchi and Singhbhum districts?—Certainly in the Kolhan; but I gather Ranchi does not so well maintain the system.

43. You have no personal knowledge of the Ranchi district?—No.

Rai Bahadur S. C. Roy: You say on page 350* of the memorandum, "The local and central legislatures have shown signs on several occasions of treating the problems of the backward tracts from an *a priori* point of view, with little regard to actualities."

Chairman: What he says is that there are several occasions and signs of them have appeared.

44. *Rai Bahadur S. C. Roy:* Is not that because the members have no knowledge of the actual state of things in those tracts?—Certainly.

45. That is the reason?—Yes.

46. If we had a larger number of representatives from these tribal tracts, would not that improve matters?—It will certainly; it gives the council more information.

47. And if they had a council of their own, is it not likely that they would pass measures which would benefit them?

Chairman: If you excuse me the answer to that question is quite obvious if everything else is assumed. If you had a separate political organisation, if you could get the people together in one council, no doubt they will act together. It is no use spending time on such questions.

48. *Rai Bahadur S. C. Roy:* Is it not a fact that in this Council when outside members moved a resolution to abolish the restrictions on the election of president or chairman of district boards, and when another resolution was moved for the abolition of the Santal system, the members from Chota Nagpur stood up for the system?—Those members who had close touch with the aborigines certainly did.

49. So you agree that it would be harmful to Chota Nagpur to remain tacked on to Bihar?—I think there would be advantages in a separate province if it is financially possible. That is purely my personal opinion.

50. *Babu Lakshmidhar Mahanti:* With regard to Angul, am I right in thinking that Khondmal subdivision is geographically separate from Angul?—Angul district consists of two entirely separate blocks.

51. Apart from administrative convenience, the two parts are not common?—Khondmal is distinctly more backward than the other subdivision.

52. In Angul itself 77 per cent. of the population speak Oriya?—I cannot say off-hand.

53. I see from the district gazette here that in Khondmal 84 per cent. of the population are Khonds?—Yes.

54. Am I right in saying that up till now they have not got a high school?—I am afraid I am not closely acquainted with the administration of Angul to that extent.

55. There is no representative institution in Angul?—There is no representative in the council. It is outside the Reforms scheme.

56. There is not even a local board or district board or anything of the kind in that area?—There is no local board or district board in Angul.

57. And in spite of this it is run as an ordinary district, that is with a deputy commissioner, a subdivisional officer and other machinery just as you find in an ordinary district?—No. For one thing it is at present under the political agent who also looks after the Feudatory States. It is classed with the Feudatory States in that way.

58. *Chairman:* I understand it is administered by the Government of India or on behalf of the Government of India and it is quite outside the area of any Governor of the province so far as the legislature is concerned. At present it does not elect a member and in that respect it is like the North-West Frontier Province?—Yes.

59. *Babu Lakshmidhar Mahanti:* Although the income is about 1½ lakhs the expenditure is more than 5 lakhs?—I think Mr. Tallents gave the figures the other day. It is something like that.

60. *Babu Chandreshvar Prashad:* This morning you said, Mr. Hubback, that seven out of the nine members coming from Chota Nagpur cannot really represent the interests of the aboriginals?—(Mr. *Hubback*): It is something like that, I think.

61. Now, I would like to know from you how you have come to that conclusion? Is it merely your personal opinion about those nine representatives, or you have grounds for maintaining an opinion of that nature?—I think I have grounds; but that is my personal opinion.

62. *Babu Chandreshvar Prashad*: May we know your grounds?

Chairman: In regard to these matters of opinion, one is bound to base one's view on the impact of a whole series of things. It is very difficult, I think, as you know, to ask this witness to detail the grounds for his opinion which obviously is merely a personal view.

Witness (Mr. Hubback): It is, as you say, sir, made up of a very large number of impressions which it would be very tedious to relate.

63. *Babu Chandreshvar Prashad:* Then, can you give me some idea as to the other people that are living in Chota Nagpur? According to the figure given in your book here, it appears that the aborigines are about 58 per cent. in Chota Nagpur?—(*Mr. Hubback*): I should suggest, if I may, sir, that the question should be asked of one of the non-official witnesses who have more close knowledge of the district.

Babu Chandreshvar Prashad: I thought I would be able to get that information more correctly from you, especially because in this book it is written . . .

Chairman: Will you please repeat the question? I believe you referred to the statement in the book that in the Chota Nagpur area the "Aboriginal and semi-aboriginal tribes . . . make up nearly 58 per cent. of the population."* (Page 337*.) And then I thought your question was as regards the balance?

Babu Chandreshvar Prashad: Yes, sir.

Chairman: What is it that you want to know?

64. *Babu Chandreshvar Prashad:* What is the constituent part of the balance?

Witness (Mr. Hallett): As regards the balance, they are mostly all aboriginals in origin, but they have risen in the social scale and they have become Hinduised. They are, as far as my experience goes, less intelligent and have less ability than Hindus of Bihar.

65. *Chairman:* What is the meaning of saying "they have become Hinduised"?—(*Mr. Hallett*): It largely depends upon the enumerator who makes up the figures in the census. Various methods are laid down for guidance in deciding as to who is aboriginal and who is Hindu, but generally those who were taken as Hindus are persons who have taken up certain parts of the Hindu religion, but they have not abandoned entirely their aboriginal religion.

66. *Babu Chandreshvar Prashad :* Therefore, you do not think that being merely Hinduised their interest is in any way adverse to the interest of the aboriginals in general ?—(*Mr. Hallett*) : By saying that there is a large number of animists who have become Hinduised, it means that they are classed as Hindus and not as aboriginals. That takes away about 30 per cent. of the population. Then there is 10 per cent. of the Hindus who come in from outside and whose interests, as history shows, are more or less against the interests of the aboriginal tribes.

67. All the same they are people who have settled in that country—I mean the 10 per cent. who you consider are more or less against the interests of those aboriginals are settled in that country ?—(*Mr. Hubback*) : Yes, they have settled in certain parts of that country.

68. And they too have some stake and some interests there ?—They have interest, certainly, but I do not know about their stake.

69. It is quite possible that they are in a minority of 10 per cent. But anyway they have some interest and some stake there ?—Certainly, yes. (*Dr. Kennedy*) : May I answer that ? You said they have some interest . . .

70. I want to know whether they have, or they have not. It is for you to say ?—(*Dr. Kennedy*) : Their interests are most frequently in opposition to the interests of the aborigines. That is the point that I should like to be brought out.

71. To make my question clear, what I want to know is not whether the interest that this minority possesses is standing adverse to the aboriginals or not, but the point is whether they have got some stake and interest in the place where they live ?—(*Mr. Hubback*) : They own property there.

72. *Chairman* : This 10 per cent., what are they ? Are they Bengalis ?—(*Dr. Kennedy*) : They have a varied origin. A certain number are Rajputs, and a considerable number, an increasing number, are Bengalis of varied social positions. There are now a certain number of Bengalis who have acquired lands and who have mostly been connected in some capacity with the Law courts, and they have opportunities of acquiring lands ; and there are the Marwaris and the Telis (oil-men) who have come in as traders.

73. Then about the other question, what part they do play in the area ?—Some have come as traders ?—Yes ; that is the case with some of them.

74. Who does the moneylending ?—Money-lending is chiefly done by the Marwaris and the Telis.

75. You say some of them have considerable stake there ?—Most of them are petty landholders. Only a few have considerable estates. Then there are a number of various castes who have been retainers of the Maharaja, or some other landlords, and have been assigned some landed property on which they live. (*Rev. Joel Lakra*) : May I say a few words, sir ? I think these non-aboriginal people in the villages generally are not landowning people, but they have been imported either from Bihar, or from other provinces, even from Orissa. There are servants and different other kinds of professional people among them. The Rajas, when they came there, brought these non-aboriginal people with them. They are dependent on the zamindars for their maintenance.

76. *Babu Chandreshvar Prashad :* Then my point was, do you think that the seven members out of nine who do not really represent the interest of the aborigines come from the class of this minority ?—(*Mr. Hubback*) : Yes, I know it.

77. But at the same time you will probably agree that the percentage of aboriginal electors is much higher than this minority that represents only 10 per cent. of the population ?—(*Mr. Hubback*) : If you look at the table at page 347* you will see that in two or three districts the aboriginal electors have got a substantial majority of votes. For instance, in Ranchi 66 per cent., in Singhbhum 63 per cent., and in South Manbhum 52 per cent. of the electors are aboriginals. In all the other constituencies they are in a rather considerable minority, and I take it that they do not all vote solid and therefore we may expect them to lose not only the seats where they form a minority of electors, but they might lose others as well. In fact they do not put up a candidate, except in Ranchi and Singhbhum.

78. Anyway, the percentage of voters here is much higher than the number of votes that might have been recorded from the 10 per cent. of the population ?—Yes, they are generally wealthy people.

79. *Chairman :* If I turn to page 347* I see, for example, that in the Santal Parganas the aborigines are 51 per cent. of the population. The non-aboriginals are therefore slightly less than half of the population. In the previous column I read that only 33 per cent. of the people on the electoral roll are aboriginals. Therefore, 66 per cent. are non-aboriginals. I did not understand you when you said that a majority of the population has a minority of votes unless you want to say that a minority of the population has a majority of the votes ?—I am sorry, Sir, I misunderstood the question.

80. The question put to you was that the minorities are a still smaller fraction of the voters ?—I should say that the non-aboriginals have a great many more electors than the aboriginals.

81. *Sir Hari Singh Gour :* Proportionately to their percentage ?—Actually.

82. *Babu Chandreshvar Prashad :* When a question was put to you whether you consider it would be better for the aborigines that they should be represented through nomination or through election, you said that you consider it would be better through nomination ?—I do not remember having said that. I was never asked a question about that.

Babu Chandreshvar Prashad : The point is this, sir. It was pointed out by you, sir, whether anything could be achieved by lowering the franchise of these places so that a greater number of aboriginals would come as voters, and thus ensure their number in the council, or whether it would be better for them to be represented by nomination, and the witness was asked which of these two would be safer for them. In answer to that, if I heard him correctly, Mr. Hubback said that he would prefer nomination.

83. *Chairman :* It is only a misapprehension and it is a good thing to get it right. Mr. Hubback, what is your view about that ? Do you think yourself that it is desirable to preserve or increase the nominated representation of the aboriginals, or do you think that any more representation could be given by the method of election ?—I think they are now sufficiently advanced to depend on a larger element of election in regard to their representation, but the question that I was answering this morning, sir, I think, was whether they could depend entirely on their elected representatives to look after their interests, or whether it was necessary to retain any form of safeguard . . .

84. *Chairman :* By nomination ?—Not by nomination, sir, but by provisions of the Act.

85. That is a different point. I would rather agree with Babu Chandreshvar Prashad. I too thought that your view was that nomination, so far as it goes, should be preserved ?—I certainly think that an element of nomination should be desirable.

86. And you think that the present nominated element is too big ?—I do not think it is, sir. I should like to see more elected members too.

87. Babu Chandreshvar Prashad was only asking you whether, if you want more elected members, you could get it by lowering the franchise. Experience goes to show that though they have got an actual opportunity for returning members, they have not in all cases used their opportunity ?—I am very doubtful what the result would be if you lower the franchise.

88. *Babu Chandreshvar Prashad :* Coming to nomination as such, do you not think that they have

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got a very effective system of organisation?—Not everywhere; by no means.

89. But at least in places where they have got it, if the village headmen are asked to supply Government with a panel of names for nomination, do you not think that there would be people who would be properly representing the interests of the aboriginals rather than those who are nominated at random?—I think, possibly. I am not precisely aware how the nomination is carried out, but possibly the suggestion you make would be advantageous for getting a suitable nominee.

90. Are you aware of the Government ever getting a memorial or representation of that nature from these aborigines?—I have no recollection of ever having seen it.

91. You have admitted at least that two people are really representing their interests?—Certainly.

92. One is Rai Bahadur S. C. Roy and another is Babu Devendra Nath Samanta, who is a Munda himself?—Yes.

93. I find that last August, when speaking in the council, Babu Devendra Nath Samanta said: "Some two years back influential aborigines approached Government with a prayer that Government should be pleased to nominate some of the aborigines whom they named to represent their interests in the council, but Government paid no heed at all and nominated members according to their own sweet will to suit their own purpose"?—I am afraid I cannot say anything about that.

94. *Chairman:* I think the witness has already agreed that it might be a good plan if Government were invited to give their attention to the suggestion made by Babu Chandreshvar Prashad of the headmen being asked to supply Government with a panel of names to select a suitable nominee from?—(*Mr. Hubback*): Yes; I would not go further than that. It is merely my personal opinion, Sir.

Babu Chandreshvar Prashad: I would like to read out another passage from the speech of the same member, and should be glad to know if Mr. Hubback subscribes to that view or not. Talking about their grievances and their condition under the present system of Government—I mean by keeping them as backward tracts—Babu Devendra Nath Samanta says: "It is not because our grievances are not known to Government that they have not been redressed but because Government are not willing to redress them. We have firm belief that Government want that we the aborigines should be kept in the same state as we were a long time ago. The House will be surprised to learn that some three or four years ago the district authorities of Singhbhum, *i.e.*, the then deputy commissioner at Chaibassa held the opinion which he had the honour to express in writing that it is undesirable that free studentship should be granted to the aborigines to enable them to prosecute their studies and to make them bad Babus." I wish these were not correct. It is simply because this man (Babu Devendra Nath Samanta) is supposed to represent the real interest of the aborigines and as he himself happens to be a Munda, I just wanted to place that before this Conference for their information.

Rai Bahadur S. C. Roy: That speech, sir, was in reference to the Government's power of nomination to the district boards in addition to the elected members the aborigines have got there, and then they sent up a petition to Government that so far as nominations were concerned Government might be pleased to nominate so and so.

Chairman: May I have the reference to the book you were quoting from?

Babu Chandreshvar Prashad: It is from the official report of the Bihar and Orissa legislative council proceedings, dated the 21st August, 1928, pages 316 and 317.

Chairman: The reference to nomination there is with reference to nominations to district boards according to the Rai Bahadur.

95. *Babu Chandreshvar Prashad:* The only other thing which I could not make very clear this morning and I would like to get from you now is this. Rai Bahadur S. C. Roy referred you to page 126* of the bigger memorandum which has been submitted by our provincial Government. So I have only to ask you this much, if "landlords" include all those who have any interest in land?—(*Mr. Hubback:*) It does not mean only the great landholders.

96. *Maulvi Saiyid Mubarak Ali Sahib:* Supposing, Mr. Hubback, the demand for a separate province or sub-province is not granted, what safeguards would you suggest for the aboriginals mentioned at page 348* of this small pamphlet (memorandum of the Bihar and Orissa Government on the backward tracts of Bihar and Orissa)?—Could you put me on to the particular passage?

97. Just before paragraph 25, on page 348*. The passage runs: ". . . it is not surprising that the aboriginals, where they are intelligent enough to appreciate the position, view with great apprehension the prospect of being placed without any safeguard under a council so composed." What safeguards would you suggest?—Well, the present safeguards I consider satisfactory.

98. You think that they ought to continue?—Something in that form, but if the Constitution of the province as a whole is changed the safeguards will have to be changed too. For example at present the reserved side of the Government can definitely put through, under section 72E, essential legislation on reserved subjects if the Governor certifies that such legislation is essential for the discharge of his responsibilities for that subject. But I am not at all sure that the result of this enquiry will leave that power untouched.

99. *Mr. Athar Hussain:* Is Chota Nagpur also a deficit area?—Yes.

100. *Chairman:* It would seem, Rai Bahadur, that the extract which was read out just now refers to nomination to the council and not to nomination to the district boards. A quotation is not the same thing as proving the independent truth of the fact. The statement that was made was: "Some two years back influential aborigines approached Government with a prayer that Government should be pleased to nominate some of the aborigines whom they named to represent their interest in the council." You think that means district council?

Rai Bahadur S. C. Roy: Then I am mistaken. I thought it was for the district boards.

Chairman: As they have only two nominees in the legislative council, "some of the aborigines" seems rather generous. However, it is doubtful. If necessary, we can have it looked up.

101. *Sir Hari Singh Gour:* I wish to ask this question first. You say on page 348* that the safeguards you have got at present are quite sufficient. These safeguards I think are the safeguards which are referred to at page 353*, is it not so?—Where is the passage?

Sir Hari Singh Gour: On page 348*, paragraph 24, last line.

Chairman: It does not seem to me that it says so.

102. *Sir Hari Singh Gour:* Mr. Hubback was asked by my friend on the other side what were the safeguards he would suggest, and he said that the present safeguards were quite sufficient. Will you (*to Mr. Hubback*) kindly tell us briefly what are the safeguards which exist at present?—Well, in the first place, Angul is kept out of the Reforms completely. In the second place, the Santal Parganas on the legislative side is open to positive legislation by regulation. The Santal Parganas is also, under section 52A, subject to the negative action of the Governor or the Governor in Council, that is to say, the reserved side of the Government, in preventing legislation of a general character passed by the legislative council from being extended to it.

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103. Limiting the operation?—Limiting the operation of Acts of the legislative council, and also limiting in particular the operation of special Acts, Acts confined to the territories. There is also the power to which I have just referred, which is a general power under section 72E by which the Governor can in effect pass legislation which he considers absolutely essential in the face of his council, on reserved subjects.

104. Is that what you mean at page 353*? You say there: "It is perfectly true that the system is one of personal rule, and that it is open to attack on the stock grounds."?—No. The Santal Parganas are much more protected than the Chota Nagpur districts. I certainly wish to maintain the present protection for the Santal Parganas, but I do not wish to extend the Santal Parganas system to all and every part of Chota Nagpur. I should like to see it extended to the Kolhan.

105. Have you got in your province, or at any rate in Hazaribagh, what are called serfs? I will just read this passage, because you will then be able to understand the context. It is in paragraph 12, page 338*. "In a large part of this district, as in Palamau, the power of the landlord over his tenants is very great, in spite of the protection which the tenancy law affords, and there is in both districts a large body of agricultural serfs. These serfs, known as *Kamias*, are persons who for a loan of a few rupees have bound themselves, and not infrequently their families and descendants, to work for a particular master until the debt is repaid. As they seldom have any chance of earning any money, and their labour brings them nothing but their bare upkeep, the repayment is indefinitely deferred. The sale and purchase of *Kamias* is carried on under the guise of taking over their debts." Now, that is a system prevalent in this part?—That is in Hazaribagh and Palamau districts.

106. But, what have your Government done to stop this system?—The answer is on page 338*. "An attempt was made in 1920 by the pre-Reforms Government to break down the system by enacting that the *Kamia* bonds could not be enforced in the courts. . . . The success of that Act has been very small, since the *Kamias* are still far too ignorant and depressed to appeal to the courts."

107. That is to say, beyond passing a small Act, you have not taken any executive action to put down this? This is clearly within the meaning of slavery as defined in the Indian Penal Code?—I take it from you that it is.

108. You have not taken any action to save these people from their bondage?—Well, one or two things have been done. A sub-division was specially created in Palamau district about the same time as this Act was passed in order to watch the situation there and do what we could. But if people will not complain it is extremely difficult to remedy this state of things.

Chairman: A long-standing social custom is very difficult to alter, but it is a very distressing state of affairs.

Sir Hari Singh Gour: Very akin to that is the system of forced labour, the *begar* system, under which you force a man to work without paying him anything.

109. *Chairman:* I wonder if you would ask Dr. Kennedy about this, or shall I ask him. One has heard in various parts of the world about this system, this curious system of bondage. What is your experience about it?—(*Dr. Kennedy*): I know of it in both these areas, in Palamau district mostly, but to some extent in Hazaribagh also. Bonds are signed which bind a man to serve his lifetime, sometimes binding the children to serve, in repayment of a debt or advance.

110. *Sir Hari Singh Gour:* The debt is transferred?—No, they cannot. If the property of the zamindar or the person with whom the bond was executed was to pass from his hands, that would be the case.

111. An open traffic in slaves?—He would not sell the bond. I have not known a case of a bond being sold; but if the land passes into the hands of somebody else the *kamia* would pass with it.

112. *Chairman:* It really is rather different from what is called slave trade, but it is an analogous system which many people are greatly concerned about. Might I just ask this of you. Has the system in your experience extended or has it become less, or is it the same as when you began first working in this mission field?—It has become less to a certain extent in the Hazaribagh district. I am not quite so intimately acquainted with Palamau district, but at a missionary conference that we had lately we discussed this subject and the missionaries who brought it up there said that they did not think that in spite of the Act of 1920 it really had diminished at all.

113. *Sir Hari Singh Gour:* Would you please oblige the Conference by telling us as to how far the system prevails? How many cases occur? To what extent does this system of serfdom prevail in the district of Hazaribagh and neighbouring districts?—I could not possibly estimate the number of cases.

114. In general?—Quite generally, over a considerable tract in the Palamau district.

115. We will put it in this way. Every second or third landholder has serfs of this kind?—(*Mr. Hubback*): It prevails over a great part of Palamau. I can give you the precise figures from the settlement report.

116. *Sir Hari Singh Gour:* Thank you. My next question is as regards the *begar* system. You have a system of forced labour here; you ask a man to give labour for nothing?

Chairman: Is that peculiar to the particular area we are investigating?

117. *Sir Hari Singh Gour:* Yes. (*To Witness*): You have got the *begar* system here?—Yes.

118. To what extent and where is this prevalent?—(*Mr. Lenman*): I have a note here which was sent to me by the Scottish missionaries working in the Monghyr and Hazaribagh districts and they specially asked me to bring this matter before the Commission. Under the heading "*Begari* forced labour and the *Kamia* system," they say: "A grievous complaint on the part of aborigines is that they are sometimes compelled to give free labour to their landlords or creditors under threat of eviction or other consequences if they refuse. They know that this forced labour is illegal, but it is customary, and the force of custom is stronger than the force of law. We suggest that the law should be more rigidly applied in order to prevent all forms of forced labour; we urge also that steps should be taken to abolish the *kamia* system by which a man pledges his labour for an indefinite period in payment of interest on a loan—the creditor refusing to accept repayment of the principal lest he should lose the man's services." It is very common in the district in which the Scottish missionaries work. It is not usually prevalent in the Santal Parganas.

119. There is a statement in the proceedings of the legislative council that even the Government resorts to the *begar* system?—(*Mr. Russell*): In the Damin-i-Koh portion of the Santal Parganas where the indigenous system of local self-government is working, the *parganaits* are charged with the maintenance of the village roads and they perform that under their own arrangement by village labour for which Government does not pay. That is the extent of the so-called forced labour.

120. So, you have got it?—You can call it forced labour if you like.

121. *Rev. Lenman:* Is it not in consideration of the fact that the rent charged is very low?—(*Mr. R. E. Russell*): Yes, among other reasons.

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122. *Sir Hari Singh Gour :* On page 364 of your legislative council proceedings I find that Maulvi Abdul Bari says that forced labour has led to rebellion?—(*Mr. Russell*) *:* That is entirely untrue. I was deputy commissioner for four years in that district, and I have only had one complaint about *begari*, and that was because the headman distributed work unequally between the various villagers.

Chairman : That shows the advantage of evidence as compared with quotations.

123. *Sir Hari Singh Gour :* May I just ask you as to what estimate you have formed of the intelligence of the aborigines? Do you think it is sufficiently high to be trusted with a measure of self-government? Have they the natural intelligence and aptitude for self-government?—(*Dr. Kennedy*) *:* They have very good common intelligence, but their education is only a comparatively recent matter. There are a certain number of them who have now risen to important positions, deputy magistrates, and so on, in government service, and there are a certain number of them who are quite fitted to take part, but I do not think there are enough of them to man a province.

124. The intelligence that they have got, you think, would justify a measure of reform in the direction of self-government being extended to them also?—The number of people who are fitted for it would not in my opinion justify it.

125. Of course they cannot have a self-contained province manned by themselves. But they have got sufficient intelligence and aptitude for political work to justify being given the same chance with the rest of the people in Chota Nagpur to return their own representatives to the local council?—You first asked me to say whether they have sufficient intelligence to be trusted with a measure of Reforms and now you are asking me whether they have sufficient intelligence to vote. They have quite sufficient intelligence to vote and to understand any issue put before them.

126. They understand the value of the vote?—Yes, a certain number of them. You should not go too low down in the scale.

127. *Sir Hari Singh Gour :* In other words, if we can form an electorate, you think that there would be no difficulty in getting a sufficient number of people to vote for the members of the local council?

Chairman : I do not think that is the effect of the evidence given. I understand (I may be wrong) that Dr. Kennedy in his document says that he is in general agreement with the views that are expressed by the Bishop of Ranchi. What the Bishop of Ranchi says is this: "Education is bound to remove gradually this weakness, (that is to say, to fit them to keep their rightful position) as a matter of fact, education is making great strides among the aboriginals. But it will take still some years before education produces its civilising effects. As matters stand now, an illiterate Bengali is more wide awake, more civilised than an aboriginal who has completed the primary course of schooling, or even the secondary course. The illiterate Bengali indeed obtains all the advantages arising out of his civilised surroundings; the educated aboriginal loses much of the fruits of his education on account of the backward society in which he lives."

Sir Hari Singh Gour : This memorandum deals with education, while I am dealing with intelligence.

Chairman : I am sorry. I thought you were suggesting to him that they were qualified to vote.

Sir Hari Singh Gour : I simply wanted to know whether they have intelligence.

128. *Chairman :* The question is, have they got natural intelligence and if education is given to them can they make use of it?—(*Mr. Lenman*) *:* So far as Santals are concerned they receive their education under a very severe handicap. They have to imbibe their education through the medium of a foreign language. Their own vernacular is Santali and the vernacular here is Hindi; the difficulty is not that Hindi would not be a useful vernaclar to learn but that the Hindi which is taught is totally different from the Hindi which is spoken.

129. *Lord Burnham :* I wish to put one question to the spokesman of the deputation so as to clear up the matter finally. Supposing that no proposal is adopted to constitute a separate province of the district of Chota Nagpur and the rest, would he prefer to remain under the existing restrictions about which we have heard so much this afternoon or not? —(*Rev. Joel Lakra*) *:* By "restrictions" do you mean restrictions to protect our people?

130. I mean the provisions which ensure exceptional protection by virtue of the action either of the Governor General in Council or the Governor in Council, to what are called the backward tracts with which we have been dealing?—I personally feel that the present protection amounts to almost nothing.

131. *Chairman :* Let me put it this way: Would you like the legislative council of Bihar and Orissa to be freely entitled to repeal the existing Tenancy Act of Chota Nagpur without any interference by the Governor or the Governor General?—No, sir.

132. Do you think that the protection which you need and which makes it impossible for such an Act to be passed except with the special assent of the Governor General or the Governor is of any value to you?—There is some value.

133. *Dr. Suhrawardy :* In view of the fact that you have returned to the council a gentleman from Bengal, would you prefer, under the present conditions, if no separate province is likely to be created, to be a part of Bengal or a part of Bihar?—To that question I think I might say this much that we would benefit more if we are connected with Bengal.

134. *Sir Hari Singh Gour :* What is the view of your deputation? Do you want to be continued to be classed as a backward tract?—By calling it a backward tract if you were to stop the wave of self-respect and independence which may be developed, we would certainly not like to be classed as a backward tract.

135. You do not like protection if it will encroach upon an extension of your rights?—I think there is a confusion about protection. The deputation feels that not only we want protection but that our rights should be respected.

136. What will you prefer, a paternal or a popular government?—We would like a popular government to as much as we would have a representative system of Government, by an elective method, and a paternal one in the sense that the Governor and other officials of Government should be in more direct and sympathetic touch with the people.

137. *Raja Nawab Ali Khan :* You want something like the Land Alienation Act of the Punjab?—I do not know about the Punjab.

138. You want something to preserve your lands; they should always remain with you or you can only sell them to another member of your community?—Yes.

139. *Rai Bahadur S. C. Roy :* If you have a separate government of your own, would you not preserve such restrictions as may benefit your people?—Yes.

140. *Babu Chandreshvar Prashad :* I gather that the members of your deputation are most anxious to save and preserve your lands?—Yes.

141. Your claim is that you are the original people of Chota Nagpur and Santal Parganas and you have developed the villages; as a matter of fact you were something like peasant proprietors. Now you find that somehow or other some of your lands are being alienated or taken away either by sale or by some other way by other people who are Bengalis, or Biharis or Marwaris. So your anxiety is to preserve these lands for yourself. If some law could make it possible that the lands will never go to anybody else except to the aboriginals—if some such law or safeguard could be made in a Constitution—then would you like to be brought for all other purposes to the same level as the people of the other parts of the province? Would you like to have all the advantages

which the other people of the province have got ?—We want not only protection of our lands but we want to be treated as quite a separate people by ourselves.

142. My intention is only this much. You know the Commission is here to consider what sort of constitution would best suit you and you have come before us to say what would best suit you. We want to know whether your greatest anxiety is for the protection of your lands or whether there are any other special things which you want should be dealt with in a different manner from the rest of the province ?—Yes, there are many things. Our judicial system should be quite different; our educational system should be different. The Government must concentrate its attention on the development of our people. We are now almost neglected by the Bihar and Orissa Government; the name of Chota Nagpur has been taken away from the province; we do not exist, so to say.

143. *Sir Hari Singh Gour :* You want more money for education ?—Yes, for education, for the development of agriculture and other things which are connected with our country.

144. *Babu Chandreshwar Brashad :* You said that you want a different educational system. Have you any idea as to what difference it should have from the ordinary course of education that is being imparted in the other parts of the province ?—I think our education must be according to our social needs which are quite different from those which obtain in Calcutta or in Patna; we want to adapt our education to our social conditions and needs so that it may fit us more for our struggle in life.

145. *Chairman :* Have you got a written language ?—Yes.

146. Recently people have got some character which reproduces the sounds, but have you, traditionally, any written language ?—No.

147. *Maulvi Saiyid Mubarak Ali Sahib :* I understand from you that you would like to have a peculiar form of government which will suit your own particular purpose. Is that so ?—Yes.

Memorandum submitted by YADAVA (GOPA) MAHASABHA.

I beg respectfully to offer you on my own behalf and on behalf of the deputation representing the Yadava (Gope, Ahir) Community our most respectful and sincere welcome to this ancient city, which was the metropolis of the Mauryan Emperors. Pauranic Texts and Historical Researches testify to the part which the ancient Yadava (Gope) Community played in the political and religious activities of the Hindu history of that period. References to the past glory of our ancestors are, we admit no solution for the social, educational and political difficulties that have so long depressed this one of the most ancient castes. We have full faith in the justice which you and your colleagues will endeavour to do to the cause of Indian Political Reforms; and our faith is equally strong in the sense of your duty towards the millions of the downtrodden subjects of His Majesty the King-Emperor, whose political future is entirely in your hands. To raise educationally and politically the Yadava (Gope) Community and other equally indigent and backward castes inhabiting this Province is, we believe, one of the missions entrusted to you, by the Command of the King-Emperor, and the British Parliament.

Our Community represents about one-tenth of the total population of Bihar and Orissa and is second only to the Mahommadans. It is one of the *bona fide* cultivating castes, and physically one of the sturdiest and strongest races. To that extent the Government has a great potential man-power in our Community, which was considerably utilized during the late war. The demand being made by Government for recruits for the army the Community made a ready response by immediately organising a special Ahir Recruiting Committee and incurred expenditure according to their humble means. Our community has always since then acted on the side of order.

I beg humbly to submit the following, being the minimum concessions, which your kindness and sympathy has encouraged me to formulate for the educational and political amelioration of our Community :—

I. That my Community believes in the gradual grant of Self-Government culminating ultimately in the Dominion Status within the British Empire, as a very very large percentage of the populationis extremely backward in Education and, therefore, politically depressed. It further prays that in any further instalment of Self-Government, the interests of this Community should be properly safeguarded. Unless it is done democratic institutions will benefit the few advanced castes and communities.

II. That there should be an adult male suffrage. Sufficient provision should be made to safeguard particular interests, communal, local, social and economic. A sufficient number of seats should be reserved for the Yadava (Gope) Community so long as their representation on the legislative bodies be not reasonably adequate due to their educational backwardness and also to influential parties exploiting the suffrage for their own political ends.

III. That there should be Provincial autonomy with a second chamber subject to the interference of the Central Government in case of misgovernment and also in matters affecting peace and tranquillity of the Province and the Country. The Executive should be made responsible to the legislature.

We subscribe to the scheme of the election of members of the Lower Chamber as proposed by the Hon'ble Sir Ganesh Dutta Singh, Minister of the Local Self-Government, Bihar and Orissa. This indirect election should continue for some years till the general voters are sufficiently educated in their sense of duty as electors.

The Higher Chamber should consist of members directly elected by the electors; their qualifications being made higher than the qualifications of voters for the existing Legislative Council. Nominations of officials and of members representing particular interests should continue.

IV. That the local self-governing institutions should continue to be mainly elected bodies. Nomination of persons on such local bodies should be on the ground of particular interests and expert knowledge. The control of the Provincial Government should be effective in case of mismanagement and abuse of powers.

V. Justice should be made cheap by extending the Village Administration Act to the utmost extent, Government Officers supervising and exercising control with a view to minimise the cases of abuse of powers.

V. (*a*). The strength of the Indian Army should be increased. Yadvas (Gopes) of this Province should be enlisted in all armies and granted King's Commissions; their proportion being based on population in comparison with other military castes.

VI. The representation of this Community in the various services under Government being a negligible number, qualified Yadavas (Gopes) possessing minimum qualification prescribed by the Government should be given preference continually for some years till the Community is fairly represented. Hitherto

Government service has been the monopoly of the few influential castes.

VII. The primary education should be made free and compulsory. In secondary and higher education a certain number of scholarships should be reserved for the poor deserving students of this Community; also free studentships be reserved for the boys and young men of our Community.

In conclusion, I beg respectfully to submit that the Community is extremely grateful for the honour done to it by permiting it to represent its case through the deputation. I hope that the interest of this large population in the Province will receive adequate consideration in any recommendation that you may be pleased to make for the grant of political rights and privileges to this Province and the Country.

Memorandum submitted by the ALL-INDIA YADAVA MAHASABHA.

We, the members of the All-India Yadava Mahasabha, deem it a great honour and privilege to lay our humble petition before your Commission. The most liberal, enlightened and sympathetic wielders of our destinies have deputed you to make suggestions for the administrative reforms for this country. You are the sworn friends of the backward and helpless communities, the great champions of the minority. Our body represents all the sects of the Yadavas: Yadu Ahir, Gwala, Gopa, Idayan, Ahar, Nomda, Hayahaga, Gowli, Gola, who do not number more than two crores, which are a minority of the Hindu population, and are held as a backward community. We therefore have a double faith in your sympathy and integrity.

Before, however, setting out in detail the views of our community, we beg to ask you to peep at our history and see how the ancient Hindu History is loud in its praise of the Yadavas. Hundreds of Yadava kings ruled over India for centuries together. In the time of the Mighty Aurangzeb, Yadavas supplied Governors, built ports and furnished soldiers. The troublesome days of the Sepoy Mutiny found in them all over the country unceasing adherents and ready supporters of the British Government. The Yadava soldiers had fought with zeal, pluck, devotion and valour on all fields of active action and had consecrated foreign soil beyond the seas with the purest Krishna blood.

The Yadavas, true to the blood of their forefathers, are, in spite of their indigency and the other untoward circumstances, physically very strong and in every part of this country they afford protection to the weak, thus constituting the most effectual man power in India, on which the deep rooted and affectionate British Government may reckon upon in any emergency.

Despite the great and meritorious services rendered by this martial clan, it is still one of the most backward communities. The absence of its representation in the legislatures, the scarcity of its numbers in the lower and higher grade of Civil Service have all contributed towards the poverty and misery of its people. The cost of education prevents parents of ordinary means from giving the requisite amount of education to their children. The cost at which Justice is granted in India is beyond his means. His repeated solicitation for military service bring him no happy reply and it is but incumbent that the earliest steps be devised in his rescue and amelioration.

The following are the recommendations which we the representatives of the All-India Yadava Mahasabha submit for your most generous considerations and

I. (*a*) There should be an universal suffrage based on a residential qualification.

(*b*) There should be a direct election on the principle of proportional representation.

(*c*) Particular interests, communal, local, social and economic may obtain adequate representation, by a system of a second vote for business premises, professions and university men. The representation of minority may be introduced by allowing each voter to cast only one vote according to the system of preferential, transferable voting, where more than one member is to be elected.

(*d*) The existing parties are not real political units, differing with one another on any grave policy question. All parties are unanimous in their fundamentals. The parties are now tending to be formed on communal basis.

(*e*) The public has become keenly interested in all public questions; there is nothing of importance which escapes the criticism of the educated Indian to-day.

(*g*) The number of officials should be 15 per cent. and among the non-officials Yadavas and other minorities should have reserved seats in all legislative bodies in proportion to their population in each province.

II. The necessity of enlarging certain provinces is strongly felt. The extension of self-governing institutions to other areas than the nine provinces is also extremely desirable.

III. The local self-governing institutions should be made purely elected bodies with full control over the transferred subjects within their jurisdiction. The officials of the provincial government should have a minimum control over these bodies. The only justification for the interference of the government officials should be when the peace and tranquillity of the self-governing areas so demand. There shold be a separate purse for the local self-governing bodies.

IV. As the provinces are taken to be the first convenient areas for the experiment, in responsible government in India, it is desirable to give more scope to the legislative councils and the ministers. The number of the transferred subjects should be increased and the purse for the two subjects be separated. Joint responsibility of the ministry is extremely desirable.

V. The necessity of making the executive responsible to the legislature is strongly felt throughout India and we strongly recommend that executive should be made responsible to the legislature.

VI. The provinces should be made autonomous as far as possible. The interference of the supreme government should only be justified when the peace and the tranquillity of the whole India demands an interference.

VII. (*a*) The Reign of Law should characterise British India.

(*b*) Justice should be made cheap in respect of time and place.

(*c*) Strength of the Indian Armies should be increased.

(i) Yadavas should be enlisted in all Armies and granted King's Commission.

(ii) The number of their soldiers should be in proportion to the other military castes and in proportion to Yadava population.

IX. Deserving Yadava students should be elected continually for some years for the different Civil and Provincial Services until the community is fairly and adequately represented in various executive and judicial departments of the government.

X. Primary and secondary education should be made free and compulsory.

In conclusion, we pray that our above-mentioned demands may be carefully considered, keeping in mind our large population and the meritorious military services.

Memorandum from Dr. R. V. KHEDKAR, YADAVA, M.D., F.R.C.S., VEDANT BHUSHAN, Vice-President, ALL-INDIA YADAVA MAHASABHA.

We beg to state that the All-India Yadava Mahasabha is a representative body of the Yadavas, an important community among the Hindus whose population comes to about two crores; viz., one-tenth of the total Hindu population. The Yadavas are named by different names in different provinces.* We are submitting for your information copies of the proceedings of this Mahasabha for the last four years. We request that among the Hindus the claims of our community may be given due consideration, and in public services, public administration, public forces and in district, local and municipal boards, councils and assembly we may be given separate representation strictly in accordance to our population with power to vote for and send our own members like the Sikhs where questions of election to representative bodies are concerned. We may be permitted to vote for our own members or our seats be reserved in all public bodies from a local board to the assembly in proportion to our population.

We beg to submit that among the Hindus the public services have been the monopoly of only two or three castes. We are not represented at all in public services. We therefore request that due regard may be paid and our men be given appointments both in gazetted and non-gazetted grade in (1) Indian Civil Service, (2) other All-India services and Provincial service, etc., strictly in accordance to our population. Even where selection is made by a competitive examination, due regard may kindly be paid to our men and those may be selected from our community who secure the highest marks among the candidates of our community. We request that among the Hindu candidates the same consideration be paid to the candidates of our community in competitive examination as is done with the Non-Hindus in such examination in comparison with the Hindus with a view to give the Non-Hindus a chance of rising and getting their proportionate representation. A similar consideration is also necessary by the Government to give all the communities in the Hindus equal chance of making themselves fit. If such a consideration among the Hindus is not paid by the Government the result will be that only those communities which have risen owing to some favourable circumstance will go on rising and the other communities will never get a chance.

We therefore submit for your consideration that the recruitment in public services should be strictly made on communal basis in accordance with the population of a particular community and we want to draw your special attention to one particular point, viz., among the Hindus the recruitment be started on communal basis. So far when the communal question is raised to make a proportionate representation in matter of recruitment, three classes are checked, viz., (1) Hindus, (2) Muslims, (3) Christians; but the attention of the Government has not been drawn to the fact that among the Hindus only a few selected communities are benefited whose population is very small and the masses are left out. To this important point we draw your special attention and request that all the communities should receive equal consideration and the Yadavas should receive their due share. We suggest the maintenance of a periodical check to keep the uniformity of proportionate representation in public services. This check be carried out by the Central and Local Government and heads of Departments according as the appointment relates to Central and Local Government or is under the head of a particular department. Under the Imperial or Provincial Service the introduction of such a check would be most beneficial and would effectively check the overwhelming majority of one particular community in any particular service. There is already order of the Government of India that no class or community should represent an overwhelming majority in any particular Government service; but this order is not practically followed since there is no check and the result is that only two or three communities among the Hindus are over represented and other communities are left out. We therefore suggest the introduction of strict check as an imperative measure with a view to safeguard the interest of all the communities and hope that commission will pay due consideration to our suggestion.

With regard to Indian education we say that primary education should be made free and compulsory and the present system is most defective inasmuch as it does not give the students a chance of earning their livelihood by independent means beyond services. It also makes them physically weak as many other unnecessary books are prescribed as text-books in the course. We therefore suggest that technical education may be given on a more extensive scale and such arts may be taught as to make them fit for living an independent life. We also suggest that military training should be made a compulsory subject in the school.

We also submit for your information that the Yadava community is a very loyal and faithful one. It has always co-operated with the British Government in times of need. In this connection attention is invited to pages 24 to 26 of the All-India Report, 1925 (enclosed)* in which various Governors have acknowledged the faithful services of the Yadavas. In consideration of this we request that you will kindly have special regard for our request as contained above and hope that our claims will be favourably considered.

We further request that in the military department, like the Rajputs, Gurkhas, etc., separate regiments of the Yadavas may be ordered to be maintained and that a suitable number of the Yadavas may be appointed Commissioned Officers in the Army.

We request that in the Military College at Dehra Dun and also at Sandhurst two Yadava candidates may be annually selected by Government to make themselves fit for serving as Military officers and special concessions may be granted to them.

Many members of the All-India Yadava Mahasabha will give evidence if called by the Commission. A deputation of the All-India Yadava Mahasabha will meet you when you next visit India.

We are representatives of the All-India Yadava Maha Sabha.

* Alico, Gope, Yadawas, Idaiyan, Sadgop, Goal, &c.

* Not printed.

PATNA.

Dated 18th December, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND RAO BAHADUR M. C. RAJAH), AND OF THE BIHAR AND ORISSA PROVINCIAL COMMITTEE.

Deputation of the PROVINCIAL YADAVA (GOPA) MAHASABHA and the ALL-INDIA YADAVA MAHASABHA.

The Deputation consisted of :—

Provincial Yadava Mahasabha.

1. Rai Sahib Sri Ballabh Das, Zamindar and Honorary Magistrate, ex-President, All-India Yadava Mahasabha and President, Executive Committee—(Spokesman).

2. Babu Navadwip Chandra Ghose, M.A., B.L. High Court Vakil, Patna.

3. Babu Swayambar Das, B.A., B.D.E., District Inspector of Schools, Patna (Spokesman).

4. Babu Ramdhani Lal, Merchant, Ramdhani Lal—Sita Ram Firm, Patna City.

5. Babu Sipahi Bhagat—Proprietor, S.B. Dairy Farm, Dianapur.

6. Babu Keshava Prasad Mandal, Zamindar, Madhapura, Bhagalpur.

7. Babu Srimant Narain Kirhary, General Secretary, Yadava (Gopa) Mahasabha, B. & O., Bhagalpur. (Absent).

8. Babu Bhuwaneshwari Prasad Mandal—Zamindar Madhapura. (Absent).

9. Babu Ganepati Mandal, B.A., B.L., Pleader, Bhagalpur.

10. Subedar Bahadur Gumani Ram (Retired) Shahabash. (Absent on account of illness.)

11. Babu Raghubans Prasad.

12. Babu Jamuna Prasad Rawat.

13. Babu Rajdeo Sinha.

14. Babu Harbans Narain Sinha.

15. Babu Lalit Narain Mahoon.

16. Babu Ambica Prasad.

17. Babu Munshi Mandal.

18. Babu Ganesh Das, Orissa. (Absent).

All-India Yadava Mahasabha.

1. Dr. R. V. Khedkar, M.D., F.R.C.S., D.P.H., L.M., L.R.C.P. & S., L.F.P. & S., Vedant Bhushan (Retired) Civil Surgeon and Lecturer in Surgery, Grant Medical College, Bombay, Ex-President, All-India Yadava Mahasabha and President, Yadava (Gopa) Mahasabha, B. & O.—(Spokesman).

2. Babu Navadwip Chandra Ghose, M.A., LL.B., High Court Pleader, Patna, Behar.

3. Bala Prasad, B.A., Zamindar, Kamptee, C.P.

4. K. Khamani Singh, Rais and Zamindar, Mooradabad, U.P.

64. *Chairman :* We have two documents dealing with this matter. One really reached us from the United Provinces. It may be that the Provincial Committee may have a copy of it, but it is much to the same effect. It is U.P. 481, and the other is a document of this province, B. & O. 900 (Memorandum from the Yadava (Gopa) Mahasabha Bihar and Orissa). Now Mr. Khedkar, you, I think are representing not the Provincial Mahasabha ?—No, sir, All-India.

65. And you, I think, Mr. Sri Ballabh Das, are the spokesman for the Provincial Mahasabha ;—No, sir.

66. To which of you, gentlemen, could I address a question or two ?—(*Babu Swayambar Das*) : I have been given the honour, sir.

67. I am very glad, Mr. Swayambar Das. Now, do I understand that these different names which one sees in the document, Rai Sahib Sri Ballabh Das, Babu N. C. Ghose, etc., really refer to the very large Hindu caste of Gowalas ?—Ordinarily we are called Gowalas, but we have discarded that name and have adopted the ancient name of Yadava. Of course, Yadava includes Gopas and Ahirs in this province. These are the names by which my community is known in this province.

68. Is it more than one caste ?—No, sir.

69. One great caste ?—Yes, sir.

70. In point of size, numbers, in this province, how do they compare with other Hindu castes ?—It is the biggest; the next biggest caste is the Brahmin.

71. It comes to this then, that this is the biggest Hindu caste in the province ?—Yes, sir.

72. Looking at the census report I see that Gowalas are put down as over three millions. Is that right ?—Yes, sir.

73. Brahmins are put down at 1,800,000 odd and Chamars at over a million. So, your caste is the biggest of all?—It is about twice the number of the next biggest caste.

74. We have all looked at your document, and I have just picked out two things from it. You refer on page 455 to your support of a scheme for the "election of members of the Lower Chamber," which as a matter of fact has been put forward personally by Sir Ganesh Dutta, Minister for Local Self-Government in a personal memorandum.† It is a method of indirect election. Now, just tell me in your own words what is the scheme in outline which you approve of?—In each village the voters will elect one or two men from among them, and they will be delegates for the election of members for the Lower Chamber.

75. So, you would have a sort of primary constituency which would consist of headmen or the like, and these selected persons would vote for a member. That is the sort of scheme?—Yes.

76. Would you mind just telling the Conference—we need not argue it—but tell us why you think that system is one which your Mahasabha would be prepared to support?—We pray for adult male suffrage, as the number of voters would be otherwise very large, and perhaps it will be impracticable for the election officials to control so many.

77. Is this your idea, that the primary electors, headmen and so on, would be elected in the first instance on the principle of adult suffrage?—Yes, sir.

78. And then the persons so elected would in their turn elect the members?—Yes, sir.

79. Now, the other point which I was going to pick out is about paragraph 6. You say that the representation of your community, the Yadavas, in the various services under Government is very small? Yes, sir.

80. And you suggest that the balance should be redressed by giving preference continually for some years to members of your community?—Yes, sir.

81. Speaking generally, what are the members of your community engaged in?—What is their class of occupation?—They are cultivators in this province. I have said in the memorandum that we are *bona fide* cultivators; we are one of the cultivating classes.

82. You are not, as I follow, one of the five highest castes, but, of course, you are higher in scale, this great community, than the lowest class; You are in the middle?—We are regarded below the four higher castes (Brahmans, Babhans, Rajputs and Kayasthas); yes, we occupy the middle position between the higher and the lower castes.*

83. As a matter of fact, as things are now, are there any members of your caste who are members of the council?—No, sir.

84. If you are so numerous as three million and are *bona fide* cultivators, as I have no doubt you are, carrying on agriculture successfully, how is it, when you attach so much importance to your own participation in public life, that no member of your caste ever been elected?—There are very many influences working against our members being returned.

85. Even as things are now, the franchise in the rural districts is such as gives a vote to a great many of the cultivators. Is not that so?—Quite so.

86. And I suppose a very large number of members of your caste have votes?—Yes.

87. Why do they not use them to return somebody of your own caste if your caste is so anxious to be represented?—There are many influences working against our members being returned. There is the zamindar's influence and then there are the political exploiters.

88. What I feel sometimes when I hear that statement is that political exploiters will not be very successful if other people refuse to be exploited. In the long run, you know the exercise of constitutional liberty largely depends upon people having enough?—That is due to our backwardness in education and also poverty. Very few of us are in Government service; we cannot exercise influence on our own electors.

89. *Sardar Shivdev Singh Uberoi:* May I know whether any members of your community ever stood for election?—Yes.

90. But they have not yet succeeded?—No.

91. *Babu Chandreshvar Prashad:* Might I point out, sir, that in the first council a candidate of their community was returned?

Witness (*Babu Swayambar Das*)*:* Yes, sir.

92. *Chairman:* How does your great community get on in the matter of electing members to district boards?—Not so well as we would wish, but still there are members in these bodies.

93. Is there anything, Dr. Khedkar, which you wish to add?—(*Dr. Khedkar*). I would like to add that we should have reserved seats in all the services and the council because our men are very backward and they are under the influence of other people.

94. You will excuse my pointing out, Dr. Khedkar, that whatever may be said for the method of reserved seats if it is applied in some very exceptional or critical case, it is not a method, I imagine, which you think can be applied indefinitely, and again and again to every sub-division of the community that anybody can think of. It is desirable—is it not—as far as possible, to encourage citizens to share their powers of responsibility with their neighbours even if their neighbours do not belong to exactly the same caste?—We are an agricultural class and we are paying more taxes than others and we think that some special attention should be paid to us.

95. How many Hindu castes are there in all?

Sir Hari Singh Gour: 3,500.

96. *Chairman:* Yours is a very large and important one and obviously there cannot be reserved seats for every caste?—I would request your Honour to have separate electorates for backward communities so that we shall have some chance to get in.

97. Up to what point do you think, in the range of Hindu castes, one should go if one were to pass out of the backward communities? Are all castes backward except the top five?—I would make the division from the point of literacy; there are only one per cent. of our members who are literates—I mean English-knowing people.

98. I see your point. Is there any other point which you want to mention specially, Dr. Khedkar?—For secondary education very many scholarships are given to the advanced classes. We would request you to give some of them to backward communities.

99. What is the total number of your caste in the United Provinces?—It is four million.

100. Is it the largest single caste in the United Provinces?—I think it is the second largest.

101. Which is the largest?—Brahmins.

102. I suppose for the purpose of the census we must take Ahirs. You see in the United Provinces they are over 3½ millions, Brahmins are 4½ millions and Chamars are very nearly 6 millions?—(*Babu Swayambar Das.*) There are Ahars as well as Ahirs; these are separately returned in the census; though they practically form one caste.

103. *Sir Hari Singh Gour:* Would you like to have the election confined to Yadavas; Would you like to have your candidates elected by your own caste?—Preferably.

104. Supposing that were not possible what would you like to have?—From the provincial point of view, I have said that we want adult male suffrage and we want independent election.

105. As cultivators how are your interests different from the other cultivators?—There are cultivators who are coming in larger numbers in the services; they are coming into local bodies and district councils.

* Appendix, page 460. † *See* Vol. XVI.

106. Can you tell me how you, as cultivators, differ from the general body of cultivators?—I do not understand the question. As cultivators we may not differ.

107. As cultivators, are not your interests the same as other cultivators?—As citizens our interest are not the same, so long as we are kept back in the services, in the representation in the council and other local bodies. (*Dr. Khedkar*): Some of the cultivators in the Bombay presidency are Brahmins and they are educated. So at the time of the elections they have more liberty to choose their own men.

108. I would say you had better educate yourself?—But give us free primary education and help in the secondary education.

109. You could ask for free primary education, but you cannot have political rights till you have educated yourselves?—(*Babu Swayambar Das*): It is the State which should come to our rescue.

Chairman: We quite see the importance of the case you have in your mind. How best it should be dealt with the Conference will have to consider.

110. *Rai Bahadur S. C. Roy:* You have said that your candidates cannot expect to be elected by reason of the zamindars' influence and the tricks of the political exploiters and you advocate indirect election?—Yes.

111. Will not the zamindar be able to influence a fewer number of electors, as we shall have in indirect election, than he can do when the election is primary, that is to say, when every one has a vote?—Zamindars are zamindars; there are big zamindars, there are small zamindars and there are petty zamindars.

112. What I mean is, is there not a greater chance of that influence being used to the disadvantage of your people if the number of electors is small?—We do not think so because in that case we shall be able to combat the influence which might be brought upon our community. The few electors will be within our influence; they will be within our sight.

113. The entire villages are not inhabited by your people?—No, but where our population is large as compared with the population of other castes and where the influence of the zamindar is not so very great we have a chance.

114. But that chance you have now?—I do not think so.

115. Do you not think that indirect election will be to your disadvantage rather than to your advantage?—That is a matter of opinion. (*Dr. Khedkar*): I have requested in the memorandum that we should have proportional representation in addition to the adult franchise; that will help our community a great deal.

116. Indirect election will not help you in any way and so you are giving it up?—I am talking about the memorandum submitted for All-India.

117. *Chairman:* It stands like this: I am obliged to you, Rai Bahadur Roy, for bringing out this point. The provincial deputation in its memorandum and apparently by its spokesman is rather attached to the idea of indirect election about which you pointed out that if there are fewer people who are going to elect, it does not necessarily diminish the outside influences upon them. On the other hand, I think the other body, represented by Dr. Khedkar, is not very much wedded to the idea of indirect election but pins its faith on proportional representation. Is not that so?—Yes, sir.

118. *Babu Chandreshvar Prashad:* You understand that if there is adult suffrage the number of voters would be large but if indirect election is introduced, the number of voters who will be primarily concerned in the election of the members to the council would be decreased. Now the question is whether this decreased number would come under the influence of the zamindars or not. I would suggest to you, is it that you thought that possibly the village headmen who would be elected indirectly could be supposed to be above all influences because they would be elected by all the villages and perhaps by a secret ballot? You think that they would be persons who would be above all influences and therefore it would not be possible for influential zamindars or anybody to bring them under any compulsion?—*Babu Swayambar Das*): Yes.

119. That is to say they would be above compulsion?—Yes.

APPENDIX.

(*Vide* ANSWER TO Q. 82.)

12th February, 1929.

Gentlemen,

With reference to letter No. E.M. 271, dated the 1st February, 1929, of the Assistant Secretary, Mr. R. H. A. Carter, requesting for a further explanation, we have the honour to supplement a note elucidating the position of our "Yadav" caste.

The spokesman, Mr. Swayamber Das, did not understand the question 82. "You are not, as I follow, one of the five highest caste . . . You are in the middle . . . in reply to this he meant "middle" in the sense of prosperous condition of the present Hindus. But, in truth from the religious and historical basis of Bhagwad Gita the Yadvas are second among the Hindu national castes as in the Hindu ancient *Code* the castes were framed as Brahman, Kshatriya, Vaishya and Shudra.

About 3000 B.C. the Kshatriyas were further divided into Solar and Lunar Dynasties, but in the time of Shri Krishna both of them had relations by intermarriages; such as Shri Krishna's sister was married to Arjuna who belonged to Solar dynasty. But, after the fall of Yadav through poverty these two sects were completely separated 600 to 1300 A.D.

The Solar Kshatriya (Rajputs) were greatly influenced by Buddhism and began to have intermarriages with Shudras and even in modern times that practice has been still continued. But the Yadavas kept intact in themselves and established great kingdoms of their own in Nepal and South of Vindyadhari hill, the history of the Gopa Rashtra, Kalchari and Deogiri Yadvas is bound in history.

After 1300 *A.D.*

During the Moghal period, fighting Yadvas were ruined by poverty and exclusiveness as they had not done intermarriages with other rising castes. They continued this practice even up to the present period and have thereby remained unhelped and unnoticed so far by the castes who got advanced in education and wealth like Brahmans, Rajputs and Kayesthas. But they have kept up their martial spirit and have fought like brave soldiers under the flag of the British in all the previous wars. In the last war 100,000 Yadva recruits were supplied by our community.

Thus, gentlemen, you will observe that the Yadva community though poor in wealth and education, still has ancient purity and chivalry of the Yadav race of Shri Krishna. So, it has maintained the *Second number* of the ancient division of castes. Khedkar's "History of Yadavas" gives details of this ancient community.

Regarding Kayesthas.

They are Kshatriyas, no doubt, but are not considered to have kept up the purity of their either Solar or Lunar dynasty which is mixed up in them. Moreover, they have never been the fighting soldiers in numbers in any of the past British wars. They are almost clerical and mercantile people. Thus, they cannot have the right of being classified as Martial people of the Second or Third Division.

Regarding Babhans.

They are not considered as pure Brahmins either by classical knowledge or pure habits. They have never been our priests to conduct religious ceremonies in our homes. They are mixed in blood with other castes. Pure Brahmins do not eat with them and intermarry. Thus, they can never be superior to us.

Therefore, if a new classification is to be made on the principles of *Tradition and Purity of blood* the Hindu castes shall be classified as follows:—

1. Brahmans of pure blood and culture.
2. Yadvas
3. Rajputs } Kshatriyas.
4. Kayesthas
5. Babhans.
6. Vaishyas.
7. Shudras.
8. Untouchables (Depressed).

The enclosed extracts will throw more light and convince you of our statements.

In conclusion, we have the honour to say that as Yadvas are numerically greater (over 20 millions in British and Native States) and traditionally superior in history, they belong to the *Second caste* of the Hindus.

We beg to remain to be,
Gentlemen,
Your most obedient servants,
(Sd.) R. V. KHEDKAR,

M.D., F.R.C.S., D.P.H., L.M., L.F.P.S., L.R.C.P. & S. (Retired), State Surgeon, Ex-President All-India and Bombay Province, Yadava Mahasabha; now Vice-President A.I.Y.M.S., and President B. & O. Sabha.

(Sd.) SRI BALLABH DAS,

Zamindar and Hony. Magistrate, Ex-President A.I.Y.M.S., Gulzarbagh, Patna, now Vice-President A.I.Y.M.S. and President B. & O. Executive Committee.

Extracts.

Sir H. M. Elliot's supplementary Glossary S.V. says:—

The Ahirs were for some times the Universal Rulers of India.

In "Tribes and Castes of Bengal," Vol. I, page 282 *Mr. Risley* writes: "The tradition of the caste bears a highly character and progress to trace their descent from the GOD KRISHNA whose relations with the milk-maids of Brindaban play an important part in the Hindu Mythology. KRISHNA himself is supposed to have belonged to the tribe of Yadvas, or descendant of Yadu, a nomadic race, who graze cattle and make butter, and are believed to have made an early settlement in the neighbourhood of Muttra. In memory of this tradition, one of their sub castes, in the North Western Provinces is called Yadu, or Yadubansi, to the present day.

The Yadav Gavli community claims descent from the Great Yadav families to one of which Shri Krishna the eighth incarnation of Vishnu belonged. The whole of the North India, Guzerat and Deccan were once ruled by the kings of the Yadva families.

Imperial Gazetteer, Vol. XX, page 168 says:— "The family of Yadavas is generally known as belonging to Deogiri though that place was not their capital till early in 13th century. They belonged to one of the ruling feudatory families, but after the fall of the Chalukyas they became independent and pressed southwards to contend for the Sovereignty of the Deccan. Yadav Ramchandra lived in 1309. He governed all the territory formerly ruled by Chalukyas and in addition the whole of the Konkan and part of Mysore." "Poona district passed under the domain of Deogiri Yadavas during the 12th and 13th Centuries. With the fall of Yadavas Poona came under the domain of Delhi."

Bombay Gazetteer, Vol. X, page 193, says: "Early in the 12th Century Konkan (Ratnagiri State) was taken by the Yadavas of Deogiri or Daulatabad. One of them, Sinhdeva (1075 to 1113), is said to have seized Panhala near Kolhapore and conquered Konkan." And at page 439 it says: "In the 10th century 933 A.D. the rulers of Savantwadi were Yadavas."

Statesman, 27th January, 1914, Calcutta, says: "It is said that originally the warrior caste of Kshattriyas were the protectors of Brahmans and cows alike. But a division of labour came about in the course of time with the result that some Kshatriyas were at last confined to the protection of the sacred men. While the term Gopa or Gopat (Ahir is another synonym used chiefly in Behar where the castes are especially numerous) was used to designate the protector of the almost equally sacred animal. In consequence of the wandering life they had to lead, seeking fodder for their herds, they did not always enjoy the privileges of priestly attention; they also lacked the facilities for education and so through poverty and ignorance and the ill-treatment of an unappreciative world the Gwalas gradually fell from their high estate. Another claim which the humble cow-keeper makes to social distinction is founded on the prominent place he holds in the Krishna legend. That God is his patron Saint. The story goes that Krishna was a prince of Royal blood the son of Vasudeva. He lived with Nanda who was also a king and Kshatriya by caste. Then the Kansa the wicked king who was Krishna's maternal uncle made war upon them, Nanda and Krishna were compelled to fight for their lives. They were able to keep their cattle and these cattle which they kept in turn kept them. So it comes to pass that Gopal or Gopalak is one of the names by which Krishna is known."

Mr. Bhattacharya, a distinguished historian, writes in his book the "Indian Castes and Tribes": "It seens very probable that the Yadubansi Rajputs are derived from the Yadubansi Ahirs."

"The Narayani Army which the Krishna organised and which made him so powerful that his friendship was eagerly sought by the greatest kings of his time, is described in the Mahabharata as being all of the Ahir caste."

Major S. H. E. Nicholas, 95th Russels Infantry, writes in the "Journal of United Service Institute of India," Vol. XL, No. 182:—

"The Jadubans Ahir has no false pride.

"All the Jadubans Ahirs, whom I have talked to, claim descent from Rajputs, in fact from Krishna himself. Their tribal appellation certainly seems, to my mind, to imply a Rajput origin.

"Government determined on the formation of Ahir companies in 1898, and four companies were ordered to be raised, two in my regiment, the 95th Russels Infanty, and two in the 98th Infantry."

The following extracts are from the book on "Jats, Gujars and Ahirs," compiled by *Major A. H. Bingley*, page 14: the Ahirs make excellent soldiers. It has been truly said of Ahirs that they are mainly without false pride; independent without insolence, reserved in manner but good natured, light hearted and industrious. *There are no more loyal subjects of His Majesty in India, and none who are more attached to such of their rulers who mingle freely among them.*

"After ten years experience of them, I emphatically endorse the opinion that Ahirs are eminently fitted for the profession of arms.

"In my opinion the enlistment of Ahirs has proved a great success, and Government would do a good stroke of business in raising more companies of them. There are only four Ahir companies in the whole of the Indian Army.

"When you come over the names of the Martial race of India and think of the Gurkha, Rajput, Sikh,

Dogra, Jats, Pathan and Panjabi Mohammadan, do not forget the Jadubans Ahir."

Sir Harcourt Butler made the following reply as the Lieutenant Governor of the United Provinces to the Ahir Representatives of the Punjab, U.P. and Delhi on the 9th July, 1918 :—

"Gentlemen, I thank you for your loyal and complimentary address. I am glad to meet you this morning and to hear from you about your achievements, your hopes, your aspirations and your history. Your history is an ancient one and you are justly proud of it. You have told me this morning what I knew before that you were loyal in the Mutiny and I know of no occasions on which your community has not been loyal. You certainly responded in the present crisis, which I am the first to acknowledge, and I thank you on behalf of the Government."

The Lieutenant Governor of the Punjab, *Sir Michael O'Dwyer*, referred to the Ahirs in his convocation address on the 22nd December, 1917, in the following eulogistic words :—

"I will take another instance, that of the Ahir. In the Punjab they are comparatively a small tribe restricted to two or three districts around Delhi where they are known as sturdy agriculturists who can make a living in the barren sandy soils which less hardy and persevering tribes would despise. But they are endowed with a strong tribal spirit and great cohesion and some of their leading men assisted also by a few young men who are graduates of the Punjab University realising the duties and responsibilities presented by this Great War, appealed with such success to their traditions and their tribal feeling that the Ahirs of the southern Punjab stand out to-day as the first Hindu tribe in India in the proportion of men sent to the Army. That great rally is not to be forgotten either by the tribe or by the Government in whose cause it has been put forth."

The following *press note* issued by the *United Provinces War Board* and published in the *Leader* in the month of August, 1918, will show the great enthusiasm shown by the Ahir Communities in enlisting themselves as recruits during the Great War.

"Some interesting details of the fighting men supplied by various castes in the United Provinces may be gleamed from the statement showing the constitution of the Indian Army on the 1st January, 1918. It is not possible to publish the actual number of men who were then serving; but the following comparative percentages show what progress has been made by some of the leading castes. *During the year* 1917 *the greatest progress was made by the Ahirs whose number increased by over* 1000 *per cent.* In other words the Ahir community furnished during the War ten times as many Ahir recruits as there were Ahirs serving in the Army a year before. This is mainly due to the constitution of special Ahir companies for men of this caste and to the efforts of the Ahir Mahasabha."

Mr. AKHOURI RAGHUNATH SAHAYA, Police Inspector, President of the Subordinate Police Association.

120. *Chairman :* Mr. Akhouri Raghunath Sahaya, are you an Inspector of Police in this province?—Yes, I am.

121. I am given to understand that you are the president of an association called the Subordinate Police Association?—Bihar and Orissa Police Association.

122. Just tell us first of all please what that Association is, what its ambition is and what are the ranks of police that may be included in the Association?—The inspectors, sub-inspectors, and writer head-constables are included in it.

123. What is the membership of your Association?—It is from 1,500 to 1,700.

124. How long has your Association been in existence?—For the last seven or eight years.

125. I imagine it is formed in order to look after the interests of those ranks of the service which are called subordinate?—Yes.

126. We should like to understand about your own service. How long have you been in the Police service?—I entered the service in 1907.

127. In what rank was that?—I entered as a sub-inspector.

128. And in due course you have been promoted and you are now an inspector?—Yes.

129. Just as a mere matter of interest as we go, is the entrance by examination or by selection? How is it done? How do you come to be appointed?—Now it is purely by selection.

130. And when you were appointed?—Then also it was by selection.

131. Let us see if I have got the organisation of your force correctly. At the top there is the Inspector-General, Mr. Swain. He told us that there were three Deputy Inspector-Generals and I think one Assistant Inspector-General?—Yes; the Assistant Inspector-General is his personal assistant.

132. Next to him there is a superintendent of police for each district and under the superintendents there would be deputy superintendents and assistant superintendents and then the inspectors; is that right?—Yes.

133. So that the next higher grade to you would be really the deputy superintendent?—Yes.

134. I think the thing on which the Conference will be glad to have your view is this. One question that certainly arises is the question whether the police force in a province should remain what is called a reserved service, that is to say, remain under a member of the executive council who is not responsible to the local legislature or whether the service should be transferred as it is called, that is to say, be in charge of a minister who would be responsible to the local council. What I would like you to tell me is this. Are you able to give us any information as to the view of your Association generally speaking on that subject as to whether they would be in favour of it or whether they would not be in favour of it?—I think, sir, we would not favour a transfer at present.

135. I wish you just to tell me in your own way what are the reasons which you have for that view?—We think that the efficiency and the betterment of our conditions of service and contentment would be marred, or at least greatly suffer, if it becomes a transferred subject. It should not be made so at least till a change in the mentality and the attitude of the people and the council towards us is forthcoming.

136. You are reading that, are you not?—Practically I have collected my thoughts and put them in writing.

137. It is a very wise thing to do. But you will excuse me if I ask how it came to be written down. Was it because after the suggestion was made that you might come to give evidence you thought it well to collect your views and put them down on the paper?—Yes. But long before that we had submitted a sort of note to the Inspector-General of Police and it was done before it was known to us that I was going to be examined.

138. The Inspector-General of Police told us of what he had learnt of the views of your Association when he was here and I gather it is the fact that your Association made a report to him?—Yes.

139. As to what you are reading now, are you reading from your report to the Inspector-General or the substance of it?—Practically it is the same with some additions.

140. You are expressing to us in substance, are you not, what you formerly expressed to Mr. Swain?—Yes.

141. Would you mind just telling me this? Was the report which was made to Mr. Swain by your Association considered by any committee?—The members of the central executive council, as we call it, are scattered in different places. But we have got some of our principal members here among the members of the central executive council. We had a sort of informal meeting, consulted some of the prominent members, such as the ex-presidents and so on and then we drafted the report Then we called also for the opinions of other members from the mofussil.

142. Do you mind just answering this question? Please answer it entirely. You are quite free to answer. Were those meetings and that opinion you hold without any external suggestion? That is to say, was it your own doing or did other people suggest that a particular view would be welcome or approved?—Nobody suggested anything to us.

143. It is an independent act?—Yes.

144. Now we will go back to the reason. You say in what you read to me just now that you are afraid that efficiency will suffer?—Yes.

145. What do you mean by that? Why?—Because there will be too much interference with our duties.

146. Just make it quite clear what is in your mind, because after all this is a mere prophecy; it is estimating what might happen. What do you mean by interference? What is it you are afraid of?—I think I am allowed to speak out very freely?

147. Very freely?—What we think is that if there is a minister at the top he is likely to be approachable by other people who will go and tell him "this constable or this sub-inspector is bad" and things like that; and all sorts of people will come and tell us "this is what the minister wants you to do." Such things will happen; that is to say, in other words, we will not be quite free and impartial as we would like to be and as we are now.

148. Just tell me on one other subject. I dare say you know because I think it was reported in the papers that when Mr. Swain was here he was asked some questions about corruption in the police force. I will tell you in substance what he has said. He told us that he thought there was an improvement in the intermediate ranks, but he feared that there was a very strong custom among the ordinary constables and the like to receive payments and he said he thought 99 per cent. of them probably in that sense were corrupt. On the other hand he said he was satisfied there was a great improvement in this respect that there was not the bringing of false charges in the way in which they had sometimes been encouraged. Well now, what do you say? You are an inspector and I see from the returns which have just been sent in that so far as dismissals for corruption in the ranks of inspectors are concerned, they are practically free. Perhaps the other members of the Conference might like to know the figures; I will have them circulated. The figures are for five years, 1923–27. Apparently in those five years in this province there have been 118 cases where a man has been dismissed for corruption and 271 more cases in which he has been otherwise punished and this is divided among inspectors, sub-inspectors, head constables and constables and I am very glad to know that as far as the inspectors are concerned there are only two cases of dismissals in the five years and as far as other punishments go, there are only three cases and what is perhaps better still is that for the last year, 1927, there was no case either of dismissal or of other punishment among the inspectors. With regard to sub-inspectors the figures are 15 cases of dismissal, taking the five years together, and 34 cases otherwise punished. Head constables 21 cases of dismissal and 31 cases otherwise punished; constables 80 cases of dismissal and 203 cases otherwise punished. Now, Inspector, you have been in the force for some years. What do you say about the prevalence of corruption, that is to say, taking money for doing their duty in the force?—I think in spite of our starving wages the subordinate ranks have improved marvellously during the last twenty years.

149. It is suggested to me that it is not the right way of putting it. It may be put—taking money for doing something in connection with your official work. Defining it like that, you think the position has greatly improved?—Yes, in spite of the very poor wages that we are getting.

150. When a case has come to the notice of the inspector such as yourself—I suppose from time to time such cases may come to your notice—what does an officer like youself do? What is your action about it?—I would like him to be prosecuted or dismissed or punished in some other way.

151. If you find out that it is true, of course?—I will make my own enquiries and if I am satisfied that the complaint is true I would like the man to be punished

152. Is there a report made by the inspector to his superiors?—Yes.

153. You report I suppose to the superintendent?—Yes.

154. But who decides whether the case is made out?—If it is a criminal case the magistrate decides.

155. Who decides whether the case is sufficiently serious to justify a prosecution?—The superintendent.

156. Is it any part of your duty when a case of corruption is suspected, to make enquiries and see whether there is evidence to support the suspicion—Certainly it is.

157. You do that?—Yes.

158. Then I suppose the question as to whether the case is one which justifies prosecution on the evidence is decided by your superiors?—Yes.

159 One other question. You say that the rate of pay is still not very high?—Quite so; it is very poor.

160. Do you think the present rate of pay is one of the causes or encouragements of corruption in the ranks?—Certainly it is one of the main causes.

161. Since you have been in the service, and especially in recent years, you had sub-inspectors under you. Do you think—let us take the last ten years—that you detect an improvement in freedom from corruption among sub-inspectors?—Yes, there has been a vast improvement.

162. Has the pay of the sub-inspector been raised?—Yes, it was raised some years ago.

163. *Babu Chandreshvar Prashad:* The first thing that I would like to know from you is whether it has been resolved by your Association that you should represent the views of the Association?—Yes, in the sense that we had a sort of informal meeting where it was decided that I should come and represent them being their president.

164. There has not been a general meeting of the Association?—It is advertised for the 26th of December at Muzaffarpur; that is our annual conference.

165. I want to know whether there has been a general meeting of your Association for your election as the representative of the Association?—I am already their representative because I was their president at the last conference and I continue to be the president for the whole year, that is until the next president is elected. Every president remains in office for one year.

166. I quite realise. The question is that no special resolution of that sort has been passed in the council that you should go and represent the case of the Association before the Statutory Commission?—No.

Chairman: I may make it quite clear. My impression is—it is quite second-hand—but my impression is that after the suggestion was made, and if I may say so very properly made, when

Mr. Swain was here and he was asked a question: "Are any people whom you refer to willing to come to give evidence?" then a message reached the Conference that if it was decided to call anybody, this gentleman of the Bihar and Orissa Police Association was quite ready to come.

167. *Babu Chandreshvar Prashad:*. I am much obliged to you for that information, sir. (*To the Witness*): It has been read out to you by the Chairman to what extent corruption is prevalent among the police. Of course we remember that. Mr. Swain has already told us that corruption was prevalent among 99 per cent. of the constables and head-constables, 75 per cent. in the grade of sub-inspectors of police and about 50 per cent. in the cadre of inspectors of police, and that he takes an optimistic view of things about the future. Now I would like to know whether you also subscribe to this view?—I do not.

168. You do not? You think that corruption in the police department is not so prevalent as has been stated by Mr. Swain, the Inspector-General of police?—Well, it is so difficult to make a division by measures. But surely, as I said, the police to-day is not what it was 20 years before. There has been marvellous improvement, as I said for the last twenty years.

169. That is not my question. I simply wanted to know from you whether you subscribe to the views that have been expressed by the Inspector-General of Police?—Pardon me. I have already said that I do not agree to that percentage.

170. Would you let us have the percentage that you would fix?—It is so difficult to fix a percentage. But all that I can say is that surely there has been tremendous improvement.

171. *Chairman:* I just might just point out, if you do not mind, that the two questions seem to be rather different. It is quite right to ask the witness, and we are very glad to hear his answer that he would not accept the high estimate that was suggested. That is a very important fact. But after all it is not possible for him to give us the percentage of corruption as it would be for the head of the department. In the nature of things the head of the department gets the reports from the inspectors from all the districts. Is that not so?

Babu Chandreshvar Prashad: I thought possibly, sir, that as he was the chairman of this Association and as an inspector he must have some information about the constables.

Chairman: I attach equal importance to the answer that he has already given that the estimate given by the Inspector-General is in his opinion somewhat high.

172. *Babu Chandreshvar Prashad:* Another question that I want to ask you is that whatever you find here stated about the constables and sub-inspectors and inspectors of police does not in any way reflect the general morale of the public, or does it?—Your question is not quite clear to me.

173. My point is this, and I want to make it perfectly clear to you. You find that after all a statement has been made that 99 per cent. of constables are corrupt, 75 per cent. of sub-inspectors are corrupt, and about 50 per cent. of inspectors are corrupt. Now the question is, is it because all Indians have got such a low morality, or is it because the general atmosphere of the police service has been such, or that the temptations that are generally offered in the police line are responsible for this extent of corruption?—If I may be permitted, I might ask whether you want me to give you reasons for the corruption, is it not?

Chairman: Yes.

Witness: Then I would like to give you my reasons. It is mainly due to inadequate pay and allowances, partly due to want of better treatment at the hands of the council, the magistrates and the superior police officers, and the habit of the parties in the wrong to offer bribes.

174. *Chairman:* By "habit" you mean "custom"?—Not exactly custom. It is like this—if I am in trouble, I think if I pay something, I could get out of that trouble.

175. *Babu Chandreshvar Prashad:* You have just now said that sometimes when people are in trouble they feel that by bribing it is possible for them to get out of that trouble?—Yes, that is human nature.

176. You know that ideas of that nature are not possible for people to conceive unless they know the percentage of their success in such efforts?—But, did I not tell you that, twenty years before, the police was very bad? And that reputation has been shadowing the police everywhere. After all, bribery is not confined to the police alone. You must know that.

177. That is not the point. I do not want to make any complaint against the police service. You must never be misunderstanding me like that. All that you have been pointing out just now is that perhaps 20 years before there was an atmosphere like that, the police have since then very much improved, and it is possibly because of their past bad reputation or good reputation, whatever it may be?—No; it was certainly the bad reputation that was shadowing us. No doubt about that. I should be very frank in telling that.

178. All the same you agree that it is not the general tendency of the mass?—What?

179. Corruption?—To offer bribes?

180. No; it is not a question of offering bribes. Taking of bribes is a low morality?—Yes.

181. That, you do not think, is a general tendency of the people?—Neither is it a general tendency of the police.

182. Of the police? Right you are. Then you have said that possibly low pay is the reason for this corruption?—I have given you many reasons; low pay is one of them. And allowances, for instance. When a sub-inspector goes out, or inspector goes out, he does not get sufficient to perform his journeys, and things like that. And then partly to want of better treatment at the hands of the council and the public, the magistrates, and even the superior police officers, and, as I said, the habits of the parties in the wrong to pay.

183. Now, so far as the Council is concerned, I should like to know whether the measures that have been recommended for increase of pay have been successful in the council or not? Of course I do not expect that you have very much information about these affairs?—Yes, certainly. I have tried to follow it. If you will kindly put any direct question, I will answer.

184. The question is whether measures recommending increase of pay for the people in the Police department have been successful in the local council or not?—So far as I am aware, there has been up till now no such measure before the council, but then there were proposals by the Inspector-General to the Government which were turned down because they were never sure of getting them through the council.

185. Do you know that there has been since 1921 an increase of about 20 lakhs in the police budget?—Yes, there has been some increase.

186. And most of that goes to the increased pay of sub-inspectors and constables?—The pay of the sub-inspectors and inspectors, as I said, is the same now as it was eight years ago when it was increased. After that there has been no increase although we have been crying ourselves hoarse for it.

187. So you think that the increase in the police budget has not gone to make any increment in the pay of constables and sub-inspectors of police?—Well, you know the constables are drawing Rs. 15 now, and you know how they are living. How the increased provision in the police budget has gone I cannot tell you.

188. I am not discussing at all as to how they are living at present. The whole question is I have not

been able to make myself quite clear about the increased allotment in the police budget. Some time before it used to stand at a figure of 41 lakhs. After that it was about 60 lakhs, and now it stands at about 80 lakhs. The whole question is, since this increase has come and the police budget has almost doubled, has the pay of the constables and the sub-inspectors increased or not?—Doubled since when?

189. Since 1912?—During this period the sub-inspectors got only one increase, from Rs. 50 to Rs. 80, with a sort of increment which comes to them at Rs. 10, sir, after five long years of waiting.

190. But we were told by Mr. Swain, your Inspector-General, that constables used to get something like Rs. 7 or 8 before that?

Chairman: The matter seems to me to be very fully set out at pages 166–9,* and while I do not want to stop you, the inspector, even if he is the president of the Police Association, cannot know the legislative mystery.

Babu Chandreshvar Prashad: I simply wanted to point out, sir, that as a matter of fact so far as the increment of pay of the Police department is concerned, the legislative council has been very sympathetic.

Chairman: Well, that is done. On the other hand, if you look at the book here you will realise that if there is fierce opposition to certain other heads in the police budget, then of course the general effect is that the police budget in some way or other will suffer as a whole. It may be that the opposition is justified in moving particular reductions, but you cannot expect the police administration to say everywhere that they do not mind the votes against any special branches, or votes against particular services. Paragraph 228* proves quite clearly the attitude of the legislative council. It says:—"Yet the police budget has been the object of persistent attack there. The motions for reduction fall into three classes: (*a*) reduction of a nominal amount, implying a censure on the department; (*b*) reduction under particular items; and (*c*) lump reduction from the budget as a whole." On the other hand, at page 167* it is said quite clearly that: "It may be said that the direct results of the council's control on the police budget in the past seven years have not really been unfavourable. Government have been able to secure sufficient support from the non-official benches to maintain intact the standard of police administration" and so on. Mr. Swain read out, you remember the approval of the council. Do you want to criticise that?

191. *Babu Chandreshvar Prashad:* No, sir. May I put a few more questions? (*To the witness*): You have said that the members of your Association feel very much apprehensive about their efficiency if a transfer of control is effected; that is to say, if your department is brought under a minister?—Yes, I did.

192. You have at the same time also said that you feel that efficiency would be lowered, and it might happen in this way, that a minister would be approached by some people and some people might come and tell you that the minister likes to do this way or do that way. That is what you suggest?—Yes.

193. Beyond that perhaps you have got no grounds to support your views?—I have got other grounds as well.

194. May I know what they are?—For instance, the question of the betterment of the conditions of our service and contentment would also suffer.

195. Am I to understand that you apprehend that if a change of control is effected, your prospect of betterment is gone, and that the minister would necessarily be apathetic to it?—Having regard to the attitude of the council in the past with regard to the police budget, we have grounds for that fear.

196. That is exactly why I put that question, sir, because it is stated at page 166* of the report itself that out of forty-one motions for reduction the majority were withdrawn being only token motions, and that clearly shows that they were intended more or less for the purpose of eliciting information rather than effecting the actual cuts proposed.

Chairman: Do I understand you to think that the account given at pages 166, 167, 168 and 169, taken as a whole regarding the attitude of the council and all those is inaccurate, or you think is accurate?

Babu Chandreshvar Prashad: I personally should suppose that it is not very fair to the council.

Chairman: I assure you that none of us wishes to be in any way unfair I want to say that the general effect produced on my mind is that there has been a good deal of opposition to the police and to the police budget as a whole. I quite agree with you in regard to what you said was the attitude of the council on the question of increase of pay to the police subordinates. Of course the inspector has given us the reason for his apprehension, and the reason for the opposition of the council is partly because the council does not feel that it has got sufficient responsibility, and it is a perfectly good argument to consider that if you entrust the police department to a minister and to the council, their attitude to the minister may change. I think myself that this witness was brought forward simply to ascertain this fact about corruption, and that has not been challenged. The fact remains that the Inspector-General was accurate when he said that he had this information from these gentlemen, and we now learn that it is a fact, and you have heard the grounds, right or wrong, on which this witness has based his opinion.

197. *Babu Chandreshvar Prashad:* Only one more question, sir. Is it possible for you, or for any man in your position to hold views against your own officer?—Yes. For instance, you have heard even in this Conference, that I do not agree with the Inspector-General's percentage.

198. *Sir Hari Singh Gour:* You have said, Inspector, that you are afraid that people will go and speak to the minister about the sub-inspectors and so on. But have you any reason to suppose that people do not go and speak the same thing to the executive councillor?—As I said, they are not so very approachable. They are quite aloof now.

199. *Mr. Athar Hussain:* Perhaps you say they are not dependent on the vote of the council?—That is another thing. That is exactly what I have in my note.

200. *Sir Arthur Froom:* Regarding this corruption amongst the constables, you told us that when they are detected in taking bribes, they are punished?—Yes.

201. There are always two sides to the bribery. One is the man that accepts the money, and the other side is the man who gives the money. In cases of these corrupt practices, is the man who gives the money to the constable also punished?—I think very rarely. There might be 1 in 100 cases.

Chairman: The form in which punishment takes place sometimes in the police force is dismissal. There is no corresponding punishment possible in the other case.

Babu Chandreshvar Prashad: There is prosecution.

202. *Chairman:* How many cases of prosecution or conviction of the police were there last year?—I could not tell you.

203. *Sir Zulfiqar Ali Khan:* I am not at present asking you as to the advisability of transferring the police department to Indian agency or not, but as you have made a statement against the transfer of police to the minister, I want to ask you this question. You are aware perhaps that a minister who is in charge of a department has mostly to consult the head of the department about matters of high policy. He does not as a rule interfere in the details of the administration. Are you aware of that?—I think the minister is supposed to have his own will, which he imposes on the department.

* Vol. XII.

204. Not in every case?—I think a strong minister would do so.

205. But that is not the general etiquette of ministers. They cannot go into the details of administration. It is mostly the duty of the Inspector-General. In such matters as the promotion or appointment or such things, it is the Inspector-General of Police who does it. Is it not so?—Nowadays the Inspector General does it, promotion up to inspectors.

206. In other departments, for example?—I have no experience of the system prevailing in other departments.

207. But you can understand this broad question, that the Inspector-General of Police makes the appointments. As regards the sub-inspectors, it is the Deputy Inspector-General of police who is generally responsible for such appointments?—In this province at least the final appointment of sub-inspectors also is made by the Inspector-General.

208. It may be so in this province, but in the Punjab it is not so—and I do not know about other provinces. Now, supposing the Inspector General is subordinate to a minister and your department is transferred to a minister, the Inspector General would mostly have to do with the appointments of inspectors. Then, do you think that the minister would be liable to intrigues in the administration of the police force, may listen to some recommendation or other in making appointments or interfere in other ways? Is that your view?—Yes. In other words he would influence appointments, promotions and punishments.

209. But a minister in charge of police would act in the same manner as a minister in charge of other departments. Would he not?—Yes, but the Police unfortunately is a very peculiar department.

210. But, why should he interfere? Why should the minister in charge of Police particularly interfere in the administration of the police, in the details of the department, and a minister in charge of other departments should not so interfere?—I cannot tell you, sir, about other departments, but what we are afraid of is this, that in matters of appointments, promotions and punishments, punishments especially, there are likely to be a great many injustices. The superintendents for instance will be under the minister, and they will be keeping an eye on him, and things like that will happen.

211. But, what then would be the function of the Inspector General? Is he a mere spectator?—All cases of punishment do not go to him. That is why we say this. If Police at all becomes a transferred subject all powers of dismissing sub-inspectors and higher ranks should be confined to the Inspector General only. Those powers should be taken away from the superintendents and deputy Inspectors General. In fact, we have been pressing for it for some years.

212. *Chairman:* I think all we are concerned to know is what is his view, and his view undoubtedly is this, for what it may be worth, that he thinks that both in the matter of appointments and in the matter of promotion his class of officer is safer as things are now, and his own view, right or wrong, is that if the transfer of police was effected there would be a risk of punishments and promotion not aways being done on the merits of the case. That is his point. I am not at all saying whether that is right or wrong, but that is his view?—Yes, sir.

Chairman: Yes, I have no difficulty in understanding what he wants to say. Whether it is right or wrong is a different matter.

Sir Zulfiqar Ali Khan: If that is so, supposing Indianisation of the police force takes place.

Chairman: I think that is quite a different point. Indianisation is the question of whether an officer is an Indian or European. The matter on which this witness has been giving us information is not, in my view, that, but on the question of where the control of the police should lie.

Memorandum submitted by the BIHAR LANDHOLDERS ASSOCIATION.

The Bihar Landholders' Association which submits to the Indian Statutory Commission on Reforms its statements and opinions in the following pages on some of the subjects which will fall within the scope of its enquiry, is an organization of the Zamindar community of the province of Bihar and Orissa. The Association is one of the oldest institutions in the province, a body which is duly registered and recognised by Government. Its views are sought for and opinion invited by Government on questions of public importance. Its importance was recognised even when this province was a part of the presidency of Bengal. It has always in the past tried to serve crown and country, and its services have been from time to time greatly appreciated by Government. The Association has stood loyally by Government in times of political stress and strain, and its members, individually and collectively, have given them, their ungrudging help and co-operation in the maintenance of law and order. The Association has received special consideration at the hands of His Majesty the King-Emperor and H.R.H. the Prince of Wales during their vists to this country, and it had the privilege of entertaining His Royal Highness at a very large and successful garden party in the heyday of the Non-co-operation movement.

The Association has been in existence since 1878 and has its branches in the province. The members of the Association number 870 and belong to a class which holds a substantial stake in the country and is conservative in outlook and sober in thought. Its members are thus drawn from high social status, and among them are men of light and leading in the province, who can legitimately claim a share of the credit for the successful working, in the province of Bihar and Orissa, of the Reforms of 1919, howsoever halting and disappointing these have been to them. The services of its office-bearers and members have been sought for and availed of by the local Government. Its President, the Hon.-Maharajadhiraja of Darbhanga, and the late Rai Bahadur Krishna Sahay, one of its former Secretaries, were members of the Executive Council, while the present Indian member of the Executive Council was one of its Vice-Presidents, and of the two present hon'ble Ministers, one was a prominent member and the other was one of its Secretaries before they accepted their offices.

The Association will furnish, in time for the arrival of the Commission on the Indian shores, the names and addresses of its members who will be willing to be examined by the Commission, for the elucidation, if necessary, of the points raised in this memorandum It regrets that it cannot do so now, because its members are at different places for a change on account of the heat of the plains.

We reserve our right to modify the views contained in this memorandum, if necessary, as well as to furnish such supplementary materials connected therewith as may be available in a reasonable time before the Commission finishes its labours in this country.

In a country like India where illiteracy is appalling and political education among the masses is nil, we have to guard, as cautiously as is consistent with the idea of progressive realization of responsible government, against any catastrophic change in the system of administration. For these reasons, while democracy is yet on its trial in other politically advanced countries of the West, it must remain for the present for India a distant goal to be reached by successive stages. Any extension of the franchise as it exists at present, conferring by a mere stroke of pen suffrage on people innocent of the alpha and beta of the political powers and privileges which this innovation will undoubtedly bring in its train, must be ruled out of consideration. It will yet take time before the present electorate, brought into existence by the introduction of the Montagu-Chelmsford Reforms eight years ago, will be able to appreciate in its proper bearing a modicum of the political significance attached to the vote which they have been called upon to cast. Most of these voters have never availed themselves of the opportunity of exercising their franchise, while others must have been at the polls so far only once or twice.

The Bihar Landholders' Association considers the present basis of franchise, for which the late Secretary of State and Lord Chelmsford were responsible, as irrational in so far as it violates the well-known principle of representation on the basis of taxation—a principle which should form the bed-rock of every representative system of government. In view of the illiteracy rampant among the masses, this maxim should be particularly and steadily kept in view in determining the basis of franchise, in order to ensure political advancement through the process of evolution and not of revolution. We propose therefore that the present electorate should be scrapped to make room for the construction of a new one, which should be based on the principle of representation in the legislatures of the different section of the people in strict proportion to their respective contributions to the exchequer of the State. We may for this purpose divide the population broadly into three divisions representing in the main the three important interests which provide to-day the sinews of war for the upkeep of administration. These are: the Zamindars and landowning classes paying revenue to Government, the ryots paying road cess and the assessees who pay tax on their incomes and are drawn either from the services or professions, or from business, commerce and trade. The future electorate should be composed mainly of these interests which should have seats in the provincial legislature fixed in the same ratio which these interests bear to each other in regard to their financial liability to the State. This will ensure representation in the government of the country of the sections and classes of the people which ought to have a potent voice in its affairs. This scheme, in the opinion of this Association, will afford a rational and scientific basis for the franchise.

The method of election at present offers many difficulties which can be minimized by adopting a more suitable one in its place. India is a country of long distances, and the polling stations are such a far cry from the homes of the voters that it is not at all surprising that most of them are disinclined to go there or that corrupt practices on such occasions become the order of the day. This state of affairs not only generates unwholesome tendencies in the voters, but also retards their political education, as most of them have not the time and inclination to attend the polling station. It would therefore be desirable to reconstruct the present electorate as well as the existing system of election. In a country where even the knowledge of the three R's has not made any appreciable headway among the population, the direct system of election which has been set up by the Montagu-Chelmsford Reforms, bringing in its wake a large mass of voters who cannot know their new political responsibilities in the circumstances now existing, has come in for a good deal of well-deserved adverse criticism. It will take decades before the present voters can rise equal to the occasion. While, therefore, we would like very much to go back upon the present system of election, to one somewhere midway between the present and the indirect system that prevailed under the Minto-Morley scheme of Reforms before 1919, we do not recommend such a course as it would mean a retrograde step. But in view of the wide franchise already existing, and for the reasons stated above, we are emphatically opposed to the extension of the present franchise even by an iota.

While fully appreciating the merits of the system of voting by ballot, it can hardly be denied that the system encourages secret and underhand tactics which are calculated to demoralise both the candidate and the electorate he seeks to represent. We would therefore recommend open voting, which will quicken in the electors the habit of decision, induce in them a spirit of independent outlook, and elevate their

moral tone. It will give them an opportunity of exercising their discretion and acting up to their convictions undeterred by interested parties.

The representation of the communal minority on religious lines can also be provided for in the scheme we have propounded above as the basis of franchise. If a communal minority, for instance the Muslims accept joint electorate with reservation of seats, such reservation of seats for them can easily be made in the three interests, namely, landlords, tenants, and assessees composed of service, and professional and commercial classes. In case they would accept only separate electorate, such an electorate may be created for them in these three groups. This Association would prefer the system of joint electorate with reservation of seats, a scheme with which is associated the better minds of the Muslim community in this country. There remain the Christians, the Parsis and the Sikhs. The first two have been so tolerant and catholic in their conduct that they have never had any hardship imposed on their religious observance by any community, nor need they entertain any apprehension of their position and interests in the India of to-morrow. We look to them for the enlightened lead which they have so often given the country in the past, and we have no doubt that if they persevere in such broad-mindedness as they have already displayed, their example will have a salutary effect on any community which may hold tenaciously to separate communal electorate. These communities are in such an extreme minority and are of so much local importance in two provinces only, namely Bombay and the Punjab, that we would prefer to learn what those provinces and the communities themselves have to suggest before advancing any detailed proposals for their representation.

There is some force in the contention that the nomination of the so-called representative of a community by Government depends, not on his competence to act as the faithful custodian of the interests of that community, but on his capacity to please and humour the powers-that-be. We, however, recognise that considerable difficulties will be encountered in creating an electorate and devising a method of election for Labour and depressed classes. We can only suggest that the representatives of the labouring classes may be returned by such of their organizations as Labour unions, the franchise being confined to their members, or to the members of their executives. The same system of election may be applicable to the case of the depressed classes, if these have some organization of their own. We can suggest no other alternative and therefore feel that if this method fails the only course left is the nomination of the representatives of these classes by Government.

In all systems of representative government the relationship that should exist between the constituents and their representatives is a matter of vital importance. This relationship, as it exists in the western countries, is conspicuous by its absence in India at this stage of her political advancement. This is due to the indifference of the representatives which, in its turn, is possible on account of the ignorance and lack of political education of the constituents. The voters, being unaware of their privileges and responsibilities cannot and do not exert a wholesome influence on their representatives. Yet there ought to be some such check to prevent the will of the representatives, untrammelled by the opinion of their constituents, from developing into caprice. It is through the close association of the representatives with their constituents that the views and wishes of the latter can find faithful reflection in the legislatures. The importance, therefore, of the representatives coming into frequent contacts with their constituents cannot be overstated. Such frequent contacts will have yet another advantage which ought to be secured by all means. The presence of the members of the legislatures in the midst of their electors will stimulate among the latter a well-informed interest in the public questions of the day and help the growth of political education among the masses. They will realise the manifold advantages of the representative system of government, and feel that it is they who are the mainspring of the Government. They will realise at last that much depends upon themselves, their vigilance, and the intelligent exercise of their franchise in working out their social, political and economic salvation. With the masses awakened to their real powers and responsibilities the members of the legislatures will turn to their real masters for instruction and inspiration to guide their conduct in the legislatures. The representatives will also become more zealous of their duties, as they will have to render periodically an account of their work to their electors and await their verdict.

The growth of parties is one of the well-known features of every well-organised public life in countries which are governed by parliamentary institutions. The success of parliamentary government depends to a very large extent on the presence of well-defined political parties. The functions that these parties perform have therefore an importance all their own. We cannot do without them in the parliamentary government of this country, which is now the decided goal of the British Parliament. Parties have already sprung up in this country during the last few years, but with the exception of one which has a good All-India organization, others by themselves are at present inconsequential bodies working in provincial legislatures. Yet these may form a splendid nucleus for strong parliamentary parties as in some of the provincial councils. Political awakening, now proceeding apace, is at present confined to a small intelligentsia in every province. This is why these parties have no following outside the council lobby, nor have they the necessary funds to start their own organs for publicity and propaganda. Thus the present political parties in some of the provincial councils are handicapped in carrying on their legitimate activities, and propagating news and views which, by stimulating interest in public affairs, help the spread of political education. The Swarajists, who have large funds, have been also unable to do any of these things on a proper scale, beyond setting up candidates for the central and provincial legislatures and local self-governing bodies. We feel that with the basis of franchise we have proposed above and the strengthening of the position of the Ministers on the lines we suggest below, these parties will take a more definite shape and be in a position to discharge their functions in the manner we consider so desirable.

There are some difficulties which are proving obstacles in the path of the formation of parties, particularly in some of the provinces. One of these is the existence of the communal group in the council, which cannot take the place of a parliamentary party. These groups have their origin in separate communal electorate based on religious persuasion. So long as this state of affairs continues it will hamper to a very large extent the formation of political parties. Such communal electorates and groups are aggravating religious animosities and, if persisted in will perpetuate in the provinces communal parties striving for political power and patronage. It may lead, at least in some provinces, to government by communal majority. This may create deadlocks in the legislatures at times and do incalculable mischief to the cause of parliamentary government. We may, however, hope that before long a better outlook in the relations existing between the two major communities will dispense with the present arrangement.

Another difficulty to which we would refer is the lack of proper incentive for the formation of a party wedded to the policy of carrying on King's Government in the present circumstances. The heat and burden of carrying on parliamentary government is to-day borne entirely by the Minister responsible to the people, and he is not unoften placed on the horns of the dilemma. His difficulties are immensely heightened because he has not the support of a party

composed of elected members of the council, which would support him throughout. It is not an enviable position in which he is placed when he is obliged to seek the support of an official *bloc*. Indeed the support of this group, as long as it exists, will always be available to him, but he should, as far as possible, be independent of it. There are other difficulties in the way of the formation of strong Ministerial parties in the provincial legislatures. But one of these which can easily be removed is the absence of patronage in the hands of a Minister with which he could weld his followers into solidarity. We propose that in future Ministers must have a potent voice in dispensing titles and decorations, and on his advice these should be conferred. In higher appointments, reserved to be made by nomination by Government, the recommendations of the Ministers should always be respected.

It will not do to throw all blame on the Ministers by saying that they have not done their best to organise parties of their own. They are creatures of circumstances over which they have no control. With ignorance reigning in the country nothing is so easy as to generate prejudices against one who throws in his lot with the Ministers, who are regarded as not merely playing second fiddle to government but even as subserving the purposes of an alien Government. It requires rare courage on the part of an elected member, who has his eyes fixed on the general election, to face the odium of the public by joining the ranks of Ministerialists. Nor have the Ministers any of those inducements as in Great Britain which will keep intact the allegiance of their followers. Yet as parliamentary government is set up in this country, with a strong opposition party manipulating all the means at its disposal to wreck the constitutional machinery, it will seem not only eminently desirable, but, in fact, a sheer necessity to bring into existence a strong constitutional party which would correspond as nearly as possible to the great Conservative party of England, consisting mainly of the landowners and people with a permanent stake in the country. It should be possible to create such conditions as would be conducive to the birth and growth of such a party, a power for immense good in the political evolution of the country. Yet another difficulty which occurs to us as standing in the way of the formation of a strong constitutional party is the scant courtesy shown at present by the members of the Executive Council to the Ministerialist party, whose views and representations they often ignore. Even the intervention of the Ministers does not carry much weight with the Executive Councillor. This probably causes the Minister's party to leave him in despair and break up into pieces.

The question of the growth of informed public opinion is closely interlinked with the growth of parties. With strong and energetic political parties in the country, it would be possible to create in the minds of the people an interest in the discussion of questions of public importance. The more the public have opportunities through the agencies of such parties to consider the pros and cons of such questions, the more would it be conducive to the growth of informed public opinion. At present the electorates, not to speak of the masses, have no idea of the machinery created by the M. C. Reforms, nor of the privileges and responsibilities which it has conferred upon them. The very conditions which promote the growth of informed public opinion are conspicuous to-day by their absence in our public life. What is of the utmost necessity to-day is to set up without delay, in the absence of active political parties, an agency to carry on publicity in certain directions. This agency should explain in the two principal venaculars of the province, in short pamphlets the true meaning and scope of the political reforms, the functions of the legislatures, and the part which the electors play in them and the privilege they have of moulding the form of government and of shaping its policy, and the responsibilities that are thus cast upon their shoulders. The agency should also keep the electors informed of the important proceedings of the council. The Government and Ministers may also from time to time enter into defence and explanation of their measures and policy. This is all the more necessary to combat the prejudices which are formed in the absence of vernacular newspapers temperate in tone and sober in outlook Until these have come into existence it will be suicidal to the best interests of the country to sit tight and leave the masses to wallow in political ignorance and rust in prejudices created for them by the extremist vernacular press. A resolution to broadcast vernacular summaries of the proceedings of the Bihar and Orissa Council was adopted by that Council in the year 1923, but it was not taken up in earnest, and was given up as a failure. It seems that the experiment was not given a fair trial. To say that there was no demand for the publication is to presuppose that there was already political consciousness in the electors as early as three years after the inauguration of the present Reforms. If these publications had been continued they must have forced themselves upon the attention of the people for whom they were meant and stimulated their interest in politics. The masses in India are inarticulate, and it is expecting too much of them that they should apply for these publications, or express their appreciation by correspondence. Political and public bodies were so much occupied with the hectic days of Non-Co-operation that they had not by that time shaken off its influence. Their pronounced aversion to official publications may also explain the indifference. At any rate things have much improved since then and it may be hoped that the Commission will see the advisability of recommending the formation of such publicity organisations by Provincial Governments.

Public opinion is not much in favour of the nomination of officials to the legislatures. But we recognise that the legislatures will need expert advice and technical knowledge. Hence it will be desirable to reserve a few seats for officials, which should be filled by nomination of the heads and of the secretaries of one or two of the more important or technical departments. The only justification for the presence of officials such as the Secretaries of various departments is that they are to assist the Ministers. A plea like this, if resorted to at all, will not hold good in view of the fact that these Secretaries are as much birds of passage as, if not more than, the Ministers themselves. In the circumstances the bulk of the statistics and information, if not all, supplied on the floor of the council through the lips of the Ministers and of the Secretaries are supplied to these officials by the permanent heads of the departments, by whom we mean the Registrar, or the Assistant Secretary, and the staff working under him. While the Secretaries and the Under-Secretaries come and go, like the Minister, these permanent officials go on for ever till the end of their official careers. The services of the secretariat and of these permanent heads will always be available to the Minister and the Parliamentary Secretary. It is time that the office of Parliamentary Secretary provided for in the Montagu-Chelmsford Report should be created in every legislature. This will come as a handy patronage to the Minister and add support to his elbow. Besides, it will offer opportunities of training to capable men, and will mellow them through the sobering influence of office.

The territorial divisions of the country for administrative purposes into provincial units have been open to grave objections, and this for valid important reasons. No uniform principle has been followed in setting up these provinces, and it is no wonder that the Indian public have urged from time to time their redistribution on a linguistic basis. Nowhere is this defect more conspicuous than in our own province. Orissa has been tacked on to Bihar, although the former is far from the latter involving a good deal of administrative inconvenience. This is why two of the Judges of the Patna High Court have to hold

what is known as circuit courts in Cuttack, and the Governor of the Province has to spend from two to four weeks every year there. It is but natural that the people of Orissa should clamour for the fusion into one homogenous whole of all the Orya-speaking tracts now scattered in different provinces. They feel, and indeed rightly, that while they are kept as appendages to other provinces, they cannot but play second fiddle to Bihar, and cannot grow to full political manhood. It is a well-known fact that Orissa is at present a financial millstone round the neck of Bihar. If, therefore, that part of Orissa which is in the leading strings of Bihar is freed from this control, it will be to the mutual advantage of both. We strongly recommend this course, as it will help the Orya people, who are at present wrenched away from one another by an artificial division, to come into their own and work out their economic and material salvation. We also feel bound to recommend that the present area of this province, relieved of its Orya-speaking tracts, should receive an accession of territories from the neighbouring provinces of Agra and Oudh. These provinces are unusually large in area, and it would probably be conducive to administrative efficiency if some districts contiguous to this province were cut out and added to it. Besides, there is much of affinity, socially and dialectically, between some of the districts of the United Provinces (such as Ghazipore, Gorakhpore, Ballia and Benares) and those of Bihar (such as Arrah and Chapra). These transferred districts will be in close proximity to the metropolis of this province and hence there is no ground for entertaining any fear of their interests suffering in any respect by their amalgamation with it. If the cession of Benares is objected to by the U. P. Government, we would not insist on it. Another very important reason which will support our proposal is the fact that this province has much in common with these contiguous districts of the United Provinces of Agra and Oudh, in so far as the system of land revenue is concerned. These are the districts where permanent settlement of the land revenue mainly obtains as in our own province.

The local self-governing bodies have been of late broadbased on very liberal lines. Their constitution has a very large percentage of popular elements, and the official nomination has been reduced to an ineffective voice. The present proportion of nominations must remain intact with a view to secure for these bodies the expression of expert advice. This is very necessary, and we believe that the valuable assistance which has been rendered by the nominated officials, will be readily admitted by the elected members. These bodies have been given full autonomy in their affairs unhampered by official control. While we would not recommend a return to any feature of the old regime, we feel that it will be too much to argue that a full use has been made of the present opportunities and that any extension of these is needed at present. It is for these reasons that we hold that the present relationship of these bodies with the officials of the Provincial Government should continue. This relationship has a wholesome influence on the district boards and municipalities, where members have not yet displayed a full sense of their responsibility. The control by the Provincial Government should also continue as now. It is the only safeguard against the remissness of the executive of these bodies and against corruption in them. The Provincial Government should however make liberal grants to these bodies for the promotion of such schemes as deserve help and encouragement. The Government should not shake off its financial liability in this matter. The contributions to the Government exchequer are drawn from Indian villages, and it is therefore proper that Government should be more liberal in future than in the past to the district boards which cannot easily raise new taxes from the rural population which has inelastic and unexpanding sources of income, which very often shrink owing to frequent droughts and floods.

This Association considers that the constitution of the district boards needs a slight readjustment. This can be effected by allowing landholders, paying the minimum cess of Rupees one thousand, special representation through separate electorate. This will introduce into the Boards elements which will not be drawn into the meshes of petty intrigues. It will be a gain to the District Boards, whose affairs are deplorable at present. It is also advisable, for these reasons, to make it obligatory on every district board to appoint an executive officer, who should be placed as far as possible above the influence of the members. While he should be appointed by them, and his conduct may be discussed by them in the same way in which the conduct of the executive is discussed at present in the legislatures, his dismissal should rest with the Chairman of the board and the district magistrate acting jointly.

It is also the view of the Association that there should be a Road Development Committee, the personnel of which should be appointed by Government. The recommendations of this Committee should guide the board in so far as questions coming within the purview of the Committee will be decided by the board. The Committee's function will be merely advisory, but it must be emphasised that its recommendations should be given proper heed to. The function of the Committee will not extend beyond proposals for the construction and repair of roads. It is also desirable that half of the revenue from the road cess should be placed at the disposal of the Committee.

The constitution of the Provincial Government is open to much criticism, on account of the new system introduced by the M. C. Reforms, known as dyarchy. Its authors never claimed for it perfection, nor are any human institutions ever perfect. On the contrary, it was considered to be an experimental step, and the late Mr. Montagu and Lord Chelmsford were fully conscious of its short-comings. But it was difficult to conceive of a better device to suit the transitional stage after 1919. Dyarchy has laid bare in all their hideousness its own defects in the period in which it has been on its trial, but it should not disappoint whose who never built extravagant hopes on it. On the contrary, it has worked remarkably well in those Provinces where it has been left undisturbed; it has been thrown out of gear only when determined and persistent efforts have been made to wreck it. If the success of administration depends upon the form it takes, it equally depends upon the men who work it. Given good will and honesty of purpose even a bad system of Government will work with the least possible friction.

As we have proposed in the beginning of this memorandum, the legislature enlarged, if necessary, should mainly consist of the representatives of the three interests into which the present population of the country can most suitably be divided. But what we would like to emphasise here is the brief span of life which is allotted to the Provincial Council and to the Legislative Assembly as well as to the Council of State. This must be extended for these reasons. In the first place, it has been found that the members returned in a general election, largely elected for the first time, take the first year of their office to assimilate the new environments in which they find themselves, and to pick up parliamentary procedure. In the second year, they can be useful, but the third year quickly following, opens up before them the vista of the next general elections, when their interest is transferred from the legislature to an electioneering campaign which absorbs all their energies. Secondly, the Minister cannot initiate, within the short term of his office, a programme of policy and see it through. Nor can the next Minister, after the next general election, take up quickly the thread of work left by his predecessor in office. Thirdly, it is undesirable that the normal business of the country should be disturbed in quick succession every three years. This is open to very serious objection, not only because

no country would like every three years to put up with the worries and expense of a general election, but also because in India this disturbing affair generates, each time that it takes place, a tremendous volume of communal animosity. We would therefore suggest for these weighty reasons that the life-time of the Legislative Assembly, and of the Provincial Councils which would under our scheme become the lower chambers, be extended to five years, and that of the upper chambers, both in the Central and Provincial Governments, to seven or eight years.

The position and powers of the Governor should be left intact, as these are by no means extravagant. We are against any power being given to the legislature to curtail the equipment and paraphernalia of Governor, necessary for the maintenance of the dignity of his office. They have conformed as far as possible to the practice of a constitutional ruler, and it may be hoped that as the Provincial Government corresponds more and more closely to a full fledged parliamentary cabinet system they will continue to act as strictly constitutional rulers.

The position of Ministers in relation to the Governor needs only such orientation as the implications of the cabinet system necessitate, otherwise the *status quo* should be maintained. It is highly desirable that one half of the number of Ministers should be drawn from each chamber and that the upper chamber should be the recruiting ground for the Chief Minister, who should have the responsibility of choosing his colleagues. This will promote solidarity in provincial cabinet which is soon to take the place of the present system of administration. The Ministers must work on the basis of collective responsibility. This will be in the interest of the healthy growth of parliamentary government in this country. It will stop Ministerial intrigue, averting much of the bickerings which interfere with the efficiency of administration. The essence of parliamentary government is the collective responsibility of the Ministers. But in India, partly due to the defective system of dyarchy, and partly to communal animosity, the principle of joint responsibility has been honoured more in the breach than in the observance. Much of this deplorable state of affairs is due to the absence of a strong political party in the council pledged to support the constitution. We have already dealt with the question of political parties in one of the foregoing paras.

The classification of subjects into transferred and reserved departments needs abolition by the transference of all subjects except three. The subjects now described as reserved should be transferred to the Minister, with the exception of Law and Order and Revenue. These should be transferred to the Central Government, and made imperial subjects. This will do away with dyarchy. Another alternative which suggests itself to us is that these subjects may be retained as reserved and form a new separate portfolio in the direct charge of Governor. They will thus to a certain extent remain within the purview of the local council, which will more effectively prevent breeding in the Police a spirit of irresponsibility. Revenue may also be classed as a transferred subject if a statutory safeguard is provided to maintain intact and inviolable the pledge given by Government in the past with regard to the zamindari tenure known as Permanent Settlement of land revenue, and to prevent attack on it either by direct or indirect taxation, proposals for which we have heard mooted lately. In passing, we may be permitted to note that this system was accepted by the zamindars in the beginning at a great loss, and that they suffered this loss for a long time. Now that they have improved the land by their own resources and exertions, it will be against all accepted canons of fair play, justice and public policy to throw them overboard, and turn loyal and influential supporters of Government into a discontented community.

We consider that the inauguration of second chambers in all provinces is not only desirable but extremely necessary. The present uni-cameral legislature in the provinces is a popular assembly which will go on reflecting in its deliberations the prejudices and idiosyncrasies of an unenlightened proletariat. As a popular assembly, it will be prone to be swayed by the gusts of feelings of the unthinking masses. It will be the last place for a dispassionate discussion of public questions. Yet it will be the provincial legislature which will play in an ever increasing degree a very important part in the life and affairs of the people. It would therefore be necessary to constitute a revising chamber working side by side with the popular chamber. The necessity of an upper chamber will become all the greater when we bear in mind that there will, in all probability, always be, in this country, so long as the present alien Government continues, a political party strong enough to be reckoned with, which will be actively ranged against the Government and will try to wreck any constitutional machinery set up by it. If England, with its literate population and informed public opinion, has felt the necessity of a revising upper chamber consisting of the conservative elements in society, there is no reason why the system of bicameral legislature should not be introduced into this country. It will not do to dismiss this idea by saying that there are difficulties in the way of this suggestion being given effect to; nor need the setting up of as many upper chambers as there are provinces frighten anybody. We note that in the past this question has not engaged the attention that its importance demands. But we hope that the present Commission will be impressed with the force and validity of this proposal.

What will be the constitution of this chamber is the next point to be discussed in this connection. We would not lay down any hard-and-fast rule as to the number of seats in the upper chamber. It should consist of the holders of hereditary titles from Raja and Nawab to all higher orders and the heads of impartible estates. It should be noted that in this province such persons number only some half-a-dozen. They should not have to depend either on nomination or election but should have hereditary seats.

Five seats should be reserved to be filled by nomination by Government from among (*a*) retired Ministers, (*b*) ex-members of the Executive Council either of the Governor or of the Viceroy, (*c*) retired members of the High Court bench, (*d*) ex-Presidents of the various legislative bodies, and (*e*) ex-Vice Chancellors of the University, resident in the province concerned, or (*f*) from among those who have as non-officials rendered notable service to the country by their long connection with its public life, and who would be unwilling to face the music of a general election, but the benefit of whose advice and ripe experience the country can ill-afford to lose. Eight seats should be filled by nomination from officials, including the Ministers and the members of the Executive Council. The rest of the seats, which will be fifty per cent. of the total number, should be thrown open to election. The qualification for voters in the present special constituency of the landholders for the Provincial Council should be retained, each district forming a constituency and returning one member. A member of the future equivalent of the present Council of State should have the right to take his seat in, and take part in the discussions of, his provincial upper chamber. Four seats should be filled by the election of members of the lower chamber, as well as of ex-members of the provincial councils who have put in ten years of service in them. One seat should also be reserved for the planters in the province. Five seats should be filled by election by the representatives of the assessees of income-tax and super-tax to return one member in each division. One seat should go to elected representative of the Indian Mining Federation and one to that of the Indian Mining Association.

The table below will show at a glance approximately the various elements and their strength

that will go to make up the composition of the provincial upper chamber.

Hereditary.	Nomination.		Elected.	Total.	Remarks.
	Official.	Non-Official.			
6	8	5	34	53	To this total add the present number of the members of the Council of State for the province of Bihar and Orissa, which varies from two to three. We can not say now what will be this figure in the new constitution of this body.
	13				

This constitution will give a fair proportion of the seats in the upper chamber to the intelligentsia and will be a step towards ensuring fair representation to the landed class. Every shade of opinion will find its representation in the chamber. Its members will be drawn from people of high status, sober outlook and mature experience in life, who may be relied upon not to undertake hasty or ill-conceived legislation. Government should therefore be content with nominating to this chamber a few officials, not exceeding eight, including the Ministers.

We are in favour of the grant of full provincial autonomy, independent to a large extent of the control and superintendence of the Central Government, with such reservations as to the transfer of subjects to the Minister as we have indicated in one of the foregoing paragraphs.

As regards the Legislative Assembly the franchise must be based, as for the Provincial Council, on the principle of representation according to the proportion of taxation borne by the three sections of the people, namely, the revenue-paying classes like the Zamindars, the road-cess paying class like the tenantry, and the income-tax-paying class like the business and professional men. We can think of no more equitable basis, and there is no reason why people with a large stake in the country, who are vitally interested in legislation and affairs of the country, should be shut out to make room for others. In the Council of State, too, the present franchise can suitably be reformed by confining the voters' list to persons paying a road-cess of Rs. 5,000 or a Government revenue or income-tax of Rs. 12,000. We consider that the Council of State should be constituted upon much the same lines as the provincial upper chamber.

In conclusion, we must say that under the present Reforms scheme the land-owning class has been unfairly dealt with. Their position has been ignored, and there is the smouldering fire of discontent among them. Though smarting under a sense of wrong they have through good and evil report stood loyally by the Reforms. They have, however, entertained the hope that the present Commission on Reforms will give them their due share. The late Mr. Montagu and Lord Chelmsford disposed of their claims by saying in their memorable report that, besides the five representatives of the land-owning class returned by five special constituencies, as in the provinces of Bengal and Bihar and Orissa, more Zamindars would come into the councils through general constituencies. As matters stand at present, it is in rare cases that a real member of Zamindar community is returned by the general constituency, and wherever they are so returned, they have a different interest to serve. Not only this. These members of the Zamindar community lose their own identity and are driven into the arms of the extremist in the ranks of the Indian politicians, with a view to secure their return to the council in the next general election. They therefore act, as they have themselves so often admitted, not only against their own interests, but also against their convictions. While we feel that as a matter of course young Zamindars drawn into public life will imbibe liberal ideas and outlook—and we are prepared to appreciate and welcome this tendency—we cannot but record our concern at the demoralization which is taking place in our ranks. We are not so unimaginative as to complain of the inevitable, but we must raise our voice of protest against an arrangement which offers inducement in the path of Zamindar members of the legislature to shout with the mob in their political exigencies. The Zamindars form the centre of political gravity of the country. Once their position is disturbed Government will be courting serious consequences. If it is deemed desirable that they should come in larger numbers in the public life of the country, if it is deemed necessary that we should move towards the goal with well-ordered steps and not at giddy paces, and if the country is to be saved from anarchy and chaos, the Zamindars must be encouraged to take part in public life by being given an adequate representation of their community in the legislature and government of the country. We base our claims on our merits, guided not solely by our own narrow interests but also by the large interests of the country as a whole.

SUPPLEMENTARY MEMORANDUM BY THE BIHAR LAND-HOLDERS ASSOCIATION.

Since we submitted our Memorandum in July last, the subjects that are engaging the attention of the Indian Statutory Commission, have been discussed thread-bare from different angles of vision. To these discussions we have attached due weight. We have had also the benefit of further deliberations with the members of the Bihar Landholders Association as a result of which we would like to exercise the right, which we reserved in our Memorandum, of supplementing and modifying it.

But before we do so, we think it necessary to give a brief description of the position which the Zamindars occupy in this province.

We propose to show that the Bengal Tenancy Law has created a situation which cannot end unless the Zamindars were to surrender all their rights and interests, and extinguish themselves as a class to satisfy the ever increasing and never ending demands of the tenants.

It must be remembered, in order to appreciate the true predicament in which the Zamindars in this province have been landed, that land in Bihar has a very high degree of fertility whose average produce per acre would be Rs. 100 to Rs. 200, but the rent payable by the tenant who enjoys the produce to the Zamindar is about Rs. 3.8.0. per acre which is the average for the most fertile districts of Muzaffarpur, Darbhanga, Saran and Champaran. In contrast to this it may be pointed out that where Government occupy the same position as Zamindar, the rental that they realize is considerably higher compared to that realized by the Zamindars. In Angul where land is not even half as fertile as in Bihar, the Government get a rental of Rs. 12·8·0 per acre, and in Khas Mahal too, Government realise a rental of Rs. 12·6·0 per acre. In the two sister provinces of the United Provinces and Bengal, where land is not as fertile as in Bihar, the rental realised by the Zamindar is higher than that in this province. In the United Provinces of Agra and Oudh, the Zamindars have a right to enhance rental up to 50 per cent. of their rental. But in Bihar the Zamindars cannot enhance their rental for more than annas two per rupee after fifteen years.

The relations between the Zamindars and their tenants in this province as well as in Bengal are governed by what is known as the Bengal Tenancy Act. There has been recently an agitation to amend the Act in both the provinces. The Zamindars have themselves agreed to this course, for while they would not oppose any reasonable demands of the tenants

they consider also that the present Bengal Tenancy Act is not an unmixed blessing to themselves. The amendment of the Bengal Tenancy Act in Bengal is now an accomplished fact. The Bengal Zamindars have made large concessions and have gone so far as to meet the wishes of Government and Swaraj party in this matter. But what is the result? The tenants remain as unplacated to-day as ever before and the agitation against the Bengal Tenancy Act amended only a few months back is going strong. In such circumstances, if we were to surrender all our rights, and nothing short of this would satisfy the tenants, we would be reduced to the position of a mere collector of rental of Rs. 3·8·0 per acre. The history of the world would nowhere present another picture of landlord like this.

We feel, therefore, strongly that nothing but special electorate would secure our proper representation.

There is another important difference between the position of the Zamindars in this province and that of the Zamindars in the sister provinces of Bengal and U. P. There is a large number of impartible estates in those provinces. But in Bihar proper there are not even a dozen impartible estates. This has led to the existence of a large number of petty Zamindars. The number of such Zamindars in non-Muhamadan rural constituencies comes to over 17,000, and if their franchise is brought down to the level of the tenant, as we propose, their number will increase to three or four times. At present revenue payment is the qualification for a Zamindar voter while cess payment is that for a tenant. There should be the same basis of franchise for both, namely cess, having regard to the fact that Zamindars and tenants pay cess in equal shares (each paying half and half). Cess payment has been also recognised as an alternative qualification for the Zamindars in their special constituencies.

The same amount of cess which qualifies a tenant to become a voter should be fixed for the Zamindars also. As matters stand at present, such a large number of Zamindars go without representation, for a few of such Zamindars that are returned by the general constituency sacrifice their own interests and convictions simply with a desire to get into the Council. This is another reason why special electorate for the Zamindars is a necessity.

It may not be out of place to point out here that the structure of Indian body politic has a peculiarity all its own. The different strata of society differ from each other by a considerably gap. One class or community has a particular gift, capacity or characteristic which is conspicuous by its absence in any other. The Brahmins can boast of a very high percentage of literacy, yet the percentage of literacy in the population as a whole stands at the lowest possible figure. There are communities whose military prowess is as great as it is small in other communities. There is a small class of craftsman to be found in particular towns or localities, whose skill is the marvel of the world, but then there are other craftsmen all over the country who are so hopelessly incompetent in their calling that it is no wonder that the low wages paid to them on account of their unskilled labour excite the sympathy of a foreigner. There are classes and communities who are noted for their administrative capacity which is hardly a virtue in others. The Zamindars have distinguished themselves especially as good administrators and it is permissible to hope that they can play an important part in the administration of the country.

What we next want to impress upon the Commission is the fact that we have lost much by the Montagu-Chelmsford Reforms. Under the Minto-Morley Reforms the Zamindars had already five special seats reserved to them. This was half of the total rural seats, the other five having been given to the district boards. It was considered at the time that the Zamindars would be able to come in through general constituencies also. This expectation has been now belied, and a few Zamindars who have managed to be returned have done so at the cost of their convictions as they have frankly confessed to us. If the Zamindars have failed to secure representation through general constituencies, the fault is not theirs. So long as Zamindars and tenants remain as two distinct classes, so long as tenancy laws recognise distinct rights and interests for them, and so long as the Zamindars do not surrender these rights to the tenants, the Zamindar candidate has not the ghost of a chance at the polls. Then we need not forget that the voters are illiterate, and there are clever designing people to create bad blood between the tenants and the Zamindars and to fan the prejudices of the former against the latter with the sole desire to promote their own interests at the cost of both the parties. Candidates have in the past succeeded thus by exploiting the ignorance and prejudices of the tenant voters.

We feel therefore that the Montagu-Chelmsford Reforms have been unfair to us. Under this scheme while the number of seats for others have increased by leaps and bounds, the Zamindars' seats have not only remained stationary but their relative strength has considerably decreased.

We look to the present inquiry to give us our due. We will be content if the Commission would accept another suggestion which we make here in place of our original proposal adumbrated in our former Memorandum. Let Zamindars and tenants have equal numbers of seats in the legislature. By a long standing convention Government have themselves recognised that these two communities have equal share in land and tree, and on this basis their respective rights and interests have been all along assessed.

It is also on this basis that the assessment of local cess payable by the Zamindar for his own share and for that of the ryot is fixed. In the Bhaoli or produce rental system too, the settlement office and judicial courts fix as a minimum share of the Zamindar a half of the produce.

Election for Assembly.—We are of opinion that the present system of election for the Assembly is defective. At present the constituencies for the Assembly are so large and unwieldy that members cannot keep themselves in touch with their voters. We would prefer indirect election for the Assembly, the electoral colleges forming electors. This will make the members of the Assembly responsible to an intelligent body of people. If further power or responsibility is to be given to the Assembly, it should be accompanied with the introduction of considerable stable elements.

Law and Order.—We feel that our view with regard to the subject known as Law and Order must also be modified. We have already expressed our doubts in our former Memorandum as to the desirability of making Law and Order a direct concern of the Central Government. We are more convinced than ever before of the impracticability of this course. Nor would the reservation of this subject in the charge of an Executive Councillor as different from a Minister responsible to the legislature meet the situation. We have therefore come to the conclusion that this subject as also Revenue should be transferred to the Minister provided that:—

(1) A second chamber in each province is set up;

(2) The personnel of the provincial cabinet will be recruited from both the Houses;

(3) The position of the Ministers is so secured that they would not be compelled to resign unless both the Houses concur in a vote of want of confidence in them; and

(4) The constitution, proposed by us in this supplementary to our last Memorandum, for the Lower House is accepted.

MEMORANDUM SUBMITTED BY BIHAR AND ORISSA MUSLIM ASSOCIATION.

Provincial Second Chamber.—We would amend the constitution proposed by us for the Upper Chamber in a province thus:—

1. Automatic seats. The following classes of people should have a right to sit in the upper chamber by virtue of their position without the necessity of offering themselves for election:—

(i) All Rajas and Raja Bahadurs, hereditary and personal; (ii) all Nawabs, hereditary and personal; (iii) all proprietors of impartible estates paying a revenue of Rs. 10,000 or above.

2. By nomination. Ten seats must be filled by nomination by Governor from among *ex*-Ministers, *ex*- Members of the Executive Council, *ex*-High Court Judges, *ex*-Vice-Chancellors and and *ex*-Presidents of the provincial legislature resident in the province concerned.

3. By election. Fifteen seats should be filled by representatives of land-holding constituencies consisting of voters who pay either Rs. 4,000 as Government revenue or Rs. 1,000 as cess. Five seats should be filled by representatives of commercial classes. Ten members to be selected by Lower House from a constituency consisting of the members of the Lower House and *ex*-members of the council. Total 30.

All Ministers must be *ex-officio* members of the House. Experts may be nominated from time to time when necessary, but they cannot vote.

The Upper Chamber will share equal right in initiating legislation with the Lower House. It will have a revising power with regard to Money Bills which will originate in the Lower House alone. The Upper Chamber can amend as well as reject Money Bills.

Upper Chamber in Central Government.—The Upper Chamber of the central legislature will consist of same elements as make up the provincial Upper Chamber and will be drawn through similar three channels thus:—

(1) Automatic seats. We propose to introduce the principle of hereditary seats in this Upper Chamber also as we have done in the provincial Upper Chamber. For this purpose, all Indian title-holders above those of Raja Bahadur should have the right to sit in this Upper Chamber.

(2) By nomination. A certain number of seats to be filled by Governor-General from among *ex*-Members of the Viceroy's Executive Council, *ex*- Presidents of the Central Legislature (both Houses), and *ex*-Chief Judges of High Courts, resident in India.

(3) By election. The remainder of the seats to be filled by members elected by voters enjoying substantial property qualifications or paying high income tax and by members returned by the Legislative Assembly and the provincial Upper Chamber and also by the representatives of such other interests as may be of all-India importance.

In conclusion, we would point out that we have only indicated changes in the present constitution which is based on responsible system of Government on the lines of western countries with slight modifications here and there suitable to local conditions. But we feel very strongly that India requires a constitution which should not be a blind imitation of the West. India's peculiar conditions, circumstances, habits, sentiments, traditions, temperament and atmosphere require a constitution which should be an admixture of suitable features of both the eastern and western statecrafts. We hope this Commission will be able to evolve a constitution of the type which would confer blessings upon all classes and communities in India.

Memorandum submitted by BIHAR AND ORISSA MUSLIM ASSOCIATION.

INTRODUCTION.

In presenting the case of the Muslims of Bihar and Orissa for the safeguarding of their minority and communal rights and interests in the ensuing political, economic and administrative readjustments and Reforms we propose to take advantage of the suggestion offered by the Secretaries of the Statutory Commission that we are "not expected or required to deal with all subjects covered by the Commission's terms of Reference but only such as especially concern the case to be put forward" by us. Our reply to their invitation to present our case will "not cover the whole field under each head but will be limited only to particular matters desired to draw attention to." This will, of course, not be taken to imply that Bihar and Orissa Muslims are one whit less interested in any other matter affecting British India and the Province or, as Mr. Lloyd George has just put it, in "the whole field of the future governance of India which lies open to the Commission."

If anything the Muslims are even more interested than others in the general political progress of this great country, to which they have given their own glorious traditions of organised democratic Government and of the generous treatment and status of minorities, as well as of recent executive institutions and civic and financial developments which still form the basis of modern Indian Administration. Equally are they interested in the economic and administrative reconstruction and reform of an existing order of things where, to quote the greatest chronicler and statistical authority of British Rule in India, Sir W. Hunter, "from the highest official to the lowest there is a firm conviction that we have failed in our duty to the Muslim subjects of the Queen. The great section of Muslims were declining under (the present system of British) rule; and in every District the descendant of some line of princes is sullenly and proudly eating his heart out among roofless palaces and weed choked tanks. The Muslims were excluded from the army and the law; and revenue administration passed out of their hands; the judiciary was either Anglicised or Hindunised, while the Permanent Settlement (and its pitiless Resumption Laws) led to the wholesale eviction of Muslim landlords and purchase of their estates (after deliberate or accidental defaults) by their Hindu servants. The Hindu Collectors of revenue were transformed into landlords and their Muslim masters became their serfs." That Indian Muslims are always giving actual proof of their vital interest in British rule, as well as in the progress of self-government, is undeniably demonstrated by the fact that the proportion of Muslims in the Army to their total population, according to figures supplied by Government of India during the Great War was much higher than that of any other community.

We whole-heartedly and emphatically join in the popular demand for Indianisation of the services and the Army, the immediate termination of Dyarchy and grant of autonomy to the Provinces; and the introduction of the fullest responsiveness to public opinion and of representative government in all nation-building Departments of the Administration. We join unequivocally in the demand for the long and unjustifiably overdue separation of the executive and judicial functions, the abolition of the entire India

Office and of its control over the Governments in India, in the granting of larger powers and broader franchise to the local bodies and the legislatures, and fullest responsibility of provincial cabinets to the legislatures and in the joint responsibility of Ministers. We also demand the curtailment of the present extensive and dangerous powers of the Provincial Governors to veto all important measures, to dismiss any or all the Ministers and to resume direct charge of any or all the departments, to secure passage of any legislation he considers essential, to restore any budget heads voted down in the legislatures by the simple and elastic process of arbitrary certification. We join also in the protest against the appalling growth of administrative expenditure and the disproportionate enhancements of salaries and allowances to the Superior Services, and against the consequent starving of the nation-building departments of Education, Sanitation, Industries, Agriculture, etc. We resent also the indirect and damaging control of the Finance and Political Appointment Departments and its members in charge over the expanding activities of these other Departments, which has been complained against vainly by many Executive Members and Ministers quite recently.

We are, in our memorandum, confining ourselves to those other and even more fundamental and immediate questions of administrative and economic readjustments where the Muslim interests cannot, for some time to come, be adequately reviewed or pressed for in joint or national demands and representations. This we do in no schismatic or anti-national spirit; but merely to secure that fair distribution of material rights and intellectual and social developments which can alone make uniform progress or efficient administration possible. That such separate and special rights and interests exist has been repeatedly and unreservedly accepted alike by the Indian and British Government and by all sane political leaders. That the safeguarding of them is an urgent and important problem is amply recognised in all the Despatches, Reports, Pacts and Constitutions hitherto evolved, and has recently been emphasised by the communal tensions and riots, which are admittedly the natural result of politico-economic maladjustment under present form of the Reforms, as frankly confessed in the official review of "India in 1926–27." That these minority claims cannot be recognised by "a purely mathematical treatment especially in Bihar and Orissa, U. P. and Bombay" has been asserted in his dissenting minute to the Government of India's Fifth Despatch by Sir William Vincent, an executive member of the Viceroy's Council from our Province, where he said "Lord Minto gave on behalf of the Government of India a binding pledge to the Mohammadans which Lord Morley endorsed and Lord Hardinge repeated that their position should be estimated not merely on their numerical strength but with respect to their political importance." That these rights are not merely conditioned by or limited to religious differences we will make clear in subsequent detailed chapters, and this has been comprehensively indicated quite recently by Mr. Lloyd George when he drew pointed attention to the fact that "a great practical difficulty arises from the fact that religion divides the people into separate communities in a way for which there is no precedent or comparison in any other country . . . and the Muslims would view with horror any arrangement by which the preservation of law and order would (in the present transitional stage) be naturally left in the hands of the Hindu majority." That these special interests constitute a fundamental problem even in cases where there is numerical majority has been analogously admitted in the joint Report of 1919 where it is pointed out that all over India the non-caste "other Hindus," who number about one-fifth of the total population of India, are (politically and socially) in a similar position to the Madras Panchamas, and were unrepresented in the Reformed Council of 1909." This was also emphasised by the Government of India in the famous Fifth Despatch as follows:—"If the Reforms of 1919 are not to start with a heavy handicap . . . we cannot expect co-operation and good will of the non-Brahmin so long as there is no provision to secure their interests. The Madras representatives upon the subjects committee of the Statutory enquiry of the Montagu-Chelmsford Reforms declined to recommend the transfer of any subject in the Madras Provincial Government unless separate provision is made for the non-Brahmins; and we are certain the Madras Government share this view." If this is the unabashed attitude and position of a community which has, as the Franchise Committee pointed out, "an overwhelming electoral strength of 22 to 1 and electors preponderance of 4 to 1," it is not difficult to understand the position of the Muslims who are in minorities of 11 per cent. in Bihar, 4 per cent. in C.P., 3·5 per cent. in Burma and only enjoy a nominal majority of 54 per cent. and 55 per cent. in two out of 9 Provinces where, however, they are almost equally under the domination of Hindu moneylenders, lawyers, Zemindars and landlords agents (as graphically pointed out ever since the days of Sir W. Hunter) and where their present election strength is still considerably less than that of the Hindus and their representation in council approximates to 30 per cent. only. In the Superior Services of the Government of India Muslim representation stands at 2·9 per cent. as against 20 per cent. for Hindus and 77·1 per cent. for Anglo-Indians and Europeans, whereas the Muslim population in India is 24·07 per cent. With regard to this unsatisfactory position of the Mussalmans in the services an ex-President of the National Congress and Muslim League and ex-Executive Member for Justice and Police, the Maharaja of Mahmoodabad felt constrained to remark that "the Muslims regarded separate and adequate representation as a *sine qua non* of their adhesion to the introduction of popular franchise." They would have no hesitation in withdrawing their support (from the Reforms and national agitations) if they find that under the proposed scheme their position in the administration of the country would be worse off than what it is at present. It is but natural that they should not like to be dominated by any other community. As pointed out by the Right Honourable Mr. Amir Ali in a letter to the *Times* in 1920, tampering with the communal representation of the Muslims (in electorates and services) would "create distrust both in the pledges of the Government and of the Hindu leaders." The 10·85 per cent. Muslims of Bihar and Orissa and 22·07 per cent. of India are not reactionary enough to deny "all goodwill and support to national or Reform Schemes" and insist on "non-transfer of any subject," like the Non-Brahmin majorities of Madras, nor (as Lala Lajput Rai admits in his press letter of 27.4.28, about the Democratic League of the Punjab 31·8 per cent. Hindus *cum* 11·09 per cent. Sikhs) would Muslim "like Government to resume its pre-reform absolutism, unless this undemocratic body of foreign dictators could give us a constitution which would reorganise communal representation" in favour of the Punjab Hindus. But we wish it to be distinctly understood that we want effective and automatic safeguards of our minority and communal rights to be incorporated as a fundamental clause in all future constitutions and administrative and services schemes. In the present conditions in India we would not recommend the transfer of the subjects of law and order as well as of Justice and Defence. Equally would we then hesitate to ask for the withdrawal of the present check by the Governors and the Viceroy over the Ministers or over majority votings of Budget heads or essential legislation. We would also have the greatest difficulty in asking for larger powers of financial and administrative independence of Municipal, District, Local and other bodies if we continue to find that present conditions persist when, controlling in Bihar and Orissa populations of 11 lacs,

3 crores and 2·6 crores respectively and finances to the extent of 48 lacs, 1·5 crores and many lacs annually, as they did in 1925–26, they possess only 1, 1 and 2 Muslim Chairmen respectively out of 58, 19 and 46 "bodies," and as admitted by the Government "in the 1924 elections Muslims did not secure even their former position and the 1927 elections turned out even worse," so much so, as Mr. Naim proved in Council, that "out of 29 Local elective bodies Muslim were entirely unrepresented in no less than 27." We will have more to say presently about the almost complete exclusion of Muslims in most local bodies from educational grants-in-aid; from expenditure on Maktabs and Urdu Schools, grants for Buildings, Furniture and Library, grants to Muslim Primary and Secondary Schools.

Methods of Representation.—The present system of representation by means of separate electorates should continue. This principle of representation has been definitely recognised in the Montagu-Chelmsford Reforms as the Southborough Commission says: "The Montagu-Chelmsford Report recognises the necessity of communal Representation for the Mohammadans. All Local Governments and most of the evidence we received is unanimously in favour of this. The Hindus are in substantial agreement with this common desire; as expressed in the National Congress-League compact of December, 1916, at Lucknow (which the Government described as a landmark in Indian politics and an accomplished fact) so also are a great majority of associations, political and non-political. We also agree with the advice of the Local Government of Bihar and Orissa, Punjab, Bengal, U. P, and Bombay, not to revive a controversy that has been largely composed already." The Government of India in its Despatch on this report also admits that "India is not prepared to take the first steps towards responsible government upon any other road. In determining the ratio in the various Provinces we should have to start with certain established data: (1) The Mohammadans have been definitely promised some electoral advantage on the ground of their political importance; (2) They are the poorer community; (3) Their Census strength by no means corresponds to their political importance; past history and the presence of Muslim centres count for much; (4) We think it a valid answer to observe that the effect of a minority depends upon its being large enough to have the sense of not being overwhelmed." Since, however, "the controversy" has "again been revived," in an anticipatory attempt all over Hindu India to cloud the issues before the Commission, it may not be out of place to very briefly review the history of these minority rights and communal representation in India, Europe and elsewhere in past and in recent politics.

Classical history presents definite and numerous instances of such safeguarding of minority rights and fixing of communal, political status of subject races, foreigners, aliens and even of slave communities in Rome, Greece and elsewhere. We Muslims had most elaborate and even over-generous mandatory political and religious enactments for the safeguarding of the special and communal rights and liberties of the subject non-Muslims and the Christian and Jewish foreigners. These safeguards were invariably incorporated in the instruments of appointment of all the distant Governors all over the vast Islamic Empire.

Nor is the doctrine of communal representation new to India. Its history since 1909 has just been given and we cannot do better to prove its effectiveness in nation-welding than to quote from a Hindu ex-Minister, Mr. Chintamoni in his evidence before the Reforms Enquiry Committee on August 18th, 1924, when from his vast administrative, political and journalistic experience he said that owing to the grant of separate electorates to Mohammadans in the U. P. District Boards there was "less friction between the Hindus and Mohammadans." But history in this respect goes much further back than 1909. "It has been acknowledged that there is in favour of communal representation a large volume of weighty opinion" held presumably after thorough enquiry and mature deliberation by responsible statesmen of the high position of Lords Dufferin and Lansdowne (of course then this applied only to nomination and appointments). We have to consider whether there has been such a development of unity of purpose and identity of interests and such an improvement of political relations with the Hindus as to justify the ignoring of this weighty consensus of opinion."

"The Morley-Minto Reforms of 1909 secured communal representation to the Muslim. Repeated failure of the community to get some of their best men elected convinced the authorities of the necessity for a special electorate; but only a limited number of seats was reserved for these special electorates. Finding, however, that this arrangement failed to secure the required representation even those progressive members of the community who were so long opposed to separate representation, realised that the interests of the community would continue to suffer unless the special electorates could return a much larger number; and they prevailed upon the leaders of the Hindu community to acquiesce in an agreement by which Mussalmans could secure adequate and effective representation at a concordat in the Congress-League meeting of 1916," which has been consistently respected by all the successive Viceroys and Secretaries of State and the British Parliament. Similar separate and adequate representation has been vouchsafed to the Sikhs of the Punjab and in even more generous measure to lesser communities like the Europeans, the Landholders, Miners, Planters and the Universities, as well as by nomination to the Indian and European Chambers of Commerce, Labourers, Aborigines and the Depressed Classes.

And yet it is unblushingly asserted that communal representation and the protection of the linguistic, educational, social and administrative rights of minorities is merely in "an experimental stage; and is in Europe just being tried only in new States that are in state of flux." The vain tinkering with the political and communal rights of the Irish, which had to end in establishment of a separate kingdom of Roman Catholics is safely forgotten. So also is the tenacity with which French Canadians have clung to their own language and educational policies culminating as early as 1867 in Article 93 of the British North America Act, laying down that ". . . where in any Province a system of separate or Dissentient schools exists by Law and Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's subjects in relation to Education."

We have the first hand testimony of a historian and a constitutional authority like Dr Shafaat Ahmad, D.Litt., M.L.C., to assure us that "the Minority clauses have worked on the whole most satisfactorily in the new European States." It is significant that these clauses came into being at the instance and insistence of Tiger Clemenceau, the democratic President of France, the original home of modern liberty, equality and fraternity, and that they are foundation of a separate section of the League of Nations concerned exclusively with minority clauses called the Minority Section. Indian nationalists, the Government and the Parliament should take special and effective note of the following extract from the original letter of M. Clemenceau to the President of the Polish Republic dated June 24th, 1919, laying down policy of the Allies: "It is believed that these populations (inevitably speaking languages and belonging to races different from that of the people with whom they are incorporated in the New European States) will be more easily reconciled to their new position, if they know that from the very beginning they have assured protection and adequate guarantees

against any danger of unjust treatment or oppression. The very knowledge that these guarantees exist will, it is hoped, materially help the reconciliation which all desire; and will indeed, do much to prevent the necessity of its enforcement."

A more lucid exposition of this deliberate policy of the Allies for protection of minority rights cannot be found or expected. And if this is true, according to the Allies of Europe, how much more so must it apply to India where the two main sections differ not only in race and language but also in religion, traditions, civilisation and culture, in economic organisation and in fact almost the whole range of material and spiritual interest. As to what the nature and extent of these minority rights are, we need quote only brief extracts from Dr. Shafaat Ahmed's first-hand review of the treaties and constitution guaranteed by the League of Nations to Poland, Czechoslovakia, Esthonia, Jugoslavia, Germany, Hungaria, etc. We shall only give running excerpts from all of them to bring out the main points: "So closely intermingled that the population of a single village might be divided between three classes with different race, language or religion . . . The Government binds itself to see that judicial and administrative posts, especially those of sub-prefects, are filled wherever possible, by persons, belonging to racial minorities and knowing their language . . . This denationalisation under the pressure of political, economic or social institutions was the real grievance of many of the racial groups which made, for example, the Austro-Hungarian Empire. It could only be remedied either by cutting the group out of the Empire and investing it with a separate existence (*cf.* Ireland) or by guaranteeing its rights against the arbitrary power of a majority ; (*cf.* our united, dogged and inflexible demand and the accomplished landmark of Lucknow concordat). . . . The Magyars form only 20·6 per cent. of the population of Slovakia and before the war held all the 461 posts in the higher judiciary and official services of Slovakia and 2,156 out of 2,202 posts in courts, prisons, schools and medical departments, but after the war (and the Allied policy and League guarantees) they now held only 3,335 officer's posts in the entire administration as against 9,591 held by the Slovak population . . .Subjects of the State belonging to racial minorities can freely make use of their national language in the Hungarian Parliament as well as in the Local and Provincial bodies and their committees and the laws and decrees of Government are to be published in the language of all the racial minorities . . . especially in the use of their mother tongue in education, as well as in the local administration and the administration of justice . . . every citizen possesses the right of safeguarding his nationality and of cultivating his national language and customs . . . and where specific sums of money from public funds in the budgets of State, local or public authorities, are to be devoted to education, religion or philanthropy a due share in the use and enjoyment of such funds shall be secured to such minorities . . . Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals . . . In particular they shall have an equal right to establish, manage and control schools and other educational establishments. Poland will provide . . . adequate facilities for ensuring that in primary Schools the instruction shall be given to the children of such Polish nationals through the medium of their own language." Lord Bryce informs us, not about the new states but about the ancient and truly democratic Swiss Republic that though in nearly every canton representatives of minorities find their way to the Executive Council, still in order to assure the representation of minorities, several cantons have adopted the system of proportional representation, for everybody feels that each important section should have its spokesman and its share of office . . . and in the Federal Executive Council custom prescribes that one councillor shall always come from the French speaking canton of Vaud . . . one taken from a Roman Catholic canton and one from the Italian speaking Ticino." In this way all the races and religions of Switzerland are represented. The "Italian Swiss form only 5 per cent., yet in order to win their confidence the Swiss Government publish all its Government documents in three languages—Italian, French and German." He that runs may read the parallelism between Muslim demands and each of these minority rights even amongst peoples similar in habits, customs, civilisations, economic and political organisations and even spiritual development. As this parallelism is an object-lesson in itself, we will not further labour the point that the protection of minority rights and communal representation (not only in legislatures but also on the even more important local bodies, in the cabinets and services, in the University and Schools and in all political and administrative agencies, Boards and Committees) is not a new or an intrinsically suspect political agency; but has been recognised from olden times and by the new League of Nations and Allies Conferences to be the only agency for securing confidence in the Governmental and national authorities and that the very knowledge of their statutory existence does much to prevent the necessity of these clauses being blatantly enforced. As to the detailed application and measure of these safeguards we propose to deal with these under separate heads.

One essential point, however, we wish to make quite clear; these safeguards and constitutional guarantees of communal representation and fair-play must form an organic part of the new constitution, just as they do in the case of the League of Nations and other guarantees which can be changed only "with the consent" of the guarantor League or Parliament. The great powers in their Treaty with Poland laid down: "Poland undertakes that the stipulations contained in the Articles 2–8 (*re* rights of minorities) shall be recognised as fundamental laws; and that no law, regulation or official order or action shall conflict or interfere with these stipulations nor prevail over them." The French in Canada have secured certain rights by the British North America Act of 1867. "In October, 1927, at a Conference of the Provinces of Canada it was proposed that the Dominion Parliament should be invested with the power to amend the constitution in 1867. The French minority refused its assent, and the project fell through." This quotation is significant in view of the fact that "the difference between the two races were not one of party or principles only . . but with exceptions which prove the rule all the British were on one side and all Canadians (French) were on the other," as we are assured by W. P. M. Kennedy in his "Documents of the Canadian Constitution." After this we fail to see the logic or political wisdom of the Government of India in their Despatch of 1919 rejecting "as wholly unworkable the provision that proposals affecting the interests (presumably even if fundamental) of other communities (? omission) only with the assent of a large majority of the community affected." Nor are the elaborate *a priori* arguments of Mr. Montagu and Lord Chelmsford at all convincing on this point in view of the fact that they confined their analogies and reasonings to a country like Britain which has long forgotten its Shakesperian days of social and administrative tyrannies over the Jews, and where solidarity of interests and purposes, as well as insular geographical position makes it impossible for political institutions to develop out of communal origins. Surely the Lucknow Pact falls far short of the Canadian or League of Nations precedents when it provides "that no bill or any cause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose

the Bill or any clause thereof or the resolution." This provision appeared so reasonable, even to the Hindu leaders, that they have always supported it after having evolved it in cordial co-operation with the Muslim leaders at the Lucknow concordat. Even Lord Morley had to modify his views on the fundamental nature of such safeguards, and wrote in his Reminiscences: "It is better to compromise than to extinguish the rights of nationalities, when these are based on so fundamental a principle as attachment to a religious ideal or so innate a feeling as the sentiment of nationality; it is not justice to ignore the claims thus created in favour of a theoretical uniformity." The League guarantees such rights, and Switzerland has long honoured them constitutionally, even "wherever a considerable fraction of minority populations exists" and the determination of what constitutes a considerable fraction is not left to the government concerned, but is to form a subject of reference to the League of Nations and to be fixed by definite enactment.

Since the Lucknow pact, however, three things have occurred: (1) The Mahasabha leaders like Dr. Moonjee and Messrs. Kelkar, Lajput, etc., have tried to repudiate especially this part of the compact, and to wriggle out of the whole commitment after it had for years been accepted by Government, Congress and Parliament as an accomplished fact; (2) The Government of India in their despatches have tried to explain it away as "mere political negotiation rather than deliberate reason," and contemptuously waved it aside as "closely affected by accidents of place and personnel"; (3) Communal tensions, riots and majority resolutions in Councils and local bodies have multiplied. In spite of Lord Irwin's fervid, noble and genuine appeal to the leaders and the masses, "40 communal riots took place in India in the year ending April, 1927, resulting in 197 deaths and 1,598 injuries, of which 34 developed from music before mosques or during the religious ceremony of one or the other community . . . goodwill has been protested but not translated into action . . . Hindus with greater aptness for English study, subtler minds and strong economic position accepted (with a vengeance) all the implications of a Parliamentary majority and of responsible government of a democratic type, with its tremendous powerful central doctrine of government by majority . . . yet in most essential things in life Hindus and Muslims always kept aloof." This is from the government of India review for 1926–27. "Here in Bihar and Orissa," says the Quinquennial Education Report, "Complaints have been received now and then that teachers foster feelings of hatred in their pupils by their advice, actions and teaching . . . and mutual ill-feelings and recriminations . . . are becoming every day more and more acute." We need not say who the aggressors are in these recriminations when we know which community preponderantly mans the teaching staffs of schools and patshalas. The Local Government Resolution on the Police Reports of Bihar and Orissa for 1921–27 year after year draws pointed attention to "the growth of communal riots which numbered 71 during one year alone and culminated in the now notorious Shahabad Riots of 1926 which broke out at Sassaram and the Bakr-Id riots on the borders of Muzaffarpur and Darbhanga and 10 riots and great tension in Balasore . . . as well as in other distantly separated parts of the Province which entailed much heavy work on the police and grave anxieties especially during Bakr-Id, Desahra, etc. . . . and animosity caused owing to the Sudhi and Sangathan movements." Even within the sacred precincts of courts of Justice we find numberless cases of gross miscarriage of justice owing to sheer communal bias. Owing to the delicate nature of this aspect of the question we refrain from citing instances of such "communal" action in civil and Sessions Courts. But the most recent case of Patna City itself we may safely quote on this point. In the Government appeal judgment against acquittal of a Hindu clerk (charged with embezzling public money) originally tried by a Hindu Senior Magistrate, the Honourable Mr. Justic Macpherson unhesitatingly observed: "Especially deplorable is it that owing to the fact that the accused was of one community and the gazetted officers and the Head Clerk were of another, a communal flavour was recklessly imparted to the case; and thereupon so many Government clerks and peons, all belonging to the community of the accused, concertedly perjured themselves without scruple in support of the egregiously false and cruel defence evolved that the embezzler had made over the money to the Head clerk (a Muslim), and the (Hindu) Magistrate had not only rejected the simple and straight-forward case of the Crown and accepted the transparently concocted case of the defence, but should have written a judgment, not only intemperate and unbalanced but so biassed that Counsel for the accused could only throw it over as impossible to support."

The Muslims of Bihar and Orissa and of India, therefore, now insist that in the same way as in Europe the linguistic, religious, educational, political and administrative rights of the Muslims must be regarded and constitutionally fixed as fundamental. They cannot be changed by the Indian Parliament or any Provincial or local legislature or Boards containing a non-Muslim majority or a Muslim majority dominated (like the non-Brahmins of Madras or Muslim of Bengal, as emphasised in Government of India Despatches) by caste Hindu landlords, officers, agents and money-lenders. The sanction must be the sanction of the British Parliament and fundamental Muslim rights, which we are indicating subsequently, incorporated in the "constitution" of India and safeguarded against all hasty change, till such time as the ultimate growth of mutual trust and goodwill, of political as opposed to communal public morality and conscience and of a more "uniform level of culture, education and economic developments" make the Muslims themselves call for this change by the guarantor British Parliament.

The Commission has very rightly put the subject of electorates in the very forefront of its note inviting memoranda, because it now forms almost a single issue test problem of Indian Politics, high, local or rural. Intrinsically this question is not so important as that of guaranteed fundamental safeguard of minority rights and communal representation. But it becomes unavoidable in the state of things depicted above which, to quote the Director of Information, is "likely to grow in intensity with further extension of the Reforms, bringing India face to face with some of the problems.....of self-government and precipitating a (greater) struggle for powers and emoluments of office and, in fact, for control of the machinery of government." Besides, this problem has been further complicated by the timorous, sophisticated and piecemeal manner in which the otherwise unimpeachable transitional process of separate electorate has been tried out in India; thus putting further back the happy day when "necessity of its enforcement" may be prevented by spontaneous confidence. In spite of "the weighty concensus of opinion" since the days of Dufferin and Lansdowne, separate electorates did not exist before 1909, when, however, it was introduced only for microscopic number of Provincial Council seats, the bulk of the seats remaining open to the Muslims as general constituencies. These latter were, except in one solitary and abortive instance, never contested by Muslims in Bihar and Orissa. And all over India Muslims failed to get even their best men elected through them from Council, landlord or University constituencies, Mining, Commerce or Industry, presumably because they have not (like the non-Brahmins and Europeans and Anglo-Indians) "any earthly chance of being returned." This arrangement, therefore, proved unsatisfactory and inadequate to secure Muslim representation even in majority provinces like Bengal and the Punjab. Accordingly in 1919 a more thorough-going policy

of separate electorates was adopted in the minority provinces and the same also extended to the two majority provinces. But still separate election was confined to the seats for the Local Council, Assembly and the Council of State, and did not extend to local bodies or the so-called mixed constituencies. The result has been that communal pressure has failed to be relieved in higher political spheres, while communal tension was being accentuated by the hysterical and suicidal majority actions and elections in the growingly rich, powerful and wide awake local bodies. This danger became so imminent that an 86 per cent. Hindu majority in the U. P. Council spontaneously introduced separate election in the District Boards elections; with the result that even Mr. Chintamani says "separate electorates to District Boards had removed one cause of friction."

Similar removal of friction in Municipal, District and Local Boards is the most urgent problem all over Urban and Rural India; and we will soon demonstrate this unanswerably with facts and figures about the local bodies of Bihar and Orissa. It is worse than futile to have separate electorates in higher legislatures if it be not also introduced in the lower training grounds where really self-government is actual and operative in the everyday political, educational, sanitary and economic life of the masses of Indian population. The present position is anomalous and inter-communally fraught with dangers which have only just begun to become apparent in their lurid nakedness. Nor has "there been such a development of unity of purpose and identity of interest or such improvement of political relations" as to justify the removal of the separate electorate altogether. The only logical and safe alternative, therefore, is to give this system a thorough, fair and unfettered trial right through the whole gamut of our representative and administrative institutions.

Separate electorates seem, for the present, the only form of protection for Indian minorities, scattered over large areas aggregating 18 lacs of square miles, and differing widely in quality and quantity of intelligence, discipline and economic and political organisation. Examples of virtual exclusion of Muslims in all mixed constituencies, as already pointed out, and in all local bodies where joint electorates prevail merely point this moral. If to quote again from the Southborough Report backed by subsequent Parliamentary sanctification, they secured this "even perhaps at the cost of disregard of sound constitutional forms." If "Reservation (of seats in mixed electorates) is not acceptable to non-Brahmins because they mistrust candidates in whose election Brahmins would take part, however limited may be their number of votes," if the astute "organised" Mahrattas, who, according to the Southborough Committee, "number five millions as against 14 millions other Hindus and possess predominant voting strength in the five districts" where they abound, have claimed and got separate electorate in spite of the Franchise Committee's unequivocal and strong protest, what chance then is there, under conditions already indicated, that Muslims who are not in a 22/1 majority but 10/1 minority in Bihar and Orissa and who eat, think, worship and live differently, will not "mistrust" co-religionist puppets who will be put up as creatures of the landlords, moneylenders, lawyers and politicians of an aggressive and overwhelming majority community? We have no desire to be hard on our black sheep, who are under such cruel domination and will not show up such individual cases which are already familiar in Municipal District and Local Boards, wherever joint elections prevail in minority and even majority provinces with Hindu domination.

Separate elections for the Peers exists and has existed for centuries in at least the Upper Chamber of the Mother of Parliaments. It existed in Austria-Hungary, in Cyprus and in Palestine. We fail, therefore, to see the honesty of political wisdom of the tirades that are indulged against it by Majority Hindoos, who, however, claim 50 per cent. and secure 33⅓ per cent. representation in the Police of a would-be Province, where they will be in a minority of 3 per cent. Nor do we see why Lord Olivier, himself a Peer of the Realm, should lose his customary clarity of thought and generosity of sympathies and "despair for a constitution resting on the disastrous expedient of communal representation aggravated and intensified by communal jealousies and hostilities" (which the Lucknow Pact and the separate electorates of U. P. District Boards have been authentically admitted to have largely composed already). That Indian Muslims do "have a case" was admitted in 1923 by the Leader of the Assembly, Sir M. Hailey, when he said: "However much some of us may desire to see the end of communal representation (through separate electorates) the history of the past three years has shown us that India at large is not yet ready to abandon it. There may come a time when education and social advancement will secure that result, when all such difference will be lost in the larger sentiment of nationality or social service But that time is not yet."

We have already quoted the authority of all successive Secretaries of State, Viceroys and Commissioners to establish the fact that, in minority Provinces, Muslims should get an allotment of seats much "in excess of their numerical and mathematical strength" in order to make their representation effective by "making them feel that they are not overwhelmed." In the "accomplished landmark" of Lucknow Pact Hindu leaders have admitted that an effective minority can do them no harm, while it secures the permanent goodwill and confidence of their Muslim compatriots. The 25 per cent. of seats in all legislatures allotted to Muslims in Bihar and Orissa by them has been inviolably upheld by the Franchise Committee, Government of India Despatch, Parliamentary Joint Committee and embodied in the Reforms Act. This 25 per cent. also approximates to the more scientific dissent minute allotment of Sir W. Vincent when he said that "the strength of Muslim interests in Bihar and Orissa, U.P. and Bombay calls for some further moderate adjustment (from what the Committee and the Despatch had conceded). . . . Some special constituencies (like Indian commerce, landholders, University, etc.) cannot be suitably subdivided on a communal basis and in these it can be expected that non-Mohammadan interests will predominate. . . . (I would, therefore,) where Mohammadans are in a majority let them get representation in that proportion and where they are at their weakest let us double that proportion."

After this it is unnecessary for us to add anything beyond our rightful claim that; (1) Muslims in Bihar and Orissa should be guaranteed (in the new "constitution") representation by separate electoral rolls at the fixed ratio of 25 per cent. of the total number of seats in all legislatures; (2) that they should be allotted the same representation in all local bodies except in Chota Nagpur and Orissa where their "proportions may be doubled" as there, their percentage ranges from 1.7 to 8 per cent. in rural areas; (3) that areas of constituencies, qualification for franchise and seats should be scientifically readjusted to suit this ratio in reference to Muslim electors; and (4) that "no law, regulation or official action shall prevail against" this fixed allotment. Let us give a fair, conscientious and whole-hearted trial to this system as it is the only salvation for political India till we again (and on a more permanent and intrinsic footing) restore the mutual confidence and affection and the consequent administrative facilities of the short-lived and artificial Rapprochment days of 1919–20.

A general point we would make about the legislatures and especially about Provincial legislatures,

before we begin our specific requests and demands about them, is to urge Government members not to be so nervous or procrastinating about answering questions and supplying information and figures called for. This has been one of the greatest stumbling blocks in the way of popularity of the Councils and of the birth of a tradition of sobriety and responsibility among the Councillors. We admit that with "no powers of initiative" members and especially minority members, may be inclined to let off energy and relieve their depression at majority dominance by asking too many questions. But this is merely natural and will soon work off; unless resentment is courted by lack of patience and tact on the part of those who sign every official letter as "our obedient servants" and have actually got a glorious tradition of "Service" to be proud of. For instance, in the writing of this memorandum, extreme difficulty was experienced in wading through a mass of barren questions in local Council on points of Muslim representation, enlargement of responsibility of public bodies and workers, etc. We know this is a difficult subject to lay down specific constitutional clauses about. But equally have we watched its baneful effects in Council, Press and public in unduly and undeservedly discrediting Reformed legislatures; so we insist on the constitution makers to end or at least mend this state of affairs. For instance, there might be great difficulty in securing good debaters and tactful and helpful Government representatives among officers who have for years specialised in field, file or "expert" work; and the growing volume of Council work may be a serious hindrance to overworked Secretaries and Heads of Departments. In that case, it might help efficiency to relieve these officials of Council duties and select, or train a separate set of officers to present the Government views of one or several departments and to supply information with respect to them and take part in debates and even carry on propaganda for popularising Government generally and Government policies in specific matters by mixing freely and intimately with the Indian leaders of thought and politics in and outside the Councils. Also, the Ministers must have Parliamentary Secretaries to do the routine part of these duties for them and leave them time and peace of mind to conduct the more important piloting of serious measures in Council and to carry on their important and heavy normal administrative duties. Then alone will disappear all complaints of hindering rather than helping by Government replies, or of inefficient or snappish budget and Money Bill speeches. Nor will exuberant junior secretaries feel any necessity to repeat warnings in loud chorus to bring impatient or inexperienced Councillors to their senses, as if arrogating to themselves the powers of the Speakers of the Indian Parliaments. All these are not "minor points" but really major irritants. Safeguards should be made for adequate representation of Muslim interest in the Cabinet by Statutory provision. Also, in view of the political power residing in the will of mathematical majorities in legislatures, would ask for grant of some special power, to be used only in exceptional cases, to enable the Governor to save the situation when a majority makes a dead set to oust a conscientious minority community Minister or create a deadlock in departments under his charge, or to hastily reject measures brought forward by him or to exasperate his community by private bills affecting it adversely in fundamental matters. Apart from this we would ask for withdrawal of all initiative powers on the part of the Governor, and especially so in the case of money matters and legislative resolutions. We consider the checking effect of the Viceroy's assent quite enough in the Assembly on the analogy of similar assent and signature of the Emperor, whose Vice-regent he is, for measures passed by both Houses of Parliament. In the case of Provincial Legislatures there may be the further check of the Government of India's sanction being necessary to all Bills involving fundamental or material change of policy or principles.

With the grant of Provincial autonomy and larger and quicker Indianisation of services, we would, as a natural corollary, ask for much enhanced powers of initiative and administrative responsibility for the legislatures; because it is primarily to check and direct the governmental agencies that legislatures exist. And as these agencies are growingly manned by Indians, so should the accredited representatives of the Indian peoples have more control over them. Specially in budget and allotment matters should these powers be extensive and final, except in so far as intercommunal adjustment is concerned, which should, as already indicated, be governed by specific fundamental clauses which shall not be subject to whims of majorities or "the accidents of time, place or personnel." As a natural result of these enhanced powers we would ask for a larger number of sittings during each session and in the whole year—especially of sittings devoted to private business, which, as already indicated, will tend to increase, in the first instance, even disproportionately. The present 30 or 40 days' total yearly sitting of the Bihar and Orissa Council or Assembly, however convenient to minimise the main "delaying powers of legislatures," will be grievously insufficient for anything like real responsible autonomy.

If Provincial Governments are to be autonomous (which is the minimum joint demand of India) and Central Governments largely so (limited only by the Viceroy's direct charge of defence and foreign portfolios), we take it that there will be need for no official members, bar the Ministers and their Parliamentary Secretaries, in the Provincial and Central First Chamber. But in order to help in the training of the new Councillors and to supply information and expert advice impartially to all parties and communities, we would demand the presence, for some time to come, of Government officers and experts in the Councils who will be able to take part in the debates but not vote, a practice by no means new to Indian legislatures and prevalent in many deliberative and representative institutions all over the world. These non-voting members to be in addition to the Parliamentary secretaries in all and official members in the Viceregal portfolios of the Central legislatures. For the Bihar and Orissa Council we would suggest the number of such officials to be 18, corresponding to the number of main departments under the Local Government. We will not specify the departments as at present constituted, because it might be necessary to re-shuffle or re-group them for Council representation purposes after Provincial autonomy is introduced.

Regarding bicameralism and federalism, opinion is veering round in its favour among Muslims and other minority communities as a further and effective check on hasty or majority or extremistic legislation by the greatly enlarged legislatures. We think that Muslims would not be opposed to bicameralism even in the Provinces if (1) thereby the conservative and over-orthodox Hindu elements were not unduly fortified in the power they already possess as majorities in the Provincial first chambers; (2) the landlords and money-lenders who are already dominating over them are not unduly fortified in their political power; (3) no double representation is secured to these classes as such in both chambers; (4) the Second Chamber is not used as an arbitrary or reactionery instrument of normal legislation, but is constitutionally limited to functioning as a revising senate of wiser, old and more learned law-givers; and (5) it does not possess any drastic powers over money bills. With these safeguards guaranteed in its constitution we would welcome a Second Chamber in the Bihar and Orissa legislature.

CASE OF BIHAR AND ORISSA MUSLIM ASSOCIATION. [*Continued.*

ALLOTMENT OF SEATS AND FRANCHISE.

Regarding franchise and numerical strength of legislatures and allotment of seats in them to Bihar and Orissa Muslims it may be helpful if we review the present position in all of them very briefly for Bihar and Orissa. A few facts and figures will explain the present political and economic local position :—

Population.	Area.	Population Urban.	Population Rural	Rev. and Rts.	Hindu.	Moham-madans.	Literate.	Illiterate.
B. & O. Total	Sq. miles.			Lacs.				
1923–24 ... 34,002,189	83,161	1,374,765	32,627,424	236	8·284%	10·85%	103,706 Female	15,281,315
					28,166,459	3,690,182	1,482,551 Male	
Bihar ... 23,380,288	42,360	964,053	22,416,235	177	—	—	—	—
Orissa ... 4,968,873	13,736	174,449	4,794,424	34	—	—	—	—
Ch. Nagpur 5,653,028	27,065	236,263	5,416,765	25	—	—	—	—

Occupation 1921 :—Agriculture 81·4 per cent. Industry 6·6, Trade 3·8, Transport ·8 } All mostly rural.

Administration 3 per cent., Profession and Arts 7 per cent., Public Forces 3 per cent., Domestic Service 15 per cent., Living on Incomes 2 per cent., Insufficiently described 3·5 per cent.

In literacy :—Hindu Males 1/16, Hindu Females 1/400; Muslim Males 1/18 per cent., Muslim Females 1/189 (as per Government Education Department Records).

In Education 1924 :—Per 1,000 of Population, 2 Secondary and 21 Primary School Scholars.

NUMBER OF ELECTORS IN 1928.

PROVINCIAL COUNCIL.

	Council of State.	Assembly.	URBAN.				
			Patna.	Tirhut.	Bhagalpore.	Orissa.	Ch. Nagpur.
Muslim	1,970	7,983	5,020	2,892	3,636	X	X
Hindus	422	69,360	17,201	11,835	10,632	5,549	4,850
Land-holders ...	X	129	131	84	65	73	36
			RURAL.				
			Patna.	Tirhut.	Bhagalpur.	Orissa.	Ch. Nagpur.
Muslim	—	—	5,817	5,670	10,961	1,381	5,423
Hindus	—	—	98,035	36,204	43,825	47,695	65,667

European 1,959, University 795, Planters 50, Mining Indians 19, and Europeans 117.

Total Votes Polled (vide Secretary of State's Report Figures 1925–26).

	Council of State.	Assembly.	Local Council.	
			Urban.	Rural.
Muslim	83%	59·4%	61·2%	64·5%
Non-Mohammadan	79%	52·3%	49·4%	62·5%

The Indian Councils Act of 1909 fixed maximum number of seats as:—

India Council 60, B. & O. Council 50, out of which in the Indian Legislative Council on 4-11-1912 there were officials 27, non-officials 33, of whom 27 were elected, B. & O. electing 1, Council 1 and land-holders 1. In Provincial Council on 21-9-1912 there were 19 nominated (of whom not more than 15 officials) and 21 Elected, of whom Muslims 4 and mixed constituencies of Municipalities, 5, District Board 5, land-holders 5, Mining 1, and Planting 1.

The Franchise Committee in 1919 proposed 20 out of 80 elected seats in the Assembly for Muslim and the Fifth Despatch 18 out of 78. And in the Local Councils the Committee proposed allotment of 20 seats in B. & O., 53 in Bengal and 55 in the Punjab, 24 in U.P., 28 in Bombay, 12 in Madras and 9 in C.P. The actual constitution of the B. & O. Council is now 103 total, of whom 27 are nominated and 76 elected. Of the nominated not more than 18 are to be officials (including 2 Executive Members) and for special classes and interests shall be nominated; Aborigines 2, Depressed classes 2, Industries 1, Bengali settlers 1, Anglo Indian 1, Indian Christians 1, and labour 1, of the Elected Muslims 18 (Rural 15, Urban 3), Non-Muslims 48 (Rural 42 and Urban 6), Land-holders 5, Planters 1, European Mining 1, Indian Mining 1, University 1, and European residents 1.

In the present Assembly B. & O. has 12 seats, of whom Muslims get 3, Non-Muslims 8 and Land-holders 1. In the present Council of State B. & O. Muslims get 1 seat and non-Muslims 2 seats, plus 1 extra seat alternate elections. The above figures show that B. & O. Muslims are getting (as they must continue to get) 25 per cent. elected B. & O. seats in the Council of State and the Assembly; but 1 seat less than 25 per cent. in the Provincial Council. That the populations of Orissa and Chota Nagpur are only about one-fifth and land revenue one-eighth each of Bihar proper, though the area is about one-third and half of Bihar respectively. That the urban population is only one-twenty-third that of rural; but the unfranchised electors given to urban areas is about one-fifth that of rural, which is abour four and a half times in excess; and the number of Urban seats one-fifth and one-seventh of rural for Muslims and non-Muslims. That literate males are 11 times as many as illiterates, and literate females 150 times as many as illiterates. But that proportionally Muslim male literates are about equal to Hindus, but Muslim females over double of Hindus. That Muslims have shown a far greater keenness in elections and polled about 20 per cent. more votes in Urban and 3 per cent. more in Rural areas in elections to the last Provincial Council, and about 14 per cent. and 6 per cent. more in the Assembly and Council of State respectively. And that an overwhelming 82 per cent. of the population depends directly on agriculture (and a very large per cent. of those in industry and trade are also really dependent on agriculture) and are rural in their habits and pursuits.

The Bihar and Orissa Muslims therefore demand: That they should be constitutionally guaranteed 25 per cent. of the elected B. & O. seats in the Council of State and of the total B. and O. seats in the Assembly, in both of which 30 per cent. seats should be reserved for Mohammadans as argued out by Sir W. Vincent in the Fifth Despatch on the Joint Report. Of the total seats in the Provincial Council and in the Local Second Chamber, if one is established, they demand fully 25 per cent. The grounds for this claim we have already fully established, *e.g.*, inadequacy of mathematical minority and impossibility almost of getting election through any mixed constituency. We may further state that the democratic traditions of Islam, the growing literacy of Muslim males and still more so of Muslim females, and the keenness Muslims have already shown in their communal electorates, where they exist as much as their practical disfranchisment in joint ones, all justify the above claim of B. and O. Mussalmans.

They should also get the same proportions in all the Committees, Sub-committees and Advisory and other Boards established in these legislatures and their deputations and representatives chosen from them for Indian and Foreign Leagues Conferences, etc.

They should get statutory protection in the matter and fundamental legislation affecting their community as indicated in the Lucknow pact and safeguards for their Ministers as suggested in this note.

Council of State.—They would like to see the franchise for the Council of State broadened and that Chamber to be reconstituted on a proper revising Chamber basis, instead of being used, as it now is, as a normal agency for pushing through and even initiating whatever the Government considers essential legislation. The power of initiating any legislation should be withdrawn, as also power over any money bills accepted or passed by the First Chamber. They would, however, allow, say, 25 per cent. of the seats in this Second Chamber to be reserved for official and nominated members in order to advise the Senate and even actively guide in the revisory proceedings. Apart from this the only checks on hasty or refractory legislation or action on the part of the First Chamber should be possessed as indicated by the Viceroy.

They would therefore also insist that high property qualification alone be not insisted on, but that a considerable proportion of the electors be on an educational and age basis—say graduates and renowned Pandits and Ulemas.

The election should be direct, as at present, and the franchise qualifications and number of seats be roughly the same as for the present Assembly.

Assembly.—The desire that the qualifications for voting and standing for the Assembly should immediately be made the same as for the local Councils now; but that graduates and Pandits and Maulavis be also added to the rolls. The number of seats should be increased to a little more than the present total of elected seats in all the local Councils; and the Assembly to be made purely an elective body.

That its powers over money bills and budgets be final, subject only to the Viceroy's Veto; but that a measure passed in two successive Assemblies shall become an Act. In other matters its proceedings should be subject only to confirmation by the Second Chamber and the Veto or signature of the Viceroy, except in case of legislation affecting minority communities.

That 30 per cent. of seats be allotted to Muslims and one-eighth of the total seats be allotted to B. and O. sub-division, securing 25 per cent. of these seats to Bihar and Orissa Muslims.

That the number of seats allotted to landlords be drastically reduced in the Assembly in view of the facts that they possess special representation in the Second Chamber. Landlords and European Interests may continue to hold the same number of seats in the enlarged Assembly as they hold now, but those held by Indian Commerce and Sikhs should be proportionately increased with increase of personnel. Further, that one seat each be allotted to Indian representatives from each of the cities of Delhi, Cawnpore, Calcutta, Bombay, Rangoon, Madras and Karachi. Non-Brahmins, Depressed Classes, Anglo-Indians, Labour Industries, Mining and Universities should also get some fair representation by separate or joint electorates, according as they desire.

Local Council.—(*a*) In the Local Council the franchise should be on a universal adult basis, as this alone will level up the representation of Urban and Rural areas and give some measure of ultimate fair play to the 82 per cent. agriculturists.

(*b*) If, however, this franchise be considered too broad for India at present, we would still suggest adult suffrage in all towns; because in no country, not

even in England, has literacy been absolutely universal before universal adult suffrage was introduced; and the training already given in corporate existence in Urban areas should be a sufficient guarantee of elective efficiency. In rural areas, however, for the next ten years only the franchise qualifications may continue the same as at present for District and Local Board elections, with such modifications as are found inevitable on enquiry or are needed to effectively enfranchise the agriculturists, the cottage industrialists, the rural traders and the labourers.

Bihar and Orissa Muslims would not object to introduction of bicameralism in Provincial Government, provided it be on: (1) Similar conditions regarding powers, etc., as laid down for the Central Upper Chamber, (2) that landed seats are in that case reduced in the First Chambers and educational qualification amply recognised, and (3) 33 per cent. of seats are reserved for Muslims merely to serve as a further revisory and checking influence on hasty or provocative communal legislation against minority communities.

We demand that election to both Local Chambers be direct in all cases, that residential qualifications be only insisted upon for the whole Province and not for each constituency, and that the Council and Second Chamber, the Committees, Boards, deputations and representations from them be on a purely elective basis within 25 per cent. reservation for Muslims and adequate representation for depressed classes only.

The number of seats in the Local Second Chamber should be one-quarter of that of the First Chamber, and that in the Council proper (the First Chamber) on a basis of 1 lac of the total population to each seat in the general constituencies, and in special and communal constituencies on a ratio tallying with the proportion between the number of seats allotted and the number of electors in that constituency.

The Services.—In no country in the world are the services as important an agency of public good as they are in India. Nowhere are the public servants, under the Government, as well as local bodies, so almost exclusively looked up to for guidance, for control and for active help as in India. Now to modern political organisation, India still affords unique opportunities to the public servants of contributing to the growth, the prosperity, the peace and the happiness of the masses as much of the classes. No other agency is here in such intimate living contact with the masses and has such an overwhelming share in the shaping and control of their destiny. For good or for evil, the services have, ever since the uprooting of indigenous self-governing institutions 2 or 3 centuries ago, directed and controlled the nation's destiny and executed its policies almost exclusively. And for another quarter of a century at least will this continue to be so, while India laboriously and with many a lapse and travail accustoms herself to those new and modern machineries of Swaraj which are being fast evolved or imported.

The struggle and the bitterness about representation of the different communities in the services has thus a very much deeper meaning and a nobler significance than merely that of "loaves and fishes." Whatever the ostensible "constitution" or policy established, a very great deal does, and for decades to come must, depend on how and who directs and operates it in actual working. The administration may constitute only 3 per cent. and 1.48 per cent. of the populations of Bihar and of India respectively, but it is because they are virtual Directors of the Nation's destiny that Britons and Indians, Hindus and Muslims, are competing so eagerly for their due or undue shares in it. Whatever side or false issues and war cries or false alarms may be raised in the battle thus joined, the plain issue remains the same; "and the Reforms have, by bringing India face to face with problems of self-government, precipitated the struggle for powers and emoluments of office and, in fact, for control of the entire machinery of Government," as says "India in 1926–27." As there is more and more of withdrawal by a dislodgable Bureaucracy, as more and more people new to power and responsible politics come into formal sway, the more will the experience and training, the technical skill and administrative efficiency, of officers be effectively used and be valued. As we approximate more to self-government, the more will the influence of these guides, philosophers and friends of the public bodies and leaders increase in the first instance; and the more will there be action and reaction of opinion and actions public and official.

It is by way of recognition of these factors in present and recent politics that the Lee Commission has emphasised the need for Indianisation of the Services and as a present ideal, fixed the percentage of Indians in the Superior Services at 50 per cent. in the I.C.S., 50 per cent. in Police, 75 per cent. in Forest, 60 per cent. in Irrigation, 50 per cent. in Customs, 75 per cent. in Telegraph and 75 per cent. in Railways. In actual working out, however, and because of refusal to fix a higher ratio of immediate recruitments, these percentages are nowhere like established. Government of India had to admit in 1924 that the percentage of Indians in the Superior Services under it was 20 per cent. for Hindus and 2·9 per cent. for Muslims. The Commission, however, grievously failed to carry this policy of fixation of ratios to its logical conclusion; and omitted to fix similar definite ratio also between the Hindus and Muslims and any other minority communities sufficiently important in any province. That this fixation is even more important called for and salutary is proved undeniably by unfortunate incidents and positions in the different services.

If such is the position while a centralised Bureaucracy still reigns supreme, how much more will it be so under Indianised and self-governing conditions, when the present checks are removed and "the powerful central idea of Government by majority" comes into full operation. Unless a fixed, frank and uncompromising ratio is mutually settled between at least the two communities who aspire to Indian self-Government, and accepted and legalised by Government orders and enactments, not only will constant bickerings soil our records of self-Government but the greatest of all human tyrannies will reign supreme in India; the tyranny of a people over a people under unmitigated and disorganised democracy. Policies, however generous and humane or progressive will be executed exclusively for the benefit and to perpetuate the monopolies of the majority communities by the preponderantly Hindu officers, and their actions will be confirmed by Hindu Ministers, Councils, Chairmen of Local Bodies. Any remedial measures will be immediately whittled down and rendered nugatory, and India will become a sorry spectacle of a Hindu oligarchy.

The Muslims of Bihar and Orissa demand that they should get 33 per cent. of all posts under Government, University and all local bodies (except in Orissa and Chota Nagpur where their due proportion is to be doubled as already stated).

The present position in Bihar and Orissa is far from satisfactory, either in gazetted or non-gazetted and lower services. On the 1st January, 1928, there was not a single Muslim officer on the Bench of the High Court or the Superior Services in Medical Departments. The total percentage of Muslim in all the five superior services was 3 per cent. against Hindus, 22 per cent. and Europeans and Anglo-Indians 75 per cent. In the gazetted services of all the 18 or 19 departments of the Province, Muslims were 16 per cent. to Hindus 64 per cent., and Europeans 20 per cent.; Muslims having poorest representation in the Imperial (6 to 54 Hindus), subordinate examinations (37 to 113), education (26 to 152), medical (14 to 104) and public health (4 to 30) as against the Hindus. In the Upper and Lower Division of Secretariat Muslims are outnumbered 6 to 1 by non-Muslims (of whole and overwhelming

majority are Hindus and Kayesths). Total for both divisions is 58 Muslims against 332 non-Muslims. The worst disproportion for Muslims is in the Irrigation, Civil Hospital and P.W.D. (Drawing Section) where they are 1 in each as against 18, 20 and 12 respectively of non-Muslims; and in the Departments of Education (4 to 23), Public Instruction (6 to 31), Excise (2 to 16), Industry (3 to 8) and P.W.D. (General) (5 to 28).

The position in the other lower services of the Departments and District and Divisional and sub-Divisional Headquarters can be well imagined.

Sir Malcolm Hailey, as Home Member, laid it down in 1923 by public declaration that it was "the definite policy of the Government of India to prevent the preponderance of any community, caste or creed in the services under it." Local Governments followed up this salutary lead; and the Bengal Government in 1925 laid down by order of Governor-in-Council that in 45 per cent. vacancies filled by direct recruitment, Government reserves the right to appoint Mohommadans alone provided they possessed the minimum qualifications or secure only the qualifying marks in competitive tests. In the Bengal Secretariat staff 33 per cent. of all vacancies are reserved for Muhammadans as the very minimum proportion to be immediately established. The Bombay Government has made it obligatory in all recruitment to give "a fair proportion to Muslim in the Presidency proper and 50 per cent. in Sind." The Madras Government has "accepted the policy of giving preference to candidates from communities, which have not got a due share of appointments in Public Service, and accepted the proposal of the Muhammadan Staff Selection Board that in proposing lists of candidates suitable for clerical as well as other appointments in public service the following percentages should be adopted as a general rule: Non-Brahmins 40 per cent., Muslims 20 per cent., Indians 10 per cent., Depressed Classes and others 10 per cent." The U.P. Government notified on 29.5.23 that of the "6 vacancies to be filled in the Provincial Executive service, 2 shall go to the Muslims." Similar acceptance of Sir M. Hailey's policy has been made by all Local Governments, except Bihar and Orissa and Assam (where, however, it is now under consideration).

In the N.W.F. where Hindus represent 3 per cent. Lala Lajput Rai led a deputation to the Viceroy claiming 50 per cent. Hindu officers and men in the police and executive forces and it is believed that the Viceroy promised him and is actually giving 30 per cent. for Hindus at least in the former service. What then is there so disproportionate in the Bihar and Orissa 11 per cent. Muslims demanding representation at 33 per cent. ?

The Muhammadans merely want what their numerical plus communal importance entitles them to; and are entitled to very much more in view of the cumulative exploitation of past decades, and the greater "sympathy and protection" needed by the masses and classes of their community economically and politically. They will certainly not be satisfied with less if their rising generation is to be prevented from sowing the seeds of discontent or drifting into anarchism and thus starting the reformed administrations and self-governing and responsible institutions "with a very heavy handicap" indeed.

To prevent this is our most earnest and fervent desire. Similar desire has been expressed by Government, if not carried into effect as much as we have a right to claim. And it is a happy augury for New India that at least some honourable exceptions among our Hindu patriots have fully realised this fact. An aristocrat, a bureaucrat and majority community leader like the Maharaja Dhiraj of Burdwan has recently and unequivocally reviewed the suggestion made by a Brahmin Judge of Madras that to secure equity, peace and fairplay in India, and to help the harmonious evolution and socio-political functioning of our nationhood, 50 per cent. of all posts and of all official and public positions in all grades and sections and of service should be reserved for the Muslim Community after providing for similar guaranteed representation out of the common total to other considerable minority communities. After this need we add more than to point out that in order to bring up Muslim representation to the 55 per cent. prescribed by his solemn promise to Muslims, the Congress leader, the late Mr. C. R. Das, insisted that Muslims should get 100 per cent. of immediate recruitment till the above ratio was passed.

Local Bodies.—Far more important than even the Legislatures is the growth of self-Government and nation building through local bodies. If Indian politicians and constitution makers would devote more than the scant attention now paid to these bodies they will earn the undying gratitude of the 90 per cent. poor and disorganised humanity that lives in India's 685,665 villages, of the 80 per cent. population that depends almost directly on agriculture or the, at least, 14 per cent. of cottage industrialists and rural traders and of landless agricultural and other labourers whose number has swelled from 1 to over 4 crores in the last three decades. Then alone will Parliament and the Political leaders absolve themselves from the blame now attaching to them that in spite of all tall talk of trusteeship and national and social service their efforts at reform and progress are almost exclusively focussed on the insignificant proportion of population in the administration, professions and arts and the public forces who in Bihar and Orissa, for instance, number only 3 per cent., 7 per cent. and ·3 per cent. respectively.

Lord Rosebery even in England complains that the obsession of the best minds of the nation with higher politics results in a tragic waste of energy and resources and in a dangerous neglect of county councils and rural organisations. How tragic the effect of worse neglect of similar institutions and of rural and agriculturists development is in India will appear from the following figures showing the tremendous populations and growingly extensive public funds and departments of day-to-day public life which are intimately controlled by local bodies in Bihar and Orissa:—

1925–26.	Total No.	Population under them.	Total expenses through them.	Educational expenses under them.	Elected members.	Nominated members.	Non-Mohammadan Chairman.	Mohammadan Chairman.
Municipalities ...	58	1,171,003	40,73,950	2,75,053	780	89	57	1
District Boards...	19	31,522,441	146,04,629	40 lacs	466	80	18	1
Local Boards ...	46	26,336,880	Several lacs		408	120	45	1
Union Boards and Committees ...	59	295,409	1,41,394	15,693	318	86	Practically all.	X

Municipalities spend roughly 8 per cent. of total incomes on Education, 16 per cent. on Public Works, 30 per cent. on Conservancy, 8 per cent. on Establishment, 6 per cent. on Lighting, 7 per cent. on Water Supply, 2½ per cent. on Drainage and 11 per cent. on Medical relief. They spend Rs. 38,015/– on school buildings and Rs. 2,55,290 on Primary Education alone.

As to District Boards, the opening of Primary schools rests with them. Government declared on 28.7.21 that they spend roughly 29·5 per cent. on Education, 15·9 per cent. on Medical Relief, 43·6 public works (schoolings, buildings, &c.), 2·2 per cent. on Establishment, 1·7 per cent. on Veterinary, ·01 per cent. on Vaccination and 2·7 per cent. on Water Supply. They control 2,292 miles of metalled and 14,611 of unmetalled roads and maintain 466 Dispensaries and 22,791 Schools with 730,360 pupils.

Union Committees spend 54 thousands on establishment, 19½ on Village Roads, 4¼ on Drinking Water, 29 on Drainage and Conservancy, ¼ Dispensaries and 16 on Education.

And yet we find one Chairman each in all the three classes of Local Bodies. The number of Muslims elected in Municipalities is very low, sinking down to 1 at Purulia and nil at Puri, but still we find not a single Muslim nominated in 11 Municipalities.

Regarding District Board elections we find Government admitting in 1924 that "Muslims were keenly disappointed at the results in which hardly any of their candidates were successful," and in 1927 that "their position still further worsened." In four of them not a single Muslim was elected and in nine only one or two out of an average of 25 to 30 elected in each of them. The position in Local Boards elections was even worse as there was not a single Mohammadan in 27 and only one or two in 12 out of an average of 10 to 15 elected in each of them.

This although for instance in District Boards election from 1 to 28 Muslims stood for election in each of the Boards of Bihar.

After this we cannot be surprised to find the grievous iniquities against Muslims in all distribution of public funds, contracts, employments, educational and philanthropic expenditure and establishment of Urdu Schools and Maktabs. Such is the result of joint electorate system in the only department of self-government in which it exists in Bihar and Orissa. In the expenditure by District Boards on Middle Vernacular and Primary Schools for instance we find only Rs. 60,191/– spent on Urdu Schools and Maktabs and Rs. 11,63,472/– on Hindi Schools and Patshalas, being 47,192/708,192 in Bihar proper where Muslims are about 13 per cent., 11,381/480,405 in Chota Nagpur where they are 7·5 per cent., 1,618/174,875 in Orissa where they are about 2·5 per cent.

Again, regarding Chupra District Board, it was stated that when elections were first started "members said that they would open Schools and no injustice would be done to Muhammadans and the election programme of 1924 promised to open Urdu Lower Primary and Upper Primary Schools and this hope was emphasised in the 1927 programme; but nothing has been so far done. Hindu members later said they would give money for Muhammadan education when Government grants-in-aid were received, but though (very generous) grants are now received nothing is given for furniture for Maktabs or buildings for Urdu Schools; while Patshalas are being constructed and Hindi and Sanskrit Schools established every year. The programme was an Urdu School in each Muslim village; but only one School was started in 1925; and a competitive Hindi Middle English School was started in close proximity supported by powerful Hindus and 8,000/– spent on its buildings. Muslims are told there are no funds for them and dirty attempts are made to break up this new School. The Chupra Muslims therefore pray that quarter share of Board funds should be inviolably given for Muslim education, quarter of the members should be Muslims and Chairman and Vice-Chairman should be Muslims alternately and the Membership should be confined to real residents of villages and not townsmen who are not true representatives.

Similar tales could be told of many District, Local and Municipal Boards all over the Province, of lack of Muslim share in the now extensive and summary powers of the local bodies and the ridiculous share in the expenditure for Muslim Schools, Teachers and Educational Establishment. In one case the Government did all it could, to expel from a Board a Hindu member who has been actually sentenced to six months' rigorous imprisonment, but for admittedly communal reasons this was staunchly and unitedly opposed by the overwhelming Hindu majority. For specific and national reason we refrain from giving actual details of majority high-handedness in passing aggressively anti-Muslim regulations and orders regarding the slaughterhouses, hawking of beef and even mutton.

Muslim, therefore, demand that the extended and growing summary powers given to local bodies should be constitutionally subject to the proviso that :—

1. 25 per cent. of the members be Muslims (except in the Orissa and Chota Nagpur districts where Muslim population should be represented by double its ratio in each area).
2. That 25 per cent. of all expenditure on education should be reserved for Muslims in order to help them to make up the leeway of years of neglect and after this is made up should always bear a fair proportion to their population.
3. That 33 per cent. of all employees and teachers under each body be Muslims.
4. That all regulations and orders affecting the Muslims should be subject to approval of 75 per cent. of the Muslim members and the Local Government should decide whenever there is any dispute as to whether or not any measure falls under this category.
5. If the Chairman is Hindu, the Vice-Chairman should be Muslim and on alternate election this position be reversed.
6. That there should be 33 per cent. Muslims among the auditors employed under the Local Fund Audit Act and that all auditors be definitely instructed to report on the ear-marking and actual expenditure of the Muslim share in the Local Board's budgets every year.

Nor are these demands preposterous when we find the League of Nations insisting as a fundamental clause in Czecho-Slovakian Constitution as already quoted, that "specific sums from the budget of Local or other public authorities shall be devoted to education, religion or philanthropy with a due share in its enjoyment secured to such minorities."

The Hindu Minister for Local Self-Government in Bihar and Orissa in announcing the Government's policy on Mr. Naim's L. S. G. Bill said: "I fully realise the anxiety of the Muslim community and their apprehension that they have no chance of representation unless they get separate electorates."

That apart, however, from communal lapses and such rural neglect as is common to modern world such extension of powers and resources to local bodies and Government responsibility for facilities for much more technical help and educative propaganda is fully deserved, is admitted by the Government in its review of the Administration of Municipalities and Local and District Boards in 1921 to 1926. It is admitted that in the last few years "general efficiency was higher . . . there has been improvement regarding disposal of audit objections (some local bodies) are improving, good and smooth working, and others excellent after three years' bankruptcy and demoralisation and making rapid progress in sanitation, conservancy, roads, water supply, markets and electric installations, etc. True there are exceptions where there are party factions, neglect, apathy and even in rare cases misappropriation and lavish remission and dilatory realisations." But

these are after all only exceptions that prove the rule that Local Self-Government in India is slowly but surely coming into its own.

Growth of Education.—In the political evolution and progress of a country educational extension must always play an important part. Without sound education the electorate will not be able to intelligently exercise its powers. In order to create an intelligent electorate, conscious of its powers and responsibilities, it is necessary that the distribution of facilities for education must be adequate to all communities.

So far as education of Mussalmans in this province is concerned, they are fairly advanced in collegiate and higher education. But in the middle stage the proportion of Mussalmans is very low, the number of Moslem pupils in middle stage being 2,242 or 7·3 per cent. of total number of pupils in middle stage. This is mainly due to the absence of facilities for instruction in Urdu in most middle schools. Out of 591 middle schools there are only 178 which provide Urdu teaching. This state of things must be remedied and adequate facilities must be provided for Urdu teaching in middle schools.

There is great demand among the Moslem population for primary education as evidenced by the increase in the number of recognised Maktabs to 3,477. The Maktab is a primary school in which instruction is given in Urdu and in the religious principles of Islam. These primary institutions are very essential for the development of religious instincts and the growth of Moslem culture. But the number of these institutions form a very sad contrast to the total number of 27,428 primary schools in the province. The grant to Maktabs was only Rs. 3,19,579 as compared with the grant of Rs. 50,61,320 to primary schools as a whole in 1926–27.

A reference may be made here as to the needs of various areas in the matter of primary education. In Purnea, where the Moslem population is above 40 per cent., out of 12 Middle Schools there is not one which may offer facilities for Urdu teaching and out of 133 Primary Schools there are only six Urdu Primary Schools and out of 1,317 Lower Primary Schools there are only 327 Urdu Lower Primary Schools. In the Santhal Parganas, where the Moslem population is about 25 per cent., out of seven Middle Schools there is not one providing Urdu teaching and out of 68 Upper Primary Schools there is not a single Urdu Primary School and out of 1,229 Lower Primary Schools there are only 105 Urdu Maktabs. The total expenses on education in this district is Rs. 1,41,999 while only Rs. 5,228 is spent on Moslem education. In Champaran, where the Moslem population is about 20 per cent., out of 18 Middle Schools there is only one Urdu Middle School and out of 1,187 Lower Primary Schools there are only 194 Urdu Maktabs. In Bhagalpur, where the Moslem population is 10 per cent., out of six Middle Schools there is not one Urdu Middle School and out of 175 Upper Primary Schools there are only six Urdu Upper Primary Schools and out of 1,390 Lower Primary Schools there are only 123 Urdu Maktabs. Owing to inadequate facilities in this area 20 Moslem girls have to join Sanskrit Schools in the Municipality and 121 Girls Hindi Schools in the villages and 18 Moslem boys Hindi Middle Schools and 672 Moslem boys have to join Upper Primary Hindi Schools. In Hazaribagh, where the Moslem is over 10 per cent., out of nine Middle Schools there is only one Urdu Middle School and out of 55 Upper Primary Schools there is only one Urdu Upper Primary School and out of 765 Lower Primary Schools there are only 64 Urdu Primary Schools. In Ranchi, where the Moslem population is 10 per cent., out of 13 Vernacular Middle Schools there is only one Urdu Middle School and out of 101 Upper Primary Schools there are only two Urdu Primary Schools. In this area 3,489 Moslem pupils are receiving education in Lower Maktabs and there is no provision for them at all for further education. In Palamau, where the Moslem population is only 10 per cent., out of five Vernacular Middle Schools there is not a single Urdu Middle School and out of 39 Upper Primary Schools there is only one Urdu Upper Primary School, which is inadequate for 2,791 Moslem boys receiving education in Urdu Maktabs. In Patna, where the Moslem population is only 10 per cent., out of 17 Vernacular Middle Schools there is only one Urdu Middle School. It is difficult to imagine how one Urdu Middle School can provide education for 9,330 Moslem boys who are being educated in Urdu Maktabs. In Saran, where the Moslem population is over 10 per cent., out of 24 Vernacular Middle Schools there are only five Urdu Middle Schools and out of 104 Upper Primary Schools there are only five Urdu Upper Primary Schools and out of 1,342 Lower Primary Schools there are only 83 Urdu Maktabs. This state of affairs calls for serious consideration and how could there be Swaraj or responsible Government when elementary privileges of education are withheld from an important section of the population. Provision should be made for adequate facilities in the matter of Moslem education and an equitable system of grants and grants-in-aid for purposes of Moslem education be devised.

Language.—Nations and races are always proud and zealous of their languages and of the culture, traditions and genius which it enshrines. Even in Britain we find Miss L. George triumphing with her public speeches in Celtic and the Irish New State Dail Erivicum, laying stress on the employees to patronise the Irish tongue. In Europe we find Allies Policy crystallised in such clauses of the constitutions given by the League of Nations as "No restriction shall be imposed on the free use by any Polish national, of any language in private intercourse, in commerce, in religion, in the Press or in Publication of any kind or at any public meeting . . . in the Primary Schools the instruction shall be given to the children of such Polish nationals through the medium of their own language . . . every citizen possesses the right of safeguarding his nationality and of cultivating his national language and customs. . . . Similar clauses appear in the constitutions of all other New European States under the League. We have already given brief sketch of the constitution in Canada where the tenacity of the French specially since 1857 was at last rewarded in 1867 by full Statutory recognition of their language in schools, Legislatures and public offices. We have also proved similar recognition in modern and ancient European States of fundamental laws safeguarding the use of the language of even 5 per cent. populations in Courts, public laws and regulations, documents and official correspondence and in all Court proceedings, orders and petitions. For instance we read in 1919 "Adequate facilities shall be given to Austrian nationals of non-German speech for the use of their language, either orally or in writing before the courts," and in 1922 in the Protection of Minorities clauses of the League at Geneva, "adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language before the courts."

After this no true Nationalist can be honestly proud of the majority tyranny which is frantically trying to decree that Urdu which is even more our national Lingua Franca than Persian or Hindi or Sanskrit (and which had its origin in India's soil and its development through a succession of brilliant Hindu poets and prose writers as well as Muslim servants and religious and historical authors) should not be even permissively and optionally allowed to be used in the courts of Bihar proper where Hindu gentry talk as fine and flowing Urdu as Muslims and find it as great a difficulty to affect the modern Sanskritised Arya Hindi as an Englishman would do to talk or read or write Anglo-Saxon. All this simply because Urdu language happens not only to be the daily used mother tongue of Bihari Hindu and Muslim but also happens in the case of Muslims

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all over India to enshrine their common culture and thus unites the Muslims of Madras with those of Peshawar. The history of this problem is tragic. India had for seven centuries till 1837 Persian for its court and official language and Urd (whether in Dev-Nagri or Persian character) as its everyday Lingua Franca. In a vain attempt to establish English as the Lingua Franca and as a first step to displacement of the remnants of the previous Indian culture Persian was abolished in 1837 as the court language, and Urdu substituted in Persian character in its place in all courts of North-Western India and Bihar and Bengali and Oriya for Bengal and Orissa. Then in 1881 Hindi in Dev-Nagri or Kaythi character was substituted in Bihar courts and official proceedings. This roused a storm of protest and the famous Babu Guru Prasad Sen of Patna died fighting for the restoration of Urdu and leading deputations of Hindus and Muslims to Government for it. Hindus and Muslims, however, continued to use Urdu in daily and social life in spite of the official taboo so much so that the Acting Governor of Bihar and Orissa in Council in 1921 observed that "though this order (substituting Hindi) has now been enforced for over 40 years it is still extremely doubtful whether they have had any appreciable effect in simplifying and making intelligible the language of the Bihar and Orissa Courts, and it may be safely taken that the language now used is to all intents and purposes the same as was current before the promulgation of the orders of 1881." The protest against displacement of Urdu continued unabated and in 1925 the Council motion on its behalf was supported by 19 members of whom nine were Hindus, six other Hindus remaining neutral. In January, 1928, a resolution in favour of optional use of Urdu in all courts of Bihar proper was passed. But unfortunately in the storm of present communal tension this moderate and permissive resolution is being blindly opposed by the Hindu majority. Hindus who themselves in private write and converse in Urdu although in court and official precincts they are forced to painfully transcribe the same into Hindi character, the language, as the Governor said in 1921, remaining beautiful Urdu. This although in the years 1918–22, 50 per cent. of the University candidates (of whom very large majority are Hindus) have taken Urdu (in Persian character) as their optional language; and in one month alone out of the documents put up for registration in the 90 per cent. Hindu Bihar 25,000 were in Urdu, 14,000 in Hindi and 140 in English; and 60 per cent. of the Dakhil Kharij papers in courts and Title Suits are in Urdu; and all the previous judicial records and survey and settlement records and papers are in Urdu and are under constant reference by Urdu-knowing officers, clerks and lawyers. Under such circumstances it is pitiable to find Hindus bringing out bogies of administrative confusion and Government (while protesting neutrality) disappointing Muslims by snatching this chance of again pressing for establishing English as the "only court language and Lingua Franca" in a Province where out of 340 lacs no more than one lac is even elementarily literate in English.

We will not further labour out a controversy which is too transparently a matter of political negotiation rather than deliberate reason; but which has assumed a wholly undue importance owing to the present "accidents of place and personnel" and the cross currents of communal and official tendencies

Elsewhere we have dealt with the subtle attempt made in local bodies and educational authorities to drive our Urdu from the schools, establish no Urdu Primary Schools and Maktabs so far as possible, compel Muslim boys and even girls to learn only Hindi by not providing Urdu teachers in spite of strict departmental circulars; and even refuse library books, furniture and buildings, grants and grants-in-aid to Urdu Primary and Middle and Orthodox Schools.

Comment is superfluous and would only give another opening for constitution makers to "despair of a constitution where the communities insist even on talking in artificially 'separate' languages." The importance of this aspect of the question cannot be too highly emphasised in a country where the two main communities had only this one linguistic element of nationhood in common and differ so vastly in all other nation factors, *e.g.*, racial extraction, religious profession, political and cultural traditions, and in their whole historical past beyond the last six centuries or so.

Bihar and Orissa Muslims, therefore, demand that like the 5 per cent. Italian minority of Switzerland and the French Canadians they should be constitutionally and by Act of Parliament guaranteed :—

(1) In the use of the Urdu in all Courts and official proceedings and the promulgation of all orders and announcements of the Government and all Local Bodies in Urdu also.

(2) In the free use of Urdu in the proceedings of the Councils and all Local Bodies.

(3) In the use of Urdu as the medium of instruction in all classes of Primary and Middle Schools where Muslims are in the majority and the appointment of a proportionate number of Urdu teachers where they are not.

(4) In a due share in all educational philanthropic expenditure from all public and local boards funds for Urdu schools and teachers.

(5) In state patronage of Urdu language, literature and learning and in the University and other higher educational bodies.

(6) In fullest liberty to use Urdu in all their complaints and written statements as well as all petitions to departments, offices and officers under the Government and local bodies.

A Memorandum on the Indian Constitution by SIR GANESH DUTTA SINGH, M.L.C., Bihar and Orissa.

I.—GOAL OF THE INDIAN CONSTITUTION.

The Goal of the Indian Constitution is a federation with full Dominion Status to be reached through an intermediate state, outlined below :—

It is more to the advantage of the country to remain linked with the British Empire than to sever the connection. If the country is left alone, she may develop into a state of chaos and may not be able to retain her independence. The position of British dominions beyond the seas such as Canada and Australia is much safer and more secure than that of several countries which, though independent, are suffering from internal troubles.

The country has not sufficiently developed to maintain her own navy, army and other means of self-protection without British assistance. Moreover, as a member of the British Commonwealth, she will have the advantage of assistance and support from the British Army, Navy and Air Force at much less cost than would be involved in the maintenance of independent military and naval forces. Canada, Australia and New Zealand cannot maintain their independence if left to themselves. Dominion Status

will in fact give advantages to this country which are out of all proportion to the sentimental objections which may be raised against it.

The Montagu-Chelmsford Reform Scheme contemplates gradual constitutional development in this country; and in order to achieve it a new form of Government called Dyarchy was introduced for a period of 10 years. In the course of this gradual development there ought to be an intermediate stage between Dyarchy and Dominion Status. The scheme outlined below will fit in as a suitable training ground for the people in the management of their affairs on the road to complete Dominion Status as the final goal in the constitutional development of this country.

II.—SCHEME FOR A FEDERAL CONSTITUTION WITH LIMITED DOMINION STATUS.

I. The Secretary of State and Government of India—

(1) The Secretary of State (under the Crown) will retain control only over Central subjects 1–5 (*vide* Schedule I, Devolution Rules). (*Note* 1.)

(2) The Government of India will have complete autonomy in all the other Central subjects.

II. The Government of India—

(3) There will be a Governor-General who will appoint his own Cabinet. He will also appoint all Judges of the Indian High Courts. (*Note* 2.)

(4) The Governor-General's relation to his Cabinet will be on the same lines as at present. (*Note* 3.)

(5) The Governor-General and Cabinet will have complete control over Central finances and Central services (except those connected with subjects 1–5), subject only to the provision of safeguards for the rights and privileges of existing officers of All-India Services, and to the powers of the Indian legislature. There will be no fresh recruitment of the Imperial Services by the Secretary of State (except for Central subjects 1–5).

Notes—1. Items Nos. 1–5 of the Central Subjects deal with the relations between the Government of India and foreign powers and with the defence of the country; and it is therefore desirable that the powers of the Government of India shall continue to be subject to the control of the Secretary of State and of the British Parliament as at present.

2. As the Government of India will have, with the above exception, complete autonomy, the Governor-General will have power to appoint the members of his Cabinet and Judges for the Provincial High Courts. It is true that at present these officers are appointed on his recommendation; but such limited powers will not fit in with the autonomous character of the Government of India.

3. Without the power of the purse and control over the public services autonomy means nothing. At present the power of the Government of India in these matters is greatly restricted and they have to consult the Secretary of State at almost every step. But a Central Government of India autonomous, with the one exception specified above, is essential to the creation of real provincial autonomy.

III.—THE INDIAN LEGISLATURE WILL CONSIST OF TWO CHAMBERS.

(1) The Council of State will consist of—

(*a*) Members for life by right. (*Note* 1.)

(*b*) Members elected for a term of ten years, and (*Note* 2.)

(*c*) The Commander-in-Chief and the Governor-General's Cabinet, members by right for their term of office.

There will be a President of the Council of State appointed by the Governor-General sitting with his Cabinet. (*Note* 3.)

(2) The Legislative Assembly will consist of—

(*a*) Members elected for a term of five years by the provinces. (*Note* 5.)

(*b*) A few experts as temporary members, nominated by the Governor-General and Cabinet, for the discussion of particular subjects. (*Note* 6.)

(*c*) The Commander-in-Chief and the members of the Governor-General's Cabinet. (*Note* 7.)

There will be no nominated members, official or non-official. (*Note* 4.)

There will be a President of the Assembly, elected by it for a term of years.

(3) The Indian legislature will have power to legislate on certain specified subjects, viz., Central subjects, subject to the control of the Crown and Secretary of State regarding subjects 1–5 only. (*Note* 8.)

(4) The budget will be laid before both Chambers as at present; and the procedure for legislation and the powers of the Governor-General in relation to the budget and to legislation will be on the same lines as at present, except that the control of the Secretary of State and the Crown will have been removed. (*Note* 9.)

Notes.—1. The utility of official representation and nomination has passed away. Henceforward there should be representation either by right or by election. The constitution of chambers such as the British House of Lords and Senates in most other countries does not permit of nomination. There are no elected members of the British House of Lords, and in Italy the members of the Senate are appointed for life, while in most other countries they are elected for a term. It is desirable to combine both these systems in India. Election will provide an opening for deserving candidates who cannot gain admission otherwise to this august assembly.

2. The composition of the Council of State is described in more detail in section IX, and the method of election of the elected members in section X(D). These sections and the notes on them will indicate more clearly the nature of this body. The life of the elected members of the upper chamber is twice that of those of the lower chamber. In all countries there is a similar provision.

3. At present the President is appointed by the Governor-General. But it seems advisable that he should take the advice of his cabinet. The Assembly and Legislative Councils already elect their own Presidents, and have not abused their powers.

4. It is desirable to give more responsibility than is at present given to the representatives of the people in the Assembly. The official and the nominated blocks create a spirit of hostility to Government, while they stunt the growth of a spirit of responsibility and of a healthy party system in the elected members.

5. The way in which these members will be elected is described in section X(C); and details of the composition of the Assembly in section VIII. These sections and my notes thereon may be referred to. It will consist of 250 members, including 240 elected members, on the basis of roughly one member to a population of 10,00,000. This province will return 35 elected members.

6. Occasions on which experts will be required are, *e.g.*, during the discussion of a bill regarding some special subject.

7. I have no objection if they are members of both chambers; but dual membership would be rather anomalous. The Commander-in-Chief and the members of the cabinet will be members of any one of the Chambers with right of entrance to the other.

8. I have deliberately confined legislation by the Central legislature to specified subjects, so that Provincial legislatures may have freedom for all other subjects, and not *vice versa*. Otherwise the Central Government is likely to be always claiming the right to interfere with the rights of the provincial legislatures. I wish to leave the latter as wide powers as possible. I have not attempted a new definition of the present

central subjects, though these will probably have to be restricted, *e.g.*, Audit need not perhaps necessarily be central; nor civil law. (Civil customary law is in danger of becoming too rigid owing to excessive centralisation and the application of case law). Items 17–20, 43, 46–7 of the present list will also require modification.

9. I have intentionally left the details of the relation between the two chambers of the Central legislature rather as it stands at present. I have suggested details regarding the relations of the two provincial chambers in section V. The reasons for difference of treatment in the two cases are that in the provincial legislature the Cabinet is responsible to the Council on strict Parliamentary lines. The Governor-General's Cabinet is not. Wider powers of control must therefore be left to the Governor-General than to the Governor; and his responsibilities and those of his Cabinet will differ from those of the Governors and their Cabinets.

IV.—PROVINCIAL GOVERNMENTS.

(1) The provincial Governments will have complete autonomy in all provincial subjects.

(2) There will be no " reserved " subjects. (*Note* 1.)

(3) There will be a Governor in each province appointed by the Crown. The Governor will appoint his Prime Minister from among the elected members of the Legislative Council. (*Note* 2.)

(4) The Prime Minister will select the other Cabinet Ministers from among the elected members of the Legislative Council.

(5) The Ministers will be jointly responsible for the administration of provincial subjects. (*Note* 3.)

(6) The Governor and Cabinet will have complete control over the provincial finances and provincial services, subject only to the powers of the provincial legislature. (*Note* 4.)

(7) There will be no further recruitment of the Imperial Services for serving in the provinces.

(8) The rights and privileges of existing members of the Imperial Services will be fully safeguarded.

Notes.—1. Dyarchy has been tried and found defective. In practice it is difficult to divide Government into two halves. It has created unnecessary jealousy among the officers in charge of different departments. The Transferred Subjects are generally administered and inspected by officers of the Imperial Services. A tendency is noticeable on the part of the officers of the Reserved Side to find fault with the Transferred Departments and to display bias, conscious or unconscious, against the administration of them. There is a scramble between the Members and Ministers for funds.

The distinction between Members and Ministers is another objectionable feature of dyarchy. The latter are considered inferior to the Members of the Executive Council. The Government of India Act has also made this undesirable distinction between the position of Ministers and Members.

This form of Government also stands in the way of the development of a party Government.

The recommendations of Ministers in certain matters (*e.g.*, in the matter of conferring titles, etc.), are restricted by the suggestions of the local officials, who serve under the Reserved side of Government; and frequently Government is therefore hampered by consideration of the prestige of officers of these services.

Though the administration has been carried on with apparent success in this province, this has only been rendered possible by a degree of forbearance on the part of the Ministry which cannot be expected to continue much longer. Admittedly this form of Government was adopted as a preliminary step for further reforms; and the next step must logically lead to provincial autonomy, in which Government under a Cabinet system must have complete control over all the provincial subjects and provincial services

When the dyarchy is abolished, the distinction between the Transferred and Reserved subjects will automatically disappear.

2. The cabinet will be constituted on British parliamentary lines. The Governor will appoint a Chief or Prime Minister out of the elected members and he in turn will form his Cabinet from the elected members of the Council.

The members of the Cabinet may properly be called Ministers, as in England. They will all be nominated out of the elected members according to the British parliamentary system.

3. The Ministers will be jointly responsible to the Council as is the Cabinet in England to Parliament.

4. Complete power over the provincial purse is also very essential. The provincial finances cannot be improved under the existing restrictions. When the province will have provincial autonomy, it must have control over all its servants. Nor can any Government control servants whom they cannot appoint, remove or dismiss, and who will continue to be subject to the control of the Government of India and the Secretary of State. Of course, their existing rights and privileges should not be affected. But recruitment for all the Imperial services (except for the Army and Navy) must cease, and provincial Governments must henceforth recruit for provincial services only.

It is very essential to safeguard the interest of the existing members of the Imperial Services. As future recruitment will be made by the provincial Government, the number of Imperial Service men will go on decreasing every year; and the arrangement is temporary and it will not last beyond 20 or 25 years at the most. It will be very unfair not to safeguard their interest. This may be done amongst other ways by making, if necessary, their salaries non-voted as at present. Their terms of service should not in any way be disregarded. If it is done it will amount to a breach of faith. It is quite open to them to retire on proportionate pension as they are doing at present.

V.—THE PROVINCIAL LEGISLATURE WILL CONSIST OF TWO CHAMBERS.

(1) The Provincial Senate will consist of—

(*a*) Members for life by right.
(*b*) Members elected for a term of ten years.

There will be a President of the Senate appointed by the Governor and Cabinet.

(2) The Legislative Council will consist of—

(*a*) Members elected for a term of five years.
(*b*) A few experts as temporary members, nominated by the Governor and Cabinet, for the discussion of particular subjects.

There will be no nominated members, official or non-official. (*Note* 2.)

There will be a President of the Legislative Council elected by it for a term of years.

(3) The entire provincial budget will be submitted annually to the vote of the Council in the form of demands for grants.

(4) If the restoration of any demand to which the Council has refused assent or of any reduction in any demand which the Council has made is in the opinion of the Governor essential to the discharge of his responsibilities for the administration, the Governor may require that this demand shall be laid before the Senate. (*Note* 3.)

(5) The Senate will then consider the budget in relation to this demand, and may restore it, whereupon the Government will have power, in relation to such demand, to act as if it had been assented to.

(6) The Governor will have power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquility of his province. (*Note* 4.)

(7) All laws imposing or authorising the imposition of any new tax will be laid first before the Council and then before the Senate. No such laws may be introduced except by Government. (*Note* 5.)

The Senate may refuse assent to any such law. (*Note* 6.)

(8) All laws other than the above will be laid first before the Council and then before the Senate.

The Senate may refuse assent to any such law or may modify it and send it back so modified for reconsideration by the Council.

(9) The Governor may call a joint meeting of both chambers in the circumstances provided for in section 67 (3), Government of India Act.

(10) All laws before they become valid must receive the assent of the Governor. (*Note* 7.)

(11) The provincial legislature will have power to legislate on all subjects, except those expressly reserved for legislation by the Government of India. (*Note* 8.)

Notes.—1. The provincial legislatures should consist of two chambers as in most other countries. The Lower Chamber will be more representative in character and the number of members will be larger. The Upper Chamber should as in other countries, consist of men of position holding sober views. The main function of the Upper Chamber should be to exercise a sobering influence on the administration. An irresponsible or hasty step on the part of the Lower Chamber may create trouble if there is no check provided by the Upper Chamber, and this check is more necessary in India than in most other countries, owing to the existence of an electorate not yet trained to political ideas. A two-chamber system which has been justified in France, the United States of America, and England will be essential to successful parliamentary Government in this province.

2. The disadvantages of the official block have already been mentioned. It prevents the growth of a party system. It encourages irresponsible criticism of Government. It is undemocratic and nominated members do not really help the communities whom they represent. The official view will be represented by the Ministers. There is no official block either in the British Parliament or in other countries. Its sole purpose was to safeguard the interests of Government under the Dyarchy.

3. This and the succeeding provision are required as a check on hasty action by the Council until the Council has acquired a parliamentary tradition. Dyarchy has provided no training in this respect. In fact it has inevitably led to irresponsibility on the part of the opposition, and has often converted all non-official members into an opposition. The retention of the Governor's power of restoration of budget demands would render cabinet Government impossible. So the check must be provided by the Senate. It may be found advisable to require a two-thirds majority of the senators. Such a provision is enforced in some countries.

4. This existing provision must be retained in the interests of the executive. It will only occasionally be used.

5. The power of initiating taxation bills should be in the Lower Chamber because that Chamber will be more representative than the Upper Chamber; and that is the case in other countries.

6. The English constitutional checks in the matter of finance bills would not work in the absence of a strong parliamentary tradition. I have not given the Senate power to modify a bill imposing new taxation, though it will have that power regarding other legislation, because modification of a bill imposing a tax would ordinarily stultify the bill.

7. It is necessary to retain the Governor's power to refuse assent. The Governor's position cannot be rigidly defined. He must have wide powers. But if any scheme involving a Governor is to succeed in a democratic constitution the Governor must act according to the spirit of the constitution. His position should be less, not more difficult than it is under the dyarchy.

8. See my note 8 on section III (3). At present the powers of the provincial legislature are confined to scheduled subjects. My proposal is to reverse the position and to confine the powers of the central legislature to scheduled subjects. This is, I believe, the position in America: and it is necessary, if provincial autonomy is to be real. At present central control involves endless unnecessary delays, and also cripples provincial administration and finance.

VI.—COMPOSITION OF THE COUNCIL OF BIHAR AND ORISSA.

The Council will be composed of 144 elected members (for details see Appendix B) representing Non-Muhammadan and Muhammadan constituencies and various special constituencies (see list in Appendix A), and one expert nominated *ad hoc*.

The essence of the Council will be that it will be entirely elected. The system of indirect election of M. L. C.'s by an electoral college of "headmen" for rural and of "urban electors" for urban areas should also result gradually in the election of real representatives of the people, and in the steady political education of the people. Without the safeguard of indirect elections the dangers of a parliamentary system would be multiplied. (*Vide* my notes on section X below.)

The reasons for increasing the number of seats are these:—

(1) Some of the interests are quite inadequately represented, such as landlords, depressed classes and so on.

(2) There is difficulty in forming suitable constituencies without increasing the number of members.

(3) The increase of the Muhammadan seats becomes necessary on account of increase of seats representing other interests.

All the general constituencies will be single-seated, and so far as possible, the special constituencies also.

VII.—COMPOSITION OF THE SENATE.

(1) The Senate will be composed of:—

(*a*) 25 elected members.

(*b*) Life members by right.

(2) Qualifications of life members.

The Upper Chamber will consist of 25 elected members, and as many life members as are eligible under the following rules. The life members should comprise all Rajas, Raja Bahadurs, Nawabs, and Nawab Bahadurs, ex-High Court Judges, ex-Ministers, and ex-Members of the provincial Government, ex-Vice-Chancellors of the University and ex-Presidents of both Chambers, all persons holding the title of Knighthood and C.I.E., and other English titleholders equal to the rank of Raja and men paying revenue or income-tax of, say, Rs. 20,000 or more. In fixing the qualification of members of the upper chamber, care should be taken that the strength of the Senate does not exceed a certain limit, say 60. In Bihar and Orissa there will be 25 elected members—five from each division—elected by the members (of the two Chambers, *i.e.*,)

5 Muhammadans;
2 Europeans; and
18 Non-Muhammadans.

A Senate composed as above will be a sober body but sufficiently representative not to check progress unduly.

VIII.—COMPOSITION OF THE ASSEMBLY.

(1) The Assembly will be composed of 240 elected members, three experts nominated *ad hoc* and the Governor-General's Cabinet and Commander-in-Chief as explained in III (2).

(2) This province will elect 35 members representing the constituencies listed in Appendix C.

The present system of mixed constituencies leaves certain interests unrepresented. Representation is also not proportionate to the population of the

country. As a general principle there should be at least one member to a population of 10,00,000. For the method of election see section XC and notes thereon.

IX.—COMPOSITION OF THE COUNCIL OF STATE.

(1) Will be composed of :—

(*a*) 50 elected members.
(*b*) Life members by right.
(*c*) The Governor-General's cabinet and the Commander-in-Chief.

(2) This province will elect five members.
(3) Qualifications for life members.

The qualifications for life Members of the Council of State will be : Men holding the title of Maharaja and Maharajadhiraj or English titles of higher rank than Knighthood, Ex-Members of the Executive Council of the Viceroy, and Ex-Chief Justices of the Indian High Court, Ex-Presidents of the Legislative Assembly and of the Council of State, and men paying revenue or income-tax of say Rs. 50,000 or more, and 50 elected members, of whom ten members will be elected by a joint electorate of the Assembly, and of the life members of the Council of State, and 40 by a joint electorate of the provincial Chambers in each province. This province will be entitled to return five members out of 40, one of whom will be a Muhammadan. They will be elected by the members of both the Chambers jointly.

In fixing the qualification of life members of the Council of State care should be taken that its strength is kept within a certain limit, say 120.

X.—THE ELECTORATE AND ELECTIONS.

A.—Elections of Members of Councils.

(1) M. L. C.'s will be elected :—

(*a*) By indirect election, from Non-Muhammadan and Muhammadan constituencies (and from an Indian Christian constituency in Ranchi district) ;

(*b*) By direct election from various special constituencies (for list and qualification of voters, etc., see Appendix A).

(2) *Indirect elections.*—The primary constituencies will be :—(*Note* 1.)

(*a*) In rural areas, the chaukidari circle.
(*b*) In urban areas, the ward or mahalla.

(3) The qualifications for voting in primary constituencies will be the payment :—

(*a*) In rural areas, of chaukidari tax.
(*b*) In urban areas, of municipal tax.

(4) The method of voting will be by ballot under the supervision of an election officer assisted by two "punches" appointed by him.

(*a*) In rural areas, in each village.
(*b*) In municipal areas, in each ward or mahalla.

In the case of :—

(*a*) One "headman," or more if necessary, will be elected for each chaukidari circle, and in the case of—

(*b*) Urban "electors" will be elected in each mahalla to the number of 5 per cent. of the rate-payers of that mahalla.

(5) These elected rural "headmen" and urban "electors" of each sub-division of a district will directly elect the members of Council by ballot. (*Note* 2.)

(6) There will also be indirect elections of representatives of the special constituencies of Labour and of the Depressed Classes, as described below :—

(*a*) One representative of the Depressed Classes will be elected for each Commissioner's division by the elected M.L.C.'s of that division. (*Note* 4.)

(*b*) The representatives of Labour will be elected to each constituency by "labour electors" elected directly by the whole labour electorate of the constituency on the same lines as the elections of "urban electors"—the electors will be 10 per cent. of the electorate. (*Note* 3.)

B.—Elections of Elected Members of the Senate.

(1) Members of the Senate will be elected indirectly by a joint electorate consisting of the members of the Council and the life members of the Senate. (*Note* 5.)

(2) Five members will be elected from each of the five commissioner's divisions, composed of :—

18 non-Muhammadans,
5 Muhammadans,
2 Europeans.
25

(3) Qualifications of Candidates.—Any one qualified to vote in any constituency, including elected M. L. C.'s of 30 years of age and over.

(4) The elections will take place as soon after the Council elections as possible.

C.—Elections of Members of the Legislative Assembly.

(1) Members of Legislative Assembly will be elected :—

(*a* By indirect election } by the same primary constituencies as for
(*b*) By direct election } Members of the Legislative Council.

(2) *Indirect Election.*—The rural "headmen" and urban "electors" of a whole district will be the secondary constituency which will elect M. L. A.'s. The election of M. L. A.'s and M. L. C.'s will be so far as possible simultaneous. (*Note* 6.)

(3) *Direct Election.*—The special constituencies will elect M. L. A.'s direct, simultaneously with the elections of M. L. C.'s (for list see Appexdix C).

D.—Elections of Elected Members of the Council of State.

(1) Members of the Council of State will be elected indirectly :—

(*a*) 10 members by a joint electorate consisting of the members of the Assembly and the life members of the Council of State.

(*b*) 40 members by a joint electorate consisting of the members of the two provincial chambers in each province.

(2) Qualifications of Candidates.—Any one qualified to vote in any constituency, including elected Members of the Legislative Council, elected Members of the Legislative Assembly and elected members of Senates of 30 years of age and over.

(3) The elections will take place as soon after the Assembly and Council elections as possible.

Notes.—1. The method of indirect election is the keynote of my system. The faults of the existing direct elective system for the two main groups of the electorate, viz., Muhammadans and non-Muhammadans, may be summarised as follows :—

(1) The franchise is confined to 2 per cent. of the male population. The rest of the population receives no training in democracy and the elective system.

(2) Constituencies are much too large. This is obvious in the case of the Council of State and the Assembly constituencies. But it is also the case with the ordinary Legislative Council constituencies. Candidates for election cannot canvass such large areas and populations. Successful candidates cannot keep in touch with them, nor consult them in matters of importance.

(3) The size of the present constituencies effectually prevents the poor man from standing for election. It also often prevents the right sort of middle class and professional man from doing so. In a country

where communications are often bad, large constituencies are particularly objectionable.

(4) Their large size makes the attendance at the polling stations impracticable for the poor voters, unless encouraged by transport facilities. This also necessitates corrupt or undesirable practices, and often the expenditure of large sums of money by candidates. This again restricts the field of candidates.

(5) Again, the majority of the villagers never see the poll. This again renders the educative value of elections almost nil to the mass of the villagers.

(6) Under the present system of a comparatively high tax-payment qualification the franchise is unduly restricted. The poorer tenants are just as fit for the vote as the richer. Their educational facilities are practically the same.

(7) The large size of a constituency requires either a well-organised party or a big purse, both of which are beyond the reach of an ordinary candidate.

(8) With a direct elective system political propaganda, to be effective, must make an appeal to the pockets or the worst passions of the electorate. The voters can seldom know the merits of the different candidates. They have not the incentive to vote for a man whom they can trust.

(9) There is no uniformity in the number of voters in rural constituencies. One constituency, without rhyme or reason, has six times more voters than another (*vide* the Election Report of 1926).

(10) The people themselves have no hand in selecting their representatives. Those who pay a certain amount of taxes are automatically selected.

(11) Universal male suffrage has no chance of being realised under the present system.

(12) The rental basis is also not uniform.

(13) The huge number of voters may prevent a particular kind of corruption; but it gives an opening to other undesirable influences which most of the voters have no power to resist.

The above and many other anomalies already revealed by experience require an immediate change of the present system. The remedy is to be found in the introduction of an indirect method of voting both in the rural and urban general constituencies, and in others such as the Indian Christian in Ranchi district, in which the same system may be desirable. Had these facts been realised, the opinion expressed in paragraph 226 of the "Report of Indian Constitutional Reforms would have been different. It was based on conditions in England and other European countries, which differ entirely from conditions in this country. The system of indirect voting was not even then unknown in European countries and America. Since then it has been adopted in Russia, where rural conditions bear a much greater resemblance to those in India.

In Bihar and Orissa there are 84,889 villages, including towns, out of which there are 58 municipalities. They are comprised in 65,882 chaukidari circles. My scheme is that:—

Firstly.—One man is to be elected in each chaukidari circle by all adult males who pay chaukidari tax. This will give 65,882 voters; and the number will be very evenly distributed. (*Vide* Report on the Administration of Police, 1926, page 20, Statement 2.)

Secondly.—All these elected "headmen" of the villages of a sub-division will form a constituency to elect one member from each sub-division.

The election must be held in a village or mahalla itself. It must be on the simplest possible lines. The village punch or municipal officer should notify the time and place of election. At the fixed time and place of election an officer deputed by Government will go there and register the names of the candidates, and will register and appoint two punches to assist him and to safeguard the correctness of the procedure. He will have permanent metalled tickets bearing serial numbers. He will distribute the tickets among the voters. The slips bearing the names of the candidates will either be pasted or pinned on bags or boxes, coloured or otherwise distinguished. He will place those bags or boxes in a room to receive these tickets. He will explain to voters which is each candidate's box, and the voters will drop the ticket in the bags or boxes in his presence. Immediately after the voting is over, the tickets will be counted on the spot and the result announced, and the names of the successful candidates will be entered in the same register, which will be signed by the two punches. This process is to be followed in all villages, and in the case of urban elections in all the wards or mahallas. The advantages of the system will be:—

1. It will educate the people in the first lesson of democracy. Elections will be at their doors, and their representatives will be men whom they know.

2. It will practically give universal adult male suffrage.

3. Though the electorate will be increased, the dangers which attend a large and untrained electorate will be enormously decreased. For villagers will not have to choose their representative for parliament (an impossible task for the ordinary cultivator) but a man whom he can trust, who will do this for him.

4. Everyone will get an opportunity to exercise his power of voting with due secrecy.

5. There is every chance of a suitable man being elected, who will not in most cases have any desire to stand for Council. The villagers will ordinarily vote for the man they know and trust, not for the politician.

6. There will be much less incentive to corrupt practices. The tone of the elections will improve greatly.

7. The headman elected will be in a position to keep in touch with and to educate his constituency in political ideas.

8. It will create a personage in each group of villages who will have a certain status and who may be of considerable administrative utility to Government both in developing different forms of local self-government and otherwise.

9. The number of voters will be fairly uniform in each primary constituency.

10. The number will still be sufficiently large to make the bribery of voters difficult; nor is village opinion likely to tolerate it. The politician from outside will not find it easy to manipulate these village elections.

11. The local man of influence will be able to counter the efforts of a political organisation quite easily. At present he cannot.

12. It will not be expensive.

13. It will do something to popularise the chaukidari.

Notes.—(2). It is important that the elections of M. L. C.'s by these "headmen" and "electors" should be held with as little delay as possible after the primary elections above described. The less opportunity given to politicians and political parties to manipulate these constituencies the better.

(3). I have not elaborated details regarding the labour constituency and method of voting. The principle is clear, and details should present no great difficulties in the few industrial centres in this province. See also Appendix A.

(4). I have not defined the Depressed Classes. This should not, however, be difficult. They will have a vote in the general constituency, non-Muhammadan, and many of them in the labour constituency. The depressed classes should be able to make their influence felt in my system of indirect election for the general constituencies; and the present difficulties in the way of the election of members of these communities will be greatly decreased.

(5). The same principle as for the Council of State. There is no reason to differentiate. Direct election of members of either the central or provincial upper chambers is open to all the objections catalogued in my note on the subject of the present electoral system above. Members of Council may be elected as

members of the Senate, their seats being filled by by-elections.

(6). The only difference between the manner of electing M. L. A.'s and M. L. C.'s is that the rural "headmen" and urban "electors" are grouped in a district for the former and in a sub-division for the latter. The elections should be as nearly as possible simultaneous.

APPENDIX A.

I. *List of special constituencies for the Legislative Council.*

(*a*) (1) landlords,
(2) commerce and trade, and
(3) labour;

(*b*) (1) depressed classes,
(2) native Christians,
(3) Europeans,
(4) domiciled Bengalis;

(*c*) the University.

Note.—The interests of tenants, town-dwellers (municipalities), and Muhammadans will be fully represented in the urban and rural Muhammadan and Non-Muhammadan constituencies.

II. *Qualifications of Voters, etc.*

(i) The electorate of the landlords' constituencies (16 members) will consist of every one who pays Rs. 100 or more cess.

(ii) The electorate for the Trade and Commerce constituencies (10 members) will include merchants, bankers and traders paying income-tax.

It will not include members of the professions.

(iii) The electorate of the constituencies of labour (five members) will consist of employees of certain large industrial concerns registered for the purpose, *e.g.*, Tatas in Jamshedpur and the Dhanbad Collieries.

(iv) The electorate of the constituencies of Indian Christians (five members) will probably be confined to a few districts in this province in Chota Nagpur. In Ranchi district the indirect system of election will be followed. The qualification for voting will be the payment of any tax.

(v) The electorate for the European constituencies (10 members) will consist of all Europeans residing in the area of each constituency, official and non-official, temporarily or permanently. Probably a Commissioner's division will be a suitable constituency. The distribution of seats is a detail which need not be laid down now. The interests of Planters will be fully safeguarded.

(vi) The electorate of the constituencies of domiciled Bengalis (five members) will consist of the domiciled Bengalis settled in each of the five Commissioner's Divisions. The qualification for voting will be the payment of any tax.

Note.—Regarding the depressed classes, *see* also note 4 on page 18.

APPENDIX B.

Distribution of seats in the Legislative Council.

	Non-Muhammadan.	*Muhammadan.*
Urban	11	5
Rural	53	18
Landlords ...	12	4
European ...	10	—
Commerce ...	10	—
Labour	5	—
Depressed ...	5	—
Native Christians	5	—
Domiciled Bengalis	5	—
University ...	1	—
	117	27
Total		144

	Non-Muhammadan.	*Muhammadan.*
11. Urban—		
Patna	1	Patna Division 1
Patna Division ...	2	Tirhut Division 1
Bhagalpur ...	2	Bhagalpur 1
Tirhut Division ...	2	Chota Nagpur Division. 1
Chota Nagpur ...	2	Orissa Division 1
Orissa Division ...	2	—
53. Rural—		
Patna	4	2
Gaya	4	1
Shahabad ...	4	1
Muzaffarpur ...	3	1
Darbhanga ...	3	1
Saran	3	1
Champaran ...	2	1
Bhagalpur ...	4	1
Monghyr	3	1
Purnea	2	4
Santal Parganas ...	2	1
Hazaribagh ...	2	
Ranchi	2	
Palamau	2	2
Singhbhum ...	2	
Manbhum ...	2	
Cuttack	3	—
Puri	2	
Balasore ...	2	1
Sambalpur ...	2	
12. Landlords—		
Patna Division ...	3	1
Tirhut Division ...	3	1
Bhagalpur Division	2	1
Cuttack	3	1
Chota Nagpur ...	1	
10. Europeans—		
Patna Division ...	3	—
Tirhut Division ...	2	—
Bhagalpur Division	1	—
Orissa Division ...	1	—
Chota Nagpur Division	3	—
Commerce and trade—		
Patna Division	1	
Tirhut Division	1	
Bhagalpur Division	1	
Orissa Division	1	
Singhbhum and Ranchi	2	
Manbhum	2	
Hazaribagh and Palamau ...	2	

N.B.—The seats in the urban area for Non-Muhammadan constituencies have been distributed on the basis of subdivisions except in Santal Parganas, Ranchi and Hazaribagh, in which two sub-divisions form a constituency.

	Non-Muhammadan.	*Muhammadan*
Labour—		
Manbhum ...	—	2
Singhbhum ...	—	1
Hazaribagh and Palamau ...	—	1
Monghyr	—	1
Depressed classes—		
Patna Division ...	—	1
Tirhut Division ...	—	1
Bhagalpur Division	—	1
Orissa Division ...	—	1
Chota Nagpur Division	—	1
Native Christians—		
Ranchi	—	2
Hazaribagh Palamau Singhbhum Manbhum ...	—	1
Orissa and Bhagalpur Divisions		1

	Non-Muhammadan.	*Muhammadan,*
Patna and Tirhut Divisions	—	1
University ...	—	1
Domiciled Bengalis—		
Patna Division ...	—	1
Tirhut Division ...	—	1
Bhagalpur Division	—	1
Chota Nagpur Division	—	1
Orissa Division ...	—	1

APPENDIX C.

List of constituencies in Bihar and Orissa for the Legislative Assembly and distribution of seats.

1. General constituencies—

(*a*) Non-Muhammadan—20 members—1 from each district.

(*b*) Muhammadan—6 members—1 landlord, and 1 from each of the five Commissioner's divisions.

2. Special constituencies—

(*a*) Landlords—3 members—1 from Patna, 1 from Tirhut and Bhagalpur, 1 from the Chota Nagpur and Orissa divisions.

(*b*) Domiciled Bengalis—1 member.

(*c*) Commerce and Trade— 1 member.

(*d*) European—1 member.

(*e*) Native Christian—1 member.

(*f*) Labour—1 member.

(*g*) Depressed classes—1 member.

Total members—35.

APPENDIX D.

Alternative schemes for the electorate, if indirect election is rejected.

(*a*) The qualifications for voting may be based, not on the rental paid but on the area held by—

tenants,
tenure-holders,
landlords.

By increase in the number of seats area will become almost uniform except in places like Chota Nagpur; but there will be no uniformity in the number of voters. This is mainly due to the adoption of the rental basis which widely differs in different parts of the province. The tenants in bhowli districts pay sometimes ten times more for the same area than the tenants holding lands under the old nagdi system. This is the main reason why there is so much difference in the numbers of electors in North Bihar and South Bihar. If an area basis is adopted, this difference will disappear. Uniformity in the number is very essential, for more than one reason, as the difficulty increases with the increase in number. Any area between 5 and 10 acres may be adopted as basis. The area can be very easily ascertained from the settlement records. There will then be no necessity of having a different rental standard for different districts.

For landlords and tenure-holders the same area basis may be adopted. There is no reason why in this respect there should be any difference between landlords and tenants; unless the object is to disfranchise a number of landlords and tenure-holders;

or (*b*) If the above is rejected, and if the qualification of tenants remains on a rental basis, those of tenure-holders and of landlords may be identical with those of tenants, *i.e.*, if tenant's qualification is Rs. 3 cess, the tenure-holder's and landlord's should also be Rs. 3 cess. If the present qualification is to be kept in the case of tenants, it is very desirable to have the same qualification for the landlords and tenure-holders. If the tenants who pay Rs. 3 cess are entitled to vote, landlords and tenure-holders should also be entitled to vote if they pay Rs. 3 as cess. The number of such landlords and tenure-holders will not be very large. But it is not fair to disfranchise them. There should be one qualification for all in rural areas as in the case of urban constituencies.

Similar changes should be made in the Assembly qualifications.

APPENDIX E.

List of Books consulted.

Indirect election—

"The Modern World: Russia," by Makeev and O'Hara, p. 243.

Indirect election of Senate—

"Modern Constitutions," by Dodd, Volume I, (France), p. 289.

"The Government of France," by Barthelemy, p. 62.

"Modern Constitutions," by Dodd, Volume II (The United States), p. 294.

Constitution of Senate (Upper Chamber)—

(1) "Modern Constitutions," by Dodd, Volume II (Italy), pp. 9 and 10.

(2) "Modern Constitutions," by Dodd, Volume II (Japan), pp. 33 and 34.

Term of Senate (Upper Chamber)—

(1) "Ireland" (The Modern World Series), by Gwynn, p. 203.

(2) "Government of France," by Barthelemy.

(3) "Modern Constitutions," by Dodd, Volume II (Japan), p. 34.

(4) "Modern Constitutions," by Dodd, Volume II (United States of America), p. 294.

Members of Senate appointed for life—

(1) "The Constitutions of Canada," by Kennedy, p. 384.

(2) "Modern Constitutions," by Dodd, Volume II (Italy), pp. 9 and 10.

Age of members of the Senate (Upper Chamber)—

(1) "Modern Constitutions," by Dodd, Volume I (France), p. 289

(2) "Modern Constitutions," by Dodd, Volume II (United States of America), p. 295.

(3) "The Constitutions of Canada," by Kennedy, p. 384.

Joint Meeting of the two Chambers—

(1) "The Government of France," by Barthelemy, p. 66.

(2) "Modern Constitutions," by Dodd, Volume II (United States of America), pp. 293 and 295.

Function of the Council of State and the Upper Chamber—

(1) "Modern Constitutions," by Dodd, Volume II (United States of America), pp. 296 and 297.

(2) "The Government of France," by Barthelemy, p. 72.

The appointment of President by the Government—

"The Constitution of Canada," by Kennedy, p. 385.

Bicameral legislature in Provinces—

"The Constitution of Canada," by Kennedy, p. 390.

NOTE ON THE PROVINCIAL FINANCES.

The creation of this province was announced by His Majesty at the Delhi Darbar in 1911 and the province was formed accordingly on the 1st April, 1912. Before then this province was a part of the very advanced and self-contained province of Bengal.

MEMORANDUM FROM THE BIHAR PROVINCIAL SANATAN DHARAM SABHA.

It was at once deprived of all the advantages which it had enjoyed as a partner with Bengal. It was left with no University, no Medical College, no Veterinary College, no Engineering College, no High Court, no Secretariat, no Government House and no Hill Station. Primary education and medical relief had been in a neglected condition. Besides this the province was liable to pay interest to the Government of India for the capital spent on the construction of the Orissa canals. The war, from its outbreak in 1914 till it stopped in the end of 1918, made its position worse. For the province has only a small and inelastic revenue. In spite of these drawbacks, it made an unprecedented effort, and in the course of a few years it created a University, Medical College, Engineering College and a Veterinary College; and made a big advance in primary education and in medical relief both in urban and rural areas. It has also done something for the improvement of Agriculture and Industry.

All these improvements were made possible by an unprecedented increase in the Excise revenue which must remain at this high level to provide support for future recurring charges. Now the position is "thus far and no further"; and in fact excise revenue has a tendency to go down. The other inelastic heads are almost in the same condition. Having regard to the population and area of the province, its needs are very great; and it is not fair that the people of the province should be thus handicapped in the race of provincial progress. There is a demand for opening new Colleges, for making primary education free and compulsory, for free vaccination, for district health organisations to improve the sanitary condition of the province, which is a permanent home for epidemics. There is a demand for water supply in rural areas, for water works for towns, and for the improvement of communications. To all these just demands Government express regret and their inability to supply funds. Government have even been unable to fulfil definite undertakings, made years ago, and to maintain certain grants-in-aid to local bodies. The financial outlook is therefore gloomy.

Any attempt on the part of this province to improve its finances is sure to end in disappointment. This province wanted to tax coal, but it was not allowed to do so by the Government of India. This province wants to put a tax on lac and mica, but there is little hope that the Government of India would permit it. Proposals for terminal and octroi taxes on goods and passengers are likely to share the same fate. There is no chance of remission of payment of interest in respect of the Orissa canals. The share of income-tax which this province is getting is also small. Income-tax is mostly paid outside the province either in Bombay or Calcutta on account of the Head Offices of the firms being situated there. Our big industrial areas bring in very little to the provincial revenues.

So this Royal province on account of its poverty will lag behind other provinces and seems likely to remain backward among the provinces. If this is to happen, certainly it was a mistake to create a province full of ambition and aspirations but with insufficient revenue. If this province had continued to be a part of Bengal, conditions would have been no worse, and at least the additional cost of a separate administration would have been available for the people. It is hoped that the Honourable Members of the Royal Commission will pay particular attention to the financial position of this province and will make the necessary recommendations for its improvement.

GANESH DUTTA SINGH.

Ranchi, 18th June, 1928.

Memorandum from the BIHAR PROVINCIAL SANATAN DHARAM SABHA.

To the Chairman and Members of the Indian Statutory Commission.

We the Members of the Bihar Provincial Sanatan Dharam Sabha on behalf of and as representing the orthodox Hindu Community of the Province beg to offer our sincere welcome to the Commission and pray God for their happy sojourn and safe return.

The vast majority of the Hindu population of the country are very orthodox and conservative in their religious faith and beliefs and yield to none in their loyalty and devotion to the sacred person and throne of His Majesty the King-Emperor and the benign British Government.

They look upon their rulers and administrators as their natural leaders and protectors in this mundane world.

The Sabha is grateful to the British Nation and the august Parliament for sending the Royal Commission to this land of Hindus as the very name Hindusthan signifies and hopes and trusts that the just rights and claims of the Orthodox Hindus will not only not be ignored in any scheme of administration that the Commission may be pleased to advocate but better and greater facilities would be afforded to them to have their grievances remedied and their position and importance duly recognised and strengthened. The majority of the seats allotted to the Hindus must go to the Orthodox people. It is a matter of deep regret that the Orthodox Hindus were not given their due share in the Reformed Councils and the central Legislatures. The consequence was that several un-Hindu Bills were allowed to be introduced into the Provincial and Central Legislatures thereby wounding the religious feelings and susceptibilities of the Hindu world against the Royal Proclamation and repeated pronouncements of their late and present Imperial Majesties that nothing would be said or done in any way to interfere with the established customs, cherished laws and usages of the Hindus.

In particular the Sabha is alarmed at the recent introduction of a bill in the Bihar and Orissa Legislative Council which threatens to intervene with the rights, privileges and established usages of Hindu temples, Maths and places of pilgrimage which are the life and backbone of the Hindu religion.

The Sabha hopes and prays that it will be recommended to Parliament that by the exercise of the veto of His Excellency the Governor-General or of His Excellency the Governor or by other convenient means the debating as well as the passing of such un-Hindu bills or resolutions be prevented.

In conclusion the Sabha once more offers its hearty welcome to the Commission and expresses its appreciations of being permitted to appear before this Conference and hopes its labours will not go in vain.

INVITATION TO SUBMIT MEMORANDA.

1. The Indian Statutory Commission invites the submission of written statements or memoranda, both from official and non-official sources, from representative associations, local bodies, and responsible individuals on any of the subjects which fall within the limits of the enquiry which it is about to undertake. Before the Commission returns to India in October a programme of its sittings in various centres will have to be drawn up. The written statements or memoranda now called for should be prepared and sent to the offices of the Commission *as soon as possible* in order that the Commission may appreciate the main issues to be raised and proposals to be urged before it hereafter, and in order that it may make arrangements beforehand for the orderly conduct of its subsequent enquiry.

2. Such written statements or memoranda as are ready before the Commission leaves India on March 31st should be sent by registered post addressed to "The Indian Statutory Commission, Camp, India." After this date the Commission will maintain its own Office in India, where further memoranda will be received on its behalf. They should be sent by registered post addressed to "The Indian Statutory Commission, New Delhi Office, New Delhi," from which office they will be transmitted to the Office of the Commission in England.

3. Twelve copies of each memorandum are required in the first instance. Further copies may be called for hereafter, if the proposed Indian Committees are set up in time.

4. It is most desirable that these memoranda should be delivered to the Offices of the Commission as soon as possible, and in any event *not later than June 1st next*. If for any special reason particular documents cannot be delivered till later, the Commission will be glad to be informed of the circumstances and will do its best to deal with them, but the organization of the Commission's enquiry makes it essential that the written material, much of which has doubtless already been prepared, should be promptly presented.

5. The terms of reference under which the Commission is acting are as follows:—

It is "to enquire into the working of the system "of government, the growth of education, and the "development of representative institutions, in "British India, and matters connected therewith," and it is "to report as to whether and to what "extent it is desirable to establish the principle of "responsible government, or to extend, modify, or "restrict the degree of responsible government then "existing therein, including the question whether "the establishment of second chambers of the local "legislatures is or is not desirable."

6. The Commission has already had the advantage of informal interviews with important and representative bodies and deputations both at Delhi and in several Provinces, and has been much assisted by these interviews in appreciating the nature of some of the main questions which it will shortly begin to investigate.

7. The Appendix to this notice contains a list of some of these topics (though the list does not profess to be exhaustive), and written statements or memoranda are also invited on any other subject within the Commission's terms of reference. It will be understood that those who submit memoranda are not expected or required to deal with all the subjects mentioned in the Appendix but only such of them, or with such other subjects, as specially concern the case they are putting forward.

8. The Commission attaches special importance to the written material which it is now inviting, for in many cases the memorandum will speak for itself, while in other cases the Commission after considering the memorandum (with the assistance of Indian Committees if these are appointed) will intimate whether it desires to hear oral evidence in support of the memorandum and will endeavour to make the most convenient arrangements as to when and where this oral evidence shall be taken.

9. Every memorandum should be dated and signed by or on behalf of those who present it, and should give the address to which any communication from the Commission regarding it should be sent. As already stated, there will be many cases in which the memoranda submitted will themselves sufficiently convey to the Commission the views of those submitting them, but in cases in which it is desired to tender to the Commission oral evidence in support of any memorandum, the document should end with a clear statement giving the name and address of the witness who will be ready to come forward, if required, for examination and cross-examination.

10. Memoranda submitted in a representative capacity should contain a clear statement of the nature, extent and membership of the organization submitting them. When a statement is put forward on behalf of a class of persons, the Commission wishes to have a sufficient indication of the number of individuals who actually authorize it.

OFFICE OF INDIAN STATUTORY COMMISSION,
CAMP, INDIA,
6th March, 1928.

J. W. BHORE,
S. F. STEWART,
Secretaries.

APPENDIX.

Note (*A.*)—For the purpose of illustrating the meaning of the main heads below, some of the questions arising under each are given.

Note (*B.*)—Replies need not deal with the whole field covered by the heads, but should be limited to the particular matters to which it is desired to draw attention.

Note (*C.*)—Suggestions for the future are invited, as well as observations upon the structure and working of the existing constitution of British India. The Commission will be specially glad to receive any draft constitutional scheme which has been worked out beyond the stage of merely general propositions.

---

1. *The representative system as applied to British India, e.g.* :—

(*a*) The basis of the franchise.
(*b*) Methods of election.
(*c*) Methods whereby particular interests, communal, local, social, and economic, may obtain adequate representation on local self-governing, provincial and central representative bodies.
(*d*) The relationship between representatives and constituents.
(*e*) The growth of parties.
(*f*) The growth of informed public opinion.
(*g*) Nomination of officials and non-officials as additional members of elected bodies.

2. *The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions, e.g.* :—

(*a*) Local self-governing.
(*b*) Provincial, including the discussion of proposals for extension of self-governing institutions to other areas than the nine provinces, and of proposals for division of existing provinces.

3. *The local self-governing bodies (Municipalities, District Boards, etc.) and their relationship with the Provincial Government, e.g.* :—

(*a*) Constitution.
(*b*) Functions.
(*c*) Relationship with officials of Provincial Government.
(*d*) Control by Provincial Government.
(*e*) Finance.

4. *The Provincial Governments, e.g.* :—
(*a*) Constitution.
(*b*) Working of dyarchy.
(*c*) Position and powers of Governor.
(*d*) Position of Ministers in relation to Governor and Members of Executive Council.
(*e*) Relationship of Ministers to each other, and question of collective responsibility.
(*f*) Growth of party system in the Provincial Councils.
(*g*) Working of particular departments.
(*h*) Classification into reserved and transferred subjects.
(*i*) Desirability of Second Chambers.
(*j*) Question of provincial autonomy. [See also 6 (*a*) and (*b*).]
(*k*) Finances of Provincial Government and Financial Control. [See also 6 (*c*).]
(*l*) Financial relations between reserved and transferred sides of the Government, including the question of the joint or separate purse.

5. *The Central Government, e.g.* :—
(*a*) Constitution.
(*b*) Position and powers of the Governor-General.
(*c*) Relationship of Governor-General to his Executive Council.
(*d*) Relationship of Governor-General to the Legislative Assembly and the Council of State.
(*e*) Position of the Executive.
(*f*) Question of the responsibility of the Executive to the Legislature.
(*g*) Relationship between the two Houses.

6. *Relations between Central Government and the Provincial Government, e.g.*, in regard to—
(*a*) The extent of the power of superintendence, direction, and control to be exercised by the Central Government.
(*b*) The classification of subjects as central and provincial.
(*c*) The financial relationship between the Central and Provincial Governments, including the Meston Settlement.

7. *The Courts and Judiciary.*

8. *The Constitutional problem in relation to such vital matters as*—
(*a*) Law and order in British India.
(*b*) Justice in British India.
(*c*) Defence of India.
(*d*) Social progress in British India.
(*e*) Federation in India.
(*f*) The status and position of India in the British Empire.

9. *The relationship between the Central Government, the Secretary of State and the British Parliament.*

10. *The position of the Services, e.g.* :—
(*a*) Indian Civil Service.
(*b*) Other All-India Services.
(*c*) Provincial Services.
(*d*) The question of recruitment and of Public Services Commissions.
(*e*) Indianization.

11. *The Growth of Education.*—The Commission will shortly be making a special announcement as to this branch of the enquiry, but it does not wish the preparation of memoranda on this important topic to be delayed. Documents dealing specifically with it should be marked "Growth of Education" in the top left-hand corner.

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INDIAN STATUTORY COMMISSION

VOLUME XVII

SELECTIONS FROM MEMORANDA AND ORAL EVIDENCE BY NON-OFFICIALS

(PART II)

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PREFATORY NOTE

VOLUME XVII.

The extracts from oral evidence contained in this volume cover the more important portions of the evidence given, in the presence of the press, by non-officials* in the following Provinces: Assam, Bengal, Burma, Madras, and Central Provinces. Volume XVI contains that given in the Provinces of Bombay, Punjab, North-West Frontier Province, Delhi, United Provinces, Bihar and Orissa.

In nearly every case the witnesses had previously submitted written memoranda; these documents formed the basis of their examination, and are printed at the beginning of their oral evidence.

A few of the written memoranda, on which oral evidence was not taken, are also included in this volume.

As explained in the preface to Volume I of the Commission's Report, all evidence was taken by a Joint Conference consisting of the Statutory Commission, the Indian Central Committee and, in all the Governors' Provinces except the Central Provinces, a Provincial Committee. A list of the members of these Committees is given on page iv.

References in the evidence to pages of the various written memoranda have been altered to correspond with the paging in the present volume.

The Commission have suggested that the full text of the evidence given in the presence of the press, including portions omitted from the present volume as being of less importance, and also copies of non-official memoranda not printed in these volumes, should be made available for inspection in London and India, and it is understood that this will be done.

*Including officials speaking for Service Associations in their personal capacity, and not representing views of Government.

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NOTE.—The composition of the Joint Conference is given at the beginning of each day's evidence, and is the same during the afternoon as during the morning session unless otherwise stated.

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* NOTE.—Mr. Harper gave evidence as an official witness, but his evidence is included in this volume in view of its bearing on the Burma Chamber of Commerce evidence.

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DOCUMENTS TO WHICH FREQUENT REFERENCE IS MADE.

Full Title.	*Usual Description.*	
Committee on Financial Relations between the Central and Provincial Governments in India	Meston Committee Report.	Cmd. 7240/1920.
Report of Taxation Enquiry Committee, 1925	Todhunter Committee Report.	Government of India publication.
Report of North West Frontier Enquiry Committee, 1922	Bray Committee Report.	Government of India publication.
Report on Indian Constitutional Reforms	Montagu-Chelmsford Report.	Cmd. 9109 of 1918.
Report of the Committee appointed by the Secretary of State for India to enquire into questions connected with the Franchise and other matters relating to Constitutional Reforms. (Chairman: LORD SOUTHBOROUGH.)	Franchise Committee Report.	Cmd. 141 of 1919.
Report of the Royal Commission on the Superior Civil Services in India	Lee Commission Report.	Cmd. 2128 of 1924.
Report of Reforms Enquiry Committee	Muddiman Committee Report.	Cmd. 2360 of 1925.

Memorandum submitted by the Assam and Surma Valley Branches, Indian Tea Association.

On behalf of the Committees of the Assam and Surma Valley Branches of the Indian Tea Association we have the honour to submit the following Memorandum :—

INTRODUCTORY.

1. *The Assam Branch, Indian Tea Association.* This Association was formed on the 29th October, 1889, with a membership representing 76,692 acres of tea. Its objects are (1) to take up all matters connected with the Tea Industry needing attention, (2) to keep as much as possible in touch with the Government and other Associations and bodies having the same or like objects in view and (3) to maintain a united feeling in the province. All companies, proprietors or persons having or owning tea estates in the Assam Valley are eligible as ordinary members.

For administrative purposes the Assam Valley is split up in 15 centres, namely (1) Doom-Dooma, (2) Dibrugarh, (3) Panitola, (4) Tingri, (5) Moran, (6) North Lakhimpur, (7) Sonari, (8) Nazira, (9) Jorhat, (10) Golaghat, (11) Nowgong, (12) Bishnath, (13) Tezpur, (14) Borsola and (15) Mangaldai. Each of these centres containing members of the Association, elects a District or Sub-Committee annually from their number and each of these District or Sub-Committees is entitled to one representative on the General Committee for every complete membership area of 9,000 acres within its jurisdiction, but no District or Sub-Committee may be represented on the General Committee by less than two members. These representatives form the General Committee who manage the affairs and funds of the Association and select their own Chairman and Vice-Chairman whose duties, like those of the other members of the General Committees and Sub-Committees, are honorary. The present membership of the Association represents 250,823 acres of tea.

2. *The Surma Valley Branch, Indian Tea Association.* In 1881 District Committees were formed to protect the interests of the various gardens in the Surma Valley. Subsequently these Committees were converted into Branch Associations which ultimately were merged into one Branch for all districts. The objects of the Association are generally to watch over, and as far as possible protect the interests of the Tea Industry of the Surma Valley, and also to keep in touch with Government, the Indian Tea Association, Calcutta and other kindred Associations on matters connected with the Tea Industry. The membership of the Association consists of companies, proprietors and concerns occupied in the production of tea in the Surma Valley.

For the purposes of administration the Surma Valley is divided into nine districts, namely (1) Lakhipur, (2) Happy Valley, (3) Chutla Bheel, (4) Hailakandi, (5) North Cachar, (6) Chargola Longai, (7) Mid-Sylhet, (8) Balisera and (9) Luskerpore. Each of these districts has a District Committee who elect a certain allotted number of representatives totalling 16 to the General Committee of the Branch and these elected representatives select their own Chairman and Vice-Chairman whose duties like those of the other members of the General Committee and Sub-Committees are honorary. The membership of the Association now represents 135,227 acres under tea.

3. A list of the members of the various Committees is attached as an Appendix (I).*

4. This memorandum has been fully considered by all Branch and Sub-Branch Committees and has their unanimous approval.

PART I.

THE REALITIES OF THE PROBLEM.

HISTORICAL, GEOGRAPHICAL, ETHNOLOGICAL, ECONOMIC, AND OTHER FACTORS.

1. *The History of the Province.* The Kacharis (whose descendants may still be found in Kamrup and Cachar) may perhaps be described as the aborigines or earliest known inhabitants of the Brahmaputra Valley. In the eleventh century the Koch Kings (of which the present Cooch Behar family are descendants) invaded and captured the Valley. In the thirteenth century invaders from the Shan States of Burma came in from the north-east and during the next three or four centuries continued to invade in successive waves, eventually setting up the Ahom Kingdom with its capital at Sibsagor. The relics of their civilization would point to the fact that their rule was beneficial, but the ravages of malaria and kala-azar and the enervating climate of the plains so weakened them that they became an easy prey to further invasions from the north-east until in the eighteenth century it had been annexed by Burma. The actual descendants of the Ahoms now in the province according to the census of 1921 only number some 216,000 souls.

In 1820 representations to the East India Company as to mal-treatment by the Burmans, led to an expedition and to the annexation of the Brahmaputra Valley. These constant and successive invasions led to the depopulation of the valley which reverted to jungle.

In 1823, one Robert Bruce discovered tea growing wild in the Singpho's Hills near Sibsagor, and this led in 1839 to the development of the tea industry primarily by the Government, and these experimental plots being handed over to the Assam Company (a chartered Company) in 1840. From this period started the re-population of the valley and the reclamation of its fertile tracts from jungle. The next step was the taking over of the responsibilities of the Assam Company by the Crown in 1858. Thereafter the valley was governed under a Chief Commissionership, until in 1909 it formed a portion of the new province of Eastern-Bengal and Assam under Lord Curzon's partition Act. In 1912 with the rescinding of that measure, Assam reverted to its former status of Chief Commissionership.

In 1921, under the new Reforms Act of 1919, it was constituted a Governor's Province with an Executive Council and Ministers, the latter being responsible to a Legislative Council with an elected majority.

2. *Geographical.* We have attached to this memorandum a map* of the Province as it is to-day. It is doubtful if Assam can be correctly included in the general term India. Its climate is entirely different from that of the peninsula and is much more akin to Burma than to India. It is a Frontier Province and whilst up-to-date it has only been faced with minor expeditions, developments in the Far East are likely to increase the military importance of this frontier. Apart from the cultivable area of the big rivers some 47% of the province is composed of hills covered by thick jungle and inhabited by uncivilized tribes, Mongolian in character. (The Nagas, Mikirs, Khasias, Garos, Bhutias, Arkhas, Daphalas, Miris, Abors, Mishims, Khamptis and Singphoos.) Its truly indigenous population is Mongolian. The re-population of the province largely by the Tea Industry has introduced Dravidian types which have been latterly further increased by immigration.

3. *Ethnological.* We consider it essential that the nature of the peoples of the Province whose interests have to be protected under reformed political Government should be thoroughly understood.

According to the census of 1921 the population of the province is 7,606,230, which excludes Manipur and its population of 384,016.

This is sub-divided as follows :—

(*A*). *Division by Races.* The indigenous population of the Upper Assam Valley is 1,640,000, of these 181,754 are tribes living in the administered tracts and of the remainder the larger sections are :—

* Not printed.

* Not reproduced.

The Ahoms ..	216,000	
Brahmins ..	87,539	May generally be taken as the intelligentsia of Assam.
Kyastha ..	21,716	
Chutiya ..	94,642	
Kachari ..	192,752	
Kewat ..	98,001	
Koch.. ..	220,817	
Kolita ..	222,942	

In the Surma Valley the prominent section is the Sylheti, mainly Muhammadan and their numbers amount to approximately 2,000,000.

The balance of the population is mainly immigrant, and the Tea Industry has been responsible for the immigration of approximately one and a half million persons.

(*B*). *Division by Occupation.* We consider it equally important to our purpose to examine the position from the point of view of occupations :—

Professional Classes and Liberal Arts ..	98,506
Agriculture and Pasture	7,078,000
Tea plantation	916,496
Industries (Minerals)	10,552
Other Industries	194,674
Transportation	79,484
Trade	268,371

4. *Economic.* Further, we feel it very necessary to emphasize the economic aspect of our problem. The prosperity of our province and its peoples is dependent upon its economic development. Our major difficulties are the paucity of our population and the limited revenues available for development purposes, and we are strongly of opinion that economics must be, as elsewhere, the dominant factor in the political organization of the province.

PART II.

THE TEA INDUSTRY.

1. The important part played by the Tea Industry in the development of our province is, we believe, indisputable.

2. Of the total cultivable area within the province of 5,724,000 acres, 1,538,960 acres (1/5 of the total cultivable area) are included in Tea Grants, and for the direct development of which we have been responsible. Of this, 420,564 acres are under tea, the remainder being under rice, grazing grounds, thatch, firewood and timber reserves, coolie lines and vegetable gardens.

3. Similarly of a total population (excluding administered tracts) of 5,750,000, 1,010,000 (1/5 of the total) make up the tea garden population.

4. Apart from this the Industry has assisted in the colonisation of the province to the extent of half a million, ex-tea-garden coolies who have settled in the province.

The colonization of the province is a predominant factor in its development and, putting the cost of our imported labour at the conservative estimate of £20 per head, the Industry has made a contribution of 30 million pounds to this development.

5. It will be of interest to your Commission and an answer to irresponsible charges made against the Tea Industry, to examine in some detail the manner in which we have fulfilled our responsibilities to the population and area, amounting to 1/5th of the province, in our care.

6. Within the sphere of nation building activities which are the duty of Provincial Governments, the Industry can show a record which it believes your Commission will consider more than creditable.

	£
Medical—Expenditure by the Industry in medical charges, excluding Capital Charges per annum (for 1/5th of the province)	420,000
Estimated Expenditure by Provincial Government for 1928–29 (for 4/5ths)	70,000
Education—(Primary). The actual figures are not obtainable	—
Agriculture—By Tea Industry on its Experimental Station annually (for 1/5th)	16,000
By Provincial Government (for 4/5ths)	49,000

Roads and Buildings—The Industry, besides maintaining thousands of miles of roads within its gardens, pays an increased voluntary tax up to 8 annas per acre for the maintenance of roads outside its area. In addition it subsidizes many of Local Board roads.

7. It also pays rates to the Local Boards at the rate of one anna per rupee for leasehold and 2 annas for fee simple grant. The Industry subscribes to the research work at the Tropical School of Medicine at Calcutta, and several companies have carried out extensive anti-malaria schemes.

8. Further, the European employees of the Tea Industry make a considerable contribution to the security forces of the province.

9. It is, perhaps, of importance that those who so frequently criticise labour conditions in the Tea Industry should realize that the labour is in a position to set itself up on its own lands within an average of 6 years ; a position unique in the history of labour in any country.

PART III.

RESPONSIBLE GOVERNMENT IN ASSAM.

1. *Scope of this Memorandum.* This memorandum is confined to matters relating to the Province of Assam which come within the scope of the enquiry now being undertaken by the Indian Statutory Commission acting under the following terms of reference :—

> It is " to enquire into the working of the system of Government, the growth of education, and the development of representative institutions in British India and matters connected therewith " and it is " to report as to whether and to what extent it is desirable to establish the principle of responsible government then existing therein, including the question whether the establishment of Second Chambers of the local legislatures is or is not desirable."

Any of the statements made or views expressed herein will be verified and amplified, if required, by the representatives of the Branch Associations in the course of their oral evidence during the period of the sitting of the Commission in the province.

2. *Our opinions on responsible Government.* If dyarchy be reviewed in the light of the experience of its working in the province during the past eight years it must be admitted that the evidence as to the suitability of responsible Government to the needs of our province or to the political capacity of its peoples is inconclusive. Owing largely to financial stringency and to the determined efforts of a well organized party, whose members are anxious for increased powers before they have duly essayed those given to them, and whose activities in Assam, as elsewhere, have been mainly directed towards making any form of Government ineffective, it cannot be said that Responsible Government in Assam in its dyarchial form has had a fair chance of success. It would be unfortunate, however, if the wrecking tendencies of the insatiable section were to thwart the natural ambitions of those who have proved themselves worthy of a larger measure of responsibility in the management of the province. If the Industry were to give its candid opinion solely on the realities of the problem and the good Government of the province, it would, having regard to the fact that the hill tracts, some 47% of the province, are and can only for the present be admin-

istered, strongly recommend that the whole province should be administered.

It is forced, however, to recognize, and is not antagonistic to, the declared intention of the British Parliament, to assist and encourage the political development of our province, and with this in view, considers that a system of responsible Government in the province should be given the fullest trial subject to certain safeguards specified later, and subject to a recognition of the realities of the problem and the capacity of our various people and interests to self defence under modern political conditions.

3. *The Realities of the Problem.* (*a*) We have previously in paras. 3 and 4, Part I, analyzed the population of the province and the interests requiring representation.

The existing electorate for the Provincial Legislative Council amounts to 250,751, or 4.3% of the population, and in our opinion it is not at present possible to extend the franchise. The result is, from an examination of the status of elected representatives, that an altogether undue proportion of representation has been secured to minority interests which are in the main Urban.

(*b*) Of the elected representatives, 12 are Assamese, 12 are Muhammadans, 8 represent other non-Muhammadans, including Europeans, 5 represent Planting interests, 1 represents Commerce and Industry, and 1 the urban constituency of Shillong, with a preponderating lawyer influence.

Agricultural interests are, excluding the 5 planting seats, inadequately represented, and such representation as there is has been secured by individuals who are not practical agriculturists.

The masses of the people are devoid of education and their political capacity to defend themselves under modern political conditions is negligible.

(*c*) Owing to the lack of communications, the scattered population and limited revenues, the growth of education without which political capacity cannot be developed, must be slow.

(*d*) Approximately 47% of the province consists of Hill tracts inhabited by semi-civilized tribes to whom the Act of 1919 has not been made applicable. There is in our opinion no hope of bringing these tracts within any reasonable limit of time within the scope of any Reformed Council and they must continue to be administered as heretofore by special officers or the Deputy Commissioner under the direct control of the Governor.

These tracts are at present a charge to the extent of 8 lakhs per annum on our revenues, and we are of opinion that any additional Expenditure arising from extraordinary circumstances such as expeditions, should be met by the Central Government. The British element required for the administration of these tracts should not be included in the proportion retained under the Lee Commission for the administration of the rest of Assam.

4. *Safeguards.* We have previously stated our opinion that in view of the declared intention of Parliament, responsible Government should be given the fullest possible trial subject to certain safeguards which are set out below :—

(1) Law and Order and the departments intimately connected therewith, the Police, Courts of Justice, and Political appointments should be placed under the direct control of the Governor, and the Legislature should have no powers of criticism or of voting on the budgets of these departments.

(2) A second chamber should be established.

(3) All bills passed by the Provincial Legislature shall require the assent of the Governor General.

(4) The Governor must retain his right of veto over all legislation, and this power should be extended to cover resolutions and questions.

(5) Statutory safeguards must be provided against legislation which discriminates against any particular section or community in matters of Taxation, Trade or Commerce, and the existing instructions to Governors in this respect should be continued.

(6) The recommendations of the Lee Commission should be adhered to.

(7) The Governor General should be given powers to take over and administer the province when in his opinion the administration breaks down.

(8) A Public Service Commission should be appointed. We are of opinion that the Public Service Commission, if appointed for Bengal, could at present undertake such work as this province may require.

(9) The troops maintained in the province for security purposes should be increased by one battalion.

12. *Local Self-Government.* We are convinced that the training ground for the electorate and also for the individual in public service lies in the sphere of local Self-Government. In our province these bodies have but comparatively recently reached the full status of Self-Government. Whilst there is much that may be criticised there has been in our opinion some growth, and there is plenty of room for hope. Many of the managers of Tea Gardens are taking an active part in the work of Local Boards and it is believed that their participation in the activities of these bodies is valued by their Indian colleagues.

We would strongly recommend the development of the village panchayat system, and that panchayats should be given limited powers of taxation to meet their administrative requirements. We consider that tanks, wells, village roads and primary schools might be transferred to their control and Government grants allowed to them proportionately. We would recommend adult suffrage for such bodies.

We would also recommend an extension of franchise for Local Boards, on the basis of a vote for each tenant lessee or proprietor of one poorah of land, and we would suggest that those who could be shown as literate in the vernacular be included.

We have noticed and it is natural that members of local boards pay more attention to those areas where the vote lies.

We consider, however, in view of the criticism made in Local Government reports, that adequate powers must be retained by the Provincial Government to check maladministration. We would welcome some measure, such as the surcharge in England tending to increase the sense of financial responsibility of the members of these bodies.

7. *The Provincial Legislative Council.* (*a*) We have already criticised the composition of the Council and in particular the fact that the existing franchise and other factors have led to power being concentrated in the hands of a small section which in practice represents but a minority of the population and, possibly of more importance, only the smallest interests in the province. We are strongly of opinion that if responsible Government is to be given a fuller trial, steps must be taken to secure adequate representation for all interests in proportion to their importance in the province. We have emphasized previously the fact that economic factors must dominate political organization.

(*b*) In so far as representation for the Tea Industry is concerned we have pointed out that it is already responsible for 1/5th of the cultivable area of the province and 1/5th of its population and consider that its representation in the Council should be in the equal proportion. We believe an examination of our activities as outlined in Part II will show that we have exercised such powers as we have been afforded in a responsible manner and that a claim for increased representation is not only just but will be of value to the province.

(*c*) We would recommend that the Commission in considering the representation of interests in the Provincial Council should bear in mind the fact that Agricultural interests are the predominant interest in the province, and the representation should be provided, in so far as is possible, through practical working agriculturists.

We would particularly recommend :—

(*i*) That Agricultural Research should be given one seat.

(*ii*) That the monetary qualification for the Commerce and Industry constituency should be raised to one lakh.

(*iii*) That the immigrant classes be given representation.

(*iv*) That provision be made for the representation of the tribes.

8. *The Ministry.* We consider the Governor should appoint Ministers from the elected representatives, and that they should hold office for the life of the Council, subject only to dismissal by the Governor.

In conclusion the Committees of the Assam and Surma Valley Branches of the Indian Tea Association are aware of the fact that the Commission during its first visit to India made extensive tours in the provinces visited for the purpose of seeing how real India lives. They are very strongly of opinion that this procedure is essential to a true understanding of the conditions in Assam, and trust that the Commission will during its visit to Assam take special steps to visit the districts.

SHILLONG.

Dated 3rd January, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD STRATHCONA), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, SIR ZULFIQAR ALI KHAN, RAJA NAWAB ALI KHAN AND SARDAR SHIVDEV SINGH UBEROI), AND OF THE ASSAM PROVINCIAL COMMITTEE (EXCEPT MAULVI MUNAWWAR ALI).

Deputation from the Assam and Surma Valley Branches of the Indian Tea Association.

The deputation consisted of the following :—

Mr. W. G. McKERCHER, spokesman on behalf of the Assam Branch, Indian Tea Association.

Mr. W. E. D. COOPER, spokesman on behalf of the Surma Valley Branch, Indian Tea Association.

Mr. E. S. ROFFEY.

Mr. G. E. RAYNER.

* * * * * * * *

11. *Lt.-Col. Smiles :* Is it not the fact that the tea industry contributes much more to the central than to the provincial revenues ?—Yes ; they have done, and they do still, I think.

12. What is the total amount the industry has paid as land revenue during the year 1927–28, and what were the total land revenue receipts during the year ? What is your proportion ?—The tea industry paid over one-fifth of the revenues, and I think the land revenue was Rs. 10,672,000.

13. *The Chairman :* That, you say, is one-fifth of the total land revenue ?—No ; that is the total land revenue, sir, and we pay over one-fifth of that.

14. That is to say, something over 21 lakhs ? —Yes.

15. *Lt.-Col. Smiles :* I now come to question No. 3. You say that the tea garden population is a little over a million and you claim for the industry representation to the council on the population basis ?—Also on the basis of land revenue and other payments to Central and local Governments. In this connection I may say that no public amounts are expended on tea garden areas, for example, on roads, hospitals and water-supply. Although we pay local rates, we do not get anything back. This one-fifth of the province within the tea garden areas is supported by the tea industry as regards the maintenance of roads, hospitals, etc.

16. *The Chairman :* Then what you claim is that you should have one-fifth of the members of the council. Is that so ?—Yes, sir.

17. *Lt.-Col. Smiles :* Then I come to question No. 4. You propose the exclusion of the hills from the scope of the coming reforms, and at the same time suggest that the tribes should be represented on the council. Are not the two propositions inconsistent ?—Possibly, but we have no knowledge of what the future Government is going to be.

18. *The Chairman :* Let us put it in a different way. Let us suppose that in the reformed constitution for the province of Assam the area of the province is so changed as to exclude the hill tribes. You know of course that that is a suggestion which is put forward. In that event you would not suggest that the hill tribes outside that area should contribute representatives to the legislature ?—No ; I would not.

19. *Lt.-Col. Smiles :* Considering the hitherto untapped forest and mineral resources of the hills, will it not be a shortsighted policy to exclude the hills ?—No.

20. Then question No. 5. You propose that Law and Order should be Central subjects. Do you realise that this exclusion will convert the local Government into a glorified local board ?—We do not. I think we have proposed that Law and Order should be under the Governor as reserved subjects.

21. You do not propose them to be Central subjects. You propose that Law and Order should be subjects reserved under the Governor ?—" Law and Order " and the departments intimately connected there- " with, the police, courts of justice, and political " appointments should be placed under the direct " control of the Governor, and the legislature should " have no powers of criticism or of voting on the " budgets of these departments." (Page 3 of the memorandum). That is our statement.

22. With the other things that are still left entirely in the power of the council, do you consider that the Assam Government will degenerate into a sort of glorified local board ?—No.

23. Is it then your idea that diarchy should continue so far as Law and Order are concerned ? —That does not arise, does it ?

24. Forest being transferred and Law and Order being reserved that might be called diarchy ?—Yes.

25. Will you agree to the transfer of Law and Order if an administrative court is set up in the province which will be in a position to give adequate

protection to the policemen and the magistrate ?—No.

* * * * * * * *

28. *Lt.-Col. Smiles :* Is it not a fact that the whole Government will be paralysed if these departments are slackly or unsympathetically administered ?—Yes, but that is absolutely unlikely under the Governor's administration.

29. What constitution do you suggest for a Second Chamber and what powers do you propose for this Chamber ?—It should consist of ten to twelve members of whom one-fifth should be members of the planting community. The qualification, we suggest, is the payment of income-tax on Rs.10,000 and possession of not less than 500 acres.

30. *The Chairman :* Is it your idea that a Second Chamber so composed should be free to exercise its veto on any legislation passed by the legislative council ?—Yes, sir.

31. *Lt.-Col. Smiles*: Why do you propose to raise the franchise for the Commerce and Industry constituency ?—To get more responsible representation.

32. Is it because under the existing franchise the Indian electors of this constituency may return one of themselves to the council ?—No, certainly not.

33. Is the present member for this constituency an Indian ?—Yes.

34. *The Chairman :* What is the present franchise for the Commerce and Industry constituency ?—Rs. 25,000.

35. And what is it you want to raise it to ?—We suggest Rs. 1 lakh.

36. *Lt.-Col. Smiles :* I think Mr. Cooper can answer this question better than you, Mr. McKercher. I put it to you, Mr. Cooper, that any minister that the Governor may nominate, the planting members would support ?—(Mr. Cooper) Certainly.

37. The question whether the minister was efficient or not would not enter the minds of the planters so long as he is nominated by the Governor ?—Yes. It would certainly give him a trial to see what he was like.

38. With your experience of the council I would like to know from you if the minister were elected by the council instead of being nominated by the Governor, would this not remove one of the principal reasons for the existence of the present Swaraj party ?—It would remove one of the reasons, but I do not know how many more there are.

39. What objection do you see to the system under which ministers are elected by the council for the duration of the council ?—In principle I think they certainly should be, and in practice I am rather doubtful about it.

40. Mr. McKercher, you have heard of the proposal for making separate electorates for tea garden coolies and to elect members out of them. Do you think this is practical or possible ?—(Mr. McKercher) I suggest nomination and not election.

41. You do not think it would be a practical proposition if they were to be elected ?—No.

42. Who would you suggest should be nominated to represent them ?—I should say the tea planter, who is the best friend of these coolies, or somebody who knows them. The tea planters know their ways and the coolies come to the planters when they are in trouble.

43. *The Chairman*: I just want to face what is involved in that. Of course, one is glad to hear that the tea planter is the best friend of the tea coolies. If the tea planter is to represent the coolies and if a situation arose in the legislature in which the tea planters' interest was one way and the coolies' interest was the other way, which way do you think the coolies' representative would vote ?—That is, no doubt, a difficulty which is to be faced. I also suggested that any man who had experience, with service on the garden, could be nominated.

44. *The Chairman*: You see, it is a point one has to consider, because, really, when you say that the tea planter is the best representative that is really because you feel quite satisfied that his view on what is best and right for the coolies is also the coolies' view on what is best and right for them. That is a most satisfactory state of affairs, but it will not be the case always. I think you will agree, when that happens, it would not be right that the labourers should be told that the only representative for them is the tea planter.

The Witness: (Mr. McKercher) I agree with you, sir, and I therefore say that any from the establishment who understands the coolies could be nominated.

45. *Rai Bahadur Sadananda Dowerah*: You have got now five members to represent tea in this council. If more representation is given to you, would you earmark one of the seats for the Indian planters ?—With pleasure.

46. Mr. Withers represents labour in this council. Would you tell the Conference what interest he takes for the coolies ?—I think he is an ideal labour representative. I have never heard any complaints against him.

47. Do you think that these coolies could be better represented by a tea garden clerk than by Mr. Withers ?—No.

48. Supposing there are missionaries or other people who take interest in the welfare of the coolies, have you any objection to the representation of the coolies by these men ?—No.

49. Do you admit that if the coolies are to elect their own representatives they cannot be effectively represented either by a *Mohurrir* or a *Sardar*, who have not sufficient education to understand the proceedings of the council ?—We do not suggest that these representatives should be elected.

50. Supposing they are to be elected, would you put any restrictions that they must be represented by their own men or that they may be represented by any one whom they elect ?—We say that the time has not come when they should be elected.

51. Supposing the Commission were to recommend and the Parliament were to accept that they will have to elect their own representative, would you insist that they should elect only that man whose name is on the electoral roll, or would you give them the choice of electing any one ?—I would not put any restrictions, but I do not think they have really yet reached a stage when they could exercise their franchise themselves.

52. We are told that adult franchise is impracticable, but if the coolies who are able to write their names are allowed to vote by ballot and the rest are simply divided, do you think it is an impracticable proposition to have adult franchise ?—I do.

53. *Maulvi Keramat Ali*: You want to reduce the number of voters for the Commerce and Industry constituency ?—I do not wish to reduce the number; I only wish to get the best representative for the industry; the larger the capital the better will be the brains—I mean they will have a large stake in the country.

54. What are your objections to Law and Order being made a transferred subject ?—Law and Order in Assam, owing to the fact that we are a frontier province and of the presence of the administered tracts, is a different problem to any other province, except the North West Frontier Province, to which it approximates in general conditions. One battalion of regular military troops is stationed in a hill district. Road communications in the plains are nil, and none of the rivers are bridged. The Assam legislative council proceedings show the opposition to police grants and the disorderly condition of the province between 1918 and 1922. The existing police control is one to 12.2 square miles. Pressure brought to bear on the minister through the legislature or the Press may lead to dilatory handling of the situation with serious effects.

55. Your fears are that as the minister will be always in the hands of the council, it may be that he will be led by the council sometimes to act irresponsibly in running the Police department ?—I think

the minister will be in a very unfortunate position. As I have already said, pressure brought to bear on the minister through the legislature or the Press may lead to dilatory handling of the situation with serious effects.

56. If the fixity of tenure is secured for ministers as proposed by the Government in their memorandum, I think you will have no fears ?

The Chairman : Let us put it in a different way. I am interested to know what the witness thinks. I have gathered that the anxiety which many people feel about transferring Law and Order and putting it in the hands of the minister is really due to their fear that if that happened the present practice and temper of the legislative councils might leave the minister to find himself constantly exposed to the risk of defeat, refusal of salary, or censure. But if you were to suppose that the minister was in some way secured against the risk of constant defeat, constantly being assailed by a vote of censure, would not that rather remove some of that difficulty ? —No, because you cannot get away from the communal issue. The minister may not take action because he will know that he will be criticised.

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58. *Maulvi Keramat Ali* : Do you mean to say that as long as communal tension continues Law and Order should not be placed in the hands of an Indian ?—I do.

59. Is there any communal tension in this province ?—Yes.

60. Can you cite any instance of a quarrel between the two communities in the Assam Valley ?—There was on one occasion, two years ago. I think trouble was expected. It was reported that *goondas* were being imported by the Hindus and the Muhammadans would not be allowed to perform their ceremonies.

61. They were not Assamese ?—Preparations were being made.

62. *Rai Bahadur Amarnath Ray* : You claim representation on the combined basis of population and payment of taxes ?—Yes.

63. You would have both these factors taken into consideration in the matter of the distribution of seats between the Hindus and the Muhammadans ?—Certainly, yes.

64. Is it not a fact that the poor man of the poor community is in a greater need of the Government protection than the rich man of the rich community ?—I agree with you. When I say the poor man, I mean the *ryot* and the coolie. I go further than you do.

65. Would you similarly give the man who pays Rs.5 as land revenue one vote and two votes to the man who pays Rs.10 ?—No, I certainly should not give two votes.

66. *Sir Hari Singh Gour* : You say, on page 3 of your memorandum, that in view of the fact that you are responsible for one-fifth of the culturable area of the province and one-fifth of its population, you want one-fifth representation ? Is not that so ? —Yes.

67. Would you, therefore, on the same basis give four-fifths representation to the other cultivators and landlords ? You say you pay 20 lakhs as land revenue out of 108 lakhs. On that basis, assuming that you contribute one-fifth of the land revenue and are responsible for one-fifth of the cultivable area you want one-fifth of the seats. Now, on the same basis would you give four-fifths of the seats to the rest of the cultivators and payers of land revenue ?—You mean to the balance of the land revenue payers ?

68. Yes ?—It may not be cultivators only, would it ?

69. They are land revenue payers, and you give them four-fifths of the seats ?—Yes.

70. Then what will be left to the other interests ? —That is your business.

71. On page 3 under "Safeguards," you say that you will place Law and Order under the direct control of the Governor "and the legislature should have "no powers of criticism or of voting on the budgets "of these departments." Now, who is to prepare the budget ?—The Governor and his executive.

72. Consequently out of the revenues you give the Governor as much as he wants ; is not that so, and the legislative council would have no right either to criticise his action or to refuse his budget ?—Yes, that is quite right.

73. Having given the Governor what he wants, supposing there is an outbreak of a riot in which the amount he has taken is not sufficient and he wants three times as much the amount, where is he to get it from ?—He must get it.

74. Where from ? He has cut himself away from the council ?—From the Central Government.

75. Would you, therefore, give the power to the Central Government to pass your budget and criticise the action of your Governor ?—Certainly.

76. You place this part of the budget before the Central Government ?—The Governor is responsible for it ; but it must be passed by the Central Government.

77. That is to say, you are placing this part of the budget under the Legislative Assembly, making it a votable item ?—No.

78. Then under whom ?—Under the Central Government, the Governor General.

79. Supposing it is the Governor General, how is he going to give you the money unless he goes to the Legislative Assembly ?—He will have to find it. That is up to you again.

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82. *Sir Hari Singh Gour* : Yours is a purely European Association ?—No.

83. Have you got any Indians ?—Yes.

84. How many Indians have you got ?—Fourteen Indian concerns in the Assam Valley branch, out of 356 total, and 7 in the Surma Valley out of 160 total.

85. How is it that there is not a single Indian member of your Association on this deputation ? —Because they are very small and they are not on the general committee, except one, and he will not come into politics.

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90. *Mr. Hartshorn* : On page 2 you say that the industry has assisted in the colonisation of the province to the extent of half a million. Then you say, "The colonisation of the province is a pre-"dominant factor in its development and, putting the "cost of our imported labour at the conservative "estimate of £20 per head, the industry has made a "contribution of 30 million pounds to this develop-"ment." Taking those statements together, half a million at 20 pounds will come to 10 millions, and not 30 millions as stated here. What makes the difference ?—We have got 600,000 ex-tea garden labourers settled. It costs you Rs.200 to import them to the province plus concession rates.

91. Are you including all that in your £20 ?—No.

92. You say that you have colonised to the extent of one and a half million ?—No, we have got our present labour force in that.

93. *The Chairman* : The confusion is simply due to the fact that there is a comma after 'million.' It must be "half a million ex-tea garden coolies." It means that out of the million and a half, half a million or 600,000 have passed out and become settlers on the land, and no longer coolies ?—Yes.

94. *Mr. Hartshorn* : On page 2 you say, "It is "perhaps of importance that those who so frequently "criticise labour conditions in the tea industry should "realise that the labour is in a position to set itself "up on its own lands within an average of six years, "a position unique in the history of labour in any "country." Can you tell us how many labourers have actually accomplished this feat ?—Those 600,000 ; and many more retire to their country every year.

95. On page 3 you say that you regard local self-government as a training ground for the electorate and you would strongly recommend the development of the village panchayat system, and then you mention the functions you would give them. Then you say, " We would recommend adult suffrage for such bodies." You mean by that that you set up a machinery for getting a ballot vote ?—This is the village panchayat.

96. You get a register of the voters and they conduct the voting ?—Yes; just as the village councils at Home.

97. Have you gone into the question of the amount of labour involved in setting up that machinery ? We have been told this morning that adult suffrage is impracticable from this point of view; that it is not possible to secure the necessary staff to adopt the adult suffrage ?—I see what you mean. That might be so in a large electorate, but with your local boards it is not difficult. Many of them have the village panchayats and they are working very well. It is the best form of settling any quarrel in the villages.

98. *Mr. Hartshorn*: But have they got the machinery for conducting a private poll ?—They just elect their own man from among themselves and he is put forward.

99. Have you considered the amount of labour that would be involved in setting up this machinery ? —I have not considered it.

100. *Colonel Lane-Fox*: Have you considered whether this system of machinery will be necessary ? —I have not.

101. *Mr. Hartshorn*: When you speak of adult suffrage, do you not mean the ordinary ballot vote ?—We mean the ordinary vote of the village panchayat.

102. But you have not considered the possibility of setting up that machinery for this purpose ?— No, I have not. I may tell you this. I have been many years a member of the local board and I know these panchayats very well indeed. I know the villagers, and I know that the panchayat is the best way of getting down to the bottom of things. We suggest the panchayats should entirely run their own village. Raise their own taxes and pay for their own primary schools and other local requirements, and those who cannot afford to pay more, could work in their own little village instead.

103. The only point I was putting you is this. If you once set up a political machinery which will enable these people to exercise their franchise, you will have got your own register and your own electoral machinery that can be used for any purpose afterwards. It would be possible to use it for provincial councils as well. If it could be set up for one purpose, it could be used for any other purpose as well. But you say you have not considered it ?— I have not considered it.

104. *The Chairman*: Have these panchayats got a list of voters in their own villages ?—No.

Rao Bahadur Rajah: By beat of tom-tom they ask all the adults to assemble in a particular place, and then by show of hands they decide.

105. *The Chairman*: It is not the case, then, that village panchayats are constituted by the process of a list of voters and the use of a ballot and all that kind of thing. It is done by the beat of the drum, asking the adults to assemble in the evening and be present at an ordinary meeting place, and then there is a show of hands and general confabulation, and then the thing is done ?

Rao Bahadur Rajah: Yes, sir; that is it. The meeting is called by a Government official—a tahsildar for instance—and he conducts the proceedings.

106. *Mr. Hartshorn*: When I find in a memorandum of this kind a recommendation about adult suffrage, I assume that by that it is meant the bringing into existence of a proper register and the holding of a ballot for votes ?—No, sir. That was not meant at all.

107. *The Chairman*: You meant that by beat of the drum the villagers assemble and then the election is done there ?—Yes, sir.

108. *Lord Burnham*: I notice on page 2 of your memorandum you give us the figures, which have already been dealt with, in regard to the number of acres under tea. You say there are 420,564 acres out of the 1,538,960 which are included in the tea gardens. Could you tell me approximately what proportion of that area and what proportion of the tea production is due to small producers as against the tea companies; that is to say, small against the big business men ?—I think we represent about 92.39 per cent of the acreage in the Surma Valley and about 91.47 per cent. in the Assam Valley.

109. Then does it mean that the rest is occupied by Indians ?—No, sir. There may be some Indians, and some Europeans also who are not members of our Association.

Lt.-Col. Smiles: There are very few tea estates in Assam below 100 acres.

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113. * * * *Lt.-Col. Smiles*: I think I am correct in saying that the average area of a tea garden concern, European or Indian, works out between 400 and 500 acres over the whole of the province.

114. Then the only other question is there are constant complaints about your getting the privilege in regard to the premium for land to be developed. I notice that such complaints are made in the proceedings of the legislative council. Have you got anything to say about that; that is to say, about the terms on which you acquire land for the production of tea ?—They are exactly the same for every one, sir, and we deny any privilege.

115. I read the allegation in the council proceedings. Have there been absolute equality between Europeans and Indians in regard to the land taken up for tea ?—Absolute, sir. There is no question of privilege.

116. And between the big man and small ?— Nothing.

117. I see, at any rate, that a charge has been made, and your Association is opposed to any such differentiation, I suppose ?—Very much so, sir.

118. *Major Attlee*: Could you tell me, have you any organisation at all by which you meet representatives of workers; anything like a welfare association, or anything of that sort ?—(Mr. McKercher): Nothing whatever.

119. There is one other question. You propose a Second Chamber. That is entirely composed, I gather, of the wealthy classes ?—I presume they must have a stake in the country, otherwise they will have no responsibility.

120. And that they will have a veto on legislation ? —Yes.

121. Do you not think that when you put people there who are in a wealthy position, they are liable to attack ?—The more responsibility you have in the province, the less likely you are to abuse law and order; like the representation on the Council of State.

Mr. Cooper: The representation on the Council of State should be by men who have a stake in the country.

Mr. McKercher: That is the case in the House of Lords in England, I believe.

Lord Burnham: That is represented by all sections.

Major Attlee: It is not primarily composed of wealthy people.

Memorandum submitted by RAI BAHADUR PRAMODE CHANDRA DATTA, Ex-Minister Local Self-Government, Assam.

NOTES ON THE REFORMS

India's constitution has been in the main derived from Parliament. Government of India Act, 1858, declared that henceforth " India shall be governed by and in the name of the Queen," and vested in the Queen all the territories and powers of the Company. The dual control that in England used to be exercised by the Company's Directors and the Board of Control was done away with and a Secretary of State with a Council was appointed to conduct the business transacted in the United Kingdom in relation to the Government of India and correspondence with India. The affairs in India continued to be conducted by the Governor-General-in-Council (henceforth to be appointed by Her Majesty by warrant under the Royal Sign Manual) with the help of the subordinate Presidency and Provincial Governments except as regards territories under his direct control. Between 1858 and 1919 a steady process of devolution of powers had been going on but the scheme of Government introduced in 1858 remained in essence the same until the Government of India Act 1919 was passed. That Act which amended the Government of India (Amendment) Act 1915, declared realisation of responsible Government as an integral part of the British Empire to be the goal of British rule in India. With that object in view while certain very important changes were made with regard to the Secretary of State in Council and the Government of India, a dual Government which has come to be known as dyarchy was introduced in the Provinces. The principles underlying those changes were thus foreshadowed in the Montagu-Chelmsford Report :—

(1) There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control.

(2) The provinces are the domain in which the earlier steps towards the progressive realisation of responsible Government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the Provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities.

(3) The Government of India must remain wholly responsible to Parliament, and saving such responsibility, its authority in essential matters must remain indisputable, pending experience of the effect of the changes now to be introduced in the provinces. In the meantime the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing Government increased.

(4) In proportion as the foregoing changes take effect, the control of Parliament and the Secretary of State over the Government of India and Provincial Governments must be relaxed.

The Statutory Commission is to examine the new constitution in the light of the experiences gained during the last 8 years. The terms of reference under which the Commission is acting are as follows :—

It is " to enquire into the system of Government, the growth of education, and the development of representative institutions in British India, and matters connected therewith, and it is *to report as to whether* and to what extent *it is desirable to establish the principle of responsible Government,* or to extend, modify or restrict the degree of responsible government existing therein, including the question whether the establishment of second chambers of the local Legislatures is or is not desirable."

The italics are mine and are intended to emphasise that it will be open to the Commission to say, if their conclusions warrant it, that it is not desirable to establish the principle of responsible government in India. Is this consistent with the declaration made in the Preamble to the Government of India Act that responsible government is the ultimate goal of British Rule in India ? You can modify or restrict the degree of responsible government introduced but can you consistently with your declaration take away the element of responsibility altogether ? I have no fear, however, that in the experiences of the past 8 years, the Commission will find anything to justify a reversal of the policy initiated in 1919.

Provincial Governments. Prior to the passing of the Government of India Act, 1919, the Provincial Governments were mere agents of the Government of India. " They were never sovereign and independent. From 1833 up to the time of the Strachey decentralisation, the Government of India had everything in their hands and no Local Government could make the smallest appointment without sanction. Since then the Government of India had surrendered many functions but each surrender required a separate order, since the residuary authority rested with the Government of India and not with the Local Governments as is the case in most federations." The Government of India Act, 1919, has for the first time given them a constitution under which in provincial matters they enjoy a large measure of independence —the policy initiated being one of continuous devolution of powers on them until in provincial matters they become independent of the Government of India. In financial matters the independence of the Provincial Governments has been secured by definitely allocating to them certain sources of revenue. Devolution Act of 1920 has since been passed with a view " to relax the control in certain respects of the Governor-General-in-Council over Local Governments and to transfer to such Governments certain powers exercisable by the Governor-General-in-Council."

Dyarchy. The entire field of administration has been marked off into Provincial and Central ; those subjects which intimately concern the Provinces have been made over to the administration of the Provincial Governments while the rest continue in the heads of the Central Government. The Provincial executives have been split into two halves, the first half consisting of the Governor and Executive Councillors nominated by the Crown, and the other half consisting of the Governor and his Minister or Ministers selected by him from among the elected members of the Council. To correspond with this division in the Executive, the subjects of Provincial administration have been similarly divided into two parts named for convenience " reserved " and " transferred." The reserved subjects are administered by Governor and his Council who are responsible to the Government of India and ultimately to the British Parliament. The transferred subjects are administered by the Governor and his Ministers who are intended to be amenable to the electorate. The Provincial revenues are distributed between the two halves for their respective purposes. In respect of the transferred subjects powers of control both of the Secretary of State in Council and the Governor-General-in-Council have been limited to certain specific purposes.

In justification of the dual government recommended in the Montagu-Chelmsford Report Lord Chelmsford said, " What we want is a scheme which

will transfer some responsibility at once which will provide machinery by which more responsibility can be transferred at later stages and by which ultimately full responsibility can be attained in the provincial sphere." "Under our scheme it will be possible, I believe, to say, so far as transferred subjects are concerned, that the Minister and through him the Local Council has said 'yes' or 'no' on a particular question. Under our scheme it is possible to gradually enlarge the sphere in which the Minister and the Local Council will say 'yes' or 'no.' And under our scheme responsibility in the whole sphere of Government can ultimately be attained."

Dyarchy has been severely criticised. It is a novel experiment and its very novelty provokes criticism. In essence, it is a compromise between irresponsibility and responsibility and like every other compromise involves surrender of something or other on each side. No wonder that it has satisfied so few. That it has its defects nobody would care to deny. Its authors themselves have repeatedly pointed them out. But they claimed that the task set to them left them no choice but to suggest some such scheme and the fact that no alternative scheme was suggested which would better accord with the policy laid down by Parliament would seem to justify their claim. Dyarchy marks the beginning of a transition from autocracy to self-rule.

Dyarchy has been condemned as unworkable. I do not entirely agree. Without good will and willing co-operation no constitution however excellent can be worked. Given these, dyarchy is capable of doing much good. And, having worked it for over 4 years in Assam, I claim that it has not been barren of results.

Dyarchy has not had a fair trial. The hope of co-operation on which its successful working depended was not realised. The Indian National Congress in its session at Amritsar had indeed resolved that it should be tried however "inadequate" and "unsatisfactory" but the non-co-operation movement was started soon after and in 1921 when the Reformed constitution began to function, the Legislative Council was partially boycotted. If non-co-operation kept away some of the best minds of the country from the first council the second council was signalised by the advent of the Swarajists who came in with the avowed object of non-co-operating from within. In the present council also the Swarajists are the strongest single group and profess to be animated by the same spirit of non-co-operation. For reasons into which it is not necessary to enter here, there is great discontent in the country and this discontent the Swarajists have successfully exploited to capture the political lead. Non-co-operation as a political campaign is indeed dead, but as an attitude of mind—a spirit of aloofness from all association with a Government to which are attributed all the ills India suffers from—still survives. Their shibboleth is that this Government is bad and that, therefore, those who associate with it must be bad. Destroy the new constitution and as the Ministers are its main props, pull them down first. In two provinces ministries were wrecked for a time. In one of these the attempt is being repeated time after time. In Assam no serious attempt has yet been made to that end. In such an atmosphere of mistrust and suspicion and in the face of active and not over-scrupulous opposition no constitution could give the best it was capable of. The situation was rendered worse by the financial stringency which unfortunately coincided with the inauguration of the Reforms. The Ministers had nothing spectacular to show, and themselves complained of paucity of funds. I speak from experience when I say that with more funds and better support from the Council, dyarchy could do a lot more.

Defects of Dyarchy. Dyarchy has obvious defects. "From the standpoint of constitutional theory, the scheme has been much criticised, first on the ground of the inherent difficulty of rending asunder the seamless fabric of administration; secondly, since all the provincial legislatures were to include a substantial majority of elected non-officials, it seemed probable that a virtually irremovable executive might be confronted by an irresponsible legislature. It is true that to obviate the risk of deadlock, the Governors were given a reserve of authority which enabled them to carry on the essential work of the administration irrespective of the policy of the Legislature. In the sphere of the transferred subjects, this reserve of authority was naturally more restricted than in the sphere of the reserved subjects, upon the maintenance of which the whole structure of orderly Government really depended. But the existence of this discretionary power, however inevitable it may have been naturally tended to weaken the responsibility of the legislatures."

The fact is you cannot successfully combine representative and irresponsible Government. A clash is inevitable between the Executive and the Legislature. There must be constant warfare with the executive for the purpose of obtaining the powers inherent in a representative body by the very nature of representative Government. This has been the experience of the past few years.

The position of Ministers. The position of Ministers under dyarchy is hardly capable of definition. They are responsible to the Council in the sense that by a vote of want of confidence in them they can be removed from office. But at the same time, they are appointed by the Governor, hold office at his pleasure, and may be dismissed by him. If the Council can bring them to account, so also can the Governor, and responsibility consists of amenability to authority. They are very much in the position of a man who has to serve two masters whose viewpoints not unoften clash. Their loyalty to the Council often puts a severe strain on their loyalty to the Governor and *vice versa*. Position such as this is fundamentally bad.

The position of Governor. No less delicate is the position of the Governor. For reserved subjects his responsibility to Parliament is complete. As regards the transferred subjects the Parliament has in theory transferred its responsibility to the Indian electorate, but has not in fact divested itself of all control, for the Governor whom it appoints has been armed with special authority and an Instrument of Instructions issued to him enjoining how that authority is to be exercised. Upon him has been laid a general responsibility for seeing that the administration of the transferred subjects by Ministers is properly conducted. "You shall do all that lies in your power to maintain standards of good administration * * * and to ensure probity of public finance and the solvency of the Province." So runs a clause in the Instrument of Instructions and although ordinarily he shall be guided by the advice of his Ministers power has been reserved to him to require action to be taken otherwise than in accordance with that advice. At the same time he is enjoined to "further the purposes of the said Act (Reforms Act), to the end that the institutions and methods of Government therein provided shall be laid upon the best and surest foundations, that the people of the said Province shall acquire such habits of political action and respect such conventions as will best and soonest fit them for Self-Government and that Our authority and the authority of Our Governor-General-in-Council shall be duly maintained."

Such a position is one of extreme difficulty and in which it is hardly fair to place any man. He must encourage and foster the growth of responsibility in the Legislature yet is enjoined to intervene should he think it necessary in the interests of good administration. Occasions must arise when a deadlock can only be avoided by forbearance on the one side or the other. Very much depends upon the personal equation of the Governor and that is one of the weakest points in the new constitution. I have worked with three Governors in succession and had ample opportunities of judging how much personal equation counted for.

The constitutional relation between Governor and his Ministers. In public eyes, the Governor is the top dog, and totally eclipses the Ministers. The general impression is that the latter can do nothing except with the approval of the Governor. There is nothing in the Government of India Act to justify this impression. My reading of Section 52 (3) is that the Governor is bound to accept the advice of the Ministers; he can overrule them only when he sees sufficient cause to differ from their opinion and in deciding what is a sufficient cause he is enjoined by his Instrument of Instructions "to have due regard to the relations of the Ministers with the Legislative Council and to the wishes of the people of the Province as expressed by their representatives therein." The Joint Parliamentary Committee have recommended that the Governor should not overrule his Ministers except under circumstances which would justify his overruling his executive council—viz, where by any measures proposed by Ministers "the safety, tranquillity or interests of his province or any part thereof are or may be in his judgment essentially affected." I have consistently acted on this view of the respective positions of the Governor and his Ministers. I have always held that except in regard to matters as to which the Governor's concurrence is by the Act or rules made thereunder necessary, the Minister is the only authority; the Governor's approval is not a condition precedent to his orders taking effect. That the Governor can veto the Minister's orders is another matter. Of course, if you feel that there is somebody who is always watching you with a critical eye and can intervene if he likes, you cannot avoid a stunting effect on your mental outlook. But that is very different from saying that the Ministers are powerless.

The terms of Sec. 52 (3) are, however, so wide that they are liable to be misunderstood. It is no wonder, therefore, that different people—whether Governors or Ministers—should take different views of their rights and duties.

The position of Ministers in relation to the Members of the Executive Council. The Ministers and Members are equal in status and my official relations with them were cordial. I know the members have their view-points just as Ministers have theirs, and these often do not coincide. But we had mutual appreciation of our respective positions. I do not think that they were ever wilfully obstructive or assumed superior airs.

Secretaries. I had successively three I.C.S. men as my Secretaries. I cannot speak too highly of them. They were absolutely loyal, faithful and respectful, and I had never occasion to feel that because I was an Indian or inexperienced, they tried to take any undue advantage of me. On the contrary, they did their best to understand me and help forward my policy. I often discussed my difficulties with them, and their advice was always helpful. For my secretaries I have nothing but praise.

Opponents of the Reforms have often tried to make capital out of the fact that secretaries have a right of access to the Governor and can take any file to him without consulting the wishes of the Ministers. If the Governor has any responsibility for the administration of his Province, he should be kept acquainted with the actual course of administration. And, besides, the rule applies equally to both sides of the Government, there is no discrimination against the Ministers. My secretaries had their usual interviews with the Governor, but gave me no reasons to suspect that they were in any way unfair to me.

Heads of Departments. The position of Heads of Departments is one of peculiar difficulty. They are experienced administrators and in a sense responsible for the efficient administration of their departments. Until the Ministers came in they had practically a free hand. They have now to take orders from the ministers. The details, indeed, are left to them, but the policy is shaped by the Ministers. Differences with the Ministers are inevitable. During the first few months of my Ministry I had serious differences with some of them (at one time I had as many as five departmental heads to work with). But I felt that their opposition sprang from a genuine conviction that my proposals would impair efficiency. Brought up in bureaucratic traditions their angle of vision must be somewhat different from that from which a Minister would look at things. But, once my mind was made up, I had no hesitation in overruling them, and I saw that my orders were carried out.

Under rules framed by the Governor of Assam under Sec. 49 (2) of the Government of India Act for the transaction of business in his executive council and with his Ministers, all cases in which the ministers negative a recommendation or overrule a decision of a Head of Department must be submitted to the Governor before orders are issued. Many such references had to be made in my time and I think in all important cases the Governor let me have my own way. I do not say that the Departmental Heads felt particularly happy under these altered conditions. But Sir John Kerr with whom I worked most of my time made it clear to them that they were in every way subordinate to the Ministers and must carry out their orders. As the Heads of Departments, however, came to know me more and more and as I saw more and more of actual administration, differences between them and me in essential matters became very few and we got on smoothly enough. During my time the policy of the Departments in my charge was in the main my policy.

A question has often been asked me if I have ever been overruled by any Governor. My answer is "no." If I had been overruled in any important matter I would not have been there for a minute longer. What actually happens is this. All important matters, especially the ones involving questions of principle are, under standing orders, submitted to the Governor. He expresses his views. They may or may not coincide with those of the Ministers. In the latter event it is for the Minister to decide whether he would accept the Governor's views or stick to his own. The question of veto would only arise if after considering the Governor's view, he sees no reason to change his mind and the difference is on a matter of essential principle. We often personally discussed matters and discovered a *via media*. There was no surrender of any essential principle on my part. There were cases in which I could not accept the Governor's advice and the Governor let me have my own way—there were others in which out of deference to his administrative experience I thought it prudent to follow his advice and subsequent events showed that in doing so I was wise. In one instance in particular the Governor saved me from making a mistake. I proposed a change of a rather radical character. He did not overrule me—for that was not Sir John Kerr's way—but put forward certain considerations and advised me to wait until something had happened when the matter would be taken up again. I agreed. At the same time he realised the gravity of the evils I was anxious to root out and suggested an interim solution for my consideration. The suggestion exemplified the difference between an experienced administrator and an inexperienced enthusiast. His plan has been working admirably well and I got credit for what was not my work at all. It was not long before I discovered my mistake. I am grateful that the Governor intervened with such good effect. Once you feel that the Governor is genuinely anxious to help you, you feel the more readily inclined to listen to his advice and once the Governor knows that his Minister is honestly trying to do his duty he helps him in his endeavours to the best of his ability. Personal factors count for so much in the working of a constitution so peculiar as Dyarchy. My relations with the Governors with whom I worked were on the whole cordial. They were all anxious to support my authority and dignity.

The fact that we the Ministers got on so well with

the Governors was in some quarters regarded as an indication that we were subservient. Nothing is further from the truth. Our task was some times uphill but we fought without flinching and almost always succeeded in carrying our points. Referring to this unfounded accusation Sir John Kerr once remarked that he wished he could show some of my files to my critics.

Joint Responsibility of Ministers. The Governor has to choose as Ministers persons who have the confidence of the House. When the party system is well developed and there is a majority party in council there is no difficulty. During the life of the first council there was hardly any party. In choosing his Ministers the Governor was mainly guided by the intrinsic worth of the members, the position they held in public life and the supposed necessity of representation of the majority communities in the Ministry. The attempt was to find out men whom the council could be expected to listen to. The second council saw the birth of the Swarajists. They were a strong party but in a minority and pledged not to accept office. There was no other party worth the name. The conditions in the present council are much the same. Almost the same considerations therefore have all along guided the Governors in the choice of their Ministers. Under such circumstances it is difficult for Ministers to accept joint responsibility.

During the period that I was a Minister, I had for a few months a Hindu and for full three years a Muhammadan as my colleague. Each of us did his work without reference to the other and except for matters, which under Governor's orders were brought up before a joint meeting of the Members and the Ministers, we knew very little of each other's work. There were things done by my colleague which I did not certainly approve and I dare say there were things which I did but which were not approved by him. But in council we supported each other with our votes. He had the sympathy of some members of the council, I had the sympathy of some others and we rallied to each other's support with our friends whenever necessary.

Finance Department. The provision that the Finance Department is to be in charge of a member of the Executive Council has been strongly criticised. The justification for this provision is stated to be economy, convenience and the fact that the bulk of the revenue will fall to be spent by the reserved side.

Much may be said on the other side but in view of the suggestions which I propose to make later on, this point need not be laboured. Suffice it to say that this rule has given rise to much misunderstanding and suspicion and the charge has been freely levelled that the transferred subjects are starved for the benefit of those reserved. If I remember aright, we had notices of resolutions in council recommending that the Devolution Rule No. 36 might be altered so as to place the Finance Department in charge of a Minister. In Assam, until lately, the Ministers had charge of spending departments only and so great is the need for money in those departments that I cannot think of a time yet when they will have had enough. But I do not think that even if a Minister had been in charge of finance, the complaints could have been less frequent or less loud. The earning departments must be kept in a state of efficiency—so also the departments concerned with law and order, and they together with the P.W.D. consume the bulk of the revenues. These have to be provided for first. A Finance Minister might perhaps make a cut here and a cut there but I do not suppose he could take away enough from the Members to satisfy the need of the transferred departments. It is the system rather than the man that is at fault. The Auditor General suggested before the Muddiman Committee that the Finance Member should have no other functions. The committee mainly out of pecuniary considerations modified the suggestion so far as to recommend that he should not be in charge of any of the main spending departments. This recommendation of the committee has not been given effect to in Assam because the province is considered too poor to indulge in this luxury.

If under the present constitution a Minister had been placed in charge of Finance, his position would have been extremely unenviable. I would certainly have refused that portfolio under the present circumstances.

The relation between the Finance Member and the Ministers. Under Devolution rule 37 (f) the Finance Department is responsible for watching the state of the Local Government's balances. This has been held to justify the Finance member in calling upon the administrative departments not to incur new expenditure even though sanctioned by the council, should he find in the course of the year that the revenue is not coming in as expected. The Finance Department often declines to examine and advise on schemes involving new expenditure on the ground that no money is likely to be available for it. The consequence is that when money is available no scheme is ready for examination and the Finance Member declines to provide for it. Besides, the Finance Department does not always confine itself to an examination of the financial aspect of a proposal but often goes into the policy underlying it. The mischief is obvious. The Minister is responsible to the Legislature while the Finance Member is not; for the latter, therefore, to examine the policy of the former is open to grave objection. If a Minister thinks his staff is under-manned or underpaid, he has got to satisfy the Finance Department that this is so. Even that is not sufficient. The Finance Department considers itself free to object that if the minister's proposals were accepted other Departments could with justice put forward similar proposals, for all of which it could not find money. I have also experienced on occasions difficulty in getting the Finance Department to sanction reappropriations. In matters like these a Finance Minister would have been more sympathetic and would if necessary be disposed to stretch a point in favour of the Ministers.

Financial relations between Reserved and Transferred Subjects. In the distribution of the surplus revenue I do not think that the transferred departments were unfairly treated. And I am not in favour of a separate purse. A separate purse must either arise from separate sources of revenue or a definite share of the Provincial revenues. Neither of these arrangements can be satisfactory. Again, if the purse were separate, the Ministers could have no say in respect of the reserved subjects. With a joint purse, each side will have a say in respect of the other, and, assuming that all are interested in seeing the Reforms succeed, the advantage will on the whole be on the popular side.

The attitude of the services towards the Reforms and the Ministers. In discussing the attitude of the services it should be recognised at the outset that the I.C.S. overshadows all the other services, whether All-India or Provincial. Mr. Lloyd George spoke the truth when he said that I.C.S. is the "steel frame" of the administration. In fact, it would not be far from the truth if one were to say that on any question of administrative policy the attitude of the I.C.S. generally determines the attitude of the other services. This is only to be expected, for, apart from their great abilities, they occupy all the key positions in the field of administration. As to their attitude towards the Reforms, it should be remembered that they were brought up in the older traditions which made them protectors and governors of the people. They were suddenly called upon to play a very different rôle. Some of them entertained genuine doubts as to the wisdom of the changes introduced. Some even considered them as revolutionary. The new order of things could not be altogether agreeable to them. Yet, having had a duty cast on them, they put their shoulders to the wheel and I gladly acknowledge the help I received

from them. From some of them I received the most loyal co-operation. Some others, though not equally enthusiastic, yet did their part. Yet others appeared to be indifferent and yet carried out orders. There were of course a few whom I suspected to be secretly hostile, but that does not alter my opinion that the service as a whole was anxious to help.

What is true of the I.C.S. is generally true of the other All-India services. The Provincial services, manned practically as they are by Indians, of course, wholeheartedly welcomed the change.

Joint Deliberations. The usual procedure was to have weekly meetings of the members of the Government. At such meetings important questions arising in both sides of the Government used to be brought up generally at the suggestion of the Governor and occasionally at the request of the Member or the Minister concerned. There used to be a general discussion and the opinion of the Government as a whole ascertained. When differences arose, search was often made for a *via media* and generally with success. These discussions had the important effect of enabling each side of the Government to know the minds of the other side as regard the policy of the departments in its charge, and, to a certain extent, the general policy of the Government as a whole was influenced thereby.

Division of subjects into Reserved and Transferred. I think more subjects could easily be transferred to the control of the Ministers. "Excise" and "Public Works" which were transferred in the other Provinces and "Forest" which was a transferred subject in Bombay and Burma were reserved in Assam. According to the Functions Committee this was the natural consequence of excluding the Hill and Frontier tracts which constitute nearly two-thirds of the whole province from the jurisdiction of the reformed provincial government. "The question of transfer of Forests hardly arises in a province where the greater part of the work in the department lies in excluded areas." "It is much the same with Public Works. Among the most important duties of this department are the construction and maintenance of hill and frontier roads" while the roads in the valleys had been suggested by the P.W.D. Re-organisation Committee to be entrusted to Local bodies. "In the case of Excise too the existence of these excluded areas is a determining factor." "Apart from this the liquor problem in the tea gardens presents special difficulties."

The only answer I can give to the committee is that Excise has since been transferred but that none of the difficulties they anticipated has arisen. And I venture to predict that none of the difficulties will arise if Forests and Public Works are transferred. Nor is there any reason why these subjects, so far as the reformed areas are concerned, could not be transferred. Education is partly reserved and partly transferred, but this has given rise to no practical difficulties.

The presence of the backward tracts has adversely affected us in other ways. We have no hand in the administration of these areas but have had to contribute about seven lakhs of rupees annually for their upkeep. The Stamp and the Court Fees Acts were amended in the teeth of strong opposition from the public. But they fetched only 8 lakhs of rupees a year. If we had not these 7 lakhs to find, we could avoid taxing ourselves at that time. To this subject I shall revert later on.

The Council and the Ministers. I think the council as a whole appreciated the difficulties of the Ministers and showed itself willing to help them. Personal attacks were very few, criticisms being confined to what were considered their sins of omission and commission. There was of course the militant section which pretended to wonder how any self-respecting and patriotic Indian could accept the office of the Minister under the Dyarchical constitution. But I know they knew the answer and if they kept on continuously harping on the same string it was out of no ill-will towards those who had accepted the office but only as a protest against the present constitution. In all measures conducive to public good, the Ministers generally had the support of the members irrespective of their political creed. The council of course often made recommendations which the Ministers did not approve or could not carry out for want of funds or other reasons. There was naturally a sense of irritation. But the Ministers were always anxious to give effect to their wishes. If they always could not do so it was because as practical administrators they often saw disadvantages or difficulties which were not clear to the ordinary members. To criticise is one thing, to act is another and this is nowhere more forcibly exemplified than in the fact that an ordinary member when he becomes a Minister undergoes a sort of metamorphosis in his mental outlook. Attempts have been made from time to time to reduce the salary of the Ministers, but they were the outcome of a desire to effect economy and not to spite them. Complaints have been made that Ministers have often voted with the Government in support of measures of which they did not at heart approve and that even when they openly disapproved of any Government measure, they have refused to cast their vote against it. The first is an assumption altogether unfounded. When we have differed from Government, we have withheld our vote. Sometimes the Government have modified their proposals to secure our support. The other allegation is of course true, but this was because the exigencies of the constitution required, as recommended by the Joint Parliamentary Committee, that, in open council, neither side of the Government should oppose the other by speech or vote. It must not be forgotten that the Ministers cannot afford to neglect the voting strength at the disposal of the Government. There is no majority party in council and the temper of the council is uncertain. A good many members vote just as their fancy dictates. Many members have their eyes to the gallery and the prevailing temper of the Press. Having no party affiliation they have been found on occasions to ally themselves with avowed wreckers. On occasions such as these, it is the Government support that enabled the Ministers to do their duty.

The Council and the Governor. We must distinguish between the council as a body and the individual members comprising it. Barring the Swarajists who act to order from outside, the members interview the Governor and attend his parties; and having had all honour and patronage in his gift he naturally exercises great influence. He, rather than the Minister, is approached for redress of grievances even when they relate to a transferred department. I know that complaints have been made to him even against me.

As for the council as a body it regards him as a bureaucrat who has been armed with exceptional powers over the council and the Ministers. The power of certification is the one to which the greatest objection has been taken and which was in my time often exercised. These cases arise on the reserved side and I remember having been once consulted. Opinion may differ as to the propriety of certification in all cases, but in some cases the Governor was almost compelled to certify. There is no justification for the impression that the Governor wantonly disregards council decisions.

The influence of the Council. The council influences the policy of the Government as a whole to an extent not generally recognised. Every decision of the council is carefully considered. It may not always be possible to give effect to it, but it is not without its effect. In making proposals the wishes of the council are always borne in mind and an attempt is made to meet them as far as practicable. Especially is this so in the case of the transferred departments. As regards the reserved subjects, although the Governor-in-Council remains formally responsible to

Parliament the Provincial Legislative Councils are directly concerned in them. They are to legislate with regard to them, they are to discuss and deal with the Budget which contains provisions for them. Some of the members come into intimate touch with the administration through various committees. The Governor-in-Council can indeed secure legislation and obtain funds in spite of opposition from his Legislative Council, but in shaping his course with regard to such subjects he has to take into account the important factor of his relations with the Legislative Council and and its Ministers. The Legislative Council's sphere of influence therefore extends beyond the actual area of transferred departments.

The fact that the council resolutions are mere recommendations as also the fact that the Governor possesses powers of certification have tended perceptibly to weaken the sense of responsibility of the councillors. Sometimes proposals have been made without regard to their logical consequences because the members knew that the Government had the power to prevent the mischief and would certainly step in. Ordinarily, however, the Assam Legislative Council has acted with a due sense of its responsibility and the Province owes a lot to it.

The future constitution of India.. The Central Government consists of the Governor-General and his Executive Council. They are responsible to Parliament and not to the Indian electorate. The latter have no voice in their appointment nor can they turn them out of office by their vote. At the same time, the Legislative Assembly contains an elected majority and can even discuss military and political expenditure. The result has been as could well be anticipated. The Assembly has no constitutional responsibility for carrying on the business of Government and need not be reasonable. The Governor-General has emergency powers to overcome deadlocks. While, therefore, the Government accuses the Assembly of want of a sense of responsibility, the people accuse the Government of unmitigated autocracy. An irresponsible executive and an elected legislature can ill assort together. No wonder that there has been a persistent demand for reform of the Central Government.

The authors of the Montagu-Chelmsford Report have given a picture of the future constitution of India which in its main outlines has received public approval in India :—" Our conception of the eventual future of India is a sisterhood of States self governing in all matters of purely local and provincial interest, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this congeries of States would preside a Central Government, increasingly representative of and responsible to the people of all of them ; dealing with matters, both internal and external, of common interest to the whole of India ; acting as arbiter in inter-State relations, and representing the interests of all India on equal terms with the self governing units of the British Empire. In this picture there is a place also for the Native States. It is possible that they too will wish to be associated for certain purposes with the organization of British India in such a way as to dedicate their peculiar qualities to the common service without loss of individuality."

The same ideal was foreshadowed as early as 1911 in the Coronation Durbar Despatch to the Secretary of State for India from Lord Hardinge's Government. " The only possible solution of the difficulty would appear to be gradually to give the provinces a larger measure of self-government until at last India would consist of a number of administrations autonomous in all provincial affairs with the Government of India above them all and possessing power to interfere in cases of misgovernment, but ordinarily restricting their functions to matters of Imperial concern." The Indian National Congress has declared itself in favour of full responsible government of a federal type. Dr. Besant's Commonwealth of India Bill is an attempt to evolve a federal constitution suited to the peculiar conditions of India and has influential backing. The question therefore is—Should we be justified in pressing for introduction of responsibility in the Central Government at the present state of our political development ? Opinions are sharply divided. To many it would be a leap in the darkness. Others foresee no evil consequences. Personally, I incline to the view that we should wait until we have had experience of the working of responsible government in the provinces.

The Central Government has to deal with problems which in their range and complexity far exceed any that may fall to any provincial Government. Responsibilities which may without undue risks be entrusted to the people in the provincial sphere, it may be positively unsafe to entrust to them in the sphere of the Central Government until we have an electorate adequately numerous and capable of understanding the issues and controlling the executive. I am aware that it has been suggested that a system of Dyarchy should be introduced in the Central Government, defence and foreign relations being reserved, and the rest being transferred to the control of the elected representatives of the people. Constitution-making is not perhaps difficult on paper and the above proposal has its attractions. But the evils of Dyarchy will be there apart from the novelty of the suggested change.

No constitution based on academic considerations will be a safe one. I am, however, clear that the Central Government should be so constituted as to make it more representative of Indian opinion and more amenable to the influence of the Assembly. Having had no experience of the actual working of the Central Government, I am not in a position to suggest what changes would best conduce to that result. It will be something if in the Governor-General's Executive Council there is a majority of Indians and selections are made from people who more or less enjoy the confidence of the public.

I am also clear that the Secretary of State's control over the Government of India should be considerably relaxed, especially when the Government of India and the Indian Legislature are in agreement. I concede that so long as the Parliament remains responsible for the good government of India—and that responsibility will continue until there is a properly trained electorate to take its place—the Parliament cannot divest itself of all control. But the Government of India is in more intimate touch with Indian conditions than the Secretary of State and the control of the latter should be reduced to the minimum possible.

I have suggested complete autonomy for the Provinces. But, however desirable it may be, we must take care that as the result of it the Provinces do not fall apart. The Central Government should be armed with powers to intervene when necessary. In India the forces of disruption are many and they can only be controlled by a strong Central Government. Provincial autonomy cannot mean absolute independence, for there can be no federation if the constituent parts are absolutely above the Federal Government.

Representation of Assam in the Legislative Assembly and the Council of State. Assam is very inadequately represented in the Legislative Assembly and the Council of State. According to population basis she is entitled to more seats. At present she sends two Hindus, one Muhammadan, and one European to the Legislative Assembly ; and one Hindu every term and one Muhammadan every other term to the Council of State. The representation is practically nominal. I also think that the number of members of the Legislative Assembly should be increased. British India is too big to be adequately represented by 144 members. And further, the members of the Assembly should all be elected except of course the official members.

Provincial Governments. As for the Provincial Governments, I think there is practical unanimity in the country that Dyarchy should be scrapped not

only because of its inherent defects but also because the politically-minded Indians are thoroughly against it and few will be found willing to work it for another term. No constitution can have any chance which has not behind it the good will of those who will be called upon to work it.

The last eight years have demonstrated the capacity of Indians for self-government and I have no hesitation in suggesting that all the subjects should be transferred to the control of the Ministers. The Governor would of course retain his veto and his power of dissolving the Council, and as a further safeguard I would invest the Indian Legislature with powers to withdraw any subject from provincial control should public interests so require.

It might be argued that when you provide so many checks, you imply, indirectly at least, that your people are not yet fit for responsible government. My answer is that responsibility can only be taught by giving opportunities for its exercise. You provide checks in order to minimise risks and prevent and undo mischief.

I would also have a Second Chamber of the Provincial Legislature. Even in more advanced countries its necessity has been felt and recognised "as a valuable check on the possibly too radical proclivities of a lower House." There is of course the other side of the picture, but I believe its advantages far outweigh the disadvantages likely to result from it. There is no real democracy in any country. Party or "interests" govern with some fiction of the consent of the governed, and a lower Chamber is not really democratic. It is an oligarchy in the garb of democracy and the existence of the Second Chamber, while performing a useful function, will not make the constitution any the less democratic.

Electorate. I would give a vote to every man who is literate. This will not only encourage literacy but also enfranchise a very large number of educated people who, under the existing franchise, have no votes, but who influence political thought in no small degree. I would also give a vote to every man who pays any direct tax. The fact that one is a tax payer ought to be enough. What will be the percentage of the voters to the total population I am not in a position to say, but we must remember that, at the time of the Reform Act of 1832, only 3 p.c. were enfranchised in England.

Indians are sober and intelligent, and inheritors of an ancient civilisation to which representative institutions were not unknown, and, in spite of their illiteracy, can understand things. It is possible to exaggerate the drawbacks of illiteracy, but I have found, in the course of my electioneering campaigns, that if things are explained to him even an ordinary cultivator can take an intelligent view of them. I do not say that an ordinary elector has any conception of his function in the State or that he has learnt the potency or the use of his vote or that any degree of organic connection has yet been established between the electorate and the legislature—things which are considered essential to the proper functioning of a democratic constitution. But, if we are to wait until every voter has become as capable as a voter in England or America, we should have to wait for perhaps a century yet. After all, it is the educated people who create opinions. Given responsibility, they will educate the mass and, in the process, themselves learn to appreciate the significance of democracy better. It is often said that it is after long and laborious stages that democracy has been established in other countries and we cannot avoid the same process, but we have the advantage of the experience of other countries and can move faster.

Electoral Divisions. At present, for the general constituencies in Assam, a subdivision is generally the unit, irrespective of its size or population. It is too big and having regard to the difficulties of communication the constituencies ought to be smaller. I think one member for each lakh of population will not only secure adequate representation but also considerably reduce the size of the constituencies.

Elections. We have got the ballot system of voting, but little secrecy is observed and the polling officers cannot often keep control. This is, in most cases, due to defective arrangements of the polling booths which are generally school buildings. The poor voter has often to vote under the very gaze of the candidates or their supporters and at close quarters from them. The number of polling stations is again too small. Each of them is intended to serve a radius of about 5 miles—but some voters are required to travel longer distances. This not only affects the number of votes recorded but also adds to the election expenses. Absence of a sufficient number of reliable polling officers is the excuse put forward. This is probably true, but, you cannot withhold proper facilities from electors for this reason. Corruptions prevail to an appreciable extent not only in the shape of pecuniary bribes, but also in other shapes such as undue influence, coercion, promises of advancement and so forth. But, perhaps, these are unavoidable, at any rate in early stages. In his book on Modern Democracies (1921) Bryce referring to elections in Canada remarks :—" Bribery, however, is not rare. The laws enacted on lines found effective in England failed to restrain these malpractices, usually managed by underlings and apparently by both parties alike. Happening to hear a politician complain bitterly of the heavy expenditure by the opposite party which had caused the defeat of his own, I enquired why petitions had not been more largely presented by the losing side and was answered that things might have come out which were better left in darkness. Each side had bribed because it believed the other to be bribing and the wealthier party got the best of it ; for money counts here as in most countries and campaign funds are thought indispensable." Election expenses have gone up very much and if things continue as at present, it is but the rich who alone will contest. The really deserving but poor folks will have little chance. The present council does not contain the best men of Assam. There are some people who ought not to have been there, and would not have been there but for their wealth.

Joint and Separate Electorate. I am for joint electorates, with seats reserved for communities which are in a minority in any province should the latter so desire. At present the minor communities claim not only reservation of seats but also communal electorates. The Mahomedans claim the same even where they are in a majority. The disadvantages of communal electorates are obvious, but joint electorates will not of themselves breed and foster a sense of national life unless and until the communities concerned realise the identity of their interests. Where this realisation is absent, joint electorates will only create a sense of grievance and further embitter feelings already overstrained. Where, therefore, the desire for a separate electorate is strong, I think it would be wiser to recognise it until the constituencies concerned realise its undoubted evils.

But on what basis are the seats to be allotted ? Mahomedans claim on the basis of population where they are in a majority, and special representation where they happen to be in a minority. Europeans and Anglo-Indians claim on the basis of their "interests at stake." To me, none of these bases seems to be fair. European and Anglo-Indian can never be numerous enough to do without the help of the Indians and should learn to rely more and more on Indians. Only, they should be allowed opportunities of representing their views and needs.

The population basis would not always be fair. If a community pays 60 p.c. of the taxes, but forms only 40 p.c. of the population and is given representation to the extent of 40 p.c. only, the consequence would be that other people will, by virtue of their numerical superiority, spend the money it pays into the Exchequer. In reserving seats, considerations such as the taxes paid by a community, its progress in education and the number of voters it supplies

ought also to be given weight along with the numerical strength.

I wish our Muhammadan brethren did not claim special representation. This only serves to estrange feelings. If population is to be the basis of representation, I do not see why it should not be applicable to minor communities as well.

The composition of the Legislative Council and the Second Chamber. The Legislative Council should only consist of elected members while the Second Chamber should contain a nominated element as well. The mutual relations between the two Houses as also the constitution of the Second Chamber are matters on which I do not wish to express any opinion at this stage.

Ministry. In appointing Ministers the Governor should follow the English practice. He should appoint the Prime Minister from the majority party and leave to the latter the appointment of the other Ministers. In the absence of a majority party the right course for him would be to ask the Council to elect its own Ministers. Such a Ministry may be expected to command a working majority. Hitherto, Ministers have been appointed in Assam so as to give one Minister to each Valley, one of whom, again, has to be a Muhammadan. It was possible, until the last council, to get outstanding men who would satisfy these tests. But the composition of the present Ministry has given rise to widespread dissatisfaction and if communal considerations had not been given undue weight a better personnel could certainly be secured.

The responsibility of the Ministers should be joint as in the British Constitution. The absence of joint responsibility affects the solidarity of the Government and tends to encourage disunion and intrigue.

The Public Services Commission. Experience of the working of democracy in other countries has shown that in order to secure an efficient Civil Service it is essential that the services should be protected from political and personal influences and given stability and security. In Canada, Australia and South Africa they have got Public Services Acts regulating the position and control of the Public Services and the duty of administering these Acts has been entrusted to a Public Service Commission. The Government of India Act provides for the appointment of a Public Service Commission to discharge " in regard to recruitment and control of the Public Services in India such functions as may be assigned thereto by rules made by the Secretary of State in Council." We have got a Public Service Commission appointed by the Secretary of State in Council, but no Public Service Acts. I am strongly of opinion that, in the interests of purity and efficiency of administration, legislation should be undertaken to deal with the matter. I think, further, that it is the Central Legislature that should legislate; for, among other things, this will help in setting a uniform standard of administration throughout British India. The Act or Acts would make provisions regulating standards of qualifications, methods of recruitment, conditions of service, pay, allowances, discipline and conduct.

Recruitment may be made outside India by the Public Services Commission through such agency as it may deem suitable.

All appointments will be made by the Government of India in which the ultimate control will be vested.

I am aware of the strong objections that the British element in the All-India Services will take to this transference of control to the Indian Government, but it should not be difficult to provide by legislation suitable safeguards for the protection of their interests. We gratefully appreciate the good work that the British element in the different Civil Services of India have done, and I personally think that British Officers will be very much in requisition by the Ministers for years yet. But the position of the All-India Services has an important bearing on the constitutional development of India, and if India is to continue as part of the British Empire we have a right to expect the Britishers to be reasonable. We only wish to assimilate their position in India to that of the permanent Civil Services in their own country.

The Indian Civil Service and the Indian Police Service are recruited for Assam, as for the other Provinces, by the Secretary of State. The Provincial and some of the subordinate services are recruited by Selection Boards which consist of members nominated by the Government. The proceedings of the Board do not inspire public confidence. People fail to discover in them any uniform principle. Outstanding candidates have often been rejected in favour of candidates with but poor qualifications. What are called communal considerations are really political. There are territorial considerations too—so many appointments for this valley, so many for the other. The result has been unfortunate. Our services compare very unfavourably with the corresponding ones in the neighbouring Province. There has been a deterioration of the standard of administration and I regret to have to observe that the honesty of the services is also being gradually affected.

I have already suggested that the methods of recruitment, qualifications of candidates, etc., should be laid down by the Indian Legislature. I would only remark that the competitive test has been found to be the best test everywhere. It may not be the ideal test, but undoubtedly comes nearest to it. I am no believer in communal representations in services. The so-called advantages are far outweighed by the deterioration of efficiency. The best public servant is he who can serve the public best. I have heard it said that a mere educational test is not a sure test. Neither is any other. But as a general proposition it may be stated that the possession of high educational qualifications implies the possession of the other requisite qualities.

The Assam Government has consistently opposed a competitive test. Apart from the supposed necessity of communal representation in the services, the presence of the backward tracts is urged as a ground for its opposition. Unless it is contended that the intellectuals of the plains districts are ill-fitted for service in those areas, there is hardly any sense in this attitude.

Territorial Redistribution. My own view is that the whole of Assam should be transferred to Bengal, or, rather, that the plain districts should be transferred and the hill districts made over to the Government of India to be administered by the Government of Bengal as an agency area. There are officials who entertain a similar view. The ninth despatch on the Reforms refers to this opinion, but the Government of India declined to go into the question on the ground that the demand should come from the people themselves.

There are mainly two objections taken to the proposal. The first is that the amalgamated province will be too large for a single administration; and, the second is that the people of the Assam Valley are opposed to it. The first ground is hardly tenable. Bengal, as it is, is too small for a Governorship. Not very many years ago Bengal, Bihar and Orissa constituted one Lieutenant Governorship. It is true that the Reforms have increased the pressure and strain on the Government, but there are now 4 members of the Executive Council and 2 Ministers (whose number may also be increased) and they may be expected to be able to cope with the work. The Assam districts are now easily accessible. The second objection is based mainly on selfish considerations. The people of the Assam Valley occupy a privileged position and nobody would part with his privileges so long as he could help. They fear, they say, that in case of transfer, their individuality will be merged into that of the Bengalis. But there is so much common between the Assamese and the Bengalis that this argument is almost pointless. Place a Bengalee lad and an Assamese lad side by side, you will hardly know the one from the other.

If we are to be a nation, we should try to get rid of artificial differences instead of magnifying small ones or creating them where there are none.

Assam, as it is, is but an appanage of Bengal. There are so many things for which it has to depend on its neighbour that, if asked to stand by itself, it would find itself at sea. Assam has no High Court, no University, no Engineering or Medical College, or other high educational institutions, for all of which it has to rely on its neighbour's generosity. Again, the development of the resources of Assam requires capital and enterprise which is not available in the province itself. In the extent of its territory it is not much behind Bengal, but it is far richer in its natural resources, which are however lying untapped. The reclamation of the Assam jungles is going on through the labours of the Bengal peasants who have migrated by lakhs and are still migrating. Assam cannot find enough people for the purpose. Where the connection is so intimate and many-sided, amalgamation is but a natural process.

In the redistribution of provinces, sentiment alone cannot be the governing factor. Other considerations arise and must be given due weight. There is little against amalgamation except sentimental objections on the part of a section of the people. The reason in favour of it are far weightier and should, in the interest of all concerned, prevail.

There has been a demand for transfer of Sylhet to Bengal which was reinforced by resolutions in the local Legislative Council. Cachar wishes to remain in Assam, but if Sylhet goes out it is not prepared to be left behind. There is also a demand in Goalpara for its transfer.

If there is a case for the transfer of Sylhet, there is an equally strong case for the transfer of Goalpara and the plains portion at least of the district of Cachar which are Bengali-speaking; for the chief reason urged as justifying the demand is that all the Bengali-speaking districts have a right to ask to be amalgamated with Bengal. It should be added that in Goalpara there is a good proportion of Assamese-speaking people as well.

The demand for the transfer of Sylhet is not so strong now as before. The Mahomedans almost as a community now seem opposed to it and there has been a revulsion of feeling on the part of not a few Hindus. I voted in favour of the resolution moved in council for its transfer, some time ago, because, I had given the pledge to my constituency to support it and the vast majority of educated Hindus and Mahomedans were then in favour. But, in my note as a member of the Government, I pointed out the difficulties and disadvantages of the step. I enclose a copy of that note for reference.

NOTE.

My views on this question have been well known to His Excellency the Acting Governor for years. I wish to be in Bengal and that for reasons which His Excellency is well aware of.

Since I became a member of the Council I began to take interest in all parts of the province and in my Budget speech of the second year of the first Reform Council advocated that the whole of Assam should go to Bengal, and the more I think of the matter the more convinced do I feel that that is the proper course. I shall state my reasons briefly.

The total population of Assam is 7,606,230 according to the Census report of 1921, of this 3,524,318 are Bengali-speaking and 1,718,712 are Assamese-speaking, the rest, 2,363,200 being primitive tribes in different stages of civilisation and speaking a number of languages.

The province is therefore essentially a Bengali-speaking province and if Sylhet is to go why not the rest?

Again, if Sylhet goes, can the claim of Cachar and Goalpara be resisted? If the wishes of the people and racial affinity are any criteria, these two districts have the same claim as Sylhet. His Excellency Sir John Kerr, in his prorogation speech indicated as much (so far as regards Goalpara); the population of Cachar is 527,228, of whom 313,797 are Bengali-speaking. The population of Goalpara is 762,523, of whom 405,710 are Bengali-speaking.

If the wishes of the majority are to prevail these districts must go. Even Sylhet is not unanimous. Apart from the masses who cannot be expected to understand the issues, there is some difference of opinion even among the educated classes. I do not see on what ground Cachar and Goalpara can be resisted. The question is not whether Cachar and Goalpara ever formed part of Bengal; that is immaterial. The question is, are the inhabitants—the majority—Bengali-speaking? Even the Ahoms are not the original inhabitants of this province.

If Sylhet, Cachar and Goalpara go to Bengal what remains of Assam? Only the 5 districts of the Assam proper and the Hill districts. Can they form an administration?

Again, if Sylhet alone goes, over 25 lakhs of the Bengali-speaking people go away. What about the remaining 12 lakhs? The Bengalis, who were the predominant people in the province, will at once sink down to a very secondary position. As a Bengali, I feel for them and would naturally like to take them with us.

Then again, if the Muhammadans of the Surma Valley, or even of Sylhet, go away, the Muhammadans of the Assam Valley will be in a minority and lose the strong position they now hold. I have spoken to some Muhammadan gentlemen of the Assam Valley and they fully realise the danger.

Then again, if competition brings out the mettle in men, then the Assamese will suffer for want of people to compete with.

Lakhs of Bengal people are migrating to Assam; the influx will continue as Assam is the natural field for expansion of the surplus population of Bengal. If checked, Bengal may retaliate, as it will certainly be justified when it becomes autonomous. Where will Assam then be?

To me, it seems, the solution lies in transferring all the plains districts to Bengal. The Hill districts should be administered by the Central Government through the Government of Bengal as an Agency area. This will also relieve the plains districts of the burden of maintaining the Hill districts at their own cost (some 7 lakhs).

I know it is said that Bengal with Assam will be too heavy a charge. That is hardly correct. By transferring the plains districts we merely add a division. Sylhet and Cachar will go with the Chittagong Division which is admittedly too small, the six Assam Valley districts will form a Commissionership. As it is, Bengal is too small a charge for a Governor and a Council of 4 Executive Members.

And we must not forget that Bengal, Behar and Orissa for years formed a Lieutenant Governorship.

If Cachar has spoken out its mind—viz., that, if Sylhet goes, it must also go—Goalpara is not inactive. It is moving in the matter and is just waiting to see what becomes of Sylhet.

Minus Sylhet, Goalpara will be the only permanently settled district in the province in the midst of a number of temporarily-settled districts—the danger is not fanciful and Goalpara knows it.

17th July, 1925. P. C. DATTA.

I have only to add that two leading public men of a neighbouring district warned me that we were far from wise in agitating for the transfer; they pointed out how little attention they got from the Government of Bengal and how privileged was the position we were occupying in Assam. It is curious that while thousands of people from Bengal are continually migrating to the Assam Valley, we are trying to clear out of Assam.

In this connection, I should like to mention that the policy of the Parliament in regard to backward tracts is open to grave objections. They have been

placed outside the Reforms and are supposed to be the special care of the Governor-in-Council. But why should this be so ? By isolating them you are blocking the way to all contact with the plains people. They are our neighbours and we are most vitally interested in them. The Legislative Council should have the same powers over these tracts as over the plains portions. Contact with the plains people is a far more potent agency for civilising the hills people than anything that the Government can do. The Khasis would not have been what they are, but for contact with the Bengalees and the Assamese. In saying so, I am not unmindful of the great services that the missionaries have done and are doing in this connection.

Then again, if we are not to have any part or lot in the administration of the backward tracts, why should we be made to pay for them ? As it is, we are contributing annually something like 7 lakhs for their maintenance and at one time we had to raise additional revenue to meet this deficit. I have protested against this, both as an ordinary member of the Council and as a Minister, and I know that the Government of Assam did go up to the Government of India for a subsidy to cover this deficit, but, of course, to no effect.

If the backward tracts are to continue as parts of Assam, they should be brought within the pale of the Reforms and, considering that Assam is a poor province, the Government of India should give it a subsidy to cover the charges for their administration.

Local Self-Government. We have the Assam Municipal Act for the urban areas, the Assam Local Self-government Act and the Assam Rural Self-government Act for the non-urban areas. The first and the last Act were passed by the Reformed Council which has also amended the third Act passed in 1915.

Assam Rural Self-Govt. Act. The Rural Self-government Act has been enacted to give the people of the village an opportunity to manage the affairs of the village.

It is an attempt to revive, in a form possible under modern conditions, the old village communities. In each village there is to be a body called the Village Authority which will be elected by male adult suffrage and will have charge of such matters as water supply, roads, drainage, jungle clearing, medical needs and so forth. Provision has been made for the creation of a Village Development Fund to which contributions will mainly come from the provincial revenues. The Village Authority will have no general power of taxation, but can raise funds for any specific work of public utility. There are also provisions for its taking charge of primary education and of dispensation of justice in petty matters.

There was indeed a provision for the creation of Village Authorities in the Assam Local Self-government Act of 1915 and a number of Village Authorities had actually come into being, but they suffered from the disability that they were subordinate to the Local Boards and could only perform such functions as the latter might choose to entrust to them. The position was not calculated to develop the spirit of self-government in villagers. Under the Assam Rural Self-government Act, the Village Authorities have been taken away from the control of the Local Boards and placed upon an independent footing. The Act is full of possibilities and should be properly worked. I am afraid it has not received the attention it deserves either from the Government or from the Council.

The Assam Local Self-Government Act. Unlike Bengal, we have no District Boards in Assam. Our Local Boards are independent bodies with separate revenues of their own while the Local Boards in Bengal are mere agents of District Boards. While there is something to be said in favour of the District Board system, it suffers from the evil of centralisation and those who have had experience of the working of both the systems consider the Assam system as more efficacious.

The territorial jurisdiction of a Local Board is co-extensive with the subdivision of a district and each looks after the needs of the subdivision as a whole. The Local Government fixes the number of members of each Board, not less than four-fifths of whom must be elected. The rest are to be nominated by the Government. The qualifications of the voter are also prescribed by rules made by Government. An amendment of the Act to do away with nomination altogether was rejected by the Council. I was the sponsor of that amendment and still adhere to my view. The recent nominations to the various Local Boards have shown that they are made on no consistent and intelligible principle and often serve to defeat the wishes of the elected majority.

In addition to the evils of nomination, there are the greater evils of the communal electorate. Seats are distributed between Hindus and Mahomedans and Tea-planters with special electorates for each community. To have special representation on the Legislative Councils is bad enough, to insist on having it on Local Bodies is almost suicidal. If we cannot trust each other in the sphere of local self-government, we shall never come to trust each other in higher spheres where larger and more important interests are negotiated. If we wish to see India self-governing we must cure ourselves of our communal proclivities. I hope communal representation on the Local Boards will be abolished.

Franchise. The franchise for membership for the Local Boards is the same as that for the members of the Legislative Council. I suggest that there should be established a Village Authority under the Rural Self-government Act in every village, and that it is the members of the Village Authorities who should elect to the Local Boards. My reasons are, first, that owing to the size of the constituency and the numerical strength of the voters, the election expenses have been going up by leaps and bounds. If this tendency is not checked, it will be well nigh impossible for poor but qualified candidates to succeed. Secondly, there are people who would like to serve on the Board as well as on the Legislative Council. Unless they are very wealthy, they must choose between the two. But this will keep out many deserving persons. Lastly, the members of the Village Authorities will be persons of some consequence in their village and better able to exercise their votes.

The chairmen of Local Boards are to be non-officials, elected by the members themselves, unless any Board, by a two-thirds majority, ask the Government to appoint an official chairman. Recently, the Silchar Local Board has asked for an official chairman. The vice-chairman is always a non-official and elected. Appointments of chairmen and vice-chairmen do not require Government approval.

Municipalities. For the urban areas we have the Municipalities and for areas which are more urban than rural, and which, in the Local Government's opinion, require special arrangements, we have the small towns. The number of members is fixed by the Local Government but, in the case of Municipalities, it must not be less than ten or more than thirty. Not less than four-fifths of the members of the Municipality must be elected, the rest being nominated by the Local Government which may, however, direct that all the members shall be elected. I don't think this power has been exercised in favour of any municipality. The members of the small towns are either appointed or partly elected and partly appointed by the Local Government. The Chairman and Vice-chairman of all municipalities, except that of Shillong, are to be elected, the election of the chairman being subject to the approval of the Local Government. The small towns shall exercise such powers of the municipality as the Local Government shall direct. The Chairman and Vice-chairman of a small town are appointed by the Local Government and, if it so directs, may be appointed by the

Town Committee. There is no communal representation on Municipal Boards although, in the last council, there was notice of a resolution to introduce it. It was not moved however.

Franchise. The franchise is prescribed by rules made by the Local Governments, but is not confined to ratepayers. It is pretty wide but ought to be further widened by giving a vote to every tax-payer.

Funds of Local Boards and Municipalities. Local authorities receive no assignment of provincial revenues, nor are they allowed to levy surcharges on provincial and imperial revenues.

The municipalities levy their own taxes while the Local Boards are given the local rates (the land cess levied in Assam is so called). Both the Local Boards and Municipalities are allowed to appropriate the ferry tolls and pound receipts within their areas. Two kinds of subsidy are given to them, first, those recurring and non-recurring given for specific purposes; secondly, fixed recurring ones given for general purposes. They also get the free services of certain Government officers for purposes of inspection, advice, &c. Contributions to the local bodies from the provincial revenues are substantial. In the case of the Municipality, they would come up to nearly 15 p.c. of their total expenditure and in the case of Local Boards, to nearly 60 p.c. of the same. People are taking more and more interest in the affairs of the local bodies, and, what is more encouraging, is the fact that the landholders and other persons of importance in the villages are coming forward to take their rightful place. The predominance of the professional classes living in the towns, where the headquarters of Local Boards and Municipalities are located, is gradually diminishing.

The local bodies are doing good work. The members exhibit commendable public spirit and I am not prepared to admit that their efficiency has been deteriorated by the disappearance of the official connection with the Boards. But supervision is necessary. Functions given to them are varied and important, but want of adequate funds is a great handicap. They have indeed the power to increase their revenue, but, as containing an elected majority, they naturally hesitate to impose any fresh tax. Until the public conscience has been educated up to the need of meeting local needs by local efforts, much further progress cannot be expected. The demand will continue for more and more help from the provincial revenue.

Relations between Central Government and Provincial Government. The powers of superintendence, direction, and control, now exercised by the Central Government in relation to transferred subjects over the Provincial Governments are limited to the purposes specified in Devolution Rule No. 49. No change seems to be necessary in this regard.

I would not, at the present moment, add to the list of provincial subjects. The financial relations between the Central and Provincial Governments, raise questions which, I confess, I am not in a position to deal with satisfactorily. I would however invite the attention of the Commission to two matters. The first relates to the export duty on tea from Assam which amounts to many lakhs a year. The whole of it is appropriated by the Government of India. The second is that the plains districts of Assam have to contribute for the administration of the backward tracts, which ought to be the charge of the Central Government, more than 7 lakhs a year. I have referred to this matter at page 17 of this note. Assam is a poor province, but her needs are great. It should be considered whether a percentage of the export duty on tea could not be assigned to her and it is but bare justice that the Government of India should grant her a subsidy to cover the deficit in the cost of administering the backward tracts.

Conclusion. I do not think any opinion will support the continuance of Dyarchy in the Provincial Government and it has been truly remarked that there is no half-way house between Dyarchy and responsible government. The Indian opinion, I believe, will generally support the introduction of responsible government in the Provinces subject to suitable safeguards. That the reforms have been successfully worked in Assam has been admitted by successive Governors and her claim to responsible Government cannot be resisted with justice. Government by a cabinet composed of Europeans and Indians appointed by the Crown on the recommendation of the Governor has been suggested as a possible alternative. This in fact is the scheme which the heads of certain provinces suggested when the reforms were under discussion, but which was rejected on the ground that it provided for no element of responsibility in the Government. To substitute it in place of Dyarchy would be a retrograde step. I do not anticipate anything but good from the transfer of the provincial subjects to the control of the Ministers. I know there is an opinion that it may be risky to transfer Land Revenue and Law and Order, but if any extra-precaution is considered necessary, these subjects may be made subject to central legislation. I have already suggested that power should be given to the Central Legislature to withdraw any subject from provincial control, which would be an additional safeguard. I saw it suggested somewhere that these subjects might be re-transferred to the control of the Central Government. I am afraid this would not be right and would arouse strong opposition. But I would see Dyarchy abolished even at the risk of losing control of these subjects for a time.

I feel the need for a strong Central Government and have not, therefore, restricted its existing powers of legislation in regard to the provincial subjects and its existing control over provincial legislation. These, combined with the safeguards provided elsewhere, ought to be potent enough to prevent abuse of powers on the part of the Ministers.

Of late, a class of politicians has arisen among us who consider it an essential preliminary to the political progress of India that the British Government should be banished from the land. They pretend to believe that, once that is accomplished, everything else will come out all right. They need not be taken seriously. Their attitude is the result of impatience born of desperation. Their impatience is not unnatural. I confess I am also impatient, but to invite anarchy is one thing, to face it when it comes along is quite another.

The Indian National Congress in its last session has declared national independence as the goal of the Indian people and lest anybody should misunderstand its meaning, Mr. Srinivasa Ayenger took care to make it clear that national independence is not dominion status, but total severance of the British connection. Mahatma Gandhi has condemned these heroics in his characteristic way. They need not trouble anybody.

I think the best minds of India are yet in favour of a dominion status for India. In an article which I contributed to a local weekly on the Madras Congress I developed the idea. I make an extract from it as representing the average Indian views on the subject.

"Pandit Jawharlal confronted by an interviewer explained that the resolution did not declare India independent now but merely laid down what ought to be her ultimate goal. But we are far from independence yet. Why then this anxiety to tie India down to such an extreme ideal so far in advance? Pandit Motilal is prepared to accept the dominion status if only because it gives India a right to sever her connection with the British Empire. Why not follow him and wait till the dominion status is reached? There will be time enough then to make your choice. For aught we may think now, India might then find it to her advantage to continue her connection with the

British Empire which before our very eyes is drifting towards an Imperial Federation. You have no right to anticipate her verdict any more than you can bind the future generations. A Canadian, an Australian or a New Zealander is as independent as a Britisher. Standing alone they are helpless against hostile attacks. As citizens of the British Empire, they need not fear the frown of even a First Class Power. Australia—a bigger continent than India—is seeking settlers, Japan is seeking outlets for her surplus population, who will find Australia very handy and convenient. Yet Japan dare not touch her. Imperial connection has some undoubted advantages and if placed on a federal basis—the Empire idea has not yet reached its highest evolution—no nation will like to revel in glorious isolation. Naoraji, Gokhale, Surendranath are honoured names in the history of constitutional struggles for the regeneration of India. It was not for nothing that they adopted a dominion ideal for their mother country. They would not shrink from any sacrifice their country might demand of them. But they had the gift of true statesmanship and saw clearly enough that India could achieve her destiny through British connection. The relations of the Dominions to the mother country are undergoing daily transformations and the British Empire may in its ultimate evolution grow into a federation of the Dominions and the mother country. No position could be stronger than that which such a federation would ensure to its component parts."

I have not found it possible to recommend introduction of dominion status all at once. The Reforms have brought to the surface serious conflicts of interests among the various races. We should watch the effect of introducing responsible Government in the provinces before handing over the Central Government to popular control. I would expect the Commission to declare that Responsible Government of a federal type is best suited to the peculiar needs of India and suggest steps which will lead to the realisation of that ideal in the shortest possible time. I would respectfully impress upon the Commission that things are moving very fast in India, that a spirit of restlessness is spreading over the face of the country, that the people's faith in British connection is being gradually shaken and that the younger folks are getting restive and thirsting for braver methods. It is not statesmanship to ignore the warning voice of the educated. They create opinions which filter down to the masses. Unless a substantial advance is made towards the realisation of responsible Government, educated India will not be satisfied.

SHILLONG.

Dated 4th January, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, RAJA NAWAB ALI KHAN, SIR ZULFIQAR ALI KHAN AND SARDAR SHIVDEV SINGH UBEROI), AND OF THE ASSAM PROVINCIAL COMMITTEE.

RAI BAHADUR PRAMODE CHANDRA DATTA

1. *The Chairman*: Rai Bahadur, I think you were a minister in Assam for some four years ?—Yes.

2. From September, 1922, to December, 1926, is my note ?—That is so.

3. What was the department of which you were minister ?—For some time I was in charge of all the departments, and then in charge of local Self-Government.

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31. You mean, whatever be the amount of forests in the area which in the future is called the province of Assam, whether it be more or less, you would like to see the subject of Forests transferred ?—Yes.

32. Then what is your view about the hill tracts on the whole ? What would your own advice be—that they should remain inside the province of Assam or that they should be put outside ?—They should remain inside the province of Assam, and be given Reforms.

33. What do you mean by given Reforms ?—They should be given votes, just as we have votes here, and should be allowed to nominate their representatives as we do.

34. I have not quite followed that. You see, there is a view presented to the Conference, one view, that the hill tracts should be excluded from the area of the province of Assam ?—I am not in favour of that.

35. Another view which might be taken is that the present arrangement is the right one; that is to say, that the hill tracts should be included within the province of Assam, but that they should be specially administered under the sections of the Government of India Act, which you are aware of ?—I am against that.

36. Then what is it which you think would be right ?—I would say that we should have a voice in the administration of the hill districts, as we have in the administration of the plains districts.

37. You mean that there should be no difference, you think, in the constitutional arrangements for the hill districts from those from the plains ?—Yes.

38. You think that each district should return a member to the Assembly here ?—That does not necessarily follow. It might be that these people would not understand the value of a vote very much now, but if they are given votes they will understand these things by and by. They will be trained. Probably for the present they will have to be represented by outsiders, but I would welcome even that; I would give them votes, which would give them a training. If you isolate them from us, the result will be that they will never become one of us.

39. I think I follow your view, but tell me if I am wrong. Your view is opposed to taking the hill tracts away from the province of Assam ?—Yes.

40. But you recognise that if they were retained within the province of Assam, for some time to

come there might have to be special arrangements made for their administration ?—Yes, that happens to a certain extent.

41. But you would do it, in the hope that they would gain political education, and later on be able to exercise the full rights of franchise just like other people in the plains ?—Yes.

42. The view which is presented to us by some very considerable authorities, Dr. Hutton for example, and the Government of Assam, is that there really is no common interest between the hill tracts and the plains, such as would justify bringing them into a common province—that they differ not only ethnologically and in language and custom and religion, but that they really are not tied together by any bond of sympathy ?—Yes, but if you keep them apart, I dare say there will never be any tie between us, and the result will be that they will be another race altogether.

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48. You would have a Second Chamber in the province ?—Yes.

49. You think the advantages of that would outweigh its disadvantages ?—Yes.

50. Have you any suggestion to make to us as to how the Second Chamber should be composed ?—I think representatives of special interests—for instance, the tea industry, commerce, trade, Europeans, Marwaris, landholders, members of the Bar, of the medical profession, and such communities as claim and are considered deserving of special electorates except Muhammadans might all be included in the Second Chamber.

51. You mean represented by a method of election ?—Yes, by a method of election and by nomination, too. I would give Muhammadans seats in the Lower House, although they may insist on separate electorates, and that as a matter of necessity.

52. I see from what you say lower down on page 14 that you would give the vote to every man who is literate. I want to ask you two questions about that. First of all, do you mean by that that you would exclude women ?—No.

53. "Man" there means adult ?—Yes.

54. How do you propose, as a practical matter, to secure that the vote is enjoyed by every adult human being in Assam who is literate ? How are you going to find out ?—I think that can be found out. Where is the difficulty ? If you can find out those who pay a certain amount of chaukidari tax, why should not you be able to find out those who are literate ?

55. I will tell you. When a man pays chaukidari tax he pays a certain sum of money, and I suppose is given a receipt, and his name is known ; but if I walk out now into the streets of this place I could not tell you, and I do not think anyone could, by inspection of any document whether a particular man is literate or not ?—A man can be asked, and if there is any doubt he can be asked to write something or read a few lines from a book.

56. In any language ?—In any language.

57. Then the examiner will have to be rather an accomplished person ?—For the receiving of the chaukidari tax accomplished persons are always employed. He will not have to submit himself to a very serious test.

58. What do you mean by being literate ? It does not mean that in childhood a man has received a certificate showing he has got to a certain class in school ?—I do not mean that. I mean it in the same sense as that in which the census officers take people to be literate. A man who can read and write a letter in his own vernacular, that would be one of the tests.

59. Anyhow, that is your suggestion. I gather you take the view that that would encourage literacy ?—Yes.

60. You think if people were told they would get a vote only if they were able to read they would set to work to learn to read ?—Certainly. People are mad after getting votes nowadays.

61. On page 14, you give some interesting information about the working of elections. You say, "We have got the ballot system of voting, but "little secrecy is observed and the polling officers "cannot often keep control." What do you mean by keeping control—securing secrecy ?—Secrecy cannot be secured.

62. What do you mean by keeping control ?—Some people come into the polling booth in spite of the polling officers' injunctions to the contrary.

63. People who ought not to come into the polling booth come in ?—Yes, in spite of protests from the polling officers. I have seen it myself.

64. You go on to say, "The poor voter has often "to vote under the very gaze of the candidates or "their supporters and at close quarters from them" ?—Yes. Sometimes you will find names are suggested to these voters ("Vote for so-and-so") during the voting itself.

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66. *The Chairman* : Then there is a slightly ambiguous passage at page 14. There you say, "I am for joint electorates, with seats reserved "for communities which are in a minority," but later in the same paragraph you say, "Where, "therefore, the desire for a separate electorate is "strong, I think it would be wiser to recognise it "until the constituencies concerned realise its un-"doubted evils." Speaking from your long experience as a minister and a public man in Assam, what is the actual recommendation you would make to us now ?—My own view is this. I think there should be no reservation of seats or communal electorates. But when I find certain people, for instance the Muhammadans, insist on separate electorates, that makes a difference. I take it, the problem all over India is the problem between Hindus and Muhammadans ; certainly it is in this province. If this can once be decided, everything else will be comparatively easy. My view is that if the Muhammadans insist on having separate electorates, they should be given that ; but I suggest to them they should be satisfied for the time being with reservation of seats, to be contested with mixed electorates.

67. I follow that your preference, speaking in the abstract and as a constitutional student, would be for joint electorates ?—Yes.

68. But you consider, do you, that in this province the communal strain is such that if the Muhammadans press for separate electorates it would be difficult to refuse their request ? Is that your view ?—Yes. They are very strong here and influential, and they can make the working of any Constitution difficult.

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78. *Lord Burnham* : I want to pursue for a moment the subject which I think is the over-riding suggestion of your memorandum, the question of the transfer of Assam to Bengal. Would you recommend that it should be done even though there is no agreement in the province at the present time as to its expediency ? That is to say, the Muhammadans are against it more or less, and the Hindus more or less in its favour ?—I do not think the matter stands like that. There are certain gentlemen who would oppose it, whether Hindus or Muhammadans, and there are certain others who would like to see these districts transferred to Bengal. Opinion is divided, of course. I have given my opinion ; I have not given the opinion of the province.

79. Do you think the majority of the people here are in favour of it ?—I cannot say the majority, but there is a substantial body of opinion which would support it ; there is no doubt about that.

80. I understand. You would not make it dependent on the concurrence of the majority of the electors ?—If you go on asking for the concurrence of people in all things there are many things which you will never do.

81. I am not clear even now as to what you say as to the transfer of the districts of Sylhet and Cachar, even if the other districts are not transferred. Would you be in favour of transferring those two districts to the province of Bengal?—No. I am for the transfer of all the plains districts. I have said that.

82. It is all or none?—All or none, yes.

83. On the ground that the transfer of these two districts would leave Assam too weak for administrative purposes?—Yes. I have given my reasons at length in the memorandum.

84. If Assam is transferred to Bengal, you are quite prepared to see the hill districts (as is recommended by certain officials here) made into a separate province on the lines of the North West Frontier Province: Is that so?—It will be an agency. I do not know what lines it ought to take. I have no very clear idea as to how the North West Frontier Province is run, but it will be a separate unit, to be administered by the Government of Bengal as an agency area on behalf of the Government of India.

85. On the other hand, supposing no change is made, I gather from your answer to the Chairman that you are not in favour of the separation of the hill districts?—No.

86. *Major Attlee*: Do you think there is any likelihood of a party system evolving in this province?—It is more than I can say now. The party system must come sooner or later, but I do not think it is coming very soon.

87. You say it must come. Can you indicate the sort of basis on which you can conceive definite stable parties being formed?—As soon as this communal tension is overcome, a party system will develop.

88. If the communal tension is done away with, what is going to be the dividing line between parties in this province?—Questions of policy, e.g. land revenue and so on. People may divide on questions of land revenue; some will want a permanent settlement and others temporary settlements and revision of assessments, and so on.

89. That is an item. Do you see any general line of cleavage in this province which will make for permanent, stable parties?—That is more than I can say now.

90. You see, the system which is being adopted rather depends on the growth of parties for stable government?—Yes.

91. You do not see anything very clear at present?—No, not yet.

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117. *Mr. Cadogan*: On page 14, where you suggest that all subjects should be transferred to the control of ministers, there is a sentence which I do not quite follow: "The Governor "would of course retain his veto and his power "of dissolving the council, and as a further "safeguard I would invest the Indian Legislature "with powers to withdraw any subject from "provincial control should public interests so "require." I do not quite follow what the process would be. What do you actually mean by "Indian Legislature?" Do you mean supposing there was a crisis, it would be discussed in the Assembly, or what?—If, for instance, Law and Order was not well administered in any province, then some member of the Government of India would propose to the Legislature that the subject should be withdrawn.

118. Supposing there was a crisis he would do that? Is that what you mean? You say, "should the public interest so require."—Yes.

119. It would be put to the vote of the Assembly as to whether it should be withdrawn or not?—Yes.

120. Would not that be rather disorganising? Would it not be very difficult?—That is only when one subject is concerned. If the provinces are administered badly as a whole, then the Government of India would take back the powers. I have suggested that the Government of India should be armed with powers to intervene when necessary, but when only one subject has been badly administered, the power to take it away ought to be given to the Central Legislature.

121. There is one other question I should like to put. I know that the question of the transference of Sylhet to Bengal has been discussed in the council, and indeed has been voted for; but your suggestion on page 15 is: "My own view is that the whole "of Assam should be transferred to Bengal." Has that ever in any way been discussed in the council?—No.

122. You have no means of knowing what the general opinion is on this point?—Through the council? No.

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127. *Lt. Col. Smiles*: Do you prefer to give representation on a population basis rather than on the amount of taxes that are paid?—Population of different communities, do you mean?

128. No, the question is a population basis. The question of different communities does not arise.—You mean adult franchise?

129. Yes.—I am not in favour of that yet. That may be an ideal, of course, but it cannot be reached now.

130. With regard to the hill districts, you have given it as your definite opinion that the legislative council should have the same powers in respect of the hill districts as of the plain districts. Do you think that the Indians of the plains are quite capable of administering the hill districts efficiently and fairly?—Yes, I think so.

131. I might ask you a supplementary question. Have you ever been in the Naga Hills?—No.

132. Have you ever been in the Abor Hills?—No.

133. Have you ever been in the Dafla Hills?—No. But I tell you it is not necessary for one to go there to be able to give the opinion that those areas can be administered by Indians.

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137. When you were a minister you toured all over the province?—Yes.

138. I would like you to tell us what are the conditions of the water supplies in the rural areas?—As bad as possible. The existing supplies are impure, and there are places where there is practically no water supply.

139. Is it true that only five municipalities out of nineteen have a pipe water supply?—That is so.

140. What is the condition generally of the roads in the plains of Assam? I am not talking about the hill roads up here.—Do you mean the roads in the villages, or——?

141. Generally in the plains districts of Assam.—Well, of course they are not very good.

142. Can you travel on them at all in a wheeled vehicle between the 1st of July and the 1st of October?—Almost, no.

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147. I would now like to take you to the Council of State. What do you think of the proposal that in the Council of State all the provinces in India, large or small, should have the same number of representatives, so that the smaller provinces may be safeguarded?—That is my opinion. It would prevent exploitation by the stronger provinces of the weaker ones. All the Governments should have the same representation.

148. You think if that happened Assam would not be placed in the future as it has been in the past?—Yes.

149. *The Chairman*: Is your view this, that supposing Assam was joined to Bengal, the number of representatives for the two put together in the Council of State would be the same as if Assam stood by itself?—Yes.

150. It would have nothing to do with the size of the area at all ?—No.

151. *Lt. Col. Smiles*: With regard to Assam going to Bengal, do you think that the Assam valley proper has any hope at all of ever developing properly under Bengal ?—I do not see why not.

152. You are an inhabitant of Sylhet, the other valley, I take it ?—Yes.

153. With the exception of a little corner of Goalpara, do you think there is any district in the whole of the Assam valley which wishes to go to Bengal ?—I do not know much about that myself. I know that there are people, some Assamese gentlemen, who want to go to Bengal.

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188. On page 14 you say that, on account of the constituencies being unwieldy, you propose there should be one member for each lakh of population ? —Yes.

189. You know the Muhammadan population is 22 lakhs ?—Yes.

190. On this basis you suggest the Muhammadans should get 22 members in a council of 76, because the total population is about 76 lakhs ?—You cannot work it out like that; the division of seats is a different matter altogether. I say the size of the constituency should be such that the population contained in it ought to amount to one lakh. That is what I mean.

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198. *Rai Bahadur Amarnath Ray*: Are there any depressed classes among the Hindus of Assam similar to those in Madras and Bombay ?—No.

199. Has not the process of social uplift been at work among the Hindus of this province for a long time past, by which the lower classes are gradually acquiring a higher status in society ?—That is so.

200. Is not it a fact that the Kayastha caste of your district has been absorbing many inferior castes, such as Baruis, Tillis, Karmakars and so on ?—Yes.

201. Have not the Yogis of Sylhet during your lifetime attained a higher status than they used to have before ?—Yes.

202. Have not the Mahishyas of your district become a very influential and progressive class ? —Very.

203. Are not all important organisations like the Indian National Congress and the Liberal Federation, the Social Service Leagues and the Rama Krishna Mission putting forth strenuous efforts for the uplift of the masses ?—Yes.

204. Have you not found the Hindu members of the council very keen about the expansion of primary education ?—Yes.

205. And the development of local self-government ?—Yes.

206. And about the improvement of water-supply and medical relief in rural areas ?—Yes.

207. And the suppression of the opium evil ? —Not only the Hindus, but the Muhammadans as well—all the members.

208. Were not these measures mainly for the benefit of the masses ?—Yes, undoubtedly.

209. If some of the Hindu castes or sub-castes, such as Kacharis, Kochis, Mikirs, Miris, Ahoms, Yogis, Mahishyas and Namasudras, are excluded from the general non-Muhammadan constituencies and allowed to return members through separate constituencies, one for each valley, will not that retard this process of social uplift ?—Certainly.

210. Are you a Vaidya by caste ?—Yes.

211. Are you the only Vaidya who has been returned to the council in this province ?—No, there is one other.

212. Is not it a fact that the Brahmins of Sylhet, who are the highest Hindu caste in the district and a numerous and cultured caste, have hitherto returned only one member to the council, and that through a by-election, the member sitting in the council only for a short September session ?—Yes.

213. So caste among the Hindus has not played a prominent part in the political life of the province, especially in your district ?—Not at all.

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230. * * * *Sir Hari Singh Gour*: You were a minister here during the time of the first and second councils ?—Yes.

231. How far have you received the support of your council in the carrying out of the general policy which you had to lay down ?—Generally I have received support.

232. You did get support ?—Yes.

233. So far as your association with the council is concerned, you think the council has supported you ?—Yes.

234. Has it helped you in the carrying out of of your general policy ?—Yes.

235. Therefore, so far as your experience is concerned, the working of the Reforms during your tenure of office has been entirely satisfactory ?—Yes.

236. And it augurs well for the future of your province ?—Yes.

237. There is one note you have struck from time to time at various places in your memorandum, and that is with regard to communal representation ? —Yes.

238. You say at page 15 "But the composition "of the present ministry has given rise to wide- "spread dissatisfaction and if communal considera- "tions had not been given undue weight a better "personnel could certainly be secured." ?—Yes.

239. You think communal representation has therefore reduced the efficiency and the usefulness of the working of your province, because the best men have not been appointed ?—That can be said only about the present ministry. I have made that clear.

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245. As regards the services, you say on page 15 : "All appointments will be made by the Government "of India in which the ultimate control will be "vested." You are in favour of the transfer of all subjects ?—Yes.

246. I shall deal with the question of Law and Order later on, but you are in favour of the transfer of all subjects, including Law and Order ?—Yes.

247. If these appointments are to be made by the Government of India, how would the exercise of the power by the Government of India be consistent with the creation of provisional autonomy ? Do you think the ministers would be content to have servants whose appointments, and necessarily promotion and dismissal, depended on an outside agency such as the Government of India ?—What I mean is this. If a province requires certain people for certain purposes, it will communicate its requirements to the Public Services Commission, and the Public Services Commission will make the selection. I have suggested there ought to be a Public Services Act for each province. According to the principles laid down in the Public Services Act, selections will be made by the Public Service Commission and the appointments will be made by the Government of India.

248. But who will exercise the disciplinary control over these services ?—That would be done by the Government of India in consultation with the Public Service Commission.

249. Would you postulate that with reference to the All-India Services, or for all services ?—All services,

250. Including provincial services ?—Yes, but in future—there will not be any All-India Services, I think, except with the Central Government. All these services will be provincial services.

251. No; you have recognised the necessity for having British officers ?—Yes, but they will be recruited on a provincial basis.

252. You say "We gratefully appreciate the "good work that the British element in the different

" Civil Services of India have done and I personally " think that British Officers will be very much in " requisition by the ministers for years yet " ?—Yes, but they will be recruited on a provincial basis.

253. But supposing they are not prepared to come on a provincial basis ? They want guarantees; they want security ?—The security is to be given by the Government of India. That ought to be enough.

254. But if they are not satisfied with that security ?—Then we shall probably have to do without them.

255. You would rather dispense with the British officers, necessary though they are for the further and future development of this country, if they cannot be secured on the conditions you have laid down ?—Yes. That is what I have said. We have a right to expect the Britishers to be reasonable.

256. They are reasonable, but they want to make sure that their tenure of office is certain and does not depend on the vote of the legislative council or upon the individual will of a particular minister ? —Yes, but I have said about that; I have said that the necessary guarantee can be provided for by legislation. There can be an Act of the Legislature for the purpose.

257. Do you regard that as an essential part of your scheme, that you would rather not have British officers if they are not prepared to come on your own terms ? You would rather not have them than give them such reasonable terms and such reasonable security as would satisfy them ?—It is a question of what is reasonable and what is not reasonable. If their point of view is that unless their tenure of office is guaranteed by the Secretary of State——

258. Never mind the Secretary of State; the tenure of office has to be adequately safeguarded ? —That can be done by legislation.

259. We will not discuss how it can be done, but assume it is done by an agency outside the province and outside India ?—I would not go outside India.

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272. What is your experience of the working of the local boards and of municipalities ?—I think they are working very well.

273. I find a passage in the Government of Assam's book which I will read to you : at page 68* I find this passage, which has a somewhat disquieting effect upon my mind, and I want your view upon the subject ? " The towns, generally riverine, are " straggling and resemble overgrown villages. " Drainage has almost always been superficial, and " therefore liable to silting; roads, though the " principal streets in towns are generally metalled, " if only roughly, are never provided with paved " side-walks; conservancy is everywhere of the " primitive superficial nature; and building regula- " tions having only been spasmodically and partially " enforced, much of the housing is also of an entirely " rural character." Do you support that ?—No; that is entirely too gloomy a picture.

274. The primary object of these local bodies is to provide social amenities, good roads, lighting, water, health and sanitation, town planning, so that there is plenty of fresh air through the village, and so on ?—Yes.

275. You think all these local boards and municipalities, or the generality of them, have fulfilled those expectations ?—Well, they are trying to, according to the means at their disposal.

276. But have they been successful ?—To a certain extent, of course.

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310. *The Chairman* : Do you think that in your time there has been in this province an improvement as regards the untouchability of any untouchable caste ?—Yes, slowly but surely we are progressing. There is no doubt about that.

311. You have been in public life, and you have been observing things for some years ?—Certainly.

312. Can you give me any concrete case, any instance which will show that the thing has improved ?—It is taking place, as a matter of fact; inter-dining between castes and sub-castes of Hindus, and things of that sort.

313. *Rao Bahadur Rajah* : Do you know that in the hostels attached to the high schools and colleges in this province the boys belonging to the depressed classes find it difficult to get admission ?—Where ?

314. Here in Assam ?—There are no depressed classes here at all.

315. Do you know that certain classes are not admitted into the Cotton Hostel ? You have been a minister for four years ?—In my time there was no difficulty of that sort, at least.

316. May I remind you that there is a great difficulty to that extent, and reference has been made to Sir Saiyid Saadulla, who is taking action in the matter ?—What was it about, may I know ?

317. It was about the admission of certain boys belonging to depressed classes into the high schools and college hostels here.—In Gauhati, you mean ?

318. In Cotton Hostel. Is not there a Cotton Hostel here ? Do you not know Cotton Hostel here ?—Yes, at Gauhati.

319. That is where the Congress held its session once ?—Yes.

320. And do you know that on the 10th November, 1928, the Hindu Mahasabha had a meeting, and resolved that the social rights of the Hindus were being deprived, and apart from enjoying them so long as till the 11th November, 1928, should be restored to them now, and that this Sabha calls upon the Hindu Society to throw open the prayer houses, temples, and hostels attached to high schools and colleges ?—Yes.

321. Does not it show that the Indian National Congress and Liberal Federation have done much towards the uplift of the depressed classes ?—Well, it has not been possible to do everything all at once, but we are making general efforts, and we are succeeding.

322. Here is a resolution passed by the Hindu Mahasabha itself ?—Yes, calling upon the people to do all these things.

323. It was because these people have been deprived of these rights till 1928 ?—Well, I do not know whether that refers to Assam alone, or to other places.

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* Vol XIV.

Memorandum submitted by the GOALPARA ZEMINDARS' ASSOCIATION, Assam.

1. We venture to place before the Royal Commission the circumstances hereinafter appearing in the hope that wrongs arising from the inclusion of the permanently settled portion of the district of Goalpara in the Assam administration may be redressed. The map hereto annexed and marked "(1)" will show the position of Goalpara in relation to eastern portions of Bengal and Assam.*

2. The history of the various administrative changes affecting the district of Goalpara within historical times is shortly this:—

3. Long before the advent of the British, the district of Goalpara formed a part of the Kingdom of Coch-Behar: and the present Raja of Bijni, one of the Zemindars of the Goalpara district, claims to be descended from a younger son of a Coch-Behar King. After the disruption of the Coch-Behar Kingdom the Moghuls pushed forward the limits of the Delhi Empire, and after some vicissitudes during the reign of the Emperor Aurenzeb, the Muhammadan frontier was permanently fixed at Goalpara, and the district was finally and definitely assimilated to Eastern Bengal (now commonly known as North Bengal and included in the Rajshahi Commissioner's Division) in administration and ethnical characteristics. One of the features in the Moghul administration of Goalpara was that the land was left in the hands of the border chieftains who merely paid a tribute to the Moghul Emperors.

4. This was the position of affairs when the British obtained possession of the Dewani of Bengal in 1765 A.D. The Moghul system was, so to say, merely stereotyped in the permanent settlement of 1793 A.D. by which the land revenue of the district was fixed in perpetuity. The present Zamindar families of Goalpara are the descendants of these ancient families.

5. During the early years of the British administration, Goalpara was administered as an integral portion of the Rungpore district in Bengal.

6. In 1822, it was formed into an independent jurisdiction under a Commissioner.

7. After the conquest of Assam by the British in 1825, although Goalpara district was annexed to the new province, the administration for revenue purposes continued to be conducted in accordance with the Bengal Regulations.

8. After the Bhutan War of 1864, portions of the Duars ceded by the Bhutan Government, were attached to Goalpara, and the whole tract was erected into the Cooch-Behar Commissionership under the Lieutenant Governor of Bengal.

9. In 1868, the Civil and Criminal jurisdiction only of Goalpara was transferred to the Judicial Commissioner of Assam.

10. It was in 1874 that Assam was constituted a province independent of Bengal, and the entire administration of Goalpara was included within the new province under a Chief Commissioner, and remained so till 1905.

11. The condition of things arising from this complete severance of the district of Goalpara from the long association with the administration of Bengal during these early years was, so far as the Zemindars were concerned, made endurable from the benign nature of the Assam Government, and the non-interference by the Government with their rights and privileges. The Zemindars could rely on a sympathetic Government to deal with the questions affecting their rights and privileges without any partisan spirit and without undue bias. The position of things was, however, greatly improved in 1905, when the new province of Eastern Bengal and Assam was constituted and Goalpara resumed its old associations with Bengal.

12. Under the Morley-Minto Reform scheme, in spite of the united protest of the Goalpara Zemindars, their unique position under the permanent settlement was completely ignored, and they were placed in the same category as Khash Mehal land holders as an electorate body. In the legislature created under this Reform scheme the ancient Zemindar families of Goalpara had practically no representation, and this ushered in a state of things under which the powers of the Government were weakened and their power to deal with questions affecting these Zemindaries passed more and more into the hands of non-Zemindars, who were incapable of dealing without a bias with the problems affecting the relation of these Zemindars with their tenants. In 1912, however, the annulment of the partition of Bengal led to Goalpara being again placed under the Chief-Commissioner of Assam. All suggestions to allow Goalpara to continue its old associations with Bengal were negatived, and for administrative expedience this district, which on the ground of associations—racial, linguistic, cultural and administrative—naturally finds its place in Bengal, has been retained in Assam.

13. The district of Goalpara, as at present constituted, comprises an area of 3,954 square miles, of which 2,571 square miles represent the old permanently settled portion and the rest was added, after the Bhutan War, from the Duars ceded by the Bhutan Government. The district adjoins on the west the Bengal districts of Jalpaiguri and Rungpore, and the Cooch-Behar State.

14. The subject matter of this memorial is mainly in regard to the permanently settled portion of the district of Goalpara, and it may be noted that the portion of Goalpara is unique in one respect, viz. that it is only in Goalpara and Sylhet in the whole province of Assam that permanently settled estates are to be found. They are unknown in the rest of the province. As a natural consequence of this, the landlords in these two districts are placed in a somewhat invidious position. The legal incidents following on the permanent settlement are unfamiliar to those people who, under the Reform Scheme, are entrusted with the legislative authority of the province, and the Government, however sympathetic its attitude may be, is powerless to remedy any mischief that might arise from their activities.

15. Under the present Reform Scheme, the Zemindars, with a very large stake in the country, have not got, as of right, any special representation in the Legislative Council, and are in quite helpless position to protect their rights. In denying them this privilege, a pious hope was expressed that many of them might secure representation by popular votes. In practice, however, this is next to an impossibility. As a class the Zemindars have always been on the side of law and order, and have done their best to discountenance claptrap agitation, which, for the time being, is indispensable to secure popular favour, and thus for all practical purposes the doors of the local Legislative Council are closed to them, except through nomination. The net result of the Reforms, so far as the Zemindars of the permanently settled portion are concerned, is that their material interests are to be decided and disposed of by unsympathetic members of Council, quite unfamiliar with the system under which these Zemindars hold their Estates. The Zemindars had reasons to hope that in view of the recommendations made by the Montagu-Chelmsford Report, they might constitute a special Electorate and thus obtain a special representation in the Legislative Council. This privilege was, however, denied to them—the reason put forward being that they are too few in number. The extent of their Estates and the position they have held, even from before the time that the district came under the control of the British, their steadfast loyalty and the services

* Map not reproduced.

rendered by them, were completely ignored. It has been considered quite sufficient for the Government to nominate one member from among them to the Council when important Bills affecting Goalpara are under consideration. The Zemindars, however, apprehend that such nomination of one solitary member to a democratic assembly would be practically useless to protect their interests. The contrast between the position of the Zemindars in Bengal or in Bihar and Orissa, who hold their Estates under the self-same permanent settlement, and the Zemindars of Goalpara under the new Reforms ought to be too obvious to need any comment, and arises from the unnatural inclusion, on the mere ground of administrative expedience, of the permanently settled portion of Goalpara in Assam, in total disregard of history, ethnical, linguistic, social and cultural affinities of the majority of the population.

16. That the large majority of the population of the Goalpara district speak Bengali and not Assamese is a fact too well-known to be seriously disputed. This is specially the case with the old permanently settled portion of the district. That the spoken language is a Bengali dialect and not Assamese in any respect is fully supported by official records, e.g. Census Report. Historically, Goalpara is an integral portion of North Bengal and the large majority of the population are and must necessarily be Bengalis in the same way as the population of the neighbouring districts of Rungpore, Jalpaiguri, Bogra and of the Cooch-Behar State. So the spoken language is a dialect of Bengali in the same way as the spoken languages in those neighbouring districts are dialects of Bengali. This was so patent that until only a few years ago before the Government of Assam in 1914 made Assamese an alternative language, the Court language in the Goalpara district was Bengali only, and Bengali was the only medium through which education was imparted in all the schools. The actual population of the district, according to the census of 1921, is over seven lacs and a half, out of which the natural population that speak a dialect of Bengali is over four lacs. Over and above this Bengali-speaking population there are immigrants who are not included in the natural population. The latest Census figures of 1921 shows 405,710 as Bengali-speaking out of a total population of 762,523. But my Association submits that these figures, if anything, are an underestimate of the Bengali-speaking population in the district. Even if the figures as they stand be taken when the Khash Mehal area of the district inhabited mostly by the Mech-speaking population is excluded then, the approximate percentage of Bengali-speaking population in the permanently settled portion of the district would be about 63, and Assamese 22. For details of figures see Appendix II.*

17. Bengali is also the chief written language of the district. Except temporary settlers who speak Hindi and other languages the preponderating majority use Bengali as their written language.

18. The prevailing literature is the Bengali literature. The music and the musical instruments are quite distinct from those of Assam and are similar to those of Bengal.

19. The people dress differently from the Assamese. As regards manners, usages, social customs and religious practices and traditions, the similarity with those of the people of Bengal and the dissimilarity with those of the Assamese people is quite pronounced.

20. At the Goalpara District Conference held at Gauripur on the 23rd and the 25th October, 1927, and attended by over six thousand persons, a resolution was unanimously passed which reads as follows :—

" That Bengali has been the current language of this district from time immemorial, and Bengali is their own language, and that the inhabitants of this district have been exchanging their thoughts and feelings in this language, and have been educated from the time of their forefathers in this language, and that Assamese is not the language of this district." (Appendix III).*

21. The same fact was emphasised in a memorial in April, 1920, to the Viceroy over the signatures of nearly seven thousand people of the district, protesting against the gradual introduction of Assamese into the district. (Appendix IV, page 67).*

22. It will be clear that all affinities traditional, cultural, ethnical, linguistic and social of the very large majority of the population of this district, and more particularly of the permanently settled portion of the district, are those of Bengal, and not of Assam.

23. Hitherto all attempts made to induce the Government to reconsider the question of retaining Goalpara in the Assam Administration have failed. The Legislative Council has passed a resolution with regard to the desirability of excluding the permanently settled district of Sylhet from the Assam Administration and its inclusion in Bengal. But it is rather difficult to realise why a similar treatment should be denied to Goalpara. The stereotyped answer has been that there is no unquestioned general demand for such separation. Yet it is from a public declaration by His Excellency Sir John Kerr, Governor of Assam, that we gather that "in case Sylhet is transferred to Bengal, it would be difficult to resist the claims of Goalpara." Whenever the authorities have been approached with a view to the inclusion of Goalpara in Bengal, some sort of counter-memorial is got up by Assamese politicians which presents an unreal appearance of want of a general desire on the part of the people to continue their natural associations with Bengal. The Zemindars could not take any effective steps in the matter, as two of the largest Zemindaries in the district, viz. Bijni and Mechpara, have been under the Court of Wards, and the Court of Wards refrained from taking any part in the controversy. (Appendix V).*

24. We venture to hope that the Royal Commission will, in view of the real facts of the case, not allow a wrong done to a very large body of people to be perpetuated merely because it is expedient. We recognise that the exclusion of Sylhet and Goalpara from Assam may make it difficult to continue the present form of Administration in Assam. We feel, however, that a possible modification in the form of administration should not be regarded as an all sufficient reason, and that the people of this district should not be made to lose the higher culture of Bengal, which is their birthright, and assimilate the Assamese culture, simply because a top-heavy administration cannot afford to part with these two districts.

25. So far as the Zemindars of the permanently settled portion of Goalpara are concerned, the matter is a very important one. Starting on a footing of quality by reason of the permanent settlement with the Zemindars of Bengal, they find that it is becoming more and more difficult to maintain their rights. In 1874, when Goalpara and Sylhet were severed from Bengal, the Zemindars were repeatedly assured that, notwithstanding such transfer there would be no change in their status and privileges. It has, nevertheless, happened that while in Bengal the people have the Road Cess Act, here we have in its place the Local Rates Regulation of Assam—the principle of assessment under the two being dissimilar and the Assam Regulation being less favourable to the Zemindars.

26. But the position of the Zemindars of the permanently settled portion of Goalpara, even if Goalpara formed a part of Assam, would not have been so deplorable as it is if legislation with regard to their relation with the Government on the one hand, and their relation with their tenants on the other, were under the control of the Government. Under the new Reform Scheme, the ultimate legislative authority is the Assam Legislative Council.

* Not printed.

Out of the 39 elected members of the Assam Legislative Council, an overwhelming majority comes from the non-permanently settled areas. Even these who come from Goalpara belong to the educated middle-class, and their outlook on the tenancy problems naturally represents the interests of middlemen, and it is idle to expect them to appreciate sympathetically the problems of the tenants or of the Zemindars. The Permanent Settlement itself has not yet been attacked, but the Legislative Council is now dealing with the Tenancy Law of Goalpara, and we feel that the Council, as at present constituted, is not competent to deal satisfactorily with intricacies of such legislation. In answer to the proposition that where there is a Legislative Council consisting of a majority of elected members, all legislation ought to be through such Council, we say that the *sine qua non* in such a case is that the elected represent all interests for whom they profess to legislate. As a matter of fact, the elected members of the Assam Legislative Council, from want of experience of the problems affecting the Zemindars and tenants of the permanently settled portion of Goalpara, are not in a position to represent either such tenants or Zemindars. The Government of Assam is now passing the Goalpara Tenancy Bill through the Council, notwithstanding the protests of the Zemindars. (Appendix VI).* Under these circumstances they feel that in the matter of such legislation affecting permanently settled portion of Goalpara, a Regulation under the Scheduled Districts Acts is a much better alternative than legislation by the Assam Legislative Council as at present constituted.

The transfer of the permanently settled portion of Goalpara to the Bengal Administration will not entail any loss of Revenue, and the two premier Zemindars' Association of Bengal, viz. the British Indian Association and the Bengal Landholders' Association, advocate the transfer of Goalpara to Bengal.

27. We respectfully urge that the Royal Commission may, after due consideration, recommend that the permanently settled portion of Goalpara may be re-transferred to the Bengal administration. Any possible objection as to loss of area may be easily obviated by adding to Assam the Khash Mehal areas in the adjoining Bengal districts. Failing this most satisfactorily solution, we submit that means may be found to place the enactment of laws regulating the relation between the Government, the Zemindars and the tenants of the permanently settled portion of Goalpara in the hands of the Government independently of the Legislative Council, and by the application of the Scheduled Districts Act. We apprehend that no increase of representation of the Zemindars in the Legislative Council can, from the nature of its constitution, adequately protect the interests of the Zemindars.

Pending the decision of the Commission, with regard to these questions the Zemindars' Association of Goalpara respectfully urge that the final enactment of the Goalpara Tenancy Law now before the Assam Legislative Council may be kept in abeyance.

* Not printed.

Memorandum submitted by the Honourable MOULVI ABDUL HAMID, President, Assam Legislative Council, Shillong.

In discussing the question of constitutional advance greatest possible care should be taken to deeply enter into the manifold intricate problems and special circumstances of the country. It would not do to proceed on the analogy of the democratic countries of the world. Such a course might be fraught with danger to success of the experiment. India is more a continent than a country. In diversity of people and problems it has no equal. Out of the total population of 300 millions in round figures there are 70 million Mussulmans, 12 million Buddhists, 10 million aboriginals, 4 million Sikhs, 5 million Indian Christians, 60 million depressed classes and rest caste-Hindus. Hindus are sub-divided into, it is said, 2,000 sub-groups.

Separate Electorate. The problems attending the variegated groups in and outside Hindu community are so numerous and so complicated that greatest care should be taken for providing safeguards for every one of the minority groups, in any constitutional arrangement. The sub-groups, even of Hinduism, though not unwilling to welcome constitutional advance, entertain a lurking suspicion that their position would become worse if they are thrown into the mercy of the high-caste people and denied a voice in the new constitutional machinery. From this it would be clear how great must be the apprehension of other minority groups that their interests would be jeopardised unless adequate safeguards are provided for them. This brings us to the question of separate electorate. I think separate electorate should be provided, not only for the Moslems, but also for the other minority groups. If there were grounds which induced British Government to concede this much-valued principle of separate representation in the past, not only to the Moslem, but also to other interests, I think there are stronger reasons for making better arrangements in the future constitution. The existence of a large element of official and non-official nominated members in the present arrangement served as a protection to the minority in the matter of safeguarding their interests against the attempt of the majority to have their own way. In my Council resolutions were tabled for barring cow slaughter, except for religious purposes, and, I daresay, the matter would have been pressed if the chances of success had not appeared to have been neutralised by the existence of nominated blocks and other interests. So the attitude of different groups in communal matters in the reformed councils cannot form a true index of the necessity of special safeguards.

The depressed classes, also, are showing a marked tendency to assert themselves and to demand back their legitimate rights, such as using a public path, well, or offering worship in a temple, from which the caste Hindus have kept them away. Some good-intentioned souls are trying to rescue them from the virtual serfdom, but they are merely touching the fringe of the problem, and their activities do not find favour with an overwhelmingly large section of the Hindus, who, it appears, have become so used to that that the inequitable nature of their dealings towards these people do not appear to strike them. Modern culture is producing a group of men who see the injustice of the whole position, but their feeling is rarely translated into action. I have elaborated on the position of the depressed classes under the social rules of the caste-Hindus just to show that such circumstances and traditions are not appropriate for training of the mind for doing justice to all irrespective of caste, position and creed. I think the educated classes of the Hindus are trying to shake off that attitude, but the general body who retain the mentality will be commanding votes. It is sometimes urged that communal electorates are responsible for the present state of inter-communal feeling. But nothing can be further from the truth. The genesis of the trouble should be sought in the census reports, which show that the increase in the Muhammadan population had been larger than the Hindus. Reforms only pointed to the future disadvantage of allowing that to proceed undisturbed. In the present state of inter-communal feeling I am deliberately of opinion that joint electorate will mean a huge communal battle, extending over wide area, during each election. Reservation of seat would hardly mend matters. Weaker economic position of the Mussulmans certainly emphasises their apprehension and makes them all the more wedded to the principle of separate electorate. The experience of the past years has only served to confirm their suspicion. Mr. Asafali, Barrister-at-Law, sustained a defeat in Delhi, in spite of the support of Mr. Nehru on the issue of strengthening the case for removing separate electorate, in the hand of a Hindu gentleman of inferior qualifications and less public services; Mr. Fazlur Rahman met with the same fate in the Dacca University constituency of the Bengal Council in the hand of a Hindu candidate, who hardly had anything to do with any university. Elections in the senate in the Calcutta University will also support my contention that Muhammadans fare badly in joint constituencies.

In our province joint electorate has been provided for in the Municipal Act. Let us examine how Muhammadans have fared in them. In Sylhet Municipality more than half the inhabitants are Muhammadans, but out of 16 elected seats they have been able to secure only 5, and the Hindus have secured 11 seats. In Gauhati, Muhammadans form one-fifth of the municipal population, and secured only one elected seat out of 16. There are typical instances of Muhammadan success in other Municipal Boards of Assam, in the last election. I am convinced that separate electorate in municipalities, as in local boards, should be introduced, to afford opportunity of better representation to all elements.

I do not see the reason why the electorate should be named Moslem and non-Moslem, including in the latter category, not only the Christians, animist and sundry people who have little in common with them. In Assam this nomenclature includes 10 lakhs of tea garden coolies recruited from aboriginal tribes outside the province, and 6 lakhs of ex-tea garden coolies of same denomination settled in the outskirts of the gardens. They should not be included in the Hindu constituency. I think they deserve to be separately represented as a labour group. 12 lakhs of animist, of whom no less than 7 lakhs are in the plains districts, as well as one lakh Christians, should also have representation on a separate basis. It would amount to denying them representation if they are allowed to be drowned into the non-Moslem electorate. I, therefore, suggest that special electorate should be provided for these people and each group should be separately named.

In the province of Assam the Moslem population is increasing very fast, both by natural process and immigration. If the allotment of seats are to be provided for them on the basis of figures of the last census, it would hit them hard. I, therefore, suggest that note should be taken of the probable increase during the last ten years, as well as some allowance should be made for the probable increase in the next ten years, otherwise the advantage of increase of next twenty years would be lost to them, for the period of next constitutional advance. Taking the province as a whole, while the Hindu population has gone up since 1872, from 2,679,497 to 4,068,288, the Moslem population has increased from 1,104,551 to 2,190,017. It will thus be seen that the percentage of increase in case of Muhammadans is much larger than in the other case.

I would, therefore, suggest that particular interests

and minority community should be granted separate representation, by creating separate electorate, as much for safeguarding their interests as for maintaining their cultural autonomy. Tea industry, commercial interests, labourers, animists, Christians and Moslems should have separate representation on the basis of number and importance, in order to prevent creating an oligarchy under the garb of democracy. The minority elements should always be given representation in excess of their number.

Basis of franchise. Universal franchise is the ideal which every democratic institution should strive for; but under the present circumstances, particularly having regard to the ignorance and illiteracy, no one would seriously urge that we should go to that extent all at once.

I, therefore, suggest that the franchise qualifications be lowered to bring in merely a larger percentage within voting qualifications.

Method of Election. It would not be well to alter the present system of election. Ignorant people initiated to method of election would be thrown into confusion if any change is made. Though I realise that the present method of voting by secret ballot amounts practically to open voting so far as a very large percentage of illiterate voters are concerned.

Parties. I do not think any serious endeavour has been made so far as the formation of parties are concerned. Elections are generally fought on personal lines. The Swaraj party alone works on party line. But it appears to me that a negative factor alone provides the necessary cement, namely, obstruction. I am not sure how far its solidarity would stand the test when they transfer their activities on the positive side. But the formation of parties is sure to engage attention when full responsibility is given to the local councils.

The Reforms have given an impetus to the growth of public opinion. It might not have developed as one would have desired, yet there has been encouraging progress, and we can look forward with sanguine hope.

Complete responsibility connotes absolutely elected bodies. The principle of nomination does not fit in it. I think through special constituencies special interests would be better represented. I, therefore, would not approve the retention of the power to nominate for the Provincial Councils.

Units of Local Bodies. In the province of Assam, I would not like to disturb the existing areas so far as the administration of local self-government is concerned. There has been no demand for any change in any locality.

Extension of Reforms in other areas. I would strongly urge the extension of reforms in the remaining portions of British India, e.g., North West Frontier Province, Baluchistan, and Ajmer-Merwara. There can hardly be any logical justification for denying the people of those places the advantage of having a popular government. There is no reason to believe that the majority in those parts would not behave as the majority elsewhere are expected to do. Of course, special arrangement will have to be made for safeguarding minority interests, as in other provinces. It would be a wrong policy to wait in the matter of granting reforms till bitter political agitation has developed in those areas. To me it does not appear that any special difficulty can be pointed out against the extension of reforms in the areas mentioned; they have, rather, the advantages of being more homogeneous.

Division of Provinces. The present arrangement of the provinces, though not quite satisfactory, yet reorganising the provinces on more scientific line is not easy of solution. This will certainly lead to the dismemberment of some of the present political units. The Madras Presidency shall have to be subdivided into Tamil and Telegu provinces. The Ganjam district, perhaps, will have to be transferred to Orissa and there are other groups in the south that might desire to have separate political existence. The Central Provinces, similarly, shall have to be divided into Hindi, Mahrastra and Oriya, which would mean virtual dismemberment of the province.

In the Presidency of Bombay, Gujrat shall demand to have a separate existence and Sindh is already very loosely tied to the Presidency, and has been most insistent in claiming separation. Mahrastra element would also prefer to have a distinct political existence.

In Bihar and Orissa the latter would prefer to be treated as a separate province. Every other province would demand boundary readjustment, and no solution would give complete satisfaction.

In my province the districts of Sylhet, Cachar and Goalpara claim to go back to Bengal. Sylhet and Goalpara had been in Bengal and their land system and language are similar. Their claim along with Cachar, which is a mere colony of Sylhet people, cannot be brushed aside easily, and this would lead to the virtual dismemberment of the province of Assam; because the rest of the Assam valley would prove to be too small for a suitable political unit; the Hill portions are yet outside the pale of reforms and no one would seriously urge their inclusion within reformed area, nor their inclusion would very much alter the position. So the effect would be to deny the remaining plains districts of Assam the advantage of reforms which they rightly deserve.

I would, therefore, like to leave the matter for future settlement by popular representatives, rather than allow the scheme of territorial redistribution to delay the operation of the constitution. As I have already pointed out that the matter is extremely complicated and might take years to come to a workable settlement. In case, however, the question of redistribution is taken in hand I would suggest the transfer of the whole of the plains districts of Assam to Bengal, the remaining Hill areas to be constituted into an Eastern Frontier Province. Under all circumstances I would urge the separation of Sindh from Bombay, as her case stands on a different footing and has not the slightest difficulty about it.

Provincial Autonomy. So far as the provinces are concerned, provision of complete Provincial Autonomy would alone give universal satisfaction and kindle that enthusiasm which would ensure its successful working. The satisfactory working of the reforms, under very trying circumstances, has certainly strengthened the claim for such an advance. In granting political concession to countries and people, halting attitude deprives the gift of much of its grace, and leaves an antagonistic group to do mischief. Dyarchical system of government has very few unqualified supporters. In this hybrid system the responsibility is neither here nor there. Acts have been committed under its shadow which have accentuated popular antagonism to the system.

I, therefore, suggest the transference of all the portfolios to the Minister responsible to the Council. I would, however, like to see safeguards provided for representation of important minority elements in the Cabinet. I would prefer to raise the strength of the Assam Council to 80 in order to make it thoroughly representative, and would devise the seats as follows:—

Muhammadans	27
Hindus	29
Indian Christians	2
Primitive People	7
Tea Industry and Labour	12
Commerce and other Industries	3
Total	80

SECOND CHAMBER.

I would prefer to have bicameral system introduced in the Provinces. The Second Chamber does not appear to have outgrown its utility. After centuries of training under democratic institutions in the West and elsewhere, people of those countries have not yet come to the conclusion that they should cease to exist.

In our country the civic consciousness has yet to

develop ; it is desirable to have a second chamber to provide against hasty acts. In deciding the question of a second chamber for Indian provinces, temperamental difference of the people of the tropics from those living in the temperate zone should be taken note of. The former, in my opinion, are more emotional and sentimental than the latter. Hardly any country in the West would present so many complicated problems and conflicting interest that needs safeguards, as a single province in India would do. The need for a second chamber, therefore, to provide against any hasty action of the majority, or of a combination, under the momentary spell of sentiment and emotion can hardly be questioned ; particularly when just a start is being given in complete responsibility under very difficult, intricate and novel circumstances. The main opposition can appropriately be credited to the constitution rather than to the utility of the institution of the second chamber. A properly constituted second chamber on well-represented elective basis will greatly help the smooth working of the constitution and would prove to be a useful instrument for rounding off the angularities of hasty acts of legislation. My experience of the Council has confirmed my opinion that we need a second chamber. I do not think in all cases every member cast his vote fully realising its consequences. Sometimes momentary heat generated by an incident influences voting, not only on that particular matter under discussion, but on other questions as well. The present power of certification left with the Governor is a fruitful source of undesirable conflict between the Head of the Province and the Legislature.

I am, therefore, strongly of opinion that introduction of bicameral system in the provinces is a necessity. When the civic consciousness is fully developed, when the electorate is thoroughly educated and when the spirit of conciliation and compromise is strengthened, there will be time to reconsider the question of its retention or abolition. It would amount to taking very great risk if in the nascent state of our constitution this important adjunct is not provided for the province as well.

For the province of Assam I would suggest a Chamber of 30 to be divided as follows :—

Muhammadans	9
Hindus	11
Planting Community and Labour ..	6
Christians	1
Primitive People	2
Commerce and Industry	1
	30

I would prefer to put higher age-limit for the qualifications of membership, say 40 minimum, and a higher franchise qualifications, than that obtaining for the councils ; yet I would not put the qualifications too high to seriously injure the representative character of the members. I do not feel any insurmountable difficulty would present itself in the formation of constituency. I may, however, concede a small percentage of nominated members, if thought desirable at the outset.

Finance. So far as the Provincial Finance is concerned, I desire only to point out the inequity of forcing Assam to bear the entire deficit in the administration of the Hill districts. The administration of Hills has reference to frontier defence, and I do not see any reason why the Central Government should not undertake to bear the burden of deficit. The entire cost of the Assam Rifles, which is maintained more for the purpose of frontier defence than for Provincial necessity, used to be borne by the Assam administration. The Council strongly protested against it, and the Central Government now partially contributes to its maintenance. I think Central Government ought to take up the entire responsibility for the maintenance of Assam Rifles. I am also of opinion that entire cost of the upkeep of the Manipur Road, which may be called a political road, be borne by the Central Government. Having regard to the meagre resources of the Province these financial adjustments should be made without further delay.

Constitution of Central Government. I would suggest transference of some departments under the same conditions as obtain in the provinces under present reforms to responsible Ministers. Though that system is not ideal in the absence of a better arrangement that shall have to be accepted for the transitional period. Indians will not be satisfied unless some form of responsibility is introduced in the Central Government.

Courts and Judiciary. People have been crying hoarse over the question of separation of Judicial from Executive. The present arrangement can hardly be justified. I am of opinion that no further delay should be made in carrying out the much delayed reform. The separation would certainly improve administration and create confidence in popular mind.

Federation and Status. The ideal of India is to have a federal system of Government of which the provinces would form the unit. There is hardly any opposition to that generally accepted ideal. So far as the status is concerned, I do not think anything short of full Dominion status would satisfy Indians. Indian National Congress has passed a complete independence resolution, but that perhaps owes its origin to the delay in fulfilling the demand for granting the Dominion status. I, therefore, suggest that India be placed on a footing of equality to the Dominions, as any differential treatment is bound to be resented.

Presidents. Rulings of the chair are sometimes bitterly criticised outside the House ; particularly in the Press, occasionally on false and foolish grounds. Not infrequently the motive behind had been mere propaganda. Yet the Presidents cannot take the field to counteract its effects. I, therefore, suggest that he should be armed with powers, on the analogy of the Speaker of the House of Commons, to deal with such situation.

The convention of leaving the Presidents uncontested has not been yet established. I would suggest that provision be made to secure their re-election without contest till the arrival of the time when parties have come into existence and their decisions have acquired weight with the bulk of the electors, to leave the Presidents uncontested.

These provisions would very much help impartial conduct of the Presidents and certainly would put him in a stronger position.

Memorandum submitted by SYED M. SAADULLA, Member, Assam Legislative Council.

Preliminary. All political parties—and their number is legion—are agreed that their ideal of an Indian Constitution is *Swaraj*, or Home Rule. The British Parliament also have declared that Responsible Government within the British Empire is the goal of its policy towards India. Although the Indian National Congress in their last session at Madras declared "Independence" as their goal, yet it is perfectly safe to say that the majority of Hindu India and almost cent. per cent. of Moslem India will be satisfied with a constitution giving dominion status to India for the present, which will ensure for them a position of equality with the other dominions in the Commonwealth of the British Empire. In view of the unfortunate internecine feuds between the two major communities of India, and in view of the extreme illiteracy of the masses and the want of any notion of Self-Government in them, and the disparity between the various communities in population, education and in the administration and other economic positions, I do not think that the ideal Self-Government can be realised at one step. I am of opinion that we should start with full responsible Government in the provinces, and have a sort of dyarchy in the Central Government who should be relieved of a fair measure of supervision by the Secretary of State for India in England.

The representative system as applied to British India. India is a vast country equal in extent to the whole of Europe *minus* Russia, containing a wealth of population divided into races and faiths in various stages of development educationally and economically and with a welter of languages and cultures perplexing to the most enthusiastic of ethnologists. One, therefore, in thinking of the future constitution for India, cannot go by generalisations and ideals merely, but must face the actual realities and the divergent and distrusting interests which need protection. The framers of the constitution should so adjust the provisions of safeguard of minorities as to receive the practical unanimity of the minorities concerned.

The main communities that inhabit India can roughly be divided into the Hindus and the Muhammadans; but the term Hindus is an extremely elastic one, and has been used in the census reports to include a medley of people whose faiths may be described as polytheism, pantheism, animism and fetishism. Properly speaking, the term Hindus should be defined as the caste-Hindus and the rest into either Animists or Primitive people. There are smaller communities, viz. Buddhists, Sikhs, Parsees, generally located in particular provinces, while the Indian Christian community is increasing on account of the proselytisation by the various Missions. The proportion of these latter communities to the total population of India is almost negligible. The percentage of Mussulmans in the total population of British India, according to the last census, is 21·74 per cent. The balance may roughly be divided in the proportion of 1 to 2 between caste-Hindus and the rest of the people, who are described by various names such as Adi-Hindus in Northern India, Adi-Dravidas in Southern India, the Depressed Classes in Eastern India.

All students of political evolution who press for political autonomy must concede the legitimate claim of the minorities for their cultural autonomy and safeguarding of their political rights. A democratic institution will be converted into an oligarchic one if people representing only one particular interest overwhelm its constitution. Therefore to ensure democracy in its real significance, attempt should be made to see that the various communities and different interests living within its jurisdiction are represented on the local self-governing institutions. This can only be effected by the principle of separate representation to particular interests and different communities. In my opinion it is essential to retain the system of communal electorates which has been worked since the Minto-Morley Reforms without any friction and which system has minimised enormously the political wrangling between the communities at the time of election. In Assam, since the introduction of the Reforms in 1921, this principle is in operation for the Muhammadan community, the Tea Industry and the mercantile and the commercial interests. I advocate the extension of this principle to all communities both in the local as well as in the Central Government. But in order that such minority representation may be effective, the representation should be far in excess of its numerical proportion when the numerical strength of the minority is less than one-fourth of the total population. But in no case, the majority of a community in a provincial legislature should be converted into a minority by such over-representation to different groups of minorities in that province.

The present basis of the franchise is, strictly speaking, the property qualification, and therefore a very small proportion—it is about five per cent. of the population—has been enfranchised. In Assam the proportion is about 3·5 if the labour force of tea gardens are excluded from calculations. In order that the members of the Council may truly represent their constituency, I would advocate an adult franchise for all people of 25 and 30 years of age respectively, for the local and central legislature. The present age limit is 21, but I want to raise it so that people who have experience of the world and most probably of managing their own household, will be in a better position to cast a discerning vote than one who has hardly entered the threshold of life or is just fresh from an educational institution. Should, however, adult suffrage at this stage of the political growth of the people be held unwieldy, I am for enfranchising everyone who now possess a vote in a Municipality or a Local Board election for the purpose of the provincial Legislative Council. Similarly, everyone who is now on the electoral roll of the provincial Council should be put on the electoral roll for the Central Legislature.

The present method of election is voting by the ballot. Though, in effect, on account of the illiteracy of about 80 per cent. of the voters, voting by ballot resolves into an open voting, I am for continuing the present system of voting by ballot in the next constitution. There has been considerable growth of public opinion in the country since the introduction of the Montagu Reforms, and people have learnt the value of the vote. The emergence of parties, however, in the legislatures, has been slow excepting the well organised *Swaraj* or Congress Party, whose main creed is obstruction and bringing the administrative machinery to a deadlock. There is no other well organised party on defined political principles. However, with the growth of democratic institutions. the party system is bound to come into existence.

In purely democratic institutions, all members should be elected, and it is a moot point whether in our future constitution, our legislatures should be entirely elected or the Government should retain some power of nomination. Experience of the working of the Reforms of 1921 in Assam, points to the conclusion that nomination of a small element has worked for the betterment of the country. At present in Assam, in a Council of 53, Government nominate five officials and five non-officials. Or, in other words, about one-fifth of the members of the Local Legislature get their admission into it on the principle of nomination. The proportion is rather high, and the number of nominations may be admitted in the future constitution to the extent of one-tenth of the total strength of the legislature, so that the presence of a few experienced officers of the administration and the representation of such minority communities whose members could not

SYED M. SAADULLA. [*Continued.*

secure election but whose representation is deemed essential for the better governance of the country, may be secured.

2. *The suitability of existing areas for legislative and administrative purposes, etc.* In Assam, barring the provincial Legislative Council, the local self-governing institutions function for urban areas as Municipalities, and for rural areas as Local Boards. The constitution of these are regulated by the Assam Municipal Act of 1923, and the Assam Local Self-Government Act of 1915. In the earlier enactment, the principle of communal representation has been accepted for the Muhammadan community and the Tea Industry. But in the Municipalities, this principle has not been conceded with distressing results for the Muhammadan community. I will illustrate this by quoting figures for the Municipal elections of only three towns in Assam which have been held last month. In the town of Sylhet, with a total population of 16,912, 8,401 of which are Muhammadans, and 8,279 are Hindus, out of a total of 16 elected seats, only 5 Mussulmans were returned as against 11 Hindus. While in Gauhati, with a total population of 16,480, of whom 3,582 are Muhammadans, only 1 Muhammadan was regularly elected to the Municipal Board out of a total of 16 seats. And in the town of Habiganj, where the Moslem population is 1,658 out of a total population of 5,918, not a single Muhammadan was elected to the Municipality with 12 elected members, although in the sub-division of Habiganj, the Muhammadans form over 60 per cent. of the total population.

In 1926, an Act called the Assam Rural Self-Government Act has been passed by the local legislature for creating village self-governing institutions with entirely elected members. This Act has not up to now been in operation. I do not know how the minorities would fare under this Act. In my opinion, the principle of communal representation ought to be introduced both in the Municipal as well as in all Self-Governing institutions, in order to safeguard the representation of Muhammadans who are to a certain extent more backward both educationally and economically than their neighbours, the Hindus. Excepting in one instance, the local boards in Assam comprise subdivisions of districts as their area of jurisdiction. In my opinion the existing areas are suitable for these local self-governing bodies.

Although in the Montagu-Chelmsford Reforms, the principle of communal representation was accepted, yet by the division of the electorate into Moslem and non-Moslem, a great injustice was done to the Muhammadan minorities to safeguard whom this principle was embodied in the constitution. As I have already stated earlier, the non-Moslems include everybody, the primitive people or the Animists, the Christians, etc., with the result that caste-Hindus who are organised, educated and who are also economically better situated than the rest, have monopolised, at least in Assam, all the seats reserved for non-Moslems. I will illustrate what I mean by the figures for the province of Assam. Out of a total population of over 79 lakhs, the Muhammadans form 22 lakhs and odd (reference is to 1921 census figures). The division of the electorate into Moslem and non-Moslem have put these 22 lakhs Moslems in one group, and the caste-Hindus, the non-caste Hindus, the Primitive people, the Christian people and the coolie population of the tea gardens into a polyglot electorate of all creeds. Roughly speaking, there are 10 lakhs of labour forces working in the different tea gardens in the province and about 6 lakhs of *ex*-tea garden coolies have settled as ordinary raiyats or cultivators. These 16 lakhs of people have got no representation in the local legislature. All these people are drawn from the aboriginal tribes of Bombay, Madras and the Central Provinces, and can, by no stretch of language or imagination, be called Hindus. Then there are 12 lakhs of primitive people, of whom only over 5 lakhs are in the hills. These have got no point of contact with the Hindus. These people also have no representation. Then there are over a lakh of Christian people without any representation in the legislature. The weight of the numbers of all these people is being taken advantage of by the caste-Hindus and their representation in the Council is far in excess of what their actual numbers demand. I therefore press upon the Commission the strong desirability of finding means by which the democratic institution may not be turned into an oligarchy. I suggest that the electorate may be divided into Moslem, caste-Hindu and Primitive people, in other words a miscellaneous electorate be formed for proper representation of backward communities.

Another factor which greatly affected the Moslem community is the distribution of seats in the local legislatures on a calculation of population on the previous census figures. For obvious reasons, the Government of India Act, 1919, had to base the constitution on the census figures of the year 1911. But a comparison of past census figures reveals the fact that the proportion of increase of Moslem population in a decade is far greater than those of the other major community and the advantage of increased population—which is a very real advantage for a minority community—is lost to them, if the census figures of the previous decade are drawn upon, to distribute seats in the legislatures between the various communities. I will again illustrate my point by actual figures.

The population of the province of Assam in 1874 distributed amongst the Hindus and Moslems and their number in 1921 is shown below.

	Census figures of 1872	Census of 1921	Percentage of increase approximately
Surma Valley	987,453 (Hindus)	1,438,153	45·8
Brahmaputra Valley	1,692,044 (Hindus)	2,630,135	55·4
Surma Valley	928,492 (Moslems)	1,604,420	72·8
Brahmaputra Valley	176,059 (Moslems)	585,593	232·8

Similarly the Christian community, too, has a phenomenal rise from 35,969 souls in 1901 to 132,106 in 1921, but the majority of these are in the Hills, which is beyond the pale of Reforms.

How injuriously this has worked, I will illustrate by an example from my own constituency. I represent the the Muhammadan constituency of Kamrup, Darrang-cum-Nowgong, comprising three districts with an area of 11,119 square miles. The total Moslem population of this area was 102,666 in 1911, and was given only one seat by the 1919 Act to that community, while five non-Muhammadan or Hindu seats were given for the same area. But when the Reforms were actually set into operation in 1921, this area revealed a Moslem population of 218,663 of whom some 8,000 were voters. In other words, the Moslem community lost the advantage of over a lakh of population in this electorate alone, by the process of basing the distribution of seats on 1911 census figures.

Again, I do not know how the electorates were divided. As mentioned above, a Moslem seat was created from an area of over 11,000 square miles, with over 8,000 voters, while a non-Muhammadan seat was given for an area of 287 square miles, with 2,086 voters for the Hailakandi sub-division of the Cachar district, total population being only 76,000.

I submit for these reasons that in calculating the seats for the new constitution, due regard be had to the average increase in the population of different

communities according to the past three or four censuses, and also the creation of unequal and unwieldy constituencies be avoided.

The division of India into different provinces both for legislative and administrative purposes, though not ideal, has by now received the sanctity of ages, and is also fairly satisfactory. But there is a great difference in the status of provinces and the powers of the legislatures and administrations. Some provinces have not been brought within the operation of the Government of India Act, e.g. the North-West Frontier, Baluchistan, and Ajmer-Merwara. In Assam, the maximum instalment of Reforms have not been granted, e.g. Excise, the Public Works Department excepting the Irrigation Branch and Fisheries, which are transferred subjects in all other provinces, were not so in Assam until 1926, when Excise and Fisheries have been transferred to the control of the Ministers on account of the persistent demands of the Council, but even now the Public Works Department remains a reserved subject in this province. Bombay and Burma have got the Department of Forest, in addition, transferred to popular control, though the other provinces have been denied this privilege. All these anomalies ought to be done away with in the next constitution, and every province should be granted a Unitary system of Government. I see no reason why the North-West Frontier Province and Baluchistan and Ajmer-Merwara (if the population can sustain it), should not be granted Reforms. The majority of the people, at least in the first two, have been demanding it, but an opposition from certain interested quarters has made the Central Government sit tight. There is no reason to apprehend that 91 per cent. and 81 per cent. of Muhammadans in these two provinces cannot look after the interests of the small Hindu minority when the four per cent. and the six per cent. small Muhammadan minority in the Central Provinces and Madras have submitted themselves to the preponderating Hindu majority in these provinces.

The province of Sind, which is now an appendage to the Bombay Presidency, has been seeking a separation from the present arrangement. When the majority of the Sind population want to have a Government of its own, and when her present connection with Bombay Presidency has not been beneficial to her interest, it will be but an act of justice to create Sind into a separate province when it has a growing revenue, and its population about that of Assam when it was constituted into a separate province in 1874. Moreover, the important project of the Sukkur Barrage is bound, on completion, to add greatly to the population and prosperity of Sind.

This brings me to the separatist agitation on the part of certain people of the Sylhet district in Assam, for its union with Bengal. I am one of those who strongly protest against this movement. Sylhet, at present, forms the premier district of the province of Assam, with nearly one-third its population. The district is a deficit one, and with the provincial revenues collected from elsewhere, the administration has sunk a large amount of capital for the betterment of the district, and it would be a sad blow to Assam if Sylhet is allowed to go back to Bengal. Moreover, the main planks in the platform of this agitation, is linguistic affinity with Bengal and a separate system of revenue administration than the rest of Assam. I challenge any one to say that the spoken vernacular of the district of Sylhet is Bengali proper. On the same grounds, the district of Goalpara may urge their claim to be incorporated with Bengal, and already a movement has set afoot amongst the Zemindars of Goalpara in this behalf in spite of the fact that there is a counter-movement by the people at large. The district of Cachar is more or less a sort of colony of the Sylhet people. They also want to go to Bengal if Sylhet goes. I am of opinion that on account of the geographical position of Cachar and Lushai Hills, these two districts, for administrative purposes alone, must be transferred to Bengal along with Sylhet. It is extremely doubtful if the majority of the Sylhet people want to go to Bengal. The Muhammadans who form the majority of that district do not favour the idea, and the mass of Hindu people are indifferent. The agitation is confined to a small but vocal coterie of the *intelligentia*. Authoritative statement has not been wanting that the rest of Assam cannot be given the status of a major province after the defection of Sylhet. And Assam, who has worked dyarchy very satisfactorily, ought not to be rewarded with a loss of its status in the next constitutional advance.

Any attempt to redistribute the provinces of India on a linguistic basis will raise a veritable hornets' nest. What province is there in India with a homogeneous population and a common language? In Madras Presidency, four distinct languages are in vogue, each counting millions who use them. Tamil, Telugu, Malayalam and Kanarese are the principal languages spoken there. In Bombay, there are Marathi, Guzerati and Sindhi. In Punjab, there are Pushto, Punjabi or Gurmukhi and Urdu.

Bengal politicians, in their last Provincial Conference held at Basirhat, passed a resolution to the effect that the Eastern districts of Bihar, viz. Singbhum, Manbhum and Purnea and the Western districts of Assam, viz. Sylhet and Goalpara, should be brought under the Bengal administration. On the same ground, the United provinces may like to absorb the Western districts of Bihar, as they speak the same language current in United Provinces.

Central Provinces is sharply divided into the Marathi-speaking, Urdu-speaking and Oriya-speaking areas.

In short, once the principle of linguistic affinity is conceded for the purposes of transferring Sylhet to Bengal, it will raise such an awkward precedent that India shall perforce have to be redistributed into smaller provinces in the south, while in the north a few existing provinces will cease to exist, bringing in a change in the administration which will be simply bewildering in its complexity and difficulty.

A point of great importance for the province of Assam is whether the Hill districts, which form about half the area of the province, i.e., the districts of Garo, Naga, Lushai, Khasi and Jaintia Hills, and the frontier tracts, should be brought within the reforms. Excepting the Khasi Hills, wherein is situated the provincial headquarters of Shillong, the people of the other Hill districts are semi-civilised, and rather aborigines, and have nothing in common with the people of the plains districts, and in the present Reforms, except the urban constituency of Shillong, the rest of the Hills were relegated to the pre-reform administration, and are called "Backward Tracts." All these Hill districts are run on a deficit, the total deficit for all the Hills being about ten lakhs. They have got different laws and regulations, and do not desire, excepting the Khasi Hills, to come within the Reforms. In my opinion, the Hills, excepting the Municipality of Shillong, should not be brought within the next constitutional advance, but they should be administered by the Governor acting as Agent to the Governor General in Council, and the cost of this administration should be entirely borne by the Central Government.

3. *The local self-governing bodies.* I have touched very briefly on some of the points arising from the Acts of our local self-governing bodies. As I have not got very much experience of the district and local boards, I refrain from saying anything on their functions, finance, control and relationship of Provincial Governments, etc.

4. *The Provincial Governments.* As I have indicated already, the constitutional development of the country must be towards the evolution of a federal constitution for India within the British Empire, each provincial unit forming a state in itself, and all being governed in matters of concern by a Central

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Federal State. I, therefore, advocate that Provincial Governments in future should obtain political autonomy. That is, Responsible Government should be conceded to the provinces by placing all provincial subjects in charge of Ministers responsible for the administration to the provincial legislature, the Governor being the constitutional head of the Provincial Government. This presupposes the principle of joint responsibility of Ministers and Cabinet system of Government will be the result.

The institution of dyarchy which has been worked for the last eight years has revealed many defects and should be done away with. This system may have been good for the transition period. In effect, its harmonious working was dependent on a very slender personal equation, viz., the personality of the Governor and his strict observance of constitutional procedure. Paradoxical though it may seem, this system has worked more satisfactorily where it has not been worked as a dyarchy. The division of Departments into Reserved and Transferred: their administration by the Governor respectively with the help of the Members of the Executive Council who are not responsible to the Legislative Council and the Ministers who are fully responsible; the power of the legislature's vote over the transferred budget and the responsibility of the Ministers to and the regulation of their pay by the Legislature compared with the irresponsibility of the Executive Council Members; the power of certification by the Governor of the budget of the Reserved side—all these create a most anomalous, difficult and delicate situation for the Ministers. The Ministers, in spite of a very difficult situation, administered the subjects under their portfolios as efficiently as those under the charge of the Governor with his Executive Council. The whole politics of the Legislative Council, so far as my experience of the last two Councils goes, centred round the Ministers. The Council took a particular delight in making the position of the Ministers most insecure, and sessional recurrence of the bogey of no-confidence motions and the hardy annual motions of reduction of Ministers' salaries made it extremely difficult for the evolution of any broad policy. Moreover, the ordinary period of three years of office for a Minister as compared with that of an Executive Council Member, whose term of office is five years generally, leaves little room for a continuity of policy in the subjects transferred to the Ministers' control. Experience has also shown that pseudo or semi-responsibility stimulates agitation and prevents smooth working of the political and administrative machinery. For all these reasons, I advocate that dyarchy be done away with, and a system of Unitary Government be introduced in the constitution for the Provincial Governments. For Assam, I advocate a Provincial Legislature of eighty members, which gives, roughly speaking, one member for each one lakh of population, and one-tenth of whom may be nominated by the Governor. There ought to be four Ministers to advise the Governor, all responsible to the Legislature, but appointed by the Governor, with fixed salaries. To ensure collective responsibility, it will be better if the Governor invites one particular individual to form a Cabinet, and instructs him to choose his own colleagues, with safeguards for representation of different interests and communities. Unless this is done, in a province like Assam, where various considerations of race, creed and territories are at play, it is impossible to expect joint responsibility of the Ministry. Speaking from personal experience, I found that my late colleague held diametrically opposite views on broad questions of principle, like communal representation, territorial redistribution of the province, etc., and any collective responsibility was out of the question under the circumstances.

The lifetime of a Council of three years is too short, and before the Councillors and the Ministers have settled to work, they are thrown again into the throes of a general election. In my opinion the lifetime of a Council should be of a five years' duration.

In order to safeguard the interests of minorities, I have already stated that I advocate the principle of communal representation for the Moslems, the Animists and the Tea and Commercial interests. On a basis of population and the importance of the interests concerned, I will like to distribute the seats in the Provincial Council as follows:—

Caste—Hindus	25
Mussulmans	25
Indian Christians	2
Primitive people	7
Tea Industry (including labour force)	10
Commerce and other Industries ..	3
Nominated by Governor	8
Total ..	80

If possible, on the analogy of the post-war constitutions of Southern Europe, the cultural autonomy of the minorities may also be safeguarded by the constitution.

I do not advocate the institution of Second Chambers for the Provincial Governments. I think for a small province like Assam, the electoral roll for a Second Chamber will be very meagre, and incompatible with a democratic institution. I would very much like to safeguard the interests of the different communities by providing in the constitution a clause to the effect that no Bill be introduced or passed in a local legislature to the detriment of any community or communities unless that Bill or Act has received the assent of three-fourths of the members of that particular community or communities.

As regards the finances of Provincial Governments, I am for keeping all present provincial resources of revenue, and also for including in it certain heads of revenue which at present are enjoyed by the Central Government. I strongly advocate that the proceeds of any export duty or of any income-tax on a commodity, and the proceeds thereof, respectively, raised by a particular industry of any province should be made available for that province. Speaking for Assam, the main industry in Assam is tea, and tea export duty was levied so long, but Assam never enjoyed any portion of that revenue. These tea companies have made huge profits lately, and paid considerable amounts of income-tax, but Assam was given only a very small share of the revenue from that income-tax. The question of the audit of the provincial finances may be left with the Central Government.

I would also advocate a special financial treatment from the Central Government so far as Assam is concerned. The geographical position and its topography make the administration of Assam very costly. Assam is the North-East Frontier of India, and is surrounded by warlike, uncivilised or semi-civilised tribes. This necessitates maintaining an armed force which otherwise Assam would not have maintained. On pressure from the Legislature, the Government of India is now bearing only a share of the cost of maintenance of this force. The entire share of the cost of maintenance of the Assam Rifles, in my opinion, should be borne by the Central Government. I have also spoken at an earlier stage that the Hill districts should be maintained by the Central Government. Barring the fact that the Hill Districts Budget is not a separate one, but is placed before the Council in the same Provincial Budget, there is no manner of connection between the administration of the Hills and the Plains Districts. Assam is divided into two valleys by the Bramaputra and the Surma rivers, which are again separated by the ridge of inaccessible hills. Up till now there is no direct communication between the two valleys. This has caused increased cost of administration. And also, the fact that the hills, both for political and social reasons, require to be administered by

Europeans, the presence of European planting community scattered all over the province, requires a larger number of British recruits than would have been the case in the services. This also has raised the cost of administration. Then each of the two valleys being divided by mighty rivers, like the Brahmaputra and the Surma, requires public works on either bank, and this is another drain on the meagre revenues of the province. It may not be out of place to mention here that the total revenues of the province is below that of the Corporation of Calcutta or Bombay City.

5. *The Central Government.* For the present, I would suggest a sort of dyarchy for the Central Government. Or, in other words, the constitution of the Central Government should follow, in its main outline, the constitution of any of the bigger provinces under the Montagu Reforms. I advocate 250 members for the Central Legislature for the 247,000,000 and odd population of British India. In view of the political importance and the past history of the Muhammadan minority, I advocate that one-third of the total number of members should be drawn from the Muhammadan community through separate electorates. There should be a Viceroy's Cabinet of eight members, at least four being Indians drawn from the different communities in the Central Legislature. Those subjects in the Central Government which are now in the portfolios of Ministers in Provincial Councils should be administered with the same degree of responsibility to the Central Legislature by the members of the Cabinet. I have spoken already earlier as to franchise. If my main proposal is not accepted, I would lower the franchise for the Central Legislature, and would admit everyone who is a voter in the Provincial Legislative Council in the electoral roll of the Central Legislature. For the Central Government, I advocate a Second Chamber on the lines of the present Council of State, but would make it far more democratic. The relationship between the two Houses should remain as at present. The budget of those subjects which are now votable in the Provincial Councils should be made votable in the Central Legislature also.

6. *Relations between Central and Provincial Governments.* I have already indicated that the Central Government should have the minimum of control over the Provincial Government. In other words, I advocate full responsible Government for the provinces. This should do away with the general power of superintendence and direction in all provincial subjects. The Central Government should further have the supreme power as regards the defence of India. In other words, the Army, the Navy, the Air forces, and the political affairs should be left with the Central Government. Financial relations between the Central and the Provincial Governments I have already advocated, and from the current year the Meston Settlement has become a dead-letter as the provincial contributions have been remitted *in toto.*

7. *The Courts and Judiciary.* Almost every local Legislative Council has expressed a desire that the existing system of the combination of judicial and Executive functions should be done away with. I am of opinion that this much-needed reform ought to be brought into existence in the next constitution.

8. *The Constitutional Problem, etc.* I have already indicated that our constitution should aim at the evolution of a United States of India, and that in my opinion a Federation of Provincial Governments is the only form of Government suitable to the conditions prevailing in India to-day. I am strongly of opinion that a sort of equilibrium may be attained by creating the three provinces I have advocated earlier, i.e., the North-West Frontier Province, Baluchistan and Sind, which should also enjoy the same amount of privileges as are granted to the other provinces of India. For a contented India would largely depend upon the relations of the two main communities. With the extension of reforms to these new provinces, the Moslems will be in a majority in five, while the Hindus will be in a majority in six. It is expected that a Federal constitution for India on those lines will bring about the much-needed harmony between the two communities, and will set at rest the communal strife which has been a disgrace to the country during the last four years. Confidence in each other has been rudely shaken amongst the various communities, and minorities will be reconciled to constitutional changes by experience rather than by persuasion and force. Such a federated India should be given the same status and position as Canada and Australia in the British Empire.

9. *Relationship between Central Government and Secretary of State.* The Government of India Act of 1919 grants huge powers of initiative, superintendence and control to the Secretary of State. These powers are inconsistent with the grant of Self-Government to India which has been the declared policy of the British Parliament. I do not think that the Secretary of State should be given such powers of vast control even in affairs relating to the internal administration of the country. The control of the Secretary of State may be kept in the administration of the Foreign and Political affairs and the defence of India. The Secretary of State may also be given the power of regulating the relationship of India with the international world. In spite of the fact that I advocate for the present a dyarchic system for the Central Government—I am of opinion that the relationship between the Central Government and the Secretary of State and the British Parliament should be at a par with the relationship of the Dominion Governments and the Secretary of State for the Colonies and the British Parliament, except in those three departments over which I had advocated full control of the Secretary of State.

10. *The position of the Services.* The position of the Indian Civil Service and other All-India Services will be anomalous in the constitution advocated by me. That is, after provincial autonomy, responsible Government will be a sham if the administration can have no control over the services. This was recognised by the Lee Commission, who advocated the discontinuance of the All-India Services in future, for the services operating in the Transferred Departments. In my opinion, the same argument holds good for the Civil Services. The All-India character of a Civil Service should be stopped henceforward, and each province should recruit its own services. All services should henceforth be provincial, and recruitment be made through either the Central or the Provincial Public Services Commission. The recruitment of officers of non-Indian domicile has made the administration very costly, and therefore the rate of Indianisation ought to be accelerated and the money thus saved may be utilised for the growth of the provinces.

As I have indicated already, I want that the prospects of the minorities for a proportionate share in the administration of the country should be provided for in the constitution itself. This will save a lot of bickering and unpleasantness in the local legislature.

Memorandum submitted by the BRITISH INDIAN ASSOCIATION, Calcutta.

The British Indian Association, founded in the year 1851, is the first Political Association in India. During the last three quarters of a century it has taken initiative in the introduction of many valuable measures. It has been the policy of this Association to approach all important public questions with due sense of responsibility and with proper regard to the views of the Government and the people.

The majority of our members are conservatives in politics, but they realise that under the altered circumstances brought about by the Government of India Act of 1919, it is their duty to proceed on progressive lines and it is their privilege to help in the political advancement of the country and to initiate measures for the amelioration of the condition of their countrymen, belonging to other sections of the society, with due regard to their own claims as can justly and properly be put forward before the Government and the awakening democracy of the present age. The members of the Association represent landed and other vested interests.

In view of its politics and the important interests that it represents, the British Indian Association naturally welcomes the opportunity of submitting its opinion to the Indian Statutory Commission in the hope that the recommendations of the Commission will lead to a large measure of advance towards responsible form of Government, and it trusts that such advance, while being generous and marked, would be suitable to the conditions of Bengal and of India. The Committee of the Association after careful consideration has decided to limit its submissions mainly to matters which predominantly affect interests represented by the Association. The Committee has, therefore, decided not to touch some of the important subjects referred to in the memorandum of the Commission circulated to public Associations inviting opinions. The principal reason for coming to this decision was that a suitable answer to some of these important points would depend largely on the decision of the Commission about abolition or retention of communal representation. As it is not possible for my Committee to anticipate the decision of the Commission on this vital point, it has decided to refrain from expressing its opinion on a number of important questions. The Committee would, therefore, content itself by urging some of the broad points of the future provincial constitution, such as the electorates and the franchise with special reference to interests in which our Association are vitally concerned. My Committee would also venture to point out the need for stability and ordered progress in the new constitution. In view of its opinion stated above about communal representation, the Committee has refrained from expressing its views on the constitution of the Central Government. For the same reason it has also decided to reserve its opinion on a number of points affecting the provincial Government. We would, however, desire to emphasise at the outset that full provincial autonomy subject to the safeguard of an Upper House is essential for ordered progress and for development of responsible Government.

I. The Representative System as Applied to British India.

(*a*) *Basis of Franchise.* The Committee of the Association would in this connection venture to place before the Commission some preliminary observations. In order to achieve success in administration through a Responsible form of Government, the realities of the situation and the interests vitally affected should not be ignored. The progress and advance in a Responsible form of Government should also depend on the progress and advance of the classes, interests and communities concerned. In this connection, my Committee would like to draw the attention of the members of the Commission to some well-known facts about the progress of Responsible Government in the United Kingdom, where in each step of advance in Responsible Government adjustments were made in the basis of franchise and formation of electorates from time to time to suit the variations in social and economic changes amongst the people. Before 1832, Responsible Government there meant responsibility of the Government for the time being to a comparatively limited number of voters. As the commercial, trading and manufacturing cities gained in importance, franchise was extended to them by the great Reforms Act of 1832. Consequently, changes in the number and class of voters were made in the sixties, eighties and nineties of the last century, and under the People's Act of 1918 the qualifying franchise of a British male voter was fixed at an annual value of £10 and of a woman voter at an annual value of £5 in her own right or in the right of her husband. Responsible Government in England therefore, had a steady progress with a steady increase in number and change in the class of voters. In such advance due note was taken of the changing conditions of different classes and interests of citizens who were enfranchised, proper attention being always paid to the capacity of these voters to exercise intelligently their right of franchise. It is true that the conditions in Bengal and in India are very different from those of the United Kingdom, but there is one point which should be borne in mind, that Responsible Government in a country for the time being should be responsible to and represent those interests which from the social and economic points of view are important at that particular period of its national advance. Approaching the question from this broad aspect my Committee would like to point out that over 90 per cent. of the people of Bengal are agriculturists, and the interest of Bengal is therefore predominantly rural. On the welfare of the 90 per cent. of its agricultural population also depends to a large extent the welfare of the urban population. The agriculturists who cultivate lands in rural areas hold those lands under zemindars who are proprietors of the soil; but the bulk of these agriculturists have protection from ejectment. The interests of Bengal, therefore, require that those who are proprietors of lands as also those who cultivate the land should be adequately represented in the Legislature.

There are at present only five representatives of the landholders in the Bengal Legislative Council and only one in the Legislative Assembly. The zemindars of Bengal directly contribute one third of the total provincial revenue. Besides this direct contribution they also pay a large portion of their taxes from which the expenditure of the Government of Bengal is met. The social, political and economic importance of this class can hardly be overstated. They have only five representatives in the Local Legislature consisting of 140 members and only one in the Legislative Assembly—these representations are very inadequate. It may be pointed out that under the Minto-Morley Reforms the landholders were granted the privilege of electing five representatives in the Local Council consisting of only 27 elected members and of sending two members to the Imperial Legislative Council. In the Reforms of 1919, their number of seats remained stationary, though the number of representatives both in the Council and the Legislative Assembly was largely increased. In consideration of their large contribution to the provincial exchequer, their importance as a class and the fact that they own the proprietary interest of practically the whole of Bengal, the zemindars should be given at least one third of the elected seats in the Local Council. It has been suggested that as the zemindars can come to the Legislative Council through the General Electorates there is not adequate justification for earmarking a larger number of seats for them through the Special Constituencies; those who make this suggestion overlook the obvious fact that in order to success-

fully contest a seat in the General Constituency there is little chance for a zemindar candidate unless he be willing to foreswear his class interest and accept a proletariat and anti-British programme and popular slogans in support of such demands. Experience in Bengal Election confirms this contention. But apart from experience, here we may be permitted to point out that this phenomenon is not unknown in other countries; a capitalist who gets returned from a labour seat in the United Kingdom must undoubtedly voice labour opinion and cannot be looked upon as a representative of his class. In the present state of our political evolution the peculiar condition of our country, and the existence of a ruling power, belonging to another race, unless the Representative form of Government be based on the actual class interests difficulties are likely to be encountered.

The Committee of my Association submits that if the zemindars be not precluded from contesting the seats in the general constituencies, the number of their seats in the special constituencies should be increased at least to 15. But if they be so precluded then the number of seats reserved for them should be at least 30 per cent. of the elected seats.

In this connection my Committee begs to point out that the number of the electors in the Landholders' Constituencies should be considerably increased by reducing the revenue, cess and rent qualifications and by including permanent tenure holders who pay a definite amount of rent or cesses. But in order to retain the distinctive feature of these constituencies the existing franchise qualifications should not be reduced by more than one third.

(*b*) Number of seats in rural areas should be increased and their present size should be reduced.

Municipal franchise in muffusil Bengal should be separated from rural constituencies.

At present, we have one seat for about 11,500 voters, both in the Muhammadan and non-Muhammadan constituencies. The number of voters is too large and the areas too big for one candidate to properly canvass when he is expected to visit almost every village personally and, if possible, every hamlet, in spite of the defective means of conveyance and communication. To effect some improvement in this matter without making the legislature an unwieldy body, my Committee ventures to suggest that one seat may be allotted to every seven thousand voters and the administrative unit of a district may accordingly be divided into electoral districts or constituencies. We propose a complete separation of the rural and urban areas for the purpose of election. At present only Calcutta, Dacca, 24 Parganas and the riparian municipalities of Hooghly and Howrah have separate urban representations; all the other municipalities form part of the rural constituencies. In the Reforms of 1919, these municipalities have been denied the right of separate representation because they were supposed to have no distinct interest from the rural areas of the districts in which they are situated. But this theory is open to question; people residing and carrying on their business and profession in the muffusil municipalities, though some of them still retain lands in the villages, become a class by themselves. They, on account of their better economic condition, higher status due to their learned profession, trade and commerce and superior education, enjoy greater advantage in life, and have little affinity of interest with people living in the villages. In the elections, they make a distinction between a candidate hailing from their own town and those belonging to the moffusil areas and there is a strong tendency to support the former in preference to the latter. A rivalry is thus noticeable between the urban and the rural areas of a constituency. Larger number of voters, inhabiting in a small and compact area, greater facility of canvassing and of recording votes, superior intelligence of the town people, and a strong tendency to support a candidate belonging to the town generally decide the result of election in favour of the urban candidate. So, we beg humbly to point out that the inclusion of municipal areas within the rural constituencies is hardly fair to the moffusil voters distributed over not less than 1,000 villages, extending over an area of 800 to 1,200 square miles. Voters, in the villages, have got to cover sometimes ten miles on foot to record their votes at a polling station which is absolutely unconnected by any road. With these disadvantages of a rural voter one would like to contrast the facilities enjoyed by an elector living in a moffusil town, where we have generally three or four polling centres. So that each station records the votes of electors living within a radius of one mile. All sorts of conveyances, including motor buses are available to them; they can have their tiffin at every street corner. On these grounds, we suggest a separation of the rural from the urban areas for the purpose of election. The municipalities of each district should be given a separate seat in the Council.

(*c*) *Communal Representation.* We are against the introduction of the system of communal representation in the local bodies or its continuance in the legislatures except in the case of Europeans, who do not form part of the Indian nationhood, but stay in India for a few years on business and retire after a certain time. They always maintain their separate identity as a community in India even in matters political. But this cannot be said with regard to any other community in India, not even in the case of Anglo-Indians who have adopted India as their permanent home, far less can it be said in the case of Muhammadans. We beg to suggest the abolition of communal representation, but to safeguard the interest of minority communities seats may be earmarked. We do not propose to repeat the arguments against the system of communal representation. This is a suggestion which has been almost universally advocated by the leaders of Indian public opinion both Hindu and Muhammadan, a very influential section of the latter community also has accepted it as a part of political expediency. So, we do not propose to deal with it at length.

(*d*) *The relationship between representatives and constituents.* Admittedly, at present there is not much touch between a representative and his constituents. The number of electors, the unwieldy area, absence of facility of communication, lack of real political education and interest on the part of the voters and want of party fund and party organisation, render it difficult to maintain the touch which a candidate is obliged to form at the time of election. Matters may improve with the reduction in area of constituencies and in number of electors as suggested by us.

IV. PROVINCIAL GOVERNMENTS.

(*a*) *Constitution.* As regards the constitution of the provincial legislature, the Committee of my Association would like to suggest that it should consist of two Chambers. The powers and constitution of an Upper Chamber should be similar to those of the Council of State: the qualification for its membership should also be similar to that of the Council of State with slight reduction in case of property qualification. The life of the Upper Chamber should be five years and that of the Lower four. The Upper House in the provinces should be a revising Chamber with power to restore a demand refused by the Lower House. But bills, except the Finance Bills, may be first introduced in either of the two Houses. The Finance Bills should be first introduced in the Lower House. The Upper Chamber will have the power to criticise it and, if necessary, to restore any demand refused by the Lower House; but will have no authority otherwise to vote on budget demands. The total strength of the Upper House should not exceed more than fifty. The number of seats in the Lower House should be increased as already mentioned in this memorandum.

(*b*) *Working of Dyarchy.* There is a concensus of opinion in favour of the abolition of dyarchy. The

system has failed to work smoothly, and instead of maintaining the unity of the Government, on many occasions, their disunion became quite apparent. We do not propose to recount all such instances where the two halves of the Government failed to come to an agreement and measures introduced by the reserved side did not receive the active support of the ministers in the council, or when many important and useful schemes framed by the popular ministers did not materialise because they were condemned by the members of the Executive Council either on financial or political grounds. In all provinces, there were numerous instances of such disagreement. The greatest weakness of dyarchy lies in disagreement between the two halves of the Government in questions relating to the Department of Law and Order. If they remain neutral in the council, the disunion in the Government is exposed and the ministers lose sympathy of the Civil Service and of the non-official European community, on whose support they have to depend considerably, at least in Bengal. If the ministers support the Government in maintaining Law and Order, they will at once forfeit the confidence of the Indian members of the Legislative Council, and the Swarajists, who are against dyarchy on principle, taking full advantage of their unpopularity, will move a vote of no-confidence on them. Thus the ministers suffer for an action of the Government over which they have little control. We are, therefore, in favour of full provincial autonomy in all the departments, including that of Law and Order. Unless this department is transferred to the Ministers, provincial autonomy will fail to secure full popular support and co-operation, and exclusion of popular control from this department will amount to another experiment in a limited form of diarchy, with all its defects and risks. Transference of control over this department from the Provincial to the Central Government as has been suggested by some political thinkers may tell upon the efficiency and prestige of the Provincial Government and will fail to secure popular satisfaction. The popular mind will not make any distinction between an action of the Central Government and their agents in the provinces. The people will naturally resent any measure of the Government which they do not approve by retaliating on the Ministers over whom they will have constitutional control. Moreover, in order to foster a sense of administrative responsibility, which cannot be separated from constitutional concessions, it is highly desirable that the department of Law and Order should be placed under a minister responsible to an elected legislature. Introduction of an Upper Chamber, consisting of the representatives of the people with large stake in the country, will strengthen and improve the position of the ministers, who will thus be able to act in the best interest of good administration, and will not have to shirk their responsibility only to avoid unpleasant situations and for the security of their office. Ministers should be selected from both Houses, and they should have the right to address both the Chambers.

(*c*) *Position and powers of Governor.* The Governor, in the existing constitution, is the head of the Executive; with the introduction and development of real self-government, it should be the aim to make him the constitutional head, free as far as possible from all executive responsibilities. With the grant of provincial autonomy his right of interference with the action of the ministers should be reduced to a minimum. Without freedom of action the position of a minister cannot be made sufficiently attractive or his powers effective. The Instrument of Instructions should be amended subject only to the power of interference by the Governor to prevent unfair discrimination between classes and interests and to protect minorities. The Governor should not otherwise dissent from the opinion of his ministers. The practice of direct audience of Secretaries with the Governor should be discontinued.

(*d*) *Relationship of Ministers to each other.* Apart from all other salutary effects of developing the principle of joint responsibility in order to avoid a division amongst the supporters of the ministers in the Council, purely on communal grounds, the system of joint responsibility should be introduced. This would act as a check on tendency on the part of the Hindu and the Muhammadan members of the Council to support or oppose a Minister on communal basis.

(*e*) *Working of Departments.* The present division of departments into Reserved and Transferred are arbitrary and unscientific. For example, the Minister of Development is not in charge of Forests, which is a reserved subject; so also we have the Minister of Agriculture without the charge of the Department of Irrigation, which is a Reserved one. The Minister in charge of the Department of Industries has no control over Factories. This difficulty will disappear with the introduction of full provincial autonomy. The division of portfolios amongst ministers themselves also should be made in such a manner as to avoid any unscientific distribution.

(*f*) *Classification of Reserved and Transferred Subjects.* This artificial and temporary distinction between Transferred and Reserved subjects as obtained at present cannot exist in a responsible Government. All the departments will be managed by Ministers whose number will not exceed four.

(*g*) *Desirability of Second Chamber.* As in all other countries, during the period of transition when the administrative control of a country is being gradually shifted from monarchy, oligarchy or bureaucracy to the people, they generally lose their political balance and there come into existence extreme parties, which are often anti-Government or are definitely against those who undertake the responsibilities of office. They become the most popular of parties and sweep the poll. They are for levelling down all existing arrangements and by their unreasonable opposition attempt to bring about a constitutional deadlock. This, too, has been our experience in Bengal since the election of 1923, when the Swarajists entered the Council with the express object of wrecking the working machine. They did succeed partly, if not wholly, in creating a constitutional chaos, and ministry after ministry was overthrown. Those which survived for a period the onslaught of the Opposition had a precarious existence, and the ministers who had thus to be always on the defensive could not seriously set their heart to any useful work. The failure of the ministers to achieve anything substantial since 1923 may be largely, if not wholly, attributed to the unreasonable opposition of the extremist party which was naturally very popular and powerful against a foreign bureaucracy. In order to counteract the activities of such extreme parties, which are bound to come into existence at least for a long time yet with the growth of political consciousness of the people, who have been under a foreign domination for the last several centuries, it is desirable that there should be a Second Chamber, composed of persons of sober views, men with large stake in the country and of proved political experience and sagacity. The legislature which will be thus bicameral will not be absolutely controlled by men of extreme views. The Government, with the introduction of provincial autonomy, will be a Government by the people and will be able to rely upon the support of the Upper House, both for salutary legislations, and also for opposing measures which will be brought forward with the object of putting obstacles in their path. The qualification for membership and composition of the provincial Upper House should be like those of the Council of State, and there should be no communal representation, but seats may be reserved for the minority communities and special representation should be granted to special interests, like those of landholders and merchants.

(*h*) *Question of provincial autonomy and control by the Central Government.* We have made it perfectly clear that full provincial autonomy is our

immediate goal. All the subjects should be transferred to the charge of ministers responsible to the Provincial Legislature. The Central Government, whose control over the Local Government is mainly threefold, viz., Legislative, Administrative and Financial, should fully transfer these powers to the Local Government, except in matters affecting inter-provincial interests, or interests of the Central Government, and in preventing unfair discrimination between class interests. In all inter-provincial matters, the Central Government must continue to be final arbiter. However much we may try to mould our constitution on the lines of the Federal Governments of Canada and Australia the analogy cannot be and should not be pushed too far. There are many questions which are peculiar to the Indian Empire, including those about the Native States. They are integral parts of the Indian Empire, whose interests cannot be ignored or whose importance as part and parcel of our country cannot be minimised. The Central Government or the Viceroy, as representative of the British Crown, must come in to adjust all questions affecting the whole of India. Thus it will be a mistake to suppose that our provinces can be modelled after the States of Canada or Australia, or our Central Government after their Federal Governments. In all the three branches, viz., Legislative, Administrative and Financial, the control of the Government of India should be relaxed as much as possible to make the provinces really autonomous subject only to a general control and supervision of the Central Government to avoid inter-provincial, inter-communal clashes, to safeguard the interests of the Native States, and to maintain the position and power of the Government of India with due regard to national and imperial defence. The control of the Central Government over the Local Legislature may be minimised by certain modifications of Section 80 A of the Government of India Act, but we do not consider that complete freedom is a practical proposition.

As regards the classification of Central and Provincial subjects we are inclined to accept the existing arrangement. The grant of full provincial autonomy may require some minor and technical changes and readjustments, but we do not propose to go into these intricate details in this memorandum.

4 (*k*) *and* 6 (*c*). *The financial relationship between the Central and Provincial Government, including the Meston Settlement.* The Financial Settlement known as the Meston Award, which was ushered in with the Reforms of 1919, has practically dissatisfied all the provinces. The two Presidencies of Bengal and Bombay considered themselves very badly treated and attributed the failure of Reforms partially to financial stringency. Without entering into the long, and for the present unnecessary, discussion of the relative effect of the settlement of Lord Meston on the different provincial governments, we can say that Bengal was very hard hit; she considered the allocation of revenue unfair and absolutely inequitable. Repeated attempts of the Government of Bengal to get this defect remedied were in vain. Neither the Indian Legislative Assembly nor the Government of India are very sympathetic towards Bengal in this matter. The exaggerated idea of Bengal's economic prosperity due to the Permanent Settlement, the imperfect knowledge of the average member of the Indian Legislative Assembly about the taxable capacity of her people, her past political preponderance and the unyielding and unsympathetic attitude of the Government of India have rendered the position of Bengal extremely unenviable in this financial crisis. Bengal, it may be pointed out, started with a deficit of two crores and twelve lakhs of rupees. To meet the deficit, the Government had to introduce three new taxation bills, viz.:

(1) Bill to increase Judicial Stamp by 50 per cent.
(2) Bill to increase non-Judicial Stamp by 50 per cent.
(3) Bill to raise Tax from Amusements.

It was expected that a revenue of 1 crore and 40 lakhs of rupees could be raised, but the total receipt from these three sources was not more than 95 lakhs of rupees. In September, 1921, the Government retrenched the Budget expenditure to the extent of 90 lakhs. There was a further retrenchment in 1925, and the total amount of expenditure thus curtailed was about 1½ crores of rupees. The Provincial contribution of 63 lakhs has now been permanently remitted, but still there is no surplus revenue to enable the Government to undertake even the most urgent works of improvement. We beg to suggest that in order to give Bengal a real surplus, without which provincial autonomy will be of no practical value, a percentage of the Income Tax, or Jute Duty or Customs Duty, should be given to her.

(*i*) *Financial Relations between the reserved and Transferred Subjects.* It has been pointed out above that the allocation of revenue of a proportion of 70 per cent. and 30 per cent. or 66 per cent. and 34 per cent. between the Reserved and Transferred Departments of Bengal is highly arbitrary and unreasonable. In responsible government such question as financial relation or joint and separate purse will not be wise. The Cabinet will look to the proper distribution of funds for each department.

In conclusion, the Committee of my Association begs most humbly and respectfully to urge that sufficient consideration may be shown to the special claims of the Zemindars of Bengal to a larger number of representations in the future constitution of the country, to which they are justly entitled on account of their vast interest in land, high status in the social system of the province, and large contribution to Government revenues. We hope and trust that in future constitution we shall be given proper facilities to undertake the duties which fall on us as natural and hereditary leaders of society who, though less assertive, are by no means less alive to the responsibilities which devolve on them on account of their position as landholders, and we sincerely hope that the British Government will stand by the pledge given to us by the Government of Lord Cornwallis, and help us to maintain our rights and privileges.

CALCUTTA.
15th January, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN AND SIR ZULFIQAR ALI KHAN), AND OF THE BENGAL PROVINCIAL COMMITTEE.

Deputation from the British Indian Association, Calcutta.

The deputation consisted of :—
The Hon. SIR RAMESWARA SINGH, G.C.I.E., K.B.E., Maharajadhiraja Bahadur of Darbhanga (ex-President, British Indian Association).
Mr. BIJOY PROSAD SINGHROY, M.L.C.
Maharaja Bahadur SIR PRODYAT COOMAR TAGORE (President).
Mr. SATYA CHARAN MUKHERJEE, M.L.A.
MAHARAJ KUMAR OF DARBHANGA.
RAJKUMAR OF GAURIPUR.
Mr. P. N. TAGORE (Secretary).

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11. *The Chairman :* * * * At the bottom of page 35 I see you say : " There are at present only " five representatives of the landholders in the " Bengal Legislative Council and only one in the " Legislative Assembly. The zamindars of Bengal " directly contribute one-third of the total provin- " cial revenue." I should like to ask one or two questions about that. The zamindars in this province benefit, of course, and I should imagine benefit enormously, by what is called the permanent settlement, do not they ?—Yes.

12. Which was in 1793 ?—Yes.

13. Do I understand that the land revenue which they pay is land revenue which was fixed having regard to the assets of the land in 1793 ?—Yes.

14. Has the value of the land greatly increased since 1793 ?—In some cases.

15. With the result, of course, that it can be let out to tenure holders at a rent which is above the rent it could have commanded in 1793 ?—I think so.

16. For example, in 1793, was the production of jute on a commercial scale known ? Was jute in 1793 a material source of commercial profit ?—I do not think so.

17. At present jute is an enormously important article of production, and I imagine it greatly increases the value of the land of Bengal, does not it ?—Yes.

18. I have made an inquiry, because it is interesting to know. Let us take, for instance, the district of Mymensingh. I think the land revenue collected in that enormous district is about Rs.8 lakhs, is not it ?—Yes.

19. Is that about right ?—(*Sir P. C. Tagore*) Yes.

20. I am told (I may be wrong) that the jute production coming from that district brings into the district Rs. 8 millions or thereabouts ?—(*Maharaja of Darbhanga*) Yes.

21. Is that right ? Anyhow, without inserting a figure, it is evident there has been an enormous increase in the value of land since the days of the permanent settlement ?—(*Mr. Singhroy*) Yes, but the whole profit is not intercepted by the zamindars.

22. I am sure it is not, but is it correct to say the zamindars bear the burden of the land revenue ? —Yes.

23. Is not it the people to whom they let their land who bear the burden ?—The zamindars partly, and the tenants also.

24. Do they ? Do you think on the whole to-day the rent received by the zamindars of Bengal is not sufficient to cover the land revenue which they have to pay, as well as the profit which they used to make ?—Yes. They make a certain amount of profit, but the major portion of the profit is intercepted by the middlemen and does not come to the zamindar, who is the actual proprietor.

25. I quite see that. By " middlemen " you mean the intermediate interests before you get to the cultivator ?—Yes.

26. Take a specimen district. How many intermediate interests would there be ?—Generally three or four, but in some cases as many as twenty. In the districts of Bakarganj and Faridpur the intermediate holders are sometimes twelve to fifteen in number.

27. Let us take the instance you gave, because it is very instructive. You will have the zamindar, who is liable to pay and no doubt is the hand that pays the land revenue fixed in 1793. He lets his land to the tenure-holder ?—(*Sir P. C. Tagore*) The cultivator.

28. Does he ?—The zamindar lets out his land to the actual cultivator and the tenure-holders. Under the tenure-holders are the actual cultivators.

29. I was taking the instance given by the other gentleman, who told me it was very common to have four or five intermediaries ?—(*Mr. Singhroy*) Yes.

30. Let us take the instance where there are four or five. There will be the zamindar, who is the landholder and whose hand pays the land revenue fixed in 1793, and he lets to the tenure-holder ? —Yes, he lets it to the tenure-holder.

31. Presumably at a rental which is satisfactory to both sides. That tenure-holder we will call A. Does he sublet sometimes to a subordinate tenure-holder, a sub-lessee ?—Yes.

32. We will call him B. B sublets to a third man, whom we will call C, and C, we will say, lets to the cultivator ?—Yes.

33. In the ordinary way there will be at each stage, will not there, an advance of rental ?—Yes.

34. Each man gets his own return ?—His own profit, yes.

35. I follow the zamindar, under the permanent settlement, is responsible for paying the land revenue then fixed. The zamindar does not pay any income-tax, does he ?—No.

36. Then tenure-holder A—does he pay anything ? —No.

37. Nothing at all ?—No. No income-tax is assessed on agricultural income.

38. So that if A holds from the zamindar at (let us say, for the sake of argument) 100, and lets at 120, and therefore makes a profit of 20, he makes no contribution in taxation on that 20 at all ?—As income-tax he pays nothing.

39. I am talking about provincial revenue. A, who holds the land at 100, and lets it at 120, and who therefore makes a profit of 20, makes no contribution in respect of that 20 to provincial revenues at all ?—Except by way of cess.

40. Is that to provincial revenues ? I thought it was to local ?—To local, yes.

41. I am not talking about that, I am talking about provincial revenues ?—He makes no contribution.

42. The same with B and the same with C, is that so ?—Yes.

43. Have the British Indian Association any suggestion to make as to how that situation ought to be dealt with, or do they think it should go on like that for the rest of time ?—I do not think we can suggest any improvement on that situation, because any change in that arrangement would mean an economic revolution in the whole country. It would disturb the whole arrangement altogether, and will affect almost every man in Bengal.

44. We have correctly described the situation, have not we ? I do not want to state it wrongly. That is a description of what in fact happens, is not it ?—Yes.

45. The intermediate people pay no taxes to the provincial funds at all ?—No, they do not pay any taxes.

46. And you think that should remain. That being so, what is the proposal of the British Indian Association and the zamindars of the province as regards their representation ?—The representation of the zamindars ?

47. Yes ?—On revenue qualification as at present ?

48. What is the proposal which your deputation wishes to put before the Conference as to how the landowners of Bengal should be represented in the Bengal provincial council ?—When you talk of the representation of landowners, we mainly confine our proposal to the case of the zamindars, the men holding the superior interest.

49. About how many of them are there ? You say there are 130 members of the British Indian Association. How many are there in Bengal altogether ?—At least 100 of the 130 members are zamindars.

50. You misunderstand me. There may be zamindars in Bengal who are not members of your Association ?—Yes, there are.

51. About how many zamindars are there in the same position as members of your Association ?—A very large number.

52. Let us confine ourselves to the larger zamindars. At what sort of point do you describe a man as a big zamindar ?—A man who pays Rs.4,000 revenue I should call a big zamindar.

53. How many such persons are there ?—About 600.

54. Then do I understand the representations made by the British Indian Association are in respect of those 600 people ?—600 directly, and for the rest indirectly.

55. What is the representation in the provincial council of the future which you think these 600 people should have ?—We want at least 15 per cent. of the elected seats.

56. 15 per cent. ?—That we have said in our memorandum.

57. I was not quite clear about it. On page 35 you say "In consideration of their large contribution "to the provincial exchequer, their importance as "a class and the fact that they own the proprietary "interest of practically the whole of Bengal, the "zamindars should be given at least one-third of "the elected seats in the local council" ?—Yes. What we mean is that one-third is due to them.

58. Will you make it clear to me whether these 600 people should have one-third of the seats, or whether you think they should have at least 15 per cent ? One-third is 33 per cent. ?—One-third is 33 per cent., but——

59. I think perhaps the explanation is this. I do not want to confuse you. I see the reference on page 36. You say that if zamindars are free to contest general constituencies, then, in that event, the number of the zamindars' seats in the special constituencies should be increased from 5 to 15. That is not 15 per cent., but it is 15 seats. But if the zamindars are precluded from contesting general constituencies, the number of seats reserved for them should be at least 30 per cent. Is that the proposal ?—Yes.

60. Lord Burnham refers me to a statement in the Government book at the top of page 139.* "There "are five landholders' constituencies, all of which "usually return Hindu members to council. These "constituencies were created in the belief that the "greater landholders would find it difficult to enter "the council through the general constituencies, but "in the present council there are actually"—the figures have been revised for us—"sixteen Hindu "and eight Muhammadan elected members whose "names are on the electoral rolls of the landholders' "constituencies." That seems to show, does it not, that in fact the larger zamindars do get elected by the general constituencies ?—Yes, up till now they have succeeded in coming to the council through the general constituencies, but we apprehend that it will not be possible for them to come so in future.

61. Why do you think that ?—Because there is a feeling against the landholders generally in the country, that the agriculturists should have their own representatives in the council, and not through the zamindars.

62. Then I am not quite clear—you will make it entirely clear—whether, in the view of the deputation, the part that would be played by the zamindars returned by the special constituencies would be to protect the class interests of the zamindars, or to act on behalf of the citizens as a whole ?—The zamindars' representatives will protect their own interests as well as those of the citizens as a whole, because you may be aware of the amendments of the Bengal Tenancy Act which was passed just a few months ago. The zamindars while they tried to protect their own interests were not unjust to the interests of the tenants as well.

* * * * * * * *

64. Would you tell me this. Is the membership of the British Indian Association principally Hindu, or does it include Muhammadans as well as Hindus ?—There is no bar, but at the present moment they are almost all Hindus. I may inform you that just a few years ago there were many Muhammadans who were members of the British Indian Association, big Muhammadan zamindars were members of that Association, but unfortunately the Muhammadan membership is now practically nil.

65. That means that some Muhammadan members have resigned ?—Yes, they have ceased to be members now.

* * * * * * * *

67. * * * I notice on page 36 a statement about communal representation. You say, I see: "We are against the introduction of the system of "communal representation in the local bodies or "its continuance in the legislatures except in the "case of Europeans," and then a little lower down you say: "We do not propose to repeat the argu-"ments against the system of communal representa-"tion." I am very glad, because we have heard a great deal about the arguments both against it and in its favour, and we are familiar, I think, with both sets of arguments, but you go on to say: "This "is a suggestion"—that is to say, the suggestion that you should not have communal representation—"which has been almost universally advocated by "the leaders of Indian public opinion, both Hindu "and Muhammadan." Do you think, on reflection, it would be quite right to say that the view that you should abolish communal representation is almost universally advocated by leaders of Muhammadan opinion ?—No; I have also added a clause there, "both Hindu and Muhammadan, a very influential "section of the latter community also has accepted "it as a part of political expediency." I do not say that a very influential section of the Muhammadans have accepted it universally.

68. I see; I did not quite understand the sentence.

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There is, as a matter of fact, a good deal of difference of view, I quite agree. However, do not let us go into that now. I have asked all I want to understand about your franchise proposals. I follow what the 600 major zamindars, you think, ought to have in the legislative council. Then I understand you also propose a Second Chamber?—Yes, sir, I do.

69. And what would be the contribution which the larger zamindars would make to the Second Chamber?—What would be the number of seats we require?

70. Yes?—Our proposal is that the Second Chamber should consist of fifty members, of whom five seats ought to be given to the landholders.

71. Which page is that?—We have not mentioned that in the memorandum.

72. Are the fifty members of the Second Chamber, according to your suggestion, to be all elected or any of them to be nominated?—No; 20 nominated and 30 elected.

73. Then you are speaking of the 30 who are elected?—Yes.

74. And you think that 5 of them should be elected by the greater zamindars?—Yes. My suggestion is, if I may be permitted to explain it——

75. Certainly.—Five should go to the landholders, 5 to the district boards of Bengal of the five divisions, 5 to the municipalities of the five divisions, 2 to the Corporation of Calcutta, 2 to the University of Calcutta, 1 to the University of Dacca, 5 to a commercial interest, both Indian and European, 2 to the income-tax payers of Eastern and Western Bengal, one from each, and 2 gentlemen to be elected by voters, such as ex-members of the legislative council, Fellows of the Senate of Calcutta, and by others who will be electors on personal grounds, e.g. holders of distinctions.

76. That is adding to our knowledge, because I do not think those details are in your memorandum?—No. We avoided that.

77. Now, is there anything further which you or the Maharaja of Darbhanga or the Maharaja Tagore would like to say before the others put questions?—We want to speak very generally about the Meston award. We have mentioned that in our memorandum. Bengal has been very hard hit on account of this financial settlement, and we plead that at least a portion of the jute duty, or the customs duty, or of the income-tax should come to Bengal to give us relief, because we are of opinion, and it has been admitted, I think, by all political parties that the Reforms in Bengal have failed largely on account of financial difficulties, and Bengal's contribution to the Imperial exchequer is about 24 crores, 37 lakhs.

78. Are you referring now to income-tax?—No, the total contribution of Bengal to the Imperial exchequer.

79. The main contribution would be income-tax?—Yes.

80. But the zamindars do not pay any of it?—Not the zamindars. But the financial situation affects the zamindars as well as others. (*Maharaja of Darbhanga*) The zamindars pay cess. (*Mr. Singhroy*) And that contribution to the exchequer includes, of course, jute duty.

81. The cess is a local thing, of course?—Yes.

82. We quite recognise, of course, that they pay that.—And jute is, of course, Bengal's monopoly, and it is a direct contribution of the agriculturists whom we hope we represent indirectly.

83. I suppose really there is no doubt about it, that the cultivation of jute has greatly increased the value of a great deal of the land of the zamindars?—It has.

84. I mentioned some figures about Mymensingh just now. I will just put them as I understand them to be. I understand that the total revenue paid by the zamindars in Mymensingh district, for example, is 7·6 lakhs of rupees, say £60,000 sterling; that the sum that is received by the Mymensingh district in payment for jute varies between £7,000,000 and £5,000,000, no doubt according to the differences of the prices of jute. Now, a very large part of the money recovered for the jute thus sold goes in repaying the labour or intermediate expenses or the middlemen, and all the rest of it, and only the residue, no doubt, of that profit reaches the zamindars; but still, it must be the case, I think, that there is an enormous increase in the value of land held by zamindars since 1793?—No, unfortunately practically no portion of this income goes to the zamindars, because the zamindars have not been able to increase the rent much. Of course, the rent roll of Bengal has increased largely, but the increased rent is intercepted by a large number of tenure-holders, who come in between the zamindar and the cultivator.

85. And it is agreed that none of that large class of tenure-holders pays any provincial tax to the Government at all?—No. The number of tenure-holders at the present moment, I think, in Bengal is about 40 lakhs.

86. *The Chairman:* That explains a good deal the difficulties of Bengal, does not it?

The Maharaja of Darbhanga: I should like to say this. I am in favour of a Second Chamber in Bengal * * * (The Maharaja then read a statement which was largely inaudible, and which it was said would be sent to the secretaries. He was, however, unable to supply a copy).

87. Your suggestion is, is it, that a Second Chamber, acting, I suppose one might say, as a revising Chamber, would in some cases take the place of the Governor in rejecting legislation which had been passed by the Lower House, the council?—Yes.

88. That is your idea?—Yes.

89. *Lord Burnham:* I wish to put a question on the financial side of this interesting memorandum. We have heard a good deal, of course, of the necessity for revising what is known as the Meston Settlement, but a revision which is only a re-distribution of existing revenue would not add to the resources of any of the provinces or of the Central Government for any of the purposes of administration. If it be true that more money is required for what are called nation-building services—and I am thinking especially of education—then either fresh sources of revenue must be found or there must be an augmentation of existing sources. The question I want to put to this delegation is how they would view the inclusion of revenue from agricultural land and its assessment to income-tax—whether they would consider that a fair and equitable thing if more money is to be spent on the services which are meant for the improvement and welfare of the people. May I ask how you would view that?—(*Mr. Singhroy*) We do not approve of that idea, because we feel that agriculture is paying a very large amount as land revenue and the people who are assessed to income-tax do not pay land revenue or anything like that. Land revenue is not a very light burden on us, and we do not approve of the idea of the imposition of income-tax on agriculture.

Lord Burnham: I am far from saying there are exact parallels between England and India, but of course the landowner at Home, as I know to my cost, not only pays land-tax but is assessed at an unduly high rate both for income-tax and super-tax, and therefore at Home the landowner does pay and pays through the nose.

Sir Hari Singh Gour: Landholders in India pay super-tax, but not income-tax. If their income exceeds Rs.50,000 they pay super-tax.

Lord Burnham: That is roughly £3,750 a year.

Mr. Fazl-ul-Huq: But they do not pay super-tax.

90. *The Chairman:* I understand very well, of course, that a gentleman who is a large landowner but who has investments and other sources of income may pay super-tax in respect of his non-agricultural income, but is the position this (it may be so, but I had not quite understood it), that if a man gets the

whole of his income owing to the fact he is a zamindar owning land, if he gets over a certain amount he pays super-tax on it?

Sir Hari Singh Gour: So I understand.

Mr. Fazl-ul-Huq: No.

Maharaja Shashi Kanta: A landlord pays income-tax and super-tax for fisheries, forests, and so on which are situated on his land.

The Chairman: Of course he does. We were not talking about that; we were talking about whether or not a landowner, in respect of the ownership of land, pays super-tax if he receives beyond a certain amount.

Lord Burnham: I used the word "agricultural." I merely wanted an opinion from the deputation, because it is obvious new sources of revenue will have to be found or old sources augmented; I imagine it is no good talking of the revision of the Meston Settlement unless those new sources can be captured. That is my difficulty.

91. *Mr. Hartshorn*: I should like to ask a question in regard to what you say on page 37. I notice you say there: "We are, therefore, in favour "of full provincial autonomy in all the departments "including that of Law and Order. Unless this "department is transferred to the ministers, pro-"vincial autonomy will fail to secure full popular "support and co-operation and exclusion of popular "control from this department will amount to "another experiment in a limited form of dyarchy, "with all its defects and risks. Transference of "control over this department from the provincial "to the Central Government as has been suggested "by some political thinkers may tell upon the "efficiency and prestige of the provincial Govern-"ment and will fail to secure popular satisfaction. "The popular mind will not make any distinction "between an action of the Central Government and "their agents in the provinces. The people will "naturally resent any measure of the Government "which they do not approve by retaliating on the "ministers over whom they will have constitutional "control. Moreover in order to foster a sense of "administrative responsibility which cannot be "separated from constitutional concessions, it is "highly desirable that the department of Law and "Order should be placed under a minister responsible "to an elected legislature." That is a definite and emphatic statement coming from your Association as to the views you hold on that subject. I should like to know whether the views expressed in the paragraph I have read out have been submitted to the membership of your Association and whether you have ascertained from your members that they are all in agreement with them?—(*Mr. Singhroy*) The whole thing was approved by the executive committee of the Association, and they went through it very carefully, and then it was submitted to you.

92. Then we are entitled to take it that the big landholders of Bengal are all out for having Law and Order transferred to a responsible minister?—Yes, for complete provincial autonomy.

93. Do you think it at all necessary that any safeguards should be introduced if provincial autonomy is made complete and this subject is transferred?—(*Sir P. C. Tagore*) Yes. (*Mr. Singhroy*) Our suggestion pre-supposes a joint electorate. Communal representation would be abolished, and there would be a joint electorate with reservation of seats. If that is done, we do not think there will be any difficulty if the department of Law and Order is transferred, because in that case the minister, whether a Hindu or a Muhammadan, will enjoy the equal confidence of the whole body of the electorate and of the country, indirectly.

94. You think it is necessary, in order to carry this into effect, to have joint electorates?—Yes.

95. And reservation of seats?—Reservation of seats only in the interests of the minority communities. It may be necessary.

96. Have you considered to what extent you would reserve seats for Muhammadans?—We have stated that.

97. *Maulvi Abul Kasem*: They are not a minority—We have accepted property as the basis of the franchise, as it is at present, and according to the voting strength of each community there should be reservation of seats.

98. *Mr. Hartshorn*: Are we to understand that if communal electorates are still retained you would not then advocate the transference of Law and Order?—In case of communal riots and other things the minister in charge of the department of Law and Order might not enjoy the same confidence of both communities. If he is a Hindu, elected by a purely Hindu electorate, he might not enjoy the confidence of the Muhammadan community to the extent he would do if he had been elected also by Muhammadans and vice versa.

99. Yes, but I want to know this. Would you change your recommendation in relation to provincial autonomy if communal electorates are still continued?—I would not change it, but there may be some practical difficulty. I would rather take the risk.

100. You would take the risk, even with communal representation?—Yes.

101. *Colonel Lane-Fox*: You said it was not possible for the original zamindar, the zamindar at the top, to raise his rents?—It is not exactly impossible. There is a provision in the Bengal Tenancy Act, which is the land law of the province, but, as a matter of fact, in very few cases have the zamindars increased the rents.

102. What is the security of the first tenure-holder? Can he be turned out at will, or has he a tenancy for life, or what?—He becomes an occupancy *ryot* and cannot be turned out from his land so long as he pays his rent regularly.

103. He has absolute security so long as he pays his rent?—Yes.

104. Is what has happened this, that the land has paid better owing to the growth of the jute trade, and as the land has become more valuable so there has been more sub-letting, because the land would fetch more rent, and the profit has gone to the ultimate cultivator and not affected the zamindar at the top?—Yes.

105. *The Chairman*: But is that quite right? You spoke of the Tenancy Act. I thought the Bengal Tenancy Act was an Act which permitted the raising of the rent charge by the zamindar by 2 annas in the rupee in fifteen years?—Yes, there is such a provision.

106. And it is a provision which has been applied, has it not?—There is such a provision, but in very few cases can the zamindars avail themselves of that opportunity in actual practice, enhancement of rent means endless litigation, which renders the enhancement uneconomic and practically impossible.

107. *Colonel Lane-Fox*: Then actually what is happening is that the profits of the jute trade go to the sub-lessee, and the people between him and the zamindar are the people who get the profits, because they have been able to sub-let more as the land has increased in value?—Yes.

108. And therefore the increase in the value of land has been the cause of the increase in the number of sub-lettings?—Yes, that is my submission. The profit goes not to the zamindar, but to the middleman.

109. *Major Attlee*: I notice you support the general position taken up by most people in Bengal, that you have been very hard hit by the Meston Settlement?—Yes.

110. And what you demand is practically that the rest of India should pay more and you should pay rather less to the Central Government?—No, not exactly that.

111. It is much to that effect, is it not?—I think Bengal's contribution to the Central Government is the highest. We pay 45 per cent. of the total income, whereas the United Provinces pays only

1·6 ; Madras, 9·6 ; Bihar only 0·7 ; the Punjab, 1·5 ; Bombay, 4 ; C.P., 1 ; Assam only 0·6.

112. *Sir Hari Singh Gour*: Bombay what ?—Bombay 4 per cent.

113. *Major Atlee*: Percentage of what ?—I beg your pardon ; Bombay 40 per cent.

114. But in effect your financial position is largely caused by the fact that your land revenue is very low under the permanent settlement ?—No, we do not admit that, because though our land revenue is low, our contribution by way of income-tax and customs duty is the highest.

115. Yes, but if you were in the same land revenue position as other provinces, you would not be in such a bad condition, would you ?—But the income-tax and the customs duty also come from the people of this province, and when we consider the question of the provincial revenue we do not consider the case of the zamindar separately, because the zamindars are as much affected by the insufficient income of the provincial Government as the income-tax payers and those who contribute to the customs duty.

116. Yes ; but apart from customs duty altogether, if you had not had this permanent settlement your land revenue would be much higher than it is to-day, would it not ?—That is certainly so ; we cannot deny that. That I have got to admit.

117. But what it means in effect, does it not, is that you ask the rest of India to contribute in order that you may keep up this body of 40 lakhs of tenure-holders ?—No, what we suggest is this, that a proportion of our revenue, which is admittedly the highest, and much higher than is paid by any other province, ought to be transferred to us, because jute duty is a monopoly of Bengal, and so is tea. A portion of this may be given to us ; that is what we ask for.

118. Yes, but of course each province might put up its own speciality ; but the real condition of Bengal is that you are keeping an enormous body of people who are neither landlords nor workers on the land, but mere tenure-holders drawing money for doing nothing ?—Yes, if you think so, I cannot say anything against that.

119. Is it reasonable to ask the rest of India to continue to keep these people at their expense ? —These tenure-holders have come into existence because of the Permanent Settlement. The British Government made this settlement for their own benefit. So the situation is not of our choice.

The Chairman : You must not suppose, when we put these questions, we are not alive to that. We are not in the least suggesting that what happened in 1793 is not very important ; it may even be a governing factor, but still, one has to investigate the thing quite fearlessly, and I am sure you will be the first to agree that we should.

Lord Burnham : It was not fair then.

120. *Major Attlee :* But is it not reasonable that the landholders who have profited by this for all these years should make their contribution ? Would you suggest that the tenure-holders should pay some taxation ?—The individual income of tenure-holders is not very high, because, as I pointed out, the 14 crores of rent-roll of Bengal is divided between 40 lakhs of tenure-holders, so each person has not a very large profit left to him.

121. Nor has the *ryot*, but he pays land revenue ? —The total of the rent-roll may look very high, but you have to take into account the fact that it is intercepted by a very large number of people, as much as 40 lakhs. (*Mr. Mukherjee*). For your information, may I say that there is one kind of tenure-holder who makes no contribution to revenue. They are free tenure-holders. There are certain lands given free of revenue or rents. Those are the holders who only pay cess, that is a local contribution. They cannot be taxed by way of income-tax.

122. *Sir Hari Singh Gour :* What is the percentage of the lakhraj tenure-holders in Bengal ?—It is very difficult to say, but there are a large number.

123. *The Chairman :* The tenure-holders you speak of, who admittedly do not pay any tax to the provincial revenue, but bear a proportion of the local cess—bear it, I understand, in accordance with an elaborate arrangement which we had described to us yesterday, by which the cess, as it were, is passed up or halved as it passes up the string. They bear a proportion of the cess economically by arrangements which were described to us yesterday, but it is perfectly clear, is it not, that the intermediate tenure-holder, the man who is neither the zamindar at the top nor the cultivator at the bottom, makes no contribution at all to provincial revenues, in respect of his profit as intermediate holder ? That is correct, is it not ?—Yes.

124. *Mr. Cadogan :* One question on the institution of the Second Chamber, which is dealt with, I think, at page 37 of your Memorandum, in its relation to the position and powers of the Governor. You say on page 37 that " with the introduction and " development of real self-government it should be " the aim to make him the constitutional head, free " as far as possible from all executive responsi- " bilities." What I want to make quite clear is, do you intend to sweep away all of what are known as the safeguards which reside in the Governor, such, for instance, as his power under section 72E, to pass any Act when the legislative council refuses or fails to pass ? Do you wish to make him entirely a figure-head, and to rely entirely on your Second Chamber ?—(*Mr. Singhroy*) No, I do not want to make him entirely a figure-head ; it may be necessary still to continue some of the safeguards, but they may be minimised ; they may be reduced to a minimum. (*Mr. Mukerjee*) My submission on that point is that the position of the Governor must be strengthened. If Law and Order is to be completely transferred, Law and Order must be under his personal charge.

Mr. Cadogan : That is a very big reservation. You do not say it here, but of course it is a very big reservation.

125. *The Chairman :* Let us follow Mr. Mukherjee's view, because I am interested in it.——* * * My Association has one view, but my personal view is different, if I may be permitted to express it here.

126. Yes, I understand it is personal.—Yes. May I state it, with the permission of the Chair ?

127. I shall be very glad if you will ?—In the Memorandum we have submitted some form of constitution which we have developed as an organic growth ; that is, the joint electorate, Second Chamber, and transfer of Law and Order. If one part of the body is to be disturbed in any way, then certain provisions have to be made in some other way. I may differ, even if the joint electorate is being established and full provincial autonomy is being given, I beg most respectfully to differ from the Memorandum submitted by my Association in this respect. Except Law and Order, the whole of the subjects under the provincial Government may be transferred, and the Governor, under his personal supervision or under the supervision of a member of the council appointed by him, should administer this department for five years, so that the local council, both Chambers or single Chamber, will be in a position to see, and the Government of the province will be in a position to recommend then how this system works. I think that this particular subject of Law and Order should be at present a reserved one. This is my personal submission.

The Chairman : Very well, that is a personal view. Thank you very much.

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131. *Lord Strathcona :* What do you mean precisely when you say in the paragraph on communal representation, " But to safeguard the interest of " minority communities seats may be earmarked " ? —(*Mr. Singhroy*) : Reservation of seats ; that is what we mean.

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142. *Mr. Fazl-ul-Huq :* Since when have Muhammadans ceased to be members of the British Indian

Association ? Can you give us an approximate date ?—Yes, since 1925-26.

143. April, 1926, is practically the time since very when the communal question in Bengal became acute with the Calcutta communal riots ?—Yes.

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156. *Mr. Fazl-ul-Huq :* Very well, sir. I have only one more question to ask. * * * You have said that the zamindars have not profited by the increase in the value of lands since 1793 ?—I have never said that. They have profited, but the profit is almost negligible.

157. What I am suggesting is this : Increase in the rental has not gone to increase the profits of the zamindars. That is what you said ?—Yes.

158. Is it not a fact that the zamindars of Bengal in almost every case have got tenants directly under them ? Do not the holders of the zamindari themselves let out their lands to intermediary tenants ?—They do, but they do not get any increased return because the rate of rent is practically unchanged.

159. Are you prepared to say that the zamindars have not increased the rental of their tenants or tenure-holders ?—As a matter of fact they cannot increase the rental of the permanent tenure-holders.

160. As regards the tenants ?—As regards the tenants the increase is almost negligible.

161. *The Chairman :* I think it is very much to the point. I do not quite follow what "almost negligible" means. If the man is a poor tenant, he may not regard it as negligible as a rich landholder may ?—I shall give a specific case. If the rent of a particular holding in Bengal immediately after the permanent settlement was Rs 2. per *bigha*, or Rs. 6. per acre, it is not more that Rs. 6/8/- to-day. If the zamindar has increased his rent, he has increased it by 8 annas since 1793.

162. I would like to know this : What was the situation as a mere matter of history in this regard ? —In 1793 I rather think that though a good deal of Western Bengal was cultivated, many portions of Eastern Bengal were not so cultivated, but they are being cultivated to-day ?—Yes.

163. Let us take the case of a landowner who held lands in Eastern Bengal in 1793 which had not been settled, and now they have been settled and are growing productive crops. Is the tax now paid by the landowner for the land in which he is now growing productive crops the same as it was before the land was settled ?—Yes, under the permanent settlement he pays the same.

164. Do you tell me that notwithstanding the fact that in 1793 the land was not settled and now it is settled and producing productive crops, the rent that the landowner receives is the same to-day as it was in 1793 in respect of that piece of land ?—The answer to that question is this. In East Bengal though there were large tracts of unreclaimed lands and the zamindars got the settlement of those lands at a cheaper rate of revenue, they had to spend a very large amount in reclaiming those lands ; in most cases they had to lease out the lands to the tenants rent free, and they are now reaping the benefit, but the profit is not so enormous as it is supposed to be.

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174. *Maharaja Shashi Kanta :* Could you tell us how much the income of the zamindars has increased per rupee since the permanent settlement from lands settled to tenants at the time of the permanent settlement ?—(*Mr. Singhroy*) : There is no uniform increase. The increase in Eastern Bengal is certainly larger, but in West Bengal . . .

175. Taking Bengal as a whole ?—Taking Bengal as a whole I do not think it is more than 10 per cent.

176. Having regard to the feelings that were roused in connection with the recent amendment of the Bengal Tenancy Act amongst all members of the legislative council here as well as outside, do you think it possible for the landholders in future to be able to be returned through the general constituency ?—They will have a very difficult task through general constituencies.

177. *Maulvi Abul Kasem :* You said that the zamindars pay a substantial portion of the land revenue taxes. Is it not a fact that you realise the rent from your subordinate tenants and pay a portion of it as land revenue and keep the balance as your profit ?—Certainly.

178. Then you do not pay anything out of your profits. Every piece of the land revenue paid to the treasury is realised from your tenants ?—It is realised from the tenants, but whether the zamindars could realise it from their tenants or not, they have got to pay the land revenue because there is the law. The tenants indirectly pay through their zamindars.

179. You have said that the tenure-holder makes no contribution to the provincial revenue. Is it not a fact that the tenure-holder as your agent realises the rent and hands it over to you for the payment of land revenue after deducting your own profits and keeps only his portion of the benefit ?—When I say that the tenure-holders do not make any contribution I meant that they did not make any direct contribution. Certainly the indirect contribution comes even from the tenure-holders.

180. According to your statement the actual cultivator also does not contribute to the provincial revenues ?—He does contribute.*

181. Tenure-holders ?—They also contribute.

182. Are not tenure-holders—they may be four or they may be twenty—your own creation ?—Not exactly the creation of the zamindar always, because under the Bengal Tenancy Act the zamindar's first tenant can sub-let.

183. Anyway you create the first tenure-holder ? —Yes.

184. You have said that the zamindars have not made much profit. I think your remark applies more to the case of Burdwan division than to the Eastern Bengal ?—Not only to Eastern Bengal but to the whole of Western Bengal.

185. You have just told us that the actual revenue paid by the district of Mymensingh is little over 7 lakhs with an area three times as big as Burdwan, while Burdwan pays 33 lakhs as revenue though its area is only one-third of Mymensingh ?—Yes.

186. The Chairman has put to you a question that in 1793 there were tracts of land which were not cultivated and for which no revenue was fixed at the time of the permanent settlement, and since then the zamindars have settled these lands, with new tenants, on a fair rental. Has not that increased the income of the zamindars in Eastern Bengal ?—It has increased their income, but the fact that the revenue demand was fixed as high as possible at the time of the permanent settlement, which rendered most of the estates, especially North and West Bengal, into uneconomic properties has got to be taken into account in calculating this increased profit from unreclaimed lands to-day. The revenue was increased by 200 per cent. between 1764 and 1793.

187. You said the increase was 10 per cent. on the rental of the tenant ?—The increase is 10 per cent. taking Bengal as a whole.

188. Do you mean to say that the income of the zamindars in Mymensingh, paying land revenue of 7 lakhs, has increased only 10 per cent from what it was in the beginning of the 18th century ?—As I said, it is 10 per cent. taking Bengal as a whole it might be 20 per cent. in Mymensingh, but it is not even one per cent, in Burdwan.

189. What do you think the increase in the net profits of the zamindars has been in the Dacca division ?—As I said, my experience is mainly confined to Western Bengal, and so I would not hazard an opinion.

190. *Mr. Travers :* Supposing in any district in this province there was a serious communal disorder or riot and there was a Hindu or a Moslem minister in charge of the department of Law and Order, do

* Vide Appendix on pp. 81-3.

you think under those circumstances that the community to which the minister does not belong would have complete confidence in the police to deal with the situation ?—The whole scheme that has been put forward by us pre-supposes the abolition of the communal electorate. If a minister is elected by a joint electorate, I think he will enjoy full confidence of both communities.

191. In regard to my suppositional case, if in addition to a Hindu or a Moslem minister being in charge of the department, the local officer (he may be a magistrate or a police officer) were to be either a Hindu or a Mussulman, do you not think that his responsibility, already very serious, would be further added to ?—Unfortunately since 1925 or 1926—not before that—there has been the general impression that a Hindu or a Moslem if he is in charge of a district or if he is a police officer will not be fair to the people professing a religion other than that professed by the officer himself, but that is a feeling which is of very recent growth and origin.

192. One other question with regard to the Meston Settlement. I want to be quite clear. I take it from what you said in reply to Major Attlee that your case is that Bengal pays a larger share of the total revenue, both Provincial and Imperial, than any other province, and on the other hand its provincial revenue is smaller per head than that of any other province. That is your case ?—Yes.

193. *Sir Abdelkerim Ghuznavi :* You were telling us just now that the zamindars, in addition to the payment of land revenue, have to pay local rates. Is it not a fact that within the last 25 years the local rates which they pay have almost quadrupled, and that in some cases the local rates amount to even more than the revenue they pay ?—That is a fact. I shall give you the figures. The income of the district boards from the cess comes to about 95 lakhs of which 75 lakhs are paid by the zamindars.

194. Furthermore, is it not a fact that in some parts of Bengal the zamindar has to pay sometimes even more than 50 per cent. of his income as revenue ?—Yes, in Burdwan district.

195. Also in North Bengal and Rajshahi division ?—Yes.

196. *Sir Arthur Froom :* Whatever your rules may be for membership of your Association, should I be correct in understanding that it is in effect an Association of Hindu zamindars in Bengal ?—As I said in reply to a question put to me previously, there is no bar to the Muhammadan zamindars becoming members of this Association. In fact the late Nawab Sir Salimulla of Dacca, who was the leader of the Muhammadans in Eastern Bengal, was up to his last day a member of this Association.

197. That is not my question. I am not questioning your rules for membership of the Association. Setting aside your rules for membership, is it not a fact that your Association might now be considered as an Association of Hindu zamindars in Bengal ?—Yes, it may be considered so ; we have got no Muhammadan member at the present moment on our roll.

198. And therefore your executive committee consists of Hindu zamindars only ?—Yes.

199. And therefore their opinion on the future constitution is an opinion of Hindu zamindars ?—I do not think that the zamindars have got any religion or caste, because the Hindu zamindars as well as the Muhammadan zamindars hold almost the same view with regard to the permanent settlement and other important questions.

200. That is besides the point. The executive committee consists of Hindu zamindars ?—It does.

201. And therefore the views expressed in this document are those of the Hindu zamindars ?—I do not admit that.

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210. *Mr. Kikabhai Premchand :* You are asking for joint electorates. It is generally admitted that the system of joint electorate seems desirable. The Commission, you will agree, will undoubtedly be more favourably impressed if India's demand for further reforms is a unified one. If unity between Hindus and Muhammadans could be brought about by the creation of communal electorates, would you favour doing so at least for a certain number of years, until the Muhammadans are politically educated ?—My reply would be that communal electorates have now had their full term of experiment. Since 1909 communal electorates are in existence and the result is that instead of developing friendly feelings between the two communities, unfortunately the feelings are going from bad to worse.

211. Should the Commission recommend joint electorate to Parliament, do you think it likely that the Muhammadans after their vehement denouncement will co-operate in making further Reforms successful ?—I think so, because the decision arrived at on facts and figures and after taking evidence by a quasi-judicial body like this Commission ought to satisfy people who have got any faith in the utility of this Commission.

212. *Sir Hari Singh Gour :* Referring to the last question, I understand the view of your Association for opposing communal electorates is that if you permit it for a term of years, 5 or 10 years, it would strengthen the vested right already asserted in respect of communal electorates and it would be more difficult thereafter to go back to joint electorates ?—Yes ; it is already difficult, it will be more difficult.

213. As regards permanent settlement, I hope your Association realises that the purchasing power of the rupee in 1793 was infinitely greater than the purchasing power of the rupee in 1929 ?—Yes.

214. The rupee in 1793 could purchase 10 times as many commodities as it could purchase now ?—Yes.

215. Consequently, speaking in terms of the value of the rupee, the land revenue which you paid in 1793 has gone down one-tenth in 1929 ?—Yes.

216. To that extent you have profited ? Your land revenue of 1793 was fixed in the terms of a rupee which meant something quite different in that year to what it is now ?—Theoretically we have profited, but not practically.

217. That is a logical deduction ?—That may be a logical deduction ; but that does not bring money to our pockets.

218. That brings money to the State. The effect will be realised and there will be no injustice to anybody ?—That is a very difficult question and I am not prepared to answer it offhand.

219. You have been saying that so far as the zamindars are concerned their rent values have gone up very much. Now you have got your *patnidars*, *sepatnidars* and so on *ad infinitum*. You treat them all as landlords, and the last man is the tiller of the soil, the cultivator. Now is it not a fact that the cumulative wealth of all the landlord community has multiplied and in some cases has increased hundredfold since 1793 ? What you have done is to distribute your assets amongst a very large number of *patnidars*, *sepatnidars* and so on. But if you lump that all together it would work to 200 per cent. of your income in 1793 ?—That is a theoretical question which is of no practical help to us. It might have been multiplied, but unfortunately it has not brought more money to the pockets of the individual holder.*

220. You have stated that going back upon the permanent settlement would be disastrous to the whole of Bengal and there will be a feeling against it throughout Bengal. The feeling may be sentimental ; there may not be any substratum for that feeling ?—It is not sentimental. There is a practical difficulty. Permanent settlement has benefited not only the zamindars, but also the tiller of the soil and all the intermediate people, the whole society.

221. I entered into a contract with you in 1793 and I asked you to give me an amount of money, the purchasing power of which was X. Now I want you to give me the same amount of money, the purchasing

* Vide Appendix on pp. 81–3.

power of which will be X to-day ?—But the difficulty is it was a contract—an irrevocable contract. You gave me to understand that it will be a contract and I invested my money and so did the holders of subordinate interests. If you now come forward and say that it is a revocable contract, it will be hard on us.

222. *Lord Burnham :* May I know, for my own information, whether rent is always paid in currency or it is sometimes paid in produce ?—It is paid in currency in most cases, but in a few cases it is paid in kind as well.

223. *Sir Hari Singh Gour :* With regard to transfer of Law and Order you have stated that in case there are no joint electorates and separate electorates are to continue, Law and Order should not be transferred. But do you agree with the memorandum which says on page 36 " There is a " consensus of opinion in favour of the abolition of " diarchy " ?—(*Mr. Mukherjee*) Considering the manner in which it is worked we want that it should be abolished.

224. Do you agree with the view expressed here ? —I do not agree fully with that view.

225. You agree in a large measure ?—Yes.

226. Having agreed in a large measure with the view that diarchy must be abolished, are you not perpetuating diarchy by asking that Law and Order should not be transferred ?—From my experience of this province I am in favour of that.

227. I know you speak only for this province and this is your considered opinion, what is written on pages 36 and 37. The statement here is that you are in favour of the abolition of diarchy. But again you say that Law and Order should not be transferred. Is it not a contradiction ?—I have already stated that that is my personal view on the matter.

228. Your personal view is, Mr. Mukherjee, that diarchy should go ?—To a certain extent and not wholly. That is with the exception of Law and Order.

229. That is diarchy ?—If that is the meaning, then I am in favour of it.

230. As regards separate electorates have you got any alternative to offer to the separate electorate scheme on the one side and joint electorate scheme ? —If I may be permitted to state my personal view, I may say that I have read the scheme published in the papers under the name, Sir Hari Singh Gour, and I agree with one of them.

231. *Dr. Suhrawardy :* Mr. Singhroy, in reply to Sir Hari Singh Gour, I think you stated that if communal representation is continued for a few years more, it will be difficult to get rid of it later on ?—(*Mr. Singhroy*) Yes. As conservative people we are anxious to cling to one thing when once it is given to us.

232. You apprehend that it will be as difficult as the abolition of the permanent settlement ?— Certainly not. The permanent settlement is a promise based upon law. The law is with the zamindars.

233. We hold that communal representation also is based on a promise given first by Lord Minto, later on by Lord Morley and also repeated subsequently ?—It is not a irrevocable covenant.

234. Mr. Fazl-ul-Huq had put it to you whether you know some ancient history with reference to communal electorates ; in reply you said that you might have been a school boy and therefore you are not aware of that ?—I might not be aware of the details, but I am aware of the general history.

235. May I put to you a few facts which took place after the attainment of your political majority, namely since 1921, after the Montagu-Chelmsford reforms ? Is it not a fact that a very influential section of the Hindu community accepted the principle of communal electorate as a political expediency ? May I refresh your memory by saying—both of us were members of the Bengal Legislative Council then—that in 1923 Sir Surendranath Banerjea for the first time in the history of Bengal introduced the principle of communal electorate so far as the Calcutta Corporation was concerned ? Is that not a fact ?—Yes, he did so in the teeth of the opposition and simply because he wanted to get through the Calcutta Municipal Bill.

236. As I said, as a political expediency ?—Yes.

237. And he was supported by you and other Hindu representatives of the landholders and the only Muhammadan who opposed it was myself ? —No. I never supported him. In fact I opposed and spoke against the proposal.

238. In the division list ?—You and I went into the same lobby, and I am still of the same opinion.

239. May I remind you of the fact that the late Mr. C. R. Das, one of the most powerful political leaders of Bengal, also entered into a pact called the Bengal pact, in which he proposed to extend the system of separate electorate to all the municipalities in Bengal which are 116 in number ?—He did so.

240. So you agree with him, as a matter of political expediency ?—If I may be permitted to explain, he wanted to combine the country against the Government and that was the expediency he adopted.

241. You seem to be or your Association seems to be in favour of the transfer of Law and Order to popular control. Is it not a fact that during the Calcutta riot a very able and experienced Hindu deputy commissioner of police in charge of the North Division of the city was superseded by your Government and a European junior police officer was appointed in his place ?—Yes, that is a fact ; but we are told that he was transferred or rather superseded most unjustly.

242. May be ; but I am simply bringing that fact to your notice and pointing out to you the danger of transfer ?—He was sacrificed, if I can give my opinion, to the whims and influence of communal leaders.

243. Moslem communal leaders ?—Yes and to the caprice of the Government.

244. Do you not think that when Law and Order is transferred to popular control and there is a big majority in the legislature, it will be difficult for the minister to resist the pressure brought to bear to sacrifice men of the type whose name I do not wish to mention now ?—As I said, my whole scheme proceeds on the basis that the communal electorates are abolished. A Hindu minister elected by joint electorates of Hindus and Muhammadans or a Muhammadan minister elected by the joint electorates will have nothing to fear from the influence of communal leaders.

245. Is it not a fact that in the Calcutta Corporation the Hindu members form a majority with only a handful of Muhammadans ?—Yes.

246. I may just refresh your memory to what is called the Pir burial question regarding the burial of a Muhammadan *fakir* in the heart of the Calcutta municipal market ?—I vehemently opposed it.

247. Is it not a fact that at that time Mr. C. R. Das was the Mayor of Calcutta and Mr. S. C. Bose the executive officer ?—Yes, but Mr. Bose was then ill and he was not actually looking into the affairs then.

248. But he got well very quickly just as he got well after his release. As I said the Pir now rests in peace there ; and all your efforts combined have not resulted in removing that Pir from there ?—I do not understand the implication of the question.

249. The implication is that powerful Hindu leaders like Mr. C. R. Das or powerful Hindu leaders like Subash Chandra Bose, because they were subject to popular control, yielded to the minority, namely 15 Muhammadans in a House of 80 or 90 members. They dared not prevent the burial of that Pir and after that they dared not remove it from there in spite of all your resolutions. I am only simply bringing to your mind the danger of the transfer of Law and Order to popular control ?—I do not think that the Corporation of Calcutta was incapable of giving effect to that resolution ; but it was shelved most willingly.

250. Later on Mr. Subash Chandra Bose was the

executive officer, and there was a Swarajist majority with Mr. Sen Gupta as the Mayor ?—The Swarajist majority wanted to have control over the Corporation and there was a vigilant opposition of which I was a humble member, and of course Mr. C. R. Das wanted to have the Muhammadans with him.

251. That is exactly my point, that political reasons and considerations influence the decision of the minister in charge Law and Order ?—My answer to that is that if the Muhammadan members of the Calcutta Corporation had been elected by joint electorate that would not have been the case.

252. It would not have changed their general opinion ?—In that case the opinion of the Hindu electors also would have been taken into consideration.

253. On page 36 you say, " We beg to suggest the " abolition of communal representation, but to safe- " guard the interest of minority communities seats " may be earmarked." Among the minority communities do you include the Muhammadan community ?—Muhammadan as well as Hindu.

254. From the point of view of population we may form a majority. But under your scheme of enfranchising the people, with certain property qualifications and other qualifications you have suggested, the Muhammadans will really be in a minority ?—If they are in a minority it will apply.

255. You have suggested the transfer of Goalpara to Bengal. Has your Association considered the alternative suggestion of the transfer of Chittagong division to Assam or of the transfer of the whole of Eastern Bengal to Assam ? Have you got any view on the subject ?—I cannot give any opinion on that question because we never thought of the transfer of the whole of Eastern Bengal to Assam, neither of Chittagong. You know the feeling of the Hindu population at least. It will be another partition of Bengal.

The Chairman : Gentlemen, let me thank you on behalf of the Conference for attending here to-day, and helping us so kindly and fairly with the answers which you have given. I would like to assure you before we break up that every member of the Conference appreciates the great importance and the great influence which is exercised in Bengal by the large zamindars whom your Association represents. I would like further to say that we all appreciate that one of the complications about the situation which affects the finances of Bengal is really an inheritance from the past, the permanent settlement, and we are not holding anybody to blame in this generation because of some of the complications that thereby have arisen, but we must understand the position, and you may be quite sure that we shall consider very carefully what you have said to us. We are very much obliged to you.

Memorandum submitted by the National Central Muhammadan Association.

The Central National Muhammedan Association, the oldest Moslem Political organisation in India, founded over half a century ago by the Right Honourable Syed Ameer Ali, P.C., for the furtherance of all legitimate and constitutional means of the well-being of the Moslems in India and of Indians generally, welcomes this opportunity of placing its views before the Royal Statutory Commission in respect of the Questions relating to the Reforms in India.

We desire to make a preliminary observation in order to clear up our position. Moslem confidence in the fairness and firmness of British administrators was greatly shaken by the annulment of the Partition of Bengal for which Moslems in Eastern Bengal, headed by the late Nawab Bahadur of Dacca, Sir Salimullah, made great sacrifices, and has been recently further shaken by the sad tragedy enacted at Kulkati in the Barisal District, where Moslem rustics gathered together in and about the mosque court yard were mercilessly shot down, for the offence of brandishing their lathis and spears, under the direction of a British officer. The Moslems have not failed to take note of the contrast in the conduct of British authorities who took no similar drastic action when educated Hindu rowdies in College Square assaulted the Commissioner of Police and the Principal of the Presidency College. It was probably owing to accumulation of these causes and similar incidents that Moslems in some places have joined the Swarajist Hindus in boycotting the Commission. The Central National Muhammadan Association, however, has extended to it its welcome in accordance with its traditional policy, in the hope and trust that the Commission will deal fairly and equitably with Moslem claims and rights. Whether their hope and trust is justified or not, the outcome of the labours of the Commission can alone show.

India is not a country but a Continent, peopled by diverse communities and races who differ from each other in religion, race, language, social usages, cultural influence, historic traditions and heritages, in ideals and outlook on life. The contrast between the Hindu and Moslem communities is painted thus by Lord Dufferin: "But perhaps the most patent characteristic of the Indian cosmos is its division into two mighty political communities as distant from each other as the poles asunder in their religious faith, their historical antecedents, their social organisation, and their natural aptitudes; on the one hand, the Hindus numbering 190 millions, with their polytheistic beliefs, their temples adorned with images and idols, their veneration for the sacred cow, their elaborate caste-distinctions, and their habits of submission to successive conquerors . . .; on the other hand, Muhammadans, a nation of fifty millions, with their monotheism, their iconoclastic fanaticism, their animal sacrifices, their social equality and their remembrance of the days when, enthroned in Delhi, they reigned supreme from the Himalayas to Cape Comorine, &c., &c." Subsequently in 1916, the Royal Public Services Commission endorsed the above view in the following pregnant words: "Even amongst the educated, the conflicting traditions of Hindus and Muhammadans are still constantly reflected in their respective attitude towards social and political questions of the first order . . . Nor does religion constitute the only line of cleavage" (p. 70). Religion in the East means a great deal more than in the West, it is still an active force in the everyday life of an Indian, be he a Hindu or a Moslem. Social cleavages between followers of the different religious systems are therefore more marked in India and in the East generally than in the West, with the result that not only in the domains of religion but also of education, politics and civil life differences and conflicts of interests arise, and often lead to collisions and riots. The presence of the British element in India is the only safeguard against such conflicts and collisions under the existing condition of things. When these conditions will cease, it would be rash for us to prophesy. We cannot pretend to be optimistic in view of the recent communal explosions and riots, disfigured in some cases by unprecedented brutalities, and also in view of the historic fact that the great Moghul Emperor Akbar's dream of unifying the Hindu and Moslem races in the sixteenth century by inter-marriages, by the pursuit of a common culture and even by the adoption of one uniform State religion in substitution for Hindu and Moslem conflicting faiths turned out in the end a dismal failure. However, we are to deal with the conditions of Indian life as they stand now, and he who runs can read and realise them. The blood-stained riots in Calcutta and Dacca, Bhagalpur, Lucknow, Delhi, Lahore, Jabbalpur, Nagpur, Indore, Kohat, Karachi, etc., between Hindus and Moslems since the inauguration of the Reforms, arising some times, from trifling causes, tell their own tale and need no development at our hands. It is unfortunate, but there it is. Again, since the inauguration of the Reforms the zeal shown by Hindu militant politicians in propagating the Sudhi and Sangathan movements, and the retaliatory measures adopted by some Moslem leaders in propagating the Tanzeem movement, would convince every honest searcher for truth that Indian Nationalism means in its essence camouflaged communalism, with the latent ambition to the political hegemony of India. Both talk of united India and Indianisation in order to wrest some common privileges and rights from the British, and after having achieved their object each tries to appropriate the bulk of the booty, with the result that there are bloody intercommunal feuds. So long as the British controlled the political show in India, it did not matter either to the Hindus or Moslems if a few places more or less went to the one or to the other. But since the Reforms the feeling has grown in both the communities that the British are vacating the field, and therefore each community considers it a question of political life and death to occupy a bigger plot of the vacated field.

The Moslem position was well put before Lord Morley in 1909 by the Right Honourable Syed Ameer Ali, founder of this Association and President of the London Moslem League, in language which we endorse and quote here: "My Lord, whilst we welcome the reforms we welcome them in the conviction that in their practical application our status and interests will be kept in view. We do not wish and cannot consent to be placed in a disadvantageous position. We are anxious that whatever boons are conferred on, whatever political concessions are made to, the people of India, we should have our legitimate share in those concessions. We ask for nothing in derogation of the just rights of any other people. We seek no special privileges; we want only our legitimate share in political rights and political privileges, and nothing more. If, in the language of the Royal Message to the princes and peoples of India, new avenues are opened out for the participation of educated Indians in the government of the country, our people wish that their share should be kept in view. If new elements are to be introduced into any of the great departments of the State, we expect in fairness and justice that they should be equally balanced; and if any important departure is made in administrative policy, we want that the interests of the two great communities in India should be so co-ordinated that neither the one nor the other should be in a position to say its interests were sacrificed or subordinated to the interests of the other. The foundation of the British rule in India rests upon the conviction among the people that equal justice is the chief policy of the British Government in its dealings with the varied races of that continent. My Lord, I say it would

be an evil day for India if any class or any community comes to think that the interests of one community are in any way subordinated to the interests of the other."

We wish to stress a few more points relating to the Moslem position in India. It is said that the Muhammadans form a minority among the population of India. It is true that they do not equal in number the other great community which inhabits India, but they are seventy million homogenous souls, with common ideals, and by traditions of race and religion form a solid nationality quite apart from all other people in India, with a separate historic heritage and with a different culture. Whilst on the other hand, the other large community is divided and sub-divided into caste and sub-caste, and includes many millions of the depressed classes, whose shadow is pollution to the caste Hindu. Again, there is no analogy in numbers or political importance between the Muhammadan minority and other minorities in India, such as the Sikhs or the Parsees, or the Marwaris. The Sikhs and the Marwaris are counted more or less as Hindus, whilst the Parsees are a handful of refugees from Persia.

As political issues often rest on a historic background, we venture to give a sketchy outline of the chequered political history of Indian Mussulmans under the British rule, in order to enable you to understand our aims and aspirations, and provide for our unimpeded self-development under any scheme of constitutional and administrative reforms that may be in contemplation. For this purpose we quote the language of this Association's Memorial to the Secretary of State in India, in 1917: "That your Memorialists beg to state that when the British East India Company acquired from the Moghul Sovereign, Emperor Shah Alam, the Dewani of the Eastern provinces of India, in spite of many vicissitudes of fortune, the Mussulmans throughout India held predominant position, and enjoyed wealth and political influence for many years; and under the treaty of 12th August, 1765, Muhammadans were entitled to some special consideration. The Nizamat, Civil, Criminal and Executive administration was still their monopoly. Accordingly, for a series of years, the administration of the country was carried on on the lines of Moslem Sovereigns of India. Moslem judiciary was strictly maintained; Moslem functionaries civil, criminal, and in some cases revenue, were left undisturbed; Moslem court language—Persian, was kept up as before; Moslem laws were administered, and Moslem Omaras (feudal lords) and Mansabdars (high officials), Aimadars and Lakhirajdars, who held rent-free grants from chiefs and sovereigns, enjoyed their former opulence and dignity, and contributed to the general welfare of the community. Even so far late as 1793, when Lord Cornwallis was sent out to India to correct the abuses which had crept in amongst the servants of the East India Company, and while in consequence he made the Permanent Settlement of Land Revenue of the Eastern Provinces, resulting in the creation of Hindu collectors of land revenue, Moslem political influence in India was slightly affected, but not materially injured, as would appear from the fact that the Civil Lists of Lord Cornwallis' time show 75% of Muhammadans in the service of the State. It was not until Lord William Bentinck's administration that the Muhammadan political and material decadence in India really commenced. In 1828, the Resumption proceedings were initiated, and conducted for eighteen years with a degree of harshness which has left behind a legacy of bitterness. Many ancient Moslem land-holding families were ruined, and the educational system of Moslems, which was entirely maintained on rent-free grants, received its death-blow. The scholastic classes of the Muhammadans emerged from the eighteen years of harrying absolutely ruined." The Resumption proceedings terminated in 1846, and since then the decline of the Muhammadans has proceeded with accelerated pace. Again, from the first establishment of Muhammadan power in India up to 1837, Persian was the official language of those Governments including the British, which had acquired power from the last Muhammadan sovereigns of Delhi. In 1837, however, order was promulgated that office business would be conducted either in English or the provincial dialects. This order resulted in throwing out of employ a considerable body of the Mussulman officers. From this epoch the gradual impoverishment of the middle class amongst Muhammadans dates. The English-educated Hindus, trained for the most part in Missionary institutions, from which Muhammadans, naturally, stood aloof, then poured forth into every office, and completely edged the Mussulmans out year by year, until, what Sir William Hunter in his "Indian Mussulmans" pathetically describes came to pass, in 1872: "There is now scarcely a Government office in which a Muhammadan can hope for any post above the rank of porter, messenger, filler of inkpots, and mender of pens." It should be added that while these radical and drastic changes were introduced in the administrative policy of the country, rendering it virtually necessary for all aspirants of service to know the language of the British Government, no order was passed making English language compulsory. On the contrary, up to 1864, the Muhammadans were fed with the hope that their own classics were the *sine qua non* for Government employment, and for entering the profession of law. A year or two later, however, sudden changes were introduced upsetting the previous orders, and declaring that English alone should be the language in which examinations for Munsiffships and Pleaderships would be held. With measures so introduced from time to time, the Moslems were put to complete disadvantage. Before they had quite awakened to the necessity of learning English, they were shut out from Government employment. Thenceforth their political influence dwindled, as would appear from the following. In 1871, the proportion of Muhammadan officials to Hindus was less than one-seventh; and, in 1880, the proportion fell below one-tenth. In view of the deplorable decadence that had set in amongst Indian Moslems and was proceeding with accelerated force, partly owing to operation of the measures set forth above, and partly owing to other causes which are historically incidental to the displacement of one ruling race by another, the Central National Mumammadan Association, in 1882, submitted a Memorial to His Excellency the Marquis of Ripon, the then Viceroy of India, setting forth Moslem grievances and claims, and urging the Government to adopt a more fair and liberal policy in its treatment of its loyal Indian Muhammadan subjects, in order to enable the latter to recover their proper and legitimate place amongst the Indian nationalities, as regards political influence, share in the State patronage, and share in educational facilities. It was reserved for his successor, Lord Dufferin, to deal with that Memorial, and accordingly the Government of India issued the Resolution of 5th July, 1885. Your Memorialists would invite your attention to paras. 16 and 22 of the above Resolution, which is regarded by Indian Moslems as a landmark in the history of their political struggles under British rule. Since the date of the publication of the Government of India's Resolution of 1885, the Mussulmans of India have been afforded increased facilities for acquiring English education, with the result that the number of Muhammadan graduates and undergraduates has been steadily increasing during the last forty years. They are, however, still handicapped by having been outstripped in the race of life by their Hindu compatriots, by many years. Moslem society in India is still in a period of transition, and needs fostering care by firm, sympathetic and impartial hands. Therefore, any violent or radical constitutional or administrative changes which do not provide ample safeguards for the effective protection of their political and religious rights, educational progress, legitimate share in State patronage, and for adequate

representation on Universities and local self-governing bodies, and on provincial and Imperial Legislative and Executive Councils, will assuredly lead to their absolute effacement as a distinct community. It may be that under the strong and welding influence of British rule, Muhammadans of India have several interests in common with their Hindu fellow-subjects, living as they do, under the same alien Government, and in the same country, and subject to the same laws. At the same time, it is beyond question that Indian Muhammadans historically, religiously, and in many cases ethically, and in their social structure, constitute a distinct nationality, with distinct and sometimes conflicting additional interests of their own, in educational, social, and religious matters which are not shared by other Indian communities, and which are likely to get more and more accentuated as the pressure of alien domination is lessened or weakened. These have already suffered from the fact that they have not adequately been represented. Even in the provinces, such as the Punjab, Sindh, and Bengal, where Moslems constitute a distinct numerical majority, these special Moslem interests have been often treated as negligible factors, to the detriment of the Muhammadan community. Bearing in mind how Muhammadans are placed in the country, and how necessarily voting must take place by nationalities and creeds, your Memorialists apprehend that, without proper and definite safeguards for the protection of Moslem special interests, the introduction of representative institutions in this country in their entirety will imperil Moslem interests, and lead to the political extinction of Indian Mussulmans. In this connection, and as bearing on the point of Moslem distinct communal identity, your Memorialists would invite your attention to what His Excellency Lord Minto, in 1908, in reply to a deputation of Moslems of India, headed by His Highness the Aga Khan, said on that occasion: "The pith of your address, as I understand it, is a claim, that in any system of representation, whether it affects a Municipality, District Board, or a Legislative Council, in which it is proposed to introduce or to increase an electoral organisation, the Muhammadan community should be represented as a community. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muhammadan candidate, and that if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority, opposed to his own community, whom he would in no way represent; and you justly claim that your position should be estimated not merely on your numerical strength, but in respect to the political importance of the community and the service it has rendered to the Empire. I am entirely in accord with you. . . . I am as firmly convinced, as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement, regardless of the beliefs and traditions of the communities composing the population of this continent. The great mass of the people of India has no knowledge of representative institutions, and I agree with you, gentlemen, that the initial rungs in the ladder of self-government are to be found in the Municipal and District Boards, and that it is in that direction we must look for the gradual political education of the people. In the meantime, I can only say to you that the Muhammadan community may rest assured that their political rights and interests as a community will be safeguarded in any administrative reorganisation with which I am concerned, and that you and the people of India may rely upon the British Raj to respect, as it has been its pride to do, the religious beliefs and national traditions of the myriads composing the population of His Majesty's Indian Empire." Your Memorialists thankfully acknowledge that the above principle of communal identity of Moslems as a distinct community in India, with special additional interests of its own, has been embodied in the separate electorate granted to Moslems under the Minto-Morley Reform Scheme, in matter of Moslem representation on the provincial and Imperial Legislative Councils. They regret, however, that the same principle has not yet been extended, as your Memorialists had reason to expect from Lord Minto's assurance to the Moslem deputation, to District Boards, Local Boards, Municipalities, Universities, Circle Union and Village Panchayets. These are the initial rungs in the electoral ladder of self-governing institutions; it is there that the people are trained in the rudiments of representative institutions and of political education; and it is there that the people have to deal with the everyday work of parochial, local, district and urban administration, in matters of citizenship, sanitation, education, and of roads, communication, and water supply, etc., etc. It is, therefore, absolutely necessary that the principle of separate representation which has been conceded to Moslems in respect of Provincial and Imperial Legislative Councils, should also be extended to the above self-governing urban and rural bodies, including the Universities. Your Memorialists would specially insist on the early extension of the principle of separate representation to the Universities, for on the spread of higher English education amongst Moslems, depends in a large measure, their future political and material salvation. Your Memorialists apprehend that even the extension of the principle of separate Moslem representation to each and all of the above self-governing bodies would not be enough, and would not by itself solve the difficulties of Moslems, unless the Moslems are adequately represented on these bodies, not only according to their numerical strength, but also according to their historical position, political importance, and contribution to the service and the defence of the Empire, and also unless for years to come an independent element (such as the British) is associated in the governance of these bodies, to hold the scales, even between the two great nationalities in India, and to assist them with trained advice and impartial co-operation.

To every word of our Memorial of 1917 as quoted above we emphatically adhere, as every word of it has been proved true by the actual working of the Reforms during the last seven or eight years. The Reforms have exhibited in their actual working not only absence of goodwill and co-operation between the two communities, wherever any question relating to the particular interest of one or the other community has come up before the Legislative Council (*vide* the debate, for instance, on the Calcutta Municipal Bill, in 1922–23) but have in many instances led to inter-communal strifes and bitterness. And but for the safeguard afforded to Moslems through their separate electorates and but for the support of the Non-partisan British, Moslem interests, rights and status would have more grievously suffered. Therefore, by actual bitter experience, we are justified in insisting upon the continuance of the safeguards for the protection of Moslem interests that we demanded in this Association's Memorial of 1917, and which we have re-demanded now. Without these safeguards, we are not only opposed to the extension of the Reforms, but to their continuance, for in such eventuality the net result would be the extinction of Moslem political existence and influence in India. In conformity with the facts and principles set forth in the foregoing paragraphs, we beg to submit the following suggestions for safeguarding Moslem interests in India, in any scheme of political reforms and administrative reconstruction that may be adumbrated by British statesmen, and finally adopted by the British Parliament for the future better governance of the Indian Empire.

(*a*) *Legislative Councils.*

1. Separate electorate for Moslems in all Councils on the population basis, subject to the limitation that the minority should have 40 per cent. of representation on all legislative bodies.

2. That no resolution or bill affecting the religious, social or educational interests of any community,

which is opposed by one-fourth of that community shall be proceeded with.

3. Provincial Legislatures should consist of three-fourths elected and one-fourth nominated members.

4. Non-official nominated members should be taken equally from the Hindus, Europeans, and Moslems.

5. Extension of Reforms to N. W. F. Province.

6. Sindh should be made into a separate province.

7. Abolition of special electorates such as the Indian National Chamber of Commerce, Bengal Mahajans Sabha, Land Holders' Electorate, the Universities, the Corporation of Calcutta, the Marwari Association, etc., save and except the European, Anglo-Indian, Labour and Depressed classes.

8. The strength of the legislatures in major provinces should be between 175 and 200 members.

(*b and c*) *Provincial and Imperial.*

Half of the members of the Cabinet, both Imperial and local, should be Indians, of which half should consist of Moslems.

(*d*) *Universities, Municipalities. District Boards. Local Boards, Circle Union. Village Panchayets.*

The same proportion between the Hindus and Moslems as in the case of elections and nomination to the legislative bodies, should be maintained, with the provision that the Vice-Chancellor of each University should be alternately a Hindu and a Mussulman.

Public Service.

The proportion of Muhammadan employees in each department of public service in each Province should be fixed and allotted on the same scale of proportion as Muhammadan members in the Provincial Legislative Councils. Commissions in the Army and the Navy should be allotted to Hindus and Muhammadans in proportion to their strength in the Army.

This is not a question of merely loaves and fishes, as some politicians from the nationalist camp would represent it, but it is a question of the power, prestige and political influence of a community and of its opportunity to serve its motherland, apart from the inherent right of each child to have a finger in the pie which his mother may prepare. Both the Hindus and Moslems are children of the same soil and, therefore, both are entitled to share in due proportion in the loaves and fishes which their common motherland can afford, subject only to the limitation that their digestive functions might not be deranged. To quote again from this Association's Memorial to the Secretary of State for India, in 1917: "It cannot be gainsaid that the political importance of a community depends, in no small measure, on the members of that community who constitute the personnel of the administration, and occupy places in the service of the State. By not having their legitimate and proper share therein, Moslems in India have not only suffered in prestige and influence, but also in actual power and affluence. Their virtual ostracism from various departments of the public service, which, during the last seventy years, have become close monopolies of their non-Moslem fellow-subjects, has led to the creation of further impediment in the way of their educational, material, and political progress, and is at present hampering their efforts to keep abreast of their non-Moslem fellow-subjects, and to assert their proper place in the body politic of India. While about seventy years ago, Mussulmans held predominant and commanding position in India, their legitimate claims to serve the State in all spheres, are now not only ignored, but systematically relegated to the background, owing to shuffling of cards in departmental offices, which are now more or less entirely manned by non-Moslems, and in which the departmental European heads are necessarily more or less in their hands and at their mercy. It is often put forward as an excuse that owing to their backward education, the Muhammadans do not get their legitimate shares in the services of the State. This assertion, your Memorialists beg strongly, but respectfully to submit, is absolutely without foundation, as a close scrutiny of the qualifications of the personnel of each department would disclose, and is intended only to add insult to injury to a great and historic community. As a matter of fact, the claims of qualified Muhammadan candidates are often completely ignored and overridden by the shuffling of cards in the non-Moslem-manned departmental offices, and incompetent men from non-Moslem communities are preferred. When such has been their fate while Mussulmans have been under the ægis of British rule, they naturally view with misgivings and consternation the fate which will overtake them as regards their proportion in the personnel of the Administration and in the service of the State under Home Rule or Self-Government, when non-Moslem influence will, as things stand at present, necessarily be more predominant. Therefore, before Mussulmans can accept any Home Rule or Self-Government scheme, they respectfully claim that the British Government which undertook the administration of the Empire principally from Moslem hands, should allot and guarantee to the Moslems their proper and legitimate share in the personnel of the administration and in the public services. Your Memorialists would, therefore, humbly suggest that the proportion of Muhammadan employees in each department of public services in each province should be fixed and allotted on the same scale of proportion as Muhammadan members in the Provincial Legislative Councils. Commissions in the Army and the Navy should be allotted to Hindus and Muhammadans in proportion to their strength in the Army, and arrangements for their training should be duly made. Congress politicians vociferously shout for Indianisation, and flourish and trumpet about the formula, once uttered by a British statesman, that efficient alien government is worse than a Government of the people by the people for the people. But whilst displacing the efficient British administrators, they want to appropriate all places in the administration and the public services for themselves. They forget that the Moslems also constitute a large section of the Indian peoples, and that, therefore, it would not do to plant exclusively Hindu administrators and public servants (who are as much alien to the Moslems for all practical purposes as, and worse in some respects than, the British) over the heads of the Moslem people. They then try to confuse the issue by raising the cry of inefficiency against Moslems. We do not, for a moment, admit that the Mussulmans would prove less efficient than the Hindus as administrators or public servants, if equal opportunities were afforded to them, bearing in mind the fact that the Moslems are inheritors of administrative capacity and instinct for eight centuries in India before the British entered the field. Again, our reply to them is, "If you are so much enamoured of efficiency, admittedly the British are more efficient than you and, therefore, you are not entitled to raise the question of displacing them. In any case, you cannot have it both ways." Indianisation would be repugnant to the Moslems if it merely meant Hinduisation of the public service and administration, but Moslems would favour it if it meant a due proportion of Moslems as well as Hindus in the public service in the administration with an adequate British element to equipoise the two conflicting Indian elements. The Moslems are already smarting under the present system of administration, which is practically Hindu, with some British figure-heads, more or less impotent for good or evil, and they would not consent to any measure that would further consolidate or strengthen such an obnoxious system of administration in which they are not allotted their proper share. They realise that non-Moslem Indian administrators and public servants have contributed to their ruin—economic, political, educational, and that, therefore, it is absolutely necessary for the protection of their interests that the Moslem element should be effectively represented in the

administration and public services in the provinces, and in the Central Government in the same proportion as their representation in the provincial councils and the Central Legislature. If this is not done, they would have no hesitation to denounce Indianisation and would prefer to see no extension of the Reforms in any direction. They can submit to the tyranny of one who has the right of conquest probably on his side, but they refuse to submit to the tyranny of many who can lay no shadowy claim to such a right. The absence of the Moslem element in sufficient strength from the judiciary of the country is causing alarm among Moslems, who are fast losing their confidence in a non-Moslem-manned judiciary. This obvious wrong should be immediately redressed.

Separate Moslem Electorate.

It has suited a number of Congress politicians to assail the principle of separate Moslem communal electorate under the false pretext that it is causing communal dissensions in the country and standing in the way of the attainment of nationhood. On this subject we will quote again from this Association's opinion on the Montagu-Chelmsford Constitutional Reform Scheme submitted to the Government of Bengal in 1918 : " That question was threshed out in all its bearings by eminent statesmen like Lord Morley and Lord Minto, and previously by Lord Dufferin and Lord Lansdowne, who decided, after meeting hostile criticism, that, having regard to the conditions of Society in India, it was absolutely necessary that the Muhammadans should have communal electorates with separate representation with due regard to their numerical strength and political importance, not only on Legislative Councils, but on all self-governing bodies. This decision proved wise and statesmanlike, in that it protected the interests of Mussulman minorities in India, and in some measure quieted racial antipathies between Hindus and Mussulmans. It is clear, therefore, that the communal electorate for Moslems instead of being a hindrance in the growth of nationhood has, in some measure, eased the Hindu-Moslem situation. To disturb now the principle of the Moslem communal electorate, would result in disturbing the existing peaceful political truce between the two important communities by kindling afresh racial antagonism and bitterness which would wreck the working of any Reform Scheme. The authors of the scheme say Communal Electorate is opposed to the teaching of history. My Committee urge that it is not fair to borrow copy book theoretical maxims from western countries, where populations are homogenous, by reason of common religion, common sentiment and common language, and in many cases, of common race, and apply them wholesale to the people in India who are divided by lines of cleavage in all or most of these matters. The duty of the practical statesman is to face facts as they exist, to examine the soil as it is, and then to lay the foundation for any constitutional superstructure that they may contemplate. Historical and existing facts cannot be got rid of by theoretical constitutional maxims borrowed from the West, without endangering and bringing down the whole superstructure. The facts that Muhammadans form 70 millions in India, that they ruled over the country for seven centuries, before the British appeared on the scene, that they are distinct from the Hindus in religion, tradition, historic heritage, and in many cases in race, social usage, and in their general outlook on life and its ideals cannot be lightly ignored by any wise statesman. These considerations require that efficient safeguards for Moslem communal self-development should be provided by the State. My Committee do not at all subscribe to the contention of the authors of the scheme, that the communal electorate is either a hindrance to the growth of nationhood or leads to divided allegiance, and makes men think as partisans and not as citizens. Even in the most advanced countries of Europe, my Committee venture to think such family or religious considerations are not absent in ordinary affairs of life, and even in the matters of voting or returning Members of Parliament. It is only when the State is threatened by any external danger or a national crisis that those narrower feelings are dominated and overborne by the higher sentiment of nationhood, and by the higher sense of duty to the State. A striking illustration of this contention of my Committee is furnished by the admittedly loyal attitude of Moslems in India in the present War. Although torn by various feelings, they have been stirred in the sense of duty to the State, when threatened by external danger, and given it the first place above all other considerations. This illustration ought to sufficiently explode the Reform Scheme authors' theory of divided allegiance. My Committee, therefore, most strongly insist that the communal electorate for Moslem with separate adequate representation in the ratios as suggested in this Association's Memorial of November last, should be retained intact and unqualified, and subject to no revision by Parliamentary commissions and irrespective of the consideration that the Moslem electors are in a majority in any Province. The Principle of Moslem communal electorate is based on solemn and repeated pledges by Viceroys and Secretaries of State for India, and has subsequently been affirmed by the national pledge of the Hindu nation to uphold those State pledges in any scheme of political reconstruction for India. To violate those pledges, whether State or National, would create distrust in the minds of the loyal Indian Moslem in regard to all solemn pledges in the future, that may be given by the State or the Hindu nation. My Committee insist upon Muhammadan communal electorate, even where Muhammadan electors are in majority in a province, because if the franchise is extended to agriculturists and labourers they realise that, as things stand at present in Bengal, they, being entirely beholden to the Hindu Mahajan, Hindu landlords or the Hindu lawyers, would not be able to exercise their vote independently, for returning Muhammadan members. When Primary Education will have been adequately provided by the State for the masses, when the Co-operative Credit System will have taken root, when sufficient time will have elapsed to train the Moslem electorate, such a contingency may possibly be avoided. But at present it is next to hopeless to expect that because the Muhammadan electors are in a majority they will necessarily be able to return Muhammadan Members." Therefore, separate electorate should not only be limited to Legislative Councils, but extended to all self-governing local bodies such as District Boards, Local Boards, Municipalities and other autonomous institutions like Universities, Port Trust, Improvement Trust, etc. It may not be out of place to add that Mr. Chintamani, a prominent Hindu politician, has admitted that separate electorate causes removal of friction between Hindus and Moslems. If, therefore, there have been frictions between the two communities, it is due to the non-extension, as yet, of separate electorate to all self-governing bodies where the every day problems of life such as sanitation, health, education are dealt with.

Territorial Readjustment.

If there be any territorial readjustment, we suggest that such readjustment should not be made to the prejudice of Moslems and to their conversion into minorities in Provinces where they form majorities at present. We may, however, suggest that Eastern Bengal, with Assam, may be reconstituted a separate province, as we believe that enlightened public opinion, both Hindu and Moslem in Eastern Bengal, would at present support such a separation. In that case, Western Bengal, with Orissa and Behar, could form a separate Province as before. In this Association's Memorial of 1917, with Secretary of State for India, we demanded extension of the reforms to the North-Western

Frontier Province, and the separation of Sindh from Bombay; and we repeat the same demand again. It has been asserted by responsible British statesmen that the reforms have been conferred on the people of India as a reward for their war services. If that be so, it is a curious irony of fate that martial races in the North-Western Frontier Province, who, amongst the Indian people, made the largest contribution of their life-blood for the success of the British in the Great War should not receive a share of the war boon, whilst the intelligentsia of India, who made the least of such contribution, should be its recipient. United Moslem opinion throughout all the Provinces has demanded extension of Reforms to the North-Western Frontier Province, but only the Congress Hindu politicians have opposed it. This is another object lesson which furnishes an acid test of the sincerity of their friendly professions for Moslems, and demonstrates their hollowness. As regards Sindh, there is nothing common historically, linguistically or ethnically or culturally between the Moslems of Sindh and the people of the Bombay Presidency, who are mostly Mahrattas.

We have recommended abolition of special electorates save and except in the case of European, Anglo-Indian, Labour, Ryots and Depressed classes. Landholders, Mahajans, Zamindars, possess influence and wealth, and can easily come through general electorate and need no special protection. The persons who represent the Universities and the Calcutta Corporation are educated men of influence, such as lawyers, doctors, etc., and they can easily come through general electorate, and at the same time protect the interest of the Universities and the Corporation. It is the poorer classes of labourers and agriculturists and ryots, and the depressed classes that need protection, and therefore we suggest that there should be special electorate for the labour classes and ryots, and depressed classes. The Hindu general electorate should be divided into depressed and non-depressed electorates. The old Moslem Aristocracy in Bengal has gradually disappeared from various causes, and Bengal Moslems, therefore, must rest their hopes for a future on the uplift, intellectual, moral, social and economic of the Bengal Moslem peasantry. Up to twenty-five years ago the Indian poor, the Indian peasant, the patient, humble, silent millions, the 80 per cent. who subsist by agriculture were apparently the principal concern of British rulers and administrators. On this point we will quote the eloquent language of a great Viceroy, Lord Curzon, who thus spoke on the eve of his departure from India: "It is the Indian poor, the Indian peasant, the patient, humble, silent millions, the eighty per cent. who subsist by agriculture, who know very little of policy, but who profit or suffer by their results, and whom our eyes, even the eyes of their own countrymen, too often forget, to whom I refer; he has been in the background of every policy for which I had been responsible, for every surplus of which I assisted in the disposition; we see him, not in the splendour and opulence, not in the squalor of great cities; he reads no newspapers, for as a rule he cannot read at all, he has no politics. But he is the bone and sinew of the country, and by the sweat of his brow the soil is tilled, from his labour comes one-fourth of the national income, he should be the first and final object of every Viceroy's regard."

Since, however, the inauguration of the Reforms, a silent change appears to have come over the spirit of the dream of British administration in India. The poor, the labourers, the agriculturists, the toiling millions, do not seem to occupy its attention as before. The wealthy mahajans, the rich landlords, and the intelligentsia seem to absorb its attention. The ryots and agriculturists, and the toiling millions in the rural areas of Bengal die yearly in shoals of cholera, malaria, and other preventible diseases for want of medicine, doctors, and for want of pure drinking water. They have no good roads for miles, and the natural waterways that nature had provided for them are silting up, but little or no care is taken to remove the silt. Even the boon of free primary education is not extended to them. If they are oppressed by the Amlas of the big absentee landlords, who generally live in Calcutta, they often dare not, nowadays, to take their complaints to the local police or the local magistracy, for they find that big landlords are everywhere by the side of high officials, and fill in large numbers the Legislative Councils and the Cabinets. It may be added that, owing to the predominant influence of landlords and zamindars in the Reform Legislative Councils and in the Cabinet in Bengal, the Bengal Tenancy Bill, though often introduced in the Legislative Council for improving the status of ryots, has for one paltry reason or other been shelved. This has further deepened the impression that the zamindar's interest counts more now in the counsels of the Government than the interest of the toiling ryots. Yet the toiling ryots and the millions of agriculturists of Bengal, in point of fact, are more intensely loyal to the British rule than the landlords and the intelligentsia. The ryots and agriculturists do not care for this or that constitutional form of Government; they only care for good harvest, good drinking water, plenty to eat, and for freedom from the exactions of unscrupulous Amlas of absentee landlords, Shylock-like mahajans, and from the wiles of crafty legal touts who pauperise them after each good harvest. It is for the Commission to see whether this silent reversal, since the Reforms of the old British policy as outlined by Lord Curzon, would in the long run be conducive to the stability of the British rule or to the happiness and contentment of its toiling masses. We suggest that no time should be lost in establishing special electorates for ryots and labourers for their return to the Legislatures, and for making their claims and grievances heard at first hand.

Educational System and Educational Grants.

It is strange that in the Province of Bengal, where the Muhammadans form the majority, the control of University education is practically entirely in Hindu hands, so far as the Calcutta University is concerned. We omit, for the present, reference to the Dacca University, which is a creation of recent date and whose influence is confined practically within the limits of the Dacca city. As regards the Calcutta University, it is planted in the Hindu quarter of Calcutta and its controlling heads are almost all Hindus. Moslems have little voice in its deliberations and have little or no share in its control. The result is that during the last thirty years a silent process of cultural transformation of Moslem minds in the direction of Hinduisation has taken place throughout Bengal. Whilst fifty years ago in most of the villages and hamlets of Bengal, Moslems could be found who were accomplished Persian and Arabic scholars and who, at social gatherings, could easily converse in Urdu or Hindustani and recite Persian poetry and quote authorities from the Q'ran and the Traditions, now there is a dearth of such men, and it would seem that the Islamic culture has been effectively banished from rural homes even amongst respectable Moslem families. In their places have sprung up Hinduised Moslem Pundits who can read and write Bengali and recite Sanskrit, but who can hardly converse in Urdu and are more or less innocent of Arabic or Persian culture. Such little Islamic culture as yet is left in Bengal is due to the existence of a few Madrasahs in Bengal. But the Calcutta University and the District Boards and Municipalities in Bengal have done their best quietly enough through their Hindu agencies during the last forty years, to discourage and extirpate Islamic culture from Bengal. Bengali language and literature is liberally encouraged, whilst every difficulty is placed in the acquisition of Arabic, Persian and Urdu languages in Zila schools and village schools and other aided schools in Bengal. The only solution for this difficulty is to be found in the establishment of a separate Moslem University in Calcutta and of

separate Moslem Zila schools, as there are separate Moslem Muktabs alongside Hindu Pathshala for primary education in the villages of Bengal, with separate Moslem educational Budget and separate Moslem Provincial and District Board educational grants based on the basis of their representation in the Legislative Councils. There should also be separate Moslem Boards for Secondary education amongst Moslems. And Moslem education should be a reserved subject, as this Association urged in its opinion on the Montagu-Chelmsford Reform, in 1918. We also endorse the following from this Association's Memorial, in 1917, to the Secretary of State for India :—" Provincial educational grants for Muhammadans in each Province should be on the same scale of proportion as that suggested above for the election of Muhammadan members in Provincial Legislative Councils. District Board and Municipal Educational grants should be allotted to Muhammadans according to their numerical strength in District Board and Municipal areas." We need not add that at present the bulk of educational fund goes to Hindu education, to the neglect of Moslem educational interest. Whilst the Presidency College practically for the benefit of the Hindus was established fifty years ago, at Government expense, in a Hindu quarter of Calcutta, Moslems were denied the benefit of a separate college in a Moslem quarter only until two or three years ago, whilst a Moslem Minister was in charge of education in Bengal, although the Moslems had been crying hoarse over it for more than forty years. The result has been that the Moslems have fallen into the background. Again, although about ten years ago the Calcutta University Commission, presided over by Dr. Sadler, recommended the extension of the principle of Moslem communal representation to the Calcutta University, no effect to this recommendation has yet been given, to the great detriment of Moslem educational interests in Bengal.

Urdu Language.

Urdu language is the *lingua-franca* of India. As its name signifies, it means the language of the camp; that is, it is a language which was evolved by the commingling of the different races, Hindu and Moslem, on the battlefields of India when they fought together in the service of the Moghul Emperors of India. It is, therefore, a language in which both the great Indian communities can take legitimate pride as the offspring of the union of the two communities in the past. It is a language which is understood more or less throughout India, and it is easy to learn. It should, therefore, be recognised as the *lingua-franca* of India, and its use should be permitted in the Courts and the Legislatures of India. And whatever some Indian Nationalists may say to the contrary, obsessed as they are now by camouflaged Communalism, their ancestors, equally with the Moslems, used to take pride in speaking that language even some sixty years ago. Moreover, if they are sincere in their professions for the attainment of Indian nationhood, they would find in the recognition of the Urdu language as the *lingua-franca* of India an effective instrument for its attainment.

Constitution making.

For countless centuries and through a long vista of ages the Indians have been accustomed to only one form of government, namely the personal rule of autocrats. To call upon the Indians to frame or suggest a constitution on the Western pattern is to impose upon them a task for which they are hardly equipped by their traditions or by their training. This is demonstrated by the fact that, although for the last six months or so, some of the prominent leaders of India have assembled together in different cities of India under the auspices of what they have styled the All-Parties Conference, their labours and collective wisdom have not yielded any tangible results, and often their efforts to produce a constitution acceptable to all parties have been split upon the rock of inter-communal problems. And, therefore, for us to suggest any particular form of constitution will be a rash venture. But this much we would emphasise, that the solution of inter-communal problems between Hindus and Moslems is an essential factor for the evolution of any constitution or for its smooth working. Therefore, more than any particular form of constitution what the Indian Muhammadans are anxious about is this, that there should be statutory provision for the safeguards of their rights and privileges as set forth above, and should be made organic part of any constitution that the British Parliament may grant to the people of India, so that these might not be tampered with by any Indian legislature without the sanction of the British Parliament and without the united consensus of Moslem public opinion in India. With this observation, and subject to the above proviso, we proceed to offer some remarks on some of the points mentioned in the Appendix of the Communique of the Commission.

1 A. Franchise may be extended and qualifications of electors may be reduced by half.

B. Elections may be direct.

C. We have already indicated our views in the body of the memorandum.

D. At present there is hardly much touch between representative and constituents who are mostly illiterate and politically untrained, with the result that the representatives say and do things in the Councils for which they are seldom, if at all, called to account by their constituents. This leads to a worse irresponsible form of Government.

E. Although parties and groups are formed, they do not rest on any solid basis of principle or policy. Save and except the Swarajist party, who have a definite programme and definite policy, however destructive it might be. Other groups or parties are more or less based on personalities; and personal ambitions and jealousies often distract them, in the absence of a definite policy. Nor are the Moslem parties or groups, though they are formed for the protection of Moslem communal rights, free from this evil. Neither the constitution of the Council nor the condition of Indian society, with its present standard of public life, lends itself to the formation of great parties, as in England or other advanced Western countries.

F. In the absence of free compulsory primary education, it is not possible to have informed public opinion among the masses or the electors, especially in rural parts.

G. We favour nomination of officials and non-officials on elected bodies.

2 A and B. We have already indicated our views in the body of our Memorandum.

3. Amongst the local self-governing bodies, we attach the greatest importance to the extension and development of Union Boards. They are the essential basis of any future democracy in India. They serve a useful purpose in looking after the immediate concerns of villagers, and have to provide village roads, village schools and village sanitation, and in some cases have been vested with the power to try petty criminal cases.

C. and D. At present, it seems desirable in the interest of these local self-governing bodies (Municipalities, District Boards, etc.), that they should be under the general supervision of officials of provincial Government and the general control of provincial Government. When such bodies will have further developed, such supervision and control could be delegated to a Local Self-Government Board in charge of a minister at the headquarters of the Government.

4. Unitary Cabinet seems desirable. Executive Council might be abolished, and the Governor might carry on the Administration with the help of ministers alone. But in the present state of inter-communal tension, it is necessary that Law and Order should be a reserved subject in the hands of the Governor.

E. There should be collective responsibility among the ministers.

I. Second Chambers appear to be desirable to correct the vagaries of First Chambers, and to avoid certification by the Governor.

J. The experiment of provincial autonomy may be tried, with distinct statutory proviso that, in case it breaks down or is guilty of maladministration, the Central Government will resume it.

L. If there be reserved and transferred sides there should be separate purses.

5. The Central Government should have the power of superintendence and general control of the Provincial Government. Save and except foreign relations, it should have the power in all central subjects without sanction of the Secretary of State for India. The Secretary of State's control should be limited to the foreign relations of India.

E. The Executive of the Central Government should not be subject to the legislature, and should have a strong British element.

9 A. The status of the Indian Civil Service should be maintained intact as recommended by the Lee Commission, and an effective British element should continue in that service.

E. We have already indicated our views in the body of our memorandum.

In concluding our Memorandum, we cannot do better than close it with the concluding words of this Association's Memorial to the Secretary of State for India in 1917 :—

" In conclusion, your humble Memoralists beg to state that they have ventured to offer these observations, in the hope that by honestly and faithfully representing Muhammadan ideas with regard to the safeguards necessary for the protection of Moslem interests under any contemplated political reforms and administrative readjustments, your Memoralists may render some loyal assistance to you in achieving the object which you have in view in visiting India, viz. the welfare of the people of India at large. Your Memorialists feel that as the trend of Imperial policy appears to be to grant, in due course of time, autonomous administration to the various provinces of India, with the gradual reduction of the British element in the personnel of the State, it is absolutely essential at this state in the development of Indian affairs to have the rights of the Mussulmans to share proportionately in such and future developments placed upon a firm and acknowledged basis, rather than leave the principle for settlement to a future time, at the risk of bitter friction and fierce strife. Fully recognising that the development of India must proceed upon the mutual goodwill and co-operation of the two great component elements in the Indian population, your Memorialists feel it necessary that these two component elements should be equally strengthened educationally, politically and materially, and freed from religious prejudices and social and racial animosities, in order to constitute a healthy and progressive composite whole. Your Memorialists are not prepared to say that such a millennial point in the destiny of India has yet arrived, and therefore your Memorialists hope and trust that you will not treat their suggestions as the outcome of racial or religious rivalry, but as prompted by an honest and sincere desire to ensure the uninterrupted future advancement of India as a whole, by sure and steady steps, towards the goal of self-government within the British Empire. Ever since the disappearance of the Timuride dynasty, the Indian Moslems have transferred their whole-hearted allegiance to the British Crown, and England to-day, in their eyes, stands in the place of the Great 'Moghul,' as the protector of their rights and the upholder of their privileges. For England now to place the Indian Moslems, without proper, definite and ample safeguards, under the heels of a hostile non-Moslem majority, would, your humble Memorialists venture respectfully to submit, be a cruel act of breach of faith and violation of trust, and would be subversive of solemn engagements and sacred pledges entered into from time to time between Great Britain and her representatives in India, and the past Moslem sovereigns and potentates and Moslem peoples in different parts of what now constitutes the British Empire in India. Your Memorialists beg to assure you that in safeguarding the interests of the seventy millions of His Majesty's loyal Mussulman subjects in India, at this critical stage in the history of its development, you will be strengthening the basis of their unswerving loyalty to the British Throne, and laying deep and firm the foundation of their peaceful self-development, political advancement and national well-being, side by side with the great Hindu community, under the aegis of the beneficient British Crown, and your name will be remembered with gratitude by Indian Mussulmans for generations to come. Your Memorialists feel confident that you will be gracious enough to give due, earnest and sympathetic consideration to their prayers, and that you will deal fairly and wisely with Muhammedan claims."

Deputation consisting of representatives of the Central National Muhammadan Association and Branch Associations and of the Moffussil Anjuman Islamia, Eastern Bengal, called and examined.

The deputation consisted of :—

Representatives of the Central National Muhammadan Association :—

The Honourable PRINCE AFSAR-UL-MULK MIRZA MAHOMED AKRAM HOSSAIN BAHADUR, Member, Council of State, Vice-President (Spokesman).

Mr. A. H. GHUZNAVI, M.L.A.

HADJI CHAUDHURY MAHOMED ISMAIL, M.L.A.

Mr. UNSODDAULLA, Sheriff of Calcutta.

Mr. SYED ERFAN ALI, Barrister-at-Law.

KHAN BAHADUR HADJI FAZLUL HUQ.

KHAN BAHADUR MAULVI ABDUS SALAM, Honorary Secretary.

Representatives of the Branch Associations :—

MAULVI SHARFUDDIN AHMAD, B.L. (Mymensingh Muhammadan Association).

MAULVI MOHAMMED HAMID ALI, B.L. (Bogra Muhammadan Association).

MAULVI MUJIBUR RAHMAN, B.L. (Howrah Muhammadan Association).

MAULVI ULFAT HOSAIN JORADAR, (Chuadanga, Nadia Muhammadan Association).

Representatives of the Moffussil Anjuman Islamia, Eastern Bengal :—

The Honourable KHAN BAHADUR MAULVI ABDUL KARIM (Member, Council of State), Tipperah.

MAULVI SHARFUDDIN AHMAD, B.L. (Mymensingh).

MAULVI MOHAMMAD HAMID ALI, B.L. (Bogra).

256. *The Chairman :* I understand that this deputation consists of representatives of the Central National Muhammadan Association, with Prince Akram Hossain as spokesman, and do I understand,

also, that it is desired to bring in some representatives from branch Associations ?—*Sir Abdelkerim Ghuznavi :* A few from branch Associations.

257. *The Chairman :* And some representatives of the Moffussil Anjuman Islamia of East Bengal ?—*Sir Abdelkerim Ghuznavi :* Yes.

258. *The Chairman :* And who will be their leader ? The Honourable Khan Bahadur Maulvi Abdul Karim, I suppose ?—(*Khan Bahadur Maulvi Abdul Karim*) Yes.

259. *Sir Abdelkerim Ghuznavi :* Sir, before we proceed, I should like to make a statement. I would like to bring to your notice officially that recently a conference, an All-India conference of all parties of Mussulmans, was held at Delhi. On that platform were gathered Mussulmans of all schools of thought and of all political ideas, and they have put forward certain recommendations, which have been accepted, if I may say so, by the entire Moslem community ; and with your permission, sir, I will just read out the resolutions which were adopted.*

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Well, sir, this practically represents the views of the entire Moslem community, and I think it will save the time of the Conference if I say that these views have also been adopted by Moslem Bengal. But there are other matters that concern this province, and these matters will be put forward by the two deputations, one representing the Central National Muhammadan Association, and the other the Anjumans and district Associations of East Bengal, for whom my honourable friend, the Honourable Khan Babadur Maulvi Abdul Karim, is the spokesman.

260. *The Chairman :* Thank you very much. We might just start, I think, with one or two questions. Is the Central National Muhammadan Association a Bengal Association or an All-India Association ?—(*Prince Akram Hossain*) It is an All-India Association, but its activities are more or less chiefly confined to Bengal. We have branches all over India. We have about twenty branches in Bengal itself.

261. * * * I will now turn to page 50 (Memorandum from the Central National Muhammadan Association)—the proposals in regard to legislative councils. You say there: "Separate "electorate for Moslems in all councils on the popula- "tion basis, subject to the limitation that the minority "should have 40 per cent. of representation on all "legislative bodies." I follow that. The meaning is quite plain. Then you add : "That no resolution "or Bill affecting the religious, social or educational "interests of any community, which is opposed by "one-fourth of that community shall be proceeded "with." That, I suppose, means opposed by one-fourth of that community's representatives in the legislature ?—Yes.

262. It does not mean you take a vote right through the province ?—It means only one-fourth of the community's representatives in the legislature concerned.

263. Have you considered at all who is to decide whether or not a Bill does affect the religious, social or educational interests of any community ?—The community itself.

264. Is it to apply to other communities besides the Muhammadans ?—Yes, sir.

265. How many are there ?—I should extend it to more communities.

266. I want to go a little more into detail. For example, will you regard the depressed classes as part of the Hindu community ?—We do recognise that they are a part of the Hindu community.

267. So the depressed classes would not be entitled, through one-fourth of their representatives, to object to anything which they said affected their social or educational interests ?—Yes, that is so.

268. Of course, they are only part of a larger community ?—If they are taken as Hindus they would be included amongst the Hindus, and one-fourth of the Hindu community would be entitled to object.

269. Would it apply to the Sikhs ?—It ought to.

270. I am not quite sure how far the Central National Muhammadan Association has worked out this idea that no resolution or bill which any community thought affected its social or other interests should be passed if one-fourth of its representatives objected to it. I do not know how far you have thought that out with reference to other communities than your own ?—We were thinking of our own community. Indeed, in the Memorandum which we have drawn up, we have only been consulting our own interests. But if there is any suggestion that applies to us it ought equally to apply to other communities also.

271. But you were thinking of your own interests ?—Yes.

272. You then say, in your Memorandum, that "provincial legislatures should consist of three- "fourths elected and one-fourth nominated mem- "bers." Has your Association considered who should make the nominations and on what principle ?—(*Khan Bahadar Maulvi Abdus Salam*) Nominations are made by Government, and our idea is that they should be made by Government.

273. Government would nominate officials ?—They do. They do nominate officials.

274. I was speaking of the future scheme ?—We want to keep to it. We want to keep things as they stand as regards nomination.

275. You add in your memorandum : "Abolition "of special electorates, such as the Indian National "Chamber of Commerce, Bengal Mahajans Sabha, "Landholders, Electorate, the Universities, the "Corporation of Calcutta, the Marwari Association, "etc." Your view is that no landholders should have any special electorates ?—Our idea is that those who can get in through general electorates should not seek special electorates. We think that the landlords wield influence and have power and wealth and they can easily get through general electorates. The Marwaris, also, have got wealth and power and they can get through general electorates.

276. Am I to understand that these proposals on page 12 of your Memorandum are unanimously adopted by the executive of the Central National Muhammadan Association ?—Yes.

277. And that, I am told, is an All-India body ?—It is an All-India body.

278. Is it adopted, for instance, by the Muhammadan landowners of the Punjab ?—No, as our spokesman, Prince Akram Hossain, has already explained, we have confined ourselves to Bengal. (*Prince Akram Hossain*) Our activities are more or less confined to Bengal, though we have branches outside Bengal.

279. Then I see you say that the special electorates are to be confined, in the case of Europeans, Anglo-Indians, Labour and Depressed Classes ?—Yes.

* See Vol. II., p. 84.

Afternoon.

Deputation from Central National Muhammadan Association, &c.

—CONTINUED.

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7. *Sir Abdelkerim Ghuznavi :* May I ask you what your view is with regard to the transfer of Law and Order ?—In my opinion—I have given some thought to it—it should be exclusively in the portfolio of His Excellency the Governor.

8. What is your idea with regard to the establishment of a Second Chamber ?—Provided there is proportional representation of Muhammadans in the Upper House also I should be immensely in favour of it.

9. Are you satisfied with the Moslem representation in the public services ?—Not at all.

10. What do you think it should be ?—That is a point about which I have already expressed an opinion. It should be in proportion to the population.

11. Now about the methods of election. Do you think it would be helpful to have what I would call electoral colleges in each sub-division, the electoral colleges to be composed of representatives from various unions ?—My own opinion is that we can better have it if the representatives elected by the unions are given the power to send their representatives to the Council. By the delegation of authority to the representatives of the unions, I am inclined to the opinion that these latter can exercise their judgment and discretion in the selection of suitable candidates on behalf of the people who have not got any political sense.

12. That would also incidentally minimise what I should call corrupt practices in the course of elections ?—It is not only with a view to that, but also with a view to enable the intending candidates to be in closer touch with their own constituency which is impossible otherwise under the present state of things. Another reason is that these people being intelligent and able to understand the significance of a vote, their selection would be better.

13. Do you think there is a lot of corruption now prevalent in the course of elections ?—I have no direct knowledge of it, but I understand from reliable sources that it is prevalent.

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17. *Mr. Travers :* I believe you know that from Northern Bengal and Eastern Bengal there are a number of applications for the appointment of British officers as district magistrates or superintendents of police. Does your Association hold the opinion that it is desirable to continue to have a considerable number of British officers in the public services ?—Certainly. As a matter of fact, I have myself been a party to such application, and I would not be satisfied even with Indian Christians ; I want *pukka* Europeans.

18. *Maulvi Abul Kasem :* Khan Bahadur, you said that you will support the proposal for a Second Chamber because you feel that the Legislative Council or the Lower Chamber, if I may call it so, may sometimes go wrong and as a corrective body you want a Second Chamber ?—That is only one of the reasons. Another reason is that we will be following the precedent of those countries which have a democratic form of government.

19. In answer to Sir Abdelkerim, you said that you will favour indirect election because the people who will elect members to the Legislative Council will be more intelligent and also because the members of the Legislative Council will be in closer touch with their electorate. But is it not a fact that the member for a particular area, whether elected indirectly or directly, will have for his constituency the whole area as at present ?—Yes, that is so.

20. And consequently he cannot be in closer touch with the real taxpayers If these taxpayers are not intelligent, how can you say that they will elect proper representatives to the Union Boards ; they may elect wrong representatives. In that case what is the advantage of indirect election ?—The only answer that I can give is that we have to take our chance. The choosing of right or wrong men depends on you.

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22. *Maharaja Shashi Kanta :* Do you consider that the Chairmen and Vice-Chairmen of Local Bodies who are elected by joint electorate can truly safeguard Muhammadan interests ?—I do not.

23. *Sir Arthur Froom :* On page 51 of your Memorandum, you refer to the constitution of the Cabinet, both Provincial and Imperial. You say that half the members of the Cabinet should be Indians, of whom half should consist of Moslems. Who should compose the other half ?—That is for the Government to decide. We were specially concerned with the protection of Muhammadan interests, and we left the rest to be adjusted according to circumstances.

24. Would you have any objection to have Europeans for the other half of the Cabinet ?—I do not mind in the least.

25. *Mr. Kikabhai Premchand :* On page 49 of your Memorandum you say that you want safeguards for the protection of Moslem special interests. You must be aware that although the Bombay presidency has but 19 per cent. of the Muhammadans, they have a Muhammadan president of the Legislative Council and two Muhammadan members of the Executive Council. Does this bear out your apprehension that safeguards must be had if the extinction of the Muhammadan community is to be avoided ?—It is a matter which concerns the Bombay presidency.

26. But you are talking of the whole of India. —*The Chairman :* Although this is an All-India body, they are only giving their opinion from the Bengal point of view.

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32. *Mr. Kikabhai Premchand :* On page 53 you say, "The Hindu general electorate should be "divided into Depressed and Non-Depressed "electorates." Is this with the idea of splitting the forces among the Hindus ?—(*Prince Akram Hossain*) We have no such idea to divide the Hindus. It is only intended that the Depressed Classes might have a separate electorate.

33. *Sir Hari Singh Gour :* On page 26 you say, "For countless centuries and through a long vista "of ages the Indians have been accustomed to "only one form of Government, namely, the personal "rule of autocrats. To call upon the Indians to "frame or suggest a constitution on the Western "pattern, is to impose upon them a task for which "they are hardly equipped by their traditions or "by their training." Do you not think that your community should be satisfied if you advocated a continuance of that personal rule to which you and your community had been accustomed for countless centuries ? I think that will be a very good plan, is it not ?—No. Public opinion at present has undergone some change. It is difficult to measure what backing this view has, but there is a section —I do not say whether it is a major or a minor section—but there is a section of the population which does not like autocracy at present.

34. What is your view and the view of your Association ?—So far as the Association is concerned, it does not go into that question at all. It only says that whatever steps are taken, the interests of the Muhammadans should be safeguarded.

35. It will be equally satisfied with one system or the other ?—Quite.

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49. *Sardar Shivdev Singh :* I want to know whether the protection of the Muhammadan interests as put mainly in this Memorandum is based on the importance of the community as being the emperors of India for many centuries, or whether it is based on the backwardness of the community educationally, or economically or otherwise ?—It is based upon a number of considerations. It is based upon their numerical position, upon their political importance, and upon their backward state.

50. The view is held nowadays that special representation of different communities is a step backward to the growth of nationalism of the country. Do you think or does your Association think that in a certain number of years the protection afforded to your community will be enough to bring it to the level of the other communities, when there would be no necessity for communal representation in all the branches of the administration ?—Nothing will be happier than that. We should all very much like that there should be no need for protection at all. But as things stand at present I think it is very necessary that we should have communal representation, and I and my Association fail to see how separation brings about friction, or the retarding of the growth of nationalism.

51. Have you formed any idea as to the period within which your community will come to the level of the other communities ?—It all depends upon the progress made in the relationship of one community with the other.

52. *Dr. Suhrawardy :* Sirdar Shivdev Singh Uberoi has put to you a question as to when you think it would be possible or when it is likely that the Muhammadans would agree to the abolition of the communal electorates. Am I right in thinking that the Mussulmans of Bengal will be in a position to give up their claim to communal electorates as soon as it will be time for the Hindus to demand protection for them ?—It is very difficult to say.

53. My idea is this. The Mussulmans are numerically strong, but in other respects they are backward. But if in the Legislative Council and Local Bodies the Mussulmans dominate as they have been dominating in certain district boards in Eastern Bengal, would that not be the time for the Hindus to demand separate electorates for themselves and the Mussulmans to give up separate electorates ? Is not that time fast approaching, that is to say, the time for the abolition of communal electorate for all time ?—(*Khan Bahadur Abdul Karim*) We all wish that it could come even to-morrow when the Muhammadans would not like to have this sort of protection. As a matter of fact until a few years ago we had complete confidence in the sister community, the majority community of Hindus, and we were looking up to them as our brothers and guides. But, having regard to the course of events that have followed and having regard to the fact that the circumstances that I have adverted to in my replies might continue for any length of time, it is difficult to prophesy the time when that moment for fusion will come.

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58. *Dr. Suhrawardy :* (To the witness) : Mr. Kikabhai Premchand has pointed out to you that in Bombay there is one Muhammadan president and two Muhammadan members of Government. I am not concerned with Bombay, but is not it a fact that in Bengal, in spite of the Moslem majority, there is no Muhammadan President of the Bengal Legislative Council nor has one ever been elected, and there is only one member and one minister ? That is the other side of the sheet ?—There was at one time a Muhammadan President, the late Nawab Sir Syed Shamsul Huda.

59. He was appointed ; I am speaking of elected ?—Elected ? No. A prominent Muhammadan gentleman wanted to be elected, but he was defeated.

60. We need not go into details, but I want to show the other side of the sheet ?—My answer is that there was only one attempt, and that was not successful.

Memoranda submitted by the All-India Association of European Government Servants.

I am directed by the All-India Association of European Government Servants to submit this Memorandum in response to the invitation of the Indian Statutory Commission, dated the 8th March, 1928. It was requested that Memoranda should be submitted by the 1st of June, 1928. My Association has not been able to comply with that request, owing to the difficulty of consulting its constituent associations in the short space of time allowed, but it trusts that the Commission will appreciate this difficulty, and, in view of the position of the Association, will give due consideration to this Memorandum. My Association has had the advantage of consulting the Memoranda already submitted by the Associations of Bengal, Madras, Bombay, the Punjab, and the Frontier Province, and the Central Provinces, as well as of reading a note submitted by the United Provinces Association. Copies of all these documents are attached to this Memorandum. Many of the points which my Association desires to make have been put in more detail in the Memoranda of the various provinces which were considered and discussed at a conference of representatives of the constituent Associations, at Calcutta, on 27th, 28th and 29th August, 1928. This Memorandum is the result of that conference, and is designed to emphasise the points common to the representations of all European Government Servants in India.

2. The constituent Associations of the All-India Association of European Government Servants are the Associations of such servants in the following Provinces: Madras, Bengal, Bombay, the United Provinces, the Punjab and the Frontier Province, the Central Provinces and Assam. The Association is the only Service association which consists entirely of Europeans and can claim to speak authoritatively on behalf of Europeans in the Services. On the 1st January, 1928, it included 1,320 Europeans, most of whom are members of the Superior Civil Services. Officers of the Police and the Indian Medical Service and other officers of the Army in Civil employ are precluded by the orders of Government from joining the Association.

3. My Association recognises that the existence of a body of civil servants subject to an external authority is inconsistent with certain forms of Government. Nevertheless, it will be desirable for some time, at least, to maintain the British character of the administration. Apart from this, the disappearance of practically all the principal administrative officers of Government, either immediately or within a short term of years, is not likely to be contemplated by any Government as desirable. It was recognised from the initiation of the reforms in India that the maintenance of a considerable body of European Government servants was necessary, and, for this reason, and to encourage the many officers who desired then, and still desire, to remain in the service of the Government in India, the Services have been given certain rights and privileges by the Government of India Act of 1919, and the rules thereunder. The provision for the rights of officers who may remain in Service, or may be compelled in one way or another to retire, may be briefly summarised by a quotation from Section 96B(2) of the Government of India Act, 1919, where it is stated that "every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council, to the Civil Service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." My Association hopes that not only will no diminution be allowed, as a result of the Commission's deliberations, in the rights so secured, but also that they will be extended, as is only equitable, to cover officers who have joined since 1919.

4. My Association desires to state here the main rights, guarantees, and safeguards, assured at present to European officers in the Services, which are as follows:—

(*i*) The composition, powers, functions, duties and procedure of the Council of India are such as are prescribed in Sections 3 to 10 of the Government of India Act of 1919.

(*ii*) The control of the finances of India rests with the Secretary of State in Council (Section 21 of the Act).

(*iii*) Officers appointed before the commencement of the Act retain all existing and accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable (Section 96B(2) proviso).

(*iv*) The right to pension and the scale and conditions of pension cannot be varied so as adversely to affect any person appointed before the date of the rules made under Section 96 B(3) of the Act.

(*v*) The classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct are governed by rules made by the Secretary of State in Council (Section 96B(2) of the Act).

(*vi*) The Governor of each Province is required by his Instrument of Instructions to safeguard all members of the Services in the legitimate exercise of their functions and in the enjoyment of all recognised rights and privileges and to see that the Government order all things justly and reasonably in their regard.

(*vii*) A Public Service Commission has been appointed (*vide* Section 96C(1) of the Act) which the Governor-General in Council must consult in cases of appeals against punishment before passing any orders on an appeal to him or before forwarding an appeal to the Secretary of State. The Commission may be consulted by the Governor-General in Council in cases of memorials and by Governors or Chief Commissioners before orders are passed. The Commission is further required to advise, when so requested by the Governor-General in Council or a Local Government, on questions affecting the conditions of service of All-India, Central or Provincial Services; and the Governor-General in Council must obtain the advice of the Commission on questions as to the extent to which officers of the All-India Services and Central Services, Class I, are affected by the abolition of any post or classes of posts.

(*viii*) Every officer has the right to appeal or to memorialize. Every officer who has been appointed by the Secretary of State in Council has the right to submit an appeal or memorial ultimately to the Secretary of State in Council.

(*ix*) The salaries and pensions of persons appointed by or with the approval of His Majesty or the Secretary of State for India in Council are non-votable (*vide* Sections 67A(3) (*iii*) and 72D(3) (*iv*) of the Act).

(*x*) No officer may be dismissed by any authority subordinate to that by which he was appointed and the Secretary of State in Council (except so far as he may provide by rules to the contrary) may reinstate in that service an officer who has been dismissed (Section 96B(1) of the Act).

(*xi*) All officers of the services named in Schedule 1 of the Premature Retirement Rules have the right to retire on proportionate pension with passage gratuity.

The rights, safeguards and guarantees quoted above are secured by the Government of India Act of 1919, and are a fundamental part of the conditions

under which the European services of the Crown in India serve. My Association would urge that no reduction of those rights, safeguards and guarantees should be made as a result of any changes which may be made in the system of Government in India without the award of adequate compensation to the officers affected. In the opinion of the Association, this compensation should take the form of a proportionate pension *plus* compensation for the loss of career involved. Further, the right to retire prematurely upon such terms should be unqualified, and should be a continuous option lasting throughout the period of each officer's service. My Association does not at present desire to lay down any definite principles on which compensation for the loss of career should be calculated, but they are strongly of opinion that the compensation given should not be less than that awarded to officers of the Egyptian Services in 1923 under somewhat similar conditions.

5. My Association wishes to draw particular attention to the guarantee that the European officers at present possess in the control exercised by the Secretary of State in Council over the finances of India. That guarantee is the security, which those officers have, that their monetary claims will be met in full. Should the Commission consider it necessary to recommend any change in that control, whether by transferring it from the Secretary of State in Council, or by altering the composition, powers, duties and procedure of the Secretary of State's Council, my Association trusts that the Commission will recommend the retention by the Secretary of State of complete control, either over such portion of the Indian revenues as will ensure that the monetary claims of all European officers will be met in full, or over a fund constituted from such revenues to meet these obligations. At present no security exists beyond the control of the Secretary of State that the payments due to European officers on account of pensions or provident or family pension funds will be made; and, in spite of repeated protests by the Services, all contributions made by them to such funds are merged in the general revenues of India. It is possible that in the future these revenues will be controlled by a National Government, which may not be prepared to meet the responsibilities in respect of pensions and the like incurred by its predecessors. To remove this lack of security, my Association would urge that funds should be lodged in London sufficient to cover existing and future liabilities on account of pension and provident or family pension fund payments due to European members of the Services, who have joined before the recommendations of the Commission are brought into force, or to their families. Failing such action, they suggest that the British Parliament should assume the responsibility for the liabilities in question.

6. Apart from the general question of such payments, my Association is apprehensive lest the changes that may be introduced should affect the stability of the rupee, with consequent loss to European officers serving, or who have served, in India. My Association, therefore, desires to recommend to the Commission that statutory protection should be given by the British Parliament to all European officers against a fall in the sterling value of the rupee.

7. Whether the report of the Commission results in changes affecting European Government servants or not, my Association desires to urge that the option of retirement on proportionate pension or gratuity, given in the existing rules to certain officers, should not lapse, as at present provided, when the action to be taken on the report of the Parliamentary Commission is known. Officers are still apprehensive of developments in the future. For example, the safeguard given by the Instrument of Instruction to Governors is bound to become less efficacious in future under political pressure. Further, the conditions of service have developed in such a way since the option of retirement was granted that it would be only equitable to extend that option to all Europeans now in the Services. They are equally affected by adverse conditions arising out of the political development of India.

8. My Association desires here to mention a special point on which apprehensions are felt by the European members of the public services. There is, and for some time past has been, a growing shortage in the number of European medical officers in Civil employ in the provinces. The members of my Association have always regarded medical attendance on themselves and their families by European doctors as one of the most essential conditions of service in India. The question is dealt with in paragraph 93 of the Report of the Royal Commission on the Superior Civil Services in India of 1924. The recommendations of that Commission represent the minimum requirements of the European members of the Services, and my Association trusts that the number of European medical officers in Civil employ in India will not be allowed to fall below that needed to fulfil those requirements. Recent regulations in connection with the Indian Medical Service indicate that European medical officers of that Service may not be available for Civil employ in sufficient numbers. In that event steps should be taken to procure competent European doctors from some other source.

9. My Association wishes also to offer a suggestion as to the constitution of the Public Service Commission set up under the Government of India Act of 1919. At present only the Chairman is ineligible for any further appointment under the Crown in India. In view of the increasing importance given to political considerations in dealing with administrative questions in India, my Association urges that no Member or Chairman of the Commission should be eligible for any further appointment under the Crown in India or for a seat in the Council of the Secretary of State for India.

10. Hitherto, this Memorandum has dealt largely with the position of European Government servants who are members of the Superior Services, and have their interests protected by the existing law. There are, however, a number of other European officers whose cases have been dealt with in the Memoranda of the constituent associations, including (*a*) officers who have taken service with the Government of India or a Provincial Government under a contract; (*b*) officers who belong to an ordinary pensionable Provincial Service; (*c*) officers who belong to a pensionable Central Service whose pay is votable; and (*d*) specialist officers appointed by the Secretary of State, but not in the Superior Services, whether their pay be votable or non-votable. Such officers have undoubtedly and justifiably taken employment under Government with the anticipation that British control of Government in India would persist. As that control relaxes, their position is bound to become more difficult. It is easy to imagine how an unfriendly Administration could make such officers' lives so unpleasant as to drive them from the Service, even without compensation. Many such officers are members of the Provincial Associations of European Government Servants, and my Association desires to impress upon the Commission the necessity for their protection. In future, when any Government in India desires on its own initiative to employ European officers by recruitment through the Secretary of State, or the High Commissioner for India, my Association is of opinion that the interests of such officers should be assured by a clause in the terms of their engagement requiring the Government concerned to guarantee, by means of reserve funds, or otherwise, the fulfilment of the terms of the engagement regarding notice, and a return passage to Europe, in the event of the salary of the officer concerned being refused by vote of the Legislature. A further safeguard desirable is the appointment of a reliable arbitrator in the case of contracts of service, and my Association suggests that the final arbitrator in all cases should be the Secretary of State himself. In respect of European officers in pensionable services, whose pay and allowances are votable, my Association

considers that it will be only equitable to admit them to similar terms, as regards premature retirement with proportionate pension and compensation for loss of career, to those which may be granted to the officers whose pay and allowances are non-votable.

11. My Association would summarise the position which it desires to place before the commission as follows. It represents the majority of European Civil officers serving in India. Those officers have deliberately chosen a career in India; many are bound by ties of family tradition to the Service of India, and to most it would be a wrench to break with the work of their lives, and with the country and the people whom they have served. But they recognise that Indian conditions are altering every day, and they feel compelled in justice to themselves and to their families, therefore, to demand that their position should be clearly defined, and that they should receive protection if they stay in the Service, or compensation if they are forced to go, whether by adverse conditions or direct discharge. The form which such protection takes at present, and might be given in the future, and the lines on which compensation might be given, have been set out in this Memorandum, and my Association trusts that the suggestions made will receive full consideration from the Commission.

12. My Association is prepared, through one of its members, to give oral evidence during the visit of the Commission to Calcutta in December, 1928, if so desired. It is not possible to state the names of the witnesses at this date owing to the exigencies of the Public Service.

Enclosures:

Copies of Memoranda submitted by the Provincial Associations of European Government Servants.

Preliminary Memorandum submitted by the Bengal Association of European Government Servants and Managing Committee of the All-India Association of European Government Servants.

The Bengal Association of European Government Servants comprises within its membership European Government Servants from all the various services in Bengal, excepting Police, Jails and Indian Medical Service. It is recognised by the Government of Bengal. Its membership on January 1st, 1928, totalled 183. The Council of the Bengal Association is also, for the current year, the Managing Committee of the All-India Association. A copy of the Rules of that body is attached.* The All-India Association is recognised by the Government of India. Its total membership is 1,320.

2. The Council of the Bengal Association desire to emphasise that this Memorandum represents the views of that Council alone. It has been impossible to obtain the support of all the Provincial Associations to an All-India Memorandum in the short time available. Such a Memorandum is, however, under preparation, and we ask that, in the circumstances explained, it may be received in due course, and examined by the Commission. It is obvious that as regards the future, the evidence which the Service Associations can give, and the consideration which they may justly claim, will largely depend upon the result of the preliminary labours of the Commission during its ensuing visit to India, and we would accordingly urge that an opportunity may be given for the submission of further evidence at a later date.

3. We desire at the very outset to remind the Commission of the fact that the Montagu-Chelmsford Reform Scheme brought about a profound and radical change in the conditions of the Public Services in India. This change was, indeed, an inevitable part of the scheme, and, as is well known, the sources of recruitment of Europeans for the Indian Services were greatly affected thereby, while the confidence of existing members of the Services in regard to their future career was seriously undermined. So rapidly did this factor come into prominence, that the questions of the conditions of retirement and the security of pensions, formed the subject of a Despatch from the late Mr. Montagu, then Secretary of State for India, to the Government of India, dated February 9th, 1922.

4. We respectfully invite the Commission's particular attention to the contents of that Despatch, for we regard its terms as having an important bearing on the matters under discussion. Paragraph 2(*b*) of that Despatch gives us the assurance that in such possible changes as the Statutory Commission are now investigating " It will be the unquestionable duty of the Secretary of State in Council to consider fully the extent to which such changes affect the conditions of service of those who will be bound by them, and whether they are such as to necessitate a re-opening of opportunities for voluntary retirement on pension ; that it will further be his duty to take steps to secure the enactment of such provisions to that end as may seem just and necessary." In paragraph 4, of the same Despatch reference is also made to the serious obligations devolving upon His Majesty's Government and on Parliament in the direction of giving full security for all pensions to officers entitled to them, and adequate compensation to all officers whose services are compulsorily terminated.

5. Responsible self-government for India is the goal of the British Government. It is evident that the existence of officers under the control of the Secretary of State, and not finally subject to the local authorities, is inconsistent with any form of real self-government. When this goal is finally reached, there can be no officers left who are still under this control. The problem of advancing towards this objective necessarily includes the problem of what is to be done with the Services. This Association has no desire to enter into any discussion of political questions, or to discuss what changes ought to be made ; it is only concerned to see that if changes are made, their effect on the Services is duly considered, and the interests of the Services properly protected. If no changes are made, then there is nothing to discuss. We must assume, therefore, that some change will be made, and that this will presumably be in a further move towards responsible self-government, with the consequent result that ultimately there will be no Services left as at present constituted.

6. It is reasonable to assume that changes will be considered Department by Department, and that more progress will be made in some Departments than in others. This has already been done to some extent: for example, European recruitment has been stopped in the Indian Educational Service. It may be possible to go further, and decide that in the case of some Departments there is no place for the European officer controlled by the Secretary of State, but that if European officers are required they can be recruited on special terms by local Indian Governments. This would mean the compulsory retirement of officers now serving in those Departments. In such a case we would press that terms of compensation for loss of career should be offered to such officers, similar to those secured for the members of the Egyptian Services in 1923. A less advanced stage would be where it was decided that it was not possible for the present to eliminate European officers, responsible to the Secretary of State, or even possible to leave it to the chance that European officers with the necessary training and experience could be recruited direct by Indian Provincial Governments. In that case, we would press that in no circumstances should the control of the Secretary of State over the Service concerned be relaxed.

7. It will have to be recognised that the decision that European officers must be retained is a definite decision that the goal of self-government cannot be reached at present in the particular Department. There is, perhaps, some danger that this may be overlooked, and disappointment may be caused by what will be called an offer of a pretence of self-government, an offer of the form rather than the reality. Where it is decided that such officers must remain, it may also be decided that this is only a temporary stage, and that the officers at present serving will suffice to tide over the period until full self-government in the particular Department is given. In other words, it may be decided to stop further recruitment in that Department. We have already pointed out that this is the position reached in some Services. The position of the officers left will have to be considered. It is very likely that they will not be wanted, that the Minister in charge of the Department will think that the further step to full self-government should have been made. The officers left may or may not receive fair treatment. It will have been the decision of the Secretary of State, on behalf of Parliament, that they should remain to carry on the work of their own abolition; it is, therefore, essential that his control should remain so that he can protect them.

8. In practice we foresee that it may be difficult to make this control really effective if the Secretary of State is not to interfere in what will appear to be matters of detail in the internal affairs of the local Indian Governments. Appointments to selection posts may be given on political or even personal grounds, postings to the less favoured stations may be made, a policy of pin-pricks may be adopted in order to induce officers to retire, and, in such cases, we are very doubtful whether the Public Service Commission will be able to act as an effective safeguard. It will be difficult, if not impossible, for the

* Not enclosed.

Secretary of State to give protection in such matters. The result may be that officers will be compelled to retire, although ostensibly their retirement will be voluntary. There is one form of protection, however, which the Secretary of State can provide, namely, a guarantee that in all cases better actuarial terms of proportionate pension are given. These should be based on an impartial and fair assessment of the position of each officer with regard to the Provident Fund and other privileges and prospects which he is surrendering by premature retirement. If it is thought that, in case of a given Service, the offer of such terms might defeat the intention of retaining a certain minimum of European officers, this in itself will be a measure of how unsatisfactory and difficult the conditions in that Department are found to be. The only remedy will be to offer better terms of pay to the officers in the Service concerned.

9. We have previously alluded to the possibility of a still less advanced stage where it is considered that the goal of self-government is so far off that it is necessary to continue to recruit European officers for the Department concerned. Even here the change will probably take the form of "Indianization." Departments and their work are closely inter-related. The conditions of work in one Department are vitally affected by the conditions in another. If some Departments are changed, as is contemplated above, the position of officers working in those less advanced on the road to self-government will be materially affected. We think, therefore, that officers in these less advanced Departments should also be given the opportunity to retire on proportionate pension on similar terms to those mentioned in paragraph 8 above.

10. It is evident that if compensation and pensions are granted, as suggested, there must be some security that these will be paid. If, as has been previously assumed, we are moving towards responsible self-government for India, though this objective will not in the immediate future be reached, officers will have to be retained, who, at some future date, sooner or later, will be dependent upon Indian Governments for their Pay, Pensions, and Provident Funds. There must, in these circumstances, be some definite guarantee at this stage by the British Government, that these will, in fact, be paid. When we ask that the control of the Secretary of State should remain, we mean amongst other things, that he should be in a position to enforce payment of all amounts due on account of Pay, Pensions and Provident Funds of all officers for whom he has at any time been responsible.

11. In conclusion, we venture to summarise the essential points of our present Memorandum as follows:—

(1) Real Self-Government for India is inconsistent with the existence of the Superior Civil Services as at present organised.

(2) Possible stages in the devolution of the various Departments of Government may be classified as follows:—

(*a*) Where European officers are definitely no longer required, and those who remain in Permanent Service will be compulsory retired.

(*b*) Where recruitment of European officers to existing Services will be stopped, but officers already in Service will be retained to tide over the period till stage (*a*) is reached.

(*c*) Where it will still be necessary for the Secretary of State to recruit European officers under his control.

(3) For European officers coming under paragraph (2) (*a*) above, full compensation with terms not less reasonable than those granted in Egypt should be given.

(4) For European officers retained in permanent service under category (2) (*b*) above, opportunities for retirement on proportionate pensions on terms more equitable than those now prevailing should be offered.

(5) For European officers retained or recruited under category (2) (*c*) above, opportunities for retirement on proportionate pension or equivalent Provident Fund should remain open indefinitely.

(6) In all cases of European officers in the Superior Services, the full responsibility of the British Parliament as foreshadowed in the late Secretary of State's Despatch, dated February 9th, 1922 (a copy of which we append hereto), should be definitely acknowledged.

Copy of Despatch, dated 9th February, 1922, *from the Secretary of State for India, to the Government of India, as published in the* Statesman *of the 6th April,* 1922.

PUBLIC SERVICES AND RETIREMENT.

MR. MONTAGU'S LETTER.

Proportionate Scheme Guarantees.

The following is the full text of the Despatch of the Secretary of State, dated February 9, and published at Simla on Monday in a Home Department resolution on the subject of the retirement of officers on proportionate pensions and the security of pensions already earned and in prospect:—

I have recently addressed you by telegram suggesting for the consideration of Your Excellency's Government the desirability of taking early steps to remove the misapprehensions which, I have reason to believe, are widely entertained as to the meaning to be attached to the passage quoted in the margin (given below) from paragraph 3 of the resolution issued by your Government with my approval on the 8th November last, on the subject of the terms and conditions on which officers of certain Indian Services who desire to be released from further service, in consequence of the introduction of constitutional reforms, may be permitted to retire prematurely on proportionate pension.

(The following is the marginal quotation referred to above:—

All applications must reach the Local Government before the 31st March 1924, by which date officers will have ample opportunity to appreciate the effects of the recent constitutional changes, and to arrive at a considered decision. Officers of the Services specified who do not apply before that date will not be eligible for a pension on premature retirement in consequence of any constitutional developments which may subsequently take place.)

It has been represented to me that this passage in the resolution has been commonly interpreted as intended definitely to preclude any officer whose employment may hereafter be terminated prematurely, either by the Secretary of State in Council under the constitution provided by the present Government of India Act, or by an Indian Dominion Government, should such be constituted by an instrument amending or repealing that Act, from claiming pensionary recognition of the services which he has rendered, and compensation for their unexpected termination. And apart from the fear that such consequences are intended in the matter of compulsory retirement, I understand that the passage is further regarded as closing the door on any hope of the renewal of an offer similar to that

held out by the resolution, even on the occurrence of further legislation to amend the Government of India Act, which may have the effect of marking a further stage towards the grant to India of Dominion Status, and the combined effect of these impressions has been apparently to give colour to the idea that a leading motive which prompted the Secretary of State in Council, and your Excellency's Government in framing the terms and conditions embodied in the orders of the 8th November, was a desire to induce as many as possible of the members of the All-India Services, for whose maintenance, welfare and efficiency those authorities are directly responsible, to abandon their employment at the earliest possible date.

2. Your Excellency's Government will, I am confident, share my deep regret that language could have been used which is capable of an interpretation so fundamentally at variance with our objects and intentions, and I trust that it is now clearly understood by the members of the Services that :—

(*a*) Nothing in your resolution has reference directly or indirectly to the compulsory retirement of officers whose employment it may hereafter be decided, by whatever authority, to terminate for whatever reason, before they have completed such service as, under ordinary regulations and expectations, carries the claim to a pension.

(*b*) That when the time comes for His Majesty's Government to recommend to Parliament further legislation with the object of granting to India a larger measure of Self-Government, it will be the unquestionable duty of the Secretary of State in Council to consider fully the extent to which such changes affect the conditions of service of those who will be bound by them, and whether they are such as to necessitate a re-opening of opportunities for voluntary retirement on pension; that it will further be his duty to take steps to secure the enactment of such provisions to that end as may seem just and necessary, and that nothing in your resolution was designed to absolve the Secretary of State in Council from this obligation, and,

(*c*) That in fact the intention of the passage in question was simply to emphasise the circumstance that the right to apply for a proportionate pension was an exceptional right, conferred on the express recommendation of the Joint Select Committee of both Houses, with the implied authority of Parliament, in order to meet the conditions which have been brought about by the Act of 1919, or which may arise in the course of constitutional development under that Act, and, consequently, that the right was one which, once offered and exhausted, it would not be proper for the Secretary of State in Council to renew, save as the result of a similar mandate given on account of constitutional changes arising out of further Parliamentary legislation.

Security of Pensions.

3. I desire, however, to take this opportunity of endeavouring to dispel other analogous anxieties which have been brought to my notice as being felt by members and ex-members, not only of the Indian Services, but also of the Home establishment of the Secretary of State in Council, as to the security of their pensions (whether in the course of payment or in prospect) in the event of India's acquiring full Dominion status, or such an approximation to that status as has effect of transferring from the Secretary of State in Council to the Legislative Assembly some portion or the whole of that measure of control over the appropriation of the revenues of India and over the services which is by the present Act and Statutory Rules, vested in the Secretary of State in Council.

4. It would, of course, be idle for me to pretend that any declaration by myself, by the Council of India, or His Majesty's Government as at present constituted, would have the effect of binding any future Government or Parliament as to the measures which they should respectively propose and ratify to safeguard the existing and accruing rights of persons in the Civil Service of the Crown in India whose conditions of employment may be affected by whatever further legislation Parliament may, in its wisdom decide hereafter, to enact in pursuance of the policy inaugurated by the Act of 1919 : but it is evidently not generally appreciated that no change in or diminution of the powers of control now exercised by the Secretary of State in Council in this regard, nor in modification of the law which now makes such pensions a statutory charge upon the revenues of India, could be affected without the fullest public discussion, and by means of express Parliamentary enactment. It cannot be anticipated that His Majesty's Government and Parliament will treat lightly their obligation to ensure, as an essential part of such an enactment, that all pensions current at the time shall continue to be paid, that those officers whose services may have to be compulsorily terminated shall be adequately compensated, and that those who are entitled to pensions shall receive them, but, in any event, I desire to place on record, with the full concurrence of my Council, my conviction that no future Secretary of State in Council of India will be found wanting in his duty of securing the fulfilment of those obligations, or will be found willing to surrender in the smallest degree the control which he exercises under the existing law, save on conditions which will adequately ensure that the rights and expectations which it is now his duty to protect are fully guaranteed.

Memorandum submitted by the Punjab and Frontier Association of European Government Servants.

1. The Punjab and Frontier Association of European Government Servants was constituted in 1922 with the object of protecting and promoting the interests of European members of the Services, owing to a general feeling of insecurity following the introduction of the reformed constitution of 1919 and the announcement of a policy of rapid Indianisation of the Services. It consisted on 1st January, 1928, of 309 members representing all branches of the Services. This number is approximately 65 per cent. of the total number of Europeans in the Services in the Provinces concerned, who are eligible for membership of the Association.*

2. In the list of questions which the Indian Statutory Commission will investigate, contained in the Appendix to the "invitation to submit Memoranda" issued by the Commission on 6th March, 1928, appears :—

"10. The position of the Services, e.g. :—
(*a*) Indian Civil Service.
(*b*) Other All-India Services.
(*c*) Provincial Services.
(*d*) The question of recruitment and of Public Services Commissions.
(*e*) Indianisation."

We do not feel at all sure as to the matters in respect of which the Commission wishes to have evidence regarding the position of the Services, but we take it that in this connection the Commission is chiefly concerned to report the extent to which the provisions contained in the Government of India Act, and intended to safeguard the interests of the Services, have proved effective; and, if considered necessary, to make recommendations for the modification of those provisions in the direction either of strengthening or of relaxing them. This is indeed a matter of the first importance; for we recognise that among the most striking anomalies inherent in the present constitutional régime is the necessity imposed upon popular Ministers of employing as agents for the execution of their policy, members of Services over which they have only limited control; and though the cessation of recruitment for All-India Services in all transferred fields of the administration, except the Medical Department, means that in course of time this anomaly will cease to exist; it is difficult to conceive that Indian opinion will tolerate its continuance over the long period that must elapse before the All-India Service element in existing transferred departments has disappeared, to say nothing of the period that must elapse before this result is obtained in departments which have not yet been transferred, but may be recommended for transfer, by the Commission. Responsible Government with an Executive which is not ultimately amenable to the same authority as that which makes and unmakes the Government is not a fair proposition; and we would, at the very outset of our Memorandum, insist that it is the British Government, as the authority which has imposed the Services on India, which whould be responsible for compensating those Services for any injury they may have to suffer in consequence of the cessation of powers already made or to be made in future. If the attainment of responsible government by India is indeed the goal of the British Government, we can see no justification for the retention by the British Government of power to enforce the rights of the Services against the wishes of the future rulers of India. By all means let attempts be made to obtain India's recognition of the obligations she owes to the Services, and thus to lighten the burden which must otherwise be borne by the British Government, if the rights of the Services are not to be disregarded, but let the British Government clearly avow that the rights of the Services are guaranteed by itself whether agreement is reached with India or not. It may be contended that much weight need not be attached to the utterances of Indian politicians who have declared that if India obtains Home Rule the pensionary rights of the Services will not be recognised, but with such an example before our eyes as that of the Southern Irish Government, which, in defiance of the pronouncement of its own highest judicial authority as to the right to compensation conferred by the Treaty, has refused to acknowledge that right, we cannot feel that our rights are secured unless they are explicitly guaranteed by the British Government.

3. We have indicated above that the present position is anomalous from the Indian point of view, but it is equally anomalous from the point of view of the British element in the Services, that, while the authority which appoints them, and in the last resort decides whether they shall remain in service or not, is the British Government, the authority which passes judgment on their work and otherwise has undisputed control over their destinies is an authority in India, and is more and more becoming an Indian authority. In this respect there is little if any difference between the position of those of us who are serving in the transferred field of the administration and those of us who are serving in the reserved departments in the portfolio of the Indian Member of the Executive Council. It would indeed be surprising if a conscientious Indian Member did not in any case feel bound to act precisely as if he were a popular Minister in the administration of the departments in his charge; and in this Province, where hardly any distinction has in practice been made between the transferred departments and the reserved departments in the portfolio of the Indian Member, members of the All-India Services serving in the two fields of the administration have in effect been dependent in exactly the same way on His Excellency the Governor for such protection as they may have needed. Now, in this Province we do not complain that the Indian Member or the Ministers have shewn any hostility to the European members of the services as such: indeed, we readily acknowledge that their relations with us have been most cordial, and that the Legislative Council as a whole also has not displayed any racial animosity towards us; but we cannot be certain that the present temper of the Punjab will always remain the same, or that we shall always have Ministers and Members of the same stamp, or that we shall always have a British Governor; and we cannot be blind to the racial hostility which has been displayed in the local press, the Legislative Assembly and the Legislative Councils of other Provinces. In these circumstances we cannot view our position with equanimity when the authority to pass judgment on our work, and to decide questions of our promotion, appointments, etc., may be not merely unsympathetic, but positively hostile. For this reason, we would most strongly urge that even if no change is made in the control of the Services exercised by the Secretary of State, the right to retire on proportionate pension which some of us enjoy should be maintained, and that a similar right, or the right to a gratuity of equal value in the event of premature retirement, should be extended to those of us who at present do not possess it. The changes in conditions in India to which we shall presently refer, and the risk of unsympathetic or hostile treatment to which we have referred above, affect us all in almost equal degree, and it is only right that we should, all of us, have the same means

* Members of the Police and Indian Medical Services, who are not eligible, have been excluded from this calculation. On the other hand the Association includes European Officers recruited by the Secretary of State who do not belong to any particular service. Throughout this Memorandum the term Services must be understood to cover all such Officers.

of escape if we find our position too difficult. This is indeed a matter of the most vital importance to those of us who have no pensionary rights and are dependent for provision for themselves and their families after retirement on a provident fund, which only in the last ten or twelve years of service amounts to an appreciable sum. For such of us it would at present be impossible to contemplate premature retirement, however distasteful service might become.

4. We turn now to an examination of our present circumstances. As regards our financial position, we may say that we consider the concessions made in consequence of the recommendations of the Lee Commission to be generally satisfactory, though the failure of Government to give effect to those recommendations in certain particulars has left a sense of grievance which it would cost little to remove. While, however, we are, on the whole, satisfied in this respect, it would appear that the terms of appointment are not sufficiently attractive to enable suitable European recruits to be obtained for certain Services, such as, for example, the Railway and Medical Services, and that if a European element is to be retained in these Services, it will be necessary to offer better terms. There are, on the other hand, many other aspects of our position beside the financial one, and the changes in conditions during the last few years have been such as to make some of us doubt whether they have been wise to remain. Among these changes, perhaps the most important is the rapid Indianization which has taken place. This has had two main consequences: a decrease of social amenities and an increase of official responsibility. The social change has been most perceptible in small stations. In earlier days, with some half-dozen European officials and their families stationed in such places, life was pleasant, and there were opportunities for social intercourse and relaxation: now, however, there are many more places than before at which a single European is stationed, and the only society is that of Indians. There is here no question of racial antipathy or racial arrogance; it is simply a matter of fact that Indian and European ways of living and manners of thought are so radically different that unmixed Indian society can no more afford relaxation to a European than unmixed European society can afford it to an Indian. A further change which may, perhaps, be classed as social, is the great reduction in the number of European doctors available for attendance on the wives and families of European officials. In this respect the Government of India has so far failed to carry out the recommendations of the Lee Commission; and the matter is one on which the members of our Association feel very strongly.

5. The increase of official responsibility which has resulted from the Reforms is a matter of more serious importance, but is not due solely to Indianization of the Services. One of the chief causes of this increase of responsibility is to be found in the intensifying of communal feeling which has taken place since, if it has not been occasioned by, the Reforms. This has led in many cases to the selection of Europeans for the most difficult and most disagreeable stations, especially places where communal troubles are to be anticipated, and though the services rendered by European officers when communal troubles break out are at the time gratefully acknowledged by those chiefly concerned, "advanced" politicians almost invariably have fault to find with the measures taken to restore the public peace, if they do not actually attribute its breach to the machinations of Government and its European officers. The bane of communalism, however, does not end here: it is a poison which pervades the internal economy of every Service, and whether it is an appointment imposed from above or an appointment suggested from below, there is rarely an appointment in respect of which a European officer in any department, reserved or transferred, provincial or central, can be quite confident that it was not made or suggested from communal considerations. Nor is the influence of communalism confined to appointments; for there is no matter into which communal considerations may not enter, whether it be a judicial decision, the giving of a contract, a report on the work of a subordinate, a recommendation for the enforcement of a penalty or the conferment of a favour; and the European officer has constantly to be on his guard lest he be made the tool of communal intrigue. We do not wish to imply that there are no Indian officers who are not swayed by communal feeling in their work: there are many, and we recognise that the greatest credit is due to them for their resistance to the constant overwhelming pressure that is brought to bear on them; nor do we deny that even before the Reforms it was the desire of Government that all communities should be represented in the Services, and we do not suggest that any Government could in present conditions view with equanimity the monopolizing of the Services by any one community: but we do insist that the Reforms have vastly intensified communal consciousness, and that the task of the European officer has been rendered much more difficult and distasteful in consequence.

6. As regards the increase of responsibility due to Indianization of the Services, apart from the exaggeration of communal differences involved therein, we submit our views with diffidence and reluctance, but we trust that it will be recognised that the opinions we express are honest opinions, and that their expression is intended only to contribute to a just appreciation of the position with which the Commission has to deal. Broadly speaking, then, we affirm that the responsibility of the European officer has been greatly increased owing to the Indianization of the Services because the Indian officer generally speaking has not the same pride in his work, the same conscientiousness in detail, the same feeling of individual responsibility as the European. There are of course exceptions to this rule, and we may be wrong in holding this opinion, but whether the opinion is right or wrong it exists, and its existence adds enormously to the burden of our work. Naturally this opinion is not altogether shared by the Indian Ministers and Members who now have such a large voice in the management of departments, so that on the one hand there is no full appreciation of the extra burden on European officers, and on the other hand there are bound to be serious differences of opinion as to the suitability of particular Indians for particular appointments. This is in fact only one aspect of a much wider problem, and that is the reconciliation of Western and Eastern standards of conduct and efficiency. The difference in these respects is indeed in many ways so great that there are some of us who are inclined to think that the time may come when the European cannot continue to serve if he is not to lose his self respect.

7. We have emphasized above the changes that have made the position of European officers in the Services more difficult and the reasons why apprehensions are entertained for the future; but while there are some of us who would before now have exercised their right to retire on proportionate pension if sheer necessity had not compelled them to submit to conditions which have become highly distasteful to them, there are others of us who have found compensation for these changes in the added interest of their work and are anxious to continue to take their share in the development of the country, and to contribute what they can to the realization of responsible self-government in India. Those of us who have been in closest contact with Ministers and Indian Members know well that they appreciate the services which European officers can render to the country and recognize that the time has not yet come when India can do without them; and we,

PUNJAB AND FRONTIER ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS. [*Continued.*

on our side, recognize that for so long as we are wanted, it is our duty to remain and do our best, even if conditions are not so pleasant as formerly and our work is subjected to much more searching criticism. But we must be certain that we are wanted, and we do not see how this can be assured if the present organization of the Services is maintained. We have already observed that the maintenance of that organization is incompatible with true responsible Government, and we are, therefore, forced to the conclusion that the Services as at present constituted cannot remain. There must then come before long a time when a definite break must be made with the past and only such European officers must remain as the Indian Governments wish to employ. Many of us will be willing to face the difficulties and take the risks of voluntarily re-engaging and we may hope that many of us will find re-employment, but most of us have dependents to think of, and a condition of any such arrangement as we have envisaged above must be that our pensions for past service are guaranteed by the British Government and that those of us who are unwilling to re-engage or fail to find re-employment shall be compensated for loss of career on some such terms as were given to the European element in the Egyptian services. We do not desire to enter into any details in this connection, but we would urge that these and other questions connected with the Services should, if any radical changes are recommended by the Commission, be referred to a second and special Commission on the lines of the Lee Commission.

8. In conclusion, the essential points to which we trust the Commission will subscribe in consequence of this Memorandum are as follows:—

(1) If responsible self-government for India is the goal of the British Government, there is no justification for the retention of the Services as at present constituted, which are an obstacle to the attainment of that goal.

(2) If this proposition is not accepted and the present control of the Services by the Secretary of State is to be maintained, the right to retire on proportionate pension should be retained and extended to members of all Services alike, no matter when recruited, or whether serving under the Central Government or a Provincial Government, and in the case of Services which have no pensionary rights, arrangements should be made for the payment of a gratuity of corresponding value in the event of premature retirement.

(3) If the proposition advanced in Clause (1) is accepted and only such European officers are to remain as may be willing to re-engage for service under Indian Governments and can obtain re-employment, those who are unwilling to remain or fail to obtain re-employment should not be given merely a pension or gratuity in consideration of past service, but should also be compensated for loss of career.

(4) In either case the British Government should definitely undertake liability for the payment of pensions, provident funds and gratuities to members of the Services at a rate of exchange not less than the present rate of exchange fixed for pensions.

Supplementary Memorandum submitted by the Council of the Punjab and Frontier Association of European Government Servants.

1. The Punjab and Frontier Association of European Government Servants includes a small number of Europeans who have taken employment under the Provincial Government. Such officers, as the result of the constitutional changes of 1919, are already dependent upon a vote in the Punjab Legislative Council for their salaries and are liable to transfer or dismissal by Ministers. In this connection the Punjab and Frontier Association of European Government Servants wishes to draw attention to letter No. F-201-24 Ests. of the 7th August, 1924, from the Secretary to the Government of India in the Home Department, addressed to all Local Governments. In this letter, which dealt with the recommendations of the Lee Commission, the Government of India remark that the Secretary of State wishes that the subject of claims made by Europeans in the Provincial Services should be carefully examined, and the Government of India in the same letter expresses the view that the protection of rights of the European Officers appointed by Local Governments must be secured. As far as this Association is aware no practical results have followed these statements. The European officers concerned feel that such remaining security and consequent peace of mind as they now possess is due to ephemeral circumstances. These circumstances are the sense of moral obligation felt towards them by high European Government officials, and the fact that they, a small number, work with a large body of officials, who are protected by the Secretary of State, and from whom they receive reflected protection. Under a further measure of Reforms this fortuitous and unsatisfactory protection would probably disappear. In this event they would find their careers at the mercy of a vote wielded by an Assembly possibly antagonistic, and certainly lacking the long traditions and experience of similar bodies in England.

2. It may be argued that since such officers have accepted terms of service for which the Secretary of State is not responsible they can have no claim on him to consider hardships they may suffer caused by further constitutional changes. This Association, however, points out that the letter quoted in paragraph 1 shows that the Secretary of State had no desire to disregard the hardships of these European officials, but, on the other hand, recognised that their claims should receive special examination. Since no protection has resulted, it appears to be even more necessary than hitherto that the claims of these officers should be dealt with before further measures of Reform become effective. The Punjab and Frontier Association of European Government Servants, therefore, asks the Simon Commission to recommend that before any further widening of responsible self-government becomes effective, this outstanding question of protection to be given to Europeans employed by the Provincial Governments should be examined by the Secretary of State and a pronouncement made upon it by him, and that the form that this protection should take should be :—

(*a*) Compensation for loss of career due to termination of service.

(*b*) The extension to these officers of the right to retirement on proportionate pension or on proportionate provident fund.

Memorandum submitted by the Bombay European Government Servants' Association, Bombay.

Under the invitation to submit Memoranda which was published on the 6th March, 1928, I am directed by the Council of the Bombay Presidency European Government Servants' Association to submit the following remarks for favour of consideration by your Commission.

2. I am to forward herewith a copy of the Rules* of the Association, the membership of which it will be observed is confined to European Gazetted Officers in Civil Employment under Government in the Bombay Presidency, except Police or Prison Officers. The Association has at present 225 members and is subsidiary to, and affiliated with, the All-India European Government Servants' Association, which Association will no doubt be submitting a separate communication to you.

This Memorandum has been drawn up by the Council of the Bombay European Government Servants' Association but, owing to the shortness of the available time, it has not been possible to obtain the approval to it of the individual members of the Association. In the opinion of the Council, however, it may safely be taken that the views expressed in this Memorandum are broadly speaking those of the majority of the members of this Association.

3. I am to point out that this Association does not desire, nor in view of the recent investigations and findings of the Lee Commission does it seem right and proper, to bring forward anything in the nature of a detailed schedule of grievances. What this Association respectfully presses for at the present juncture is that the recommendations of the Lee Commission should be fully carried out and that reasonable safeguards should be applied to the interests of the European members of the Services in India, both under the Reforms that have already been enacted and under such as may come into force in the future. This is especially necessary as there is a large number of officers who have so far been very little affected by the Reforms, but whose position may become very different with the extension of the Reforms now or in the future to the Departments in which those officers may be serving. The most important safeguard is some system under which European Officers of the Services who may have been in the Services before the existing Reforms were introduced, or who may join these services in the future and then find themselves adversely affected by further reforms that may be introduced thereafter, shall, at any time, be enabled to retire without unduly damaging their careers. It is suggested that this can best be done by means of a system of proportionate pensions and of cash compensation for the loss of future career, somewhat on the lines of the terms that were granted to certain officials under the Egyptian Government.

In this connection, I am to point out that when the present Premature Retirement Rules on Proportionate Pension were first published, the option given was for a very restricted period only, and there was in consequence an immediate rush of applications for retirement. When the period for the exercise of the option was extended, quite a number of these applications were withdrawn. It is presumably not the wish either of the Government of India or of the Secretary of State in Council that European Officers should be alarmed into applying for a proportionate pension and retiring before they normally would do so.

Conditions such as these can only mean an increased drain on the revenues of the country and have a deleterious effect on the calibre of the recruits that will come forward for the Services in the future. It is, therefore, most undoubtedly to the interest both of Government and of the Officers themselves that there should be every inducement for the Officers already in the Services to remain contentedly in these Services.

The present position in regard to the option of Retirement on Proportionate Pension is that " the option shall continue in force and may be exercised until the action proposed to be taken on the Report of the Commission provided for by the Government of India Act, is known, when the whole position will necessarily be reviewed." I am to emphasise that from the point of view of the European Officers in these Services, it is very desirable not only that they should know what action is proposed to be taken on the Report of the Royal Commission, before they come to a decision as to whether they can continue in the Services or as to whether they should retire, but also that they should be given a reasonable period in which to work under the changed conditions produced by that action which is taken on the Report of the Royal Commission. I am to suggest, therefore, that the period during which the option remains in force should be extended at the very least for one year after the issue of the complete and final orders by the Government of India or by the Local Government (whichever authority may issue such orders) on the recommendations of the Statutory Commission.

It has been contended that the existing offer of retirement on proportionate pension has unsettled Officers and kept them on the lookout for other appointments. I am to submit that this is an entirely incorrect view, and that the exact opposite has been the case, viz., that the existence of the present option has led a large number of Officers to remain contentedly at work, who would have undoubtedly have left if the offer had not been kept open.

4. The existence of an adequate channel of appeal for any Officer who may consider that he has been unfairly or unjustly treated is a *sine qua non* for a contented and efficient service. Such a channel of appeal at present exists, and I am to say that my Council note with satisfaction that certain classes of appeals to the Governor-General in Council shall be referred to the Public Service Commission and that other classes of appeal, not only to the Governor-General in Council but also to the Governors of Provinces may be referred to that Commission. In this connection, however, I am to state that in the opinion of my Council in order to ensure complete impartiality, no member of the Public Service Commission should thereafter be eligible for any appointment under the Crown in India or for a seat on the Council of the Secretary of State for India. It is submitted that a system under which a seat on the Public Service Commission may be a stepping-stone to further advancement in the service of Government does not tend to impart to the decisions of the Service members of the Tribunal that judicial impartiality which is essential for the proper performance of its functions. It seems, therefore, desirable that the members of the Public Service Commission should hold their appointments directly under the King Emperor and be ineligible for any other appointment thereafter under the Crown in India, or for a seat on the Council of the Secretary of State for India. It is, however, considered to be essential that *nothing* shall adversely affect the present rights of Officers of Government to appeal to the Secretary of State for India.

5. I am also to ask that the earnest consideration of the Commission be given to the case of those European Government Servants who do not belong to the Imperial Services. Their number is large. Most of them belong to the Provincial Services in Transferred Departments and their pay is subject to the vote of the Legislative Councils. Their position is in consequence particularly vulnerable to attack by the politically minded, and the most fair and impartial Minister would be helpless in the face of a racial attack on the emoluments of the Officers under his administrative control. It may be noted also that a Minister does not stand or fall by the vote of the Council. The legislature may cut

* Not enclosed.

out deliberately all the European Officers in his Department, but neither the Law nor the Custom of the Constitution demands that he should in consequence resign. There are, therefore, large numbers of European Officers who may, at any time, find themselves dispossessed of their appointments, not because of their inefficiency nor because the posts they hold are unnecessary or redundant, but simply because the local legislature desires to take a short cut to Indianisation. In this Presidency the Legislative Council threw out the vote for the Department of Industries which had a European Member of the Indian Civil Service as Director, and then demanded the restoration of the vote with an Indian Director. The Director being a member of the Indian Civil Service was not affected as his pay is non-voted, and he would be given another post, but had the Director been a member of the Provincial Service or an Officer on Contract, he would have lost his employment purely on racial grounds.

In this province, too, there are Specialist Officers —necessarily engaged on contract—holding posts that are permanent and whose whole staff is permanent. Some of them have had 15 years' service and over. The Lee Commission strongly recommended that such Officers should be made permanent, but that recommendation has been ignored, and these Officers, despite their long service, are liable at any time to be dismissed at six months' notice, with no reason given, and with no compensation and with no pension, except what their provident fund gives them.

I am, therefore, instructed to ask that the position of officers not belonging to the Imperial Services should receive careful examination.

6. In conclusion, I am to state that in so far as the interests of the European Officers of Government are concerned, the main issues which the Council of the Bombay European Government Servants' Association desire to bring to the notice of the Royal Commission are :—

(*a*) The continuance of the system under which an officer may retire without undue financial loss in the event of the conditions of his appointment being changed to such an extent after his entry into it as to render it in his opinion impossible for him to remain.

(*b*) The continuance of an adequate channel of appeal for officers who may consider themselves unjustly treated.

(*c*) The position of those European Officers referred to in paragraph 5 above who are not members of the Imperial Services.

Memorandum submitted by the Madras Association of European Government Servants.

The Madras Association of European Government Servants was formed in January, 1922, with the object of protecting the interests and position of European members of the All-India and other Services, including Specialist appointments, which it was felt might be rendered insecure by the introduction, in 1921, of the Reforms and by the rapid Indianisation of the Services. On May 1st, 1928, it had 206 members representing all branches of the Services eligible for membership and about ninety-five per cent. of all European officers of the All-India Services. Officers of the Indian Police Service and of the Indian Medical Service are not permitted by Government to be members of the Association. The Association is recognised by the Government of Madras.

2. In the Appendix to the " Invitation to submit Memoranda," issued by the Indian Statutory Commission, item 10 deals with the position of the Services.

3. With reference to item 10 (*b*) the following remarks indicate the views of this Association :—

(*i*) The transferred subjects in the Madras Presidency, in so far as they affect the All-India Services, are Education, Agriculture, Veterinary, Public Works (Buildings and Roads), Medicine, and the All-India Services concerned are the

(*a*) Indian Educational Service,
(*b*) Indian Agricultural Service.
(*c*) Indian Veterinary Service,
(*d*) Indian Service of Engineers and Public Works Specialists,
(*e*) Indian Medical Service.

Recruitment to (*a*), (*b*) and (*c*) was stopped from April 1st, 1924. These Services will, therefore, come to an end with the retirement or demise of the present members. No corresponding Provincial Services have yet been instituted by the Local Government to take their places.

A table (I) is appended showing the variation in the number of posts in the cadres of these Services held by Europeans from the years 1914 to 1928.

(*ii*) The reserved subjects in the Presidency, so far as they affect the All-India Services, are (*a*) Revenue and Judicial, (*b*) Forests, (*c*) Police, (*d*) Public Works (Irrigation), and the All-India Services working in these subjects are the

(*a*) Indian Civil Service,
(*b*) Indian Forest Service,
(*c*) Indian Police Service,
(*d*) Indian Service of Engineers.

Recruitment of Europeans to these Services proceeds more or less in accordance with the recommendations of the Lee Commission.

A table (II) is appended showing the yearly variations in the number of European Officers in the cadres of these Services in the period 1914 to the end of 1927.

4. The position of the All-India Services may be considered under the heads (*a*) financial, (*b*) social, (*c*) political.

(*a*) The financial position of the Services has been improved though some classes of individuals have grounds for complaint on points of detail. There still remains, however, a definite feeling of insecurity in regard to opportunities for preferment, and in regard to pensions and provident funds. There are advanced Indian politicians of considerable standing who have openly advocated the repudiation by India of her obligations in the two last named matters should she ever attain complete independence, and we feel, and always have felt, that our legitimate claims should be guaranteed either by the British Government or by a reserve of Indian funds held in London.

We are also disturbed at the long delay (which now amounts to thirteen years) in giving effect to the proposals for a Family Pension Fund. Even when this is instituted, confidence in it can only be assured by some such guarantee as that asked for in respect of pensions and provident funds.

The Services are most anxious that, whatever further changes may be made in the constitution, some guarantee of the safety of their financial and other rights be given.

(*b*) Under social we would mention the increasing isolation of officers in mofussil stations owing to the rapid Indianisation of the Services. Many stations, which in the past were staffed by Europeans, now contain but one or two. Mofussil life which in the past had considerable social attractions has now very largely lost them owing to the rapidly diminishing number of European officers. There is no question of lack of sympathy between the two classes of Government servants, but ways of living differ so widely that relaxation is not ordinarily to be found by either in the company of the other.

The matter of medical attendance by European doctors requires serious and immediate attention. The Secretary of State has recently passed orders intended to safeguard the needs of European officers and their families but the success of the scheme depends upon an adequate supply of European I.M.S. officers. Whether European medical men will respond and seek to join the Service on the new terms offered remains to be seen ; present indications are that they will not. It may, however, be laid down as axiomatic that on the provision of European medical officers in India will largely depend the willingness of officers at present in service to remain and the recruitment of European officers in the future. The provision of European medical officers is regarded as of the utmost importance.

(*c*) The political situation has not hitherto materially affected the position of the Services. So far as we are aware there has been no victimisation, and relations between officers and Ministers have been generally friendly. We would, however, add that up to the present the political parties in power have been of moderate tendencies and that in most cases the Ministers have recognised the need of European help. The work of European officers is of course subjected to more intense public criticism than used to be the case, there is a lower standard of efficiency, and the changed conditions of work have caused many to despond and to take less pride and interest in their work. This is in some cases due to the fact that officers are called upon to carry out policies in which they have little faith, and which they know are merely devised to place or to keep a Minister or a party in power.

The reduction in the number of Europeans in the Services has thrown a greater degree of responsibility upon those who remain ; subordinate officers require closer

supervision by their superiors and the more difficult tasks in the more uncongenial surroundings generally fall to the lot of the European. This state of affairs he will face cheerfully though he may feel sometimes that the fact that he is undertaking the lion's share of the work and responsibility is imperfectly recognised.

We are strongly of opinion, however, that the comparative immunity we enjoy is principally due to the protection expected by reason of our present position under the Secretary of State and of our right of appeal to the local Governor and the Governor-General. There have been cases in which selection grade posts have been filled or left unfilled, and promotions made in a manner which was considered unjust. Such cases have occurred in both reserved and transferred subjects, and have only been rectified after representation to the Governor-General or to the Secretary of State. We may, therefore, admit that the safeguards provided in the Government of India and subsequent Acts and in the rules framed by the Secretary of State thereunder have hitherto prevented the position of European officers of the Services from being prejudiced.

5. These remarks apply to the Services working in the transferred fields, but are equally applicable to Services working in the reserved fields.

6. We therefore emphatically urge that in any changed conditions that may result from the present Commission our present position under the Secretary of State should continue, our present rights of appeal be assured, our present rights to proportionate pension and the protection of our pay and allowances from the vote of the Councils be preserved and that the right to retire on proportionate pension should be granted to all in service on the date on which the new régime is introduced. If it is decided that our present position and rights are incompatible with any further instalment of self-government that it is deemed desirable or necessary to confer, we request that we may be retired on lines similar to those on which the Egyptian European Services were disbanded in the event of any new terms of service proving unacceptable.

7. In conclusion we would submit that the following points are considered essential:—

(1) That if the present members of the "transferred services" and of the present "reserved" and "central services" are to be retained, all the rights and privileges which at present are enjoyed shall be assured in full.

(2) That provision be made for rendering pensions, provident funds, gratuities and any other financial claims and privileges absolutely secure, and that retirement on proportionate pension be extended to all European officers at the time of any change in the constitution. In regard to the "uncovenanted" Services we ask that the scale of proportionate pensions be based on Rs.8,500 a year instead of Rs.7,500, as at present. When the latter sum was fixed it was on the basis of the full pension which might ordinarily be attained, but when this was, as a result of recommendation of the Lee Commission, raised to Rs.8,500, a corresponding and logical amendment was not made in the rules governing proportionate pensions.

(3) That if the retention of the Services as at present constituted is found to be incompatible with any scheme of responsible Government it is decided to confer and if, in consequence the Services be disbanded, that the members of the Services at the time of the introduction of the new régime should be permitted to retire and be given compensation on the lines indicated in paragraph 6 for loss of career.

8. With reference to item 10 (*d*) we would refer to the Public Services Commission only as it affects the present members of the All-India Services. The Public Service Commission (Functions) Rules, 1926, govern its present functions. The only criticism of these rules we have to offer is that the application of Rule 17 might have been extended to all cases of interests adversely affected.

The satisfactory working of the Public Service Commission and the confidence it enjoys with the Services depend almost entirely on its capacity and independence. Instances are not wanting in which one or both of these appear to have been lacking.

We are emphatically of opinion that membership of the Commission should not be a stepping-stone to any higher appointment, and that no member of the Commission should be eligible for appointment to any higher post under the Crown.

We also consider that when technical matters and appointments are being considered by the Commission, officers with the necessary technical knowledge should be co-opted to assist in its deliberations, and that when matters relating to a particular Service come before it that Service should be represented on the Commission. For these purposes powers of co-option would have to be conferred on the Commission.

There is also the danger that the Public Service Commission may tend to usurp the functions of the Secretary of State or of the Governor-General in the disposal of appeals by members of the Services, and that these authorities may be content to accept the advice offered without themselves investigating particular cases. We, therefore, press for an assurance that the Commission will not be regarded as having assumed the functions of the Secretary of State or be allowed to interfere with the intimate relationship which has always subsisted between him and the Services.

9. With reference to item 10(*c*), the European members of Provincial Services in Madras have in many cases been recruited in England. At the time of their recruitment the posts to which they were recruited were generally considered to require a European and these officers were usually regarded as of similar social and official standing with Imperial Service officers. Many of them were members of families with Indian traditions who, for financial or other reasons, had not been able to join the Imperial Service. These officers are few in number and there is no possibility of their increasing; when they joined, the British character of the administration was a main inducement and there was no reason to expect any such radical change in their position as has been effected by the Reforms of 1921.

If the British character of the administration is to be further weakened, it is clear that the position of these few European officers will become more and more precarious; consequently all the considerations touching security of position, emoluments and pensions adduced in the previous sections of this Memorandum apply with not less force in their cases.

MADRAS ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS. [*Continued.*

TABLE I.

Year.	Indian Educational Service. (*a*).			Indian Agricultural Service.			Indian Veterinary Service.			Indian Service of Engineers and Public Works Specialists.			Indian Medical Service. (*b*).		
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
1914	32	32	100	12	10	83	2	2	100	92	67	73	60	55	92
1915	32	31	97	12	10	83	2	2	100	108	65	60	60	58 (32)	97
1916	33	29	88	12	10	83	2	2	100	108	65	60	60	56 (39)	93
1917	33	28	85	13	11	85	2	2	100	108	65	60	60	50 (35)	83
1918	35	30	86	15	11	73	2	2	100	108	60	56	60	49 (38)	82
1919	35	30	86	16	12	75	2	2	100	108	58	54	60	50 (35)	83
1920	39	30	77	18	14	78	2	2	100	98	57	58	60	46 (16)	77
1921	44	29	66	26	14	54	4	4	100	77	60	78	60	46 (9)	77
1922	67	30	45	27	14	52	5	4	80	79	57	72	60	38 (3)	63
1923	67	26	39	27	14	52	5	4	80	77	53	69	60	34	57
1924	67	27	40	26	10	38	5	4	80	56	47	84	50	32	64
1925	67	25	37	25	9	36	5	4	80	56	43	77	50	32	64
1926	67	23	34	24	6	25	5	4	80	56	42	75	50	29	58
1927	67	21	31	24	6	25	5	4	80	62	41	66	50	28	56
1928	67	20	30	24	6	25	5	4	80	62	42	68	50	25	50

TABLE II.

Year.	Indian Civil Service.			Indian Forest Service.			Indian Police Service.			Indian Service of Engineers.		
	1	2	3	1	2	3	1	2	3	1	2	3
1914	175	166	95	32	30	94	76	76	100			*Vide* above which gives figures for both branches of the service; it is not possible to separate them.
1915	175	166	95	32	30	94	76	75	99			
1916	173	163	94	32	30	94	76	72	95			
1917	173	157	91	32	27	84	76	71	93			
1918	173	149	86	32	25	78	77	69	90			
1919	173	144	83	42	26	62	77	67	87			
1920	173	148	86	43	26	60	77	71	92			
1921	173	148	86	61	35	57	77	75	97			
1922	175	147	84	64	37	58	77	71	92			
1923	180	148	82	64	35	55	77	72	94			
1924	180	141	78	64	35	55	77	75	97			
1925	183	131	72	64	34	53	76	72	95			
1926	183	120	66	64	32	50	77	71	92			
1927	183	114	62	59	32	54	77	63	82			

Notes.—Col. 1 gives the cadre ; Col. 2 the number of Europeans holding permanent appointments ; Col. 3 the percentage of Europeans.

(*a*) Includes the Women's Branch. (*b*) Numbers in brackets show Officers on Military duty.

Memorandum submitted by the Central Provinces and Berar European Government Servants' Association.

1. This Memorandum is submitted by the Central Provinces and Berar Association of European Government Servants in answer to the Commission's invitation in their Announcement of the 6th March, 1928, and sets forth the views of the Association on the position of the Services (*vide* item 10 of the Appendix to the Announcement). The Association was formed in 1921 and consists at present of 123 members. This number is approximately 93 per cent. of the total number of European Officers who are eligible for membership. Members of the Indian Police and Indian Medical Services are not eligible for membership. The Association was the first of its kind in India. It has always contained a higher percentage of membership than sister Associations in other Provinces, owing no doubt to the fact that whilst the inauguration of the Reforms aroused apprehensions as to their future in the minds of Europeans in every province in India, these apprehensions were, for local reasons, particularly acute in the Central Provinces.

2. It is recognized that the Indian politician regards it as an anomaly in the present constitution that popular Ministers are compelled to employ as agents for the execution of their policy, members of Services over which they have only limited control, and though the cessation of recruitment for the All-India Services in the Transferred Departments, except the Medical Department, means that in course of time this alleged anomaly will cease to exist, it is difficult to believe that Indian opinion will tolerate its continuance over the long period that must elapse before the All-India Service element in the departments already transferred has disappeared. My Association moreover cannot blind itself to the possibility that other departments will be transferred involving All-India Services to which European recruitment still continues and in which therefore the disappearance of the European element will be still longer delayed.

3. In short, my Association recognizes that one of the chief difficulties with which the Commission will be faced will be the demand that all members of the Services should be brought under the unfettered control of the Local Government. Even now, although the Secretary of State still retains ultimate control of the All-India Services, it is the authority in India which passes judgment on the work of the members of the Services and in most respects exercises *de facto* control over their destinies. It is inevitable that, as political consciousness develops in India, this authority should become more and more sensitive to political pressure. My Association recognizes that a safeguard has been provided in paragraph 7 (4) of the Instrument of Instructions to Governors promulgated under the Government of India Act, but there is a further responsibility imposed upon the Governor for the proper working of the constitution. The conflict between these two responsibilities may at any time nullify the protection which the Governor can afford to the Services, for when the interests of the Services appear to be opposed to those of an elected Ministry it is inevitable that the Governor should be influenced in his decision by the exigencies of the political situation. The further control exercised by the Secretary of State will, and must, be confined to major issues only. It cannot be invoked on every-day questions of internal administration, and must therefore inevitably have no practical effect in a number of matters which go to make up the sum total of the conditions of Service. Moreover, the entire body of political opinion in India is opposed to the continuance of the Secretary of State's control, and even if this control is continued, its operation must become more and more infrequent. The best solution appears to lie in the development of the powers and functions of a Public Service Commission entirely independent of political pressure on the models which exist in England, Australia and elsewhere; and although this may not be agreeable at present to Indian political opinion, there is no reason why it should not ultimately be accepted.

4. It is relevant at this stage to observe that while the Reforms have introduced an element of insecurity in the conditions of services of British officials, the need for those services has been accentuated. "The contentment of the Indian masses" has been disturbed and there is less respect for authority than formerly. The communal question, though not so urgent in this Province as in some parts of India, emphasises the necessity for an impartial Executive; and impartiality can only be secured at present by the inclusion of a substantial proportion of British officials. Conditions of service must therefore be such as will attract and retain those officials.

5. The first point which my Association wishes to urge is the necessity for the continuance and extension of the right to retire on adequate terms in the event of conditions of service becoming unbearable. If it be admitted, as it must be, that no accurate forecast can be made of future conditions in India, recruitment of suitable candidates in England is not likely to be secured, unless the right to retire on adequate terms is conceded; and after service in India has been undertaken this right will go a long way to secure equitable treatment to an officer whose services are of value to India. The rules under which officials recruited overseas can retire at present are defective for the following reasons:—

(1) There is no guarantee that the scheme will be continued after effect has been given to the next instalment of Reforms.

(2) The scheme is not applicable to Officers recruited after the 1st January, 1919, or to certain Specialist Officers and Officers not entitled to pension.

(3) The terms on which retirement is permitted include no compensation for loss of career.

My Association is informed that the terms on which Egyptian Civil Servants were permitted to retire included a substantial cash bonus intended to compensate these officers for the difficulty of obtaining suitable employment at a late stage in their career. This difficulty is equally real in the case of the British official who has spent his service in India.

6. The second point on which my Association desires to lay stress is the necessity for a guarantee by the British Parliament of pensionary and provident fund payments which at present are merely a charge on Indian revenues. The British official has to the best of his ability assisted the operation of the Reforms, but he is not responsible for them; it is not, therefore, equitable that any risks that have arisen from them should be shouldered by him. Possibilities of default or hardship arise from two factors; unwillingness and inability to accept past liabilities and the fact that a considerable depreciation of the rupee may at any time decrease the actual value of the savings credited in the various provident funds. It is true that the improved financial position of India removes any immediate fears of default through inability to pay or of depreciation, of the rupee. Many years, however, must elapse before this liability is fully discharged. The finances of Oriental nations are notoriously liable to dislocation and should the finances of India, divorced from British control, suffer this fate, it may well happen that obligations contracted many years previously under a different form of Government will not be honoured. The risk though seemingly remote, is a real one, and should not fall on the shoulders of the British official in India, but on the British Parliament with whom the responsibility for Constitutional progress in India rests.

CENTRAL PROVINCES AND BERAR EUROPEAN GOVERNMENT SERVANTS' ASSOCIATION. [*Continued.*

7. My Association does not desire to comment at length on the other ways in which conditions of service have deteriorated or may deteriorate, but as an illustration of the problems which are causing anxiety, a copy of a circular questionnaire* issued by my Association to its members is appended as Appendix I to this Memorandum. The amenities of life of British officials in small and less important stations have greatly diminished; the absence of adequate provision for medical attendance by British doctors is causing grave anxiety; further, there is occasional difficulty in securing suitable housing accommodation caused by the improved standard of living of educated Indians—a difficulty which would be enhanced by any recrudescence of social or official boycott such as occurred during the days of active non-co-operation. These difficulties might be alleviated by such measures as the concentration of Europeans at the more important centres, and the introduction of a well thought-out scheme for medical attendance† by British doctors, but they are inherent in the position of a small number of Englishmen scattered over a large country; and the possibility exists that these very difficulties may be used as a means to victimize particular officers—a form of victimization against which it might be difficult for the Governor to afford adequate protection. As a last resort, therefore, it is necessary that an officer who finds the conditions of his service made intolerable for him should be given the option to retire on fair terms. The fact that an officer could retire on such terms would in itself secure him a large measure of protection against such victimization.

8. In conclusion, the essential points which my Association wishes to emphasise as necessary to the well-being of the Services are—

(1) The continuance of the right to retire on a proportionate pension to British officers at present so entitled, and the extension of that right to all those appointed by the Secretary of State and recruited after the 1st January, 1919;

(2) the inclusion in the terms of retirement of compensation for loss of career to the above officers, to those not entitled to pension and to Specialist officers;

(3) the concentration of British officers in stations where adequate medical attendance will be available for themselves and their families;

(4) the acceptance of responsibility by the British Government for all liabilities towards the Services.

* Not enclosed.

† *Note.*—In this connection it is observed that in the scheme recently announced, the number of civil posts in the Indian Medical Service has been reduced so considerably that it is apprehended that the result will be to deprive the Service of its attractions on the civil side. Further grounds for criticism of the new scheme are that while seven Civil Surgeoncies in this Province are reserved for the Indian Medical Service, the post of the Inspector-General of Civil Hospitals, the head of the department, is not so reserved. This latter fact in itself will deter most officers in the Service from electing for civil employment. In these circumstances, it is feared that the scheme will fail of its purpose and British Medical Officers required will not be forthcoming; meanwhile the number of British Medical Officers in this Province has decreased to a disquieting extent and most of those left are senior officers, who will retire in the course of a year or two.

Note prepared by the United Provinces Association of European Government Servants for the All-India Association of European Government Servants on the Memorandum to be submitted to the Statutory Commission.

My Council has considered the preliminary Memorandum submitted by the Bengal Association. It does not entirely agree with the statement made in paragraph 5 thereof that if no changes are made there is nothing to discuss. One point, at least, my Association considers should be brought prominently to notice, namely, that the right to retire on proportionate pension should not be done away with when it is known what action is to be taken on the Report of the Statutory Commission, even though no further changes are made. Further, in paragraph 11 (4) of the Bengal Association Memorandum it is desirable to note that in the case of the officers referred to therein the right to retire on proportionate pension should be continued indefinitely. In other respects my Council is in general agreement with the Bengal Association's preliminary Memorandum.

2. My Association considers that stress should be laid on the changes that have already taken place in consequence of the passing of the Government of India Act, 1919, on the conditions of service of European Government Servants in India. Europeans who were in service previous to the enforcement of that Act joined service on the understanding that the Secretary of State, the Viceroy, the Governors and the Lieutenant-Governors of Provinces were their masters and owned a single allegiance to the Crown. In the case of the transferred services the authority vested in the Local Government over officers employed in a Governor's province is now exercised in the case of officers serving in a department dealing with transferred subjects by the Governor acting with the Minister in charge of the department. (*Vide* Part I, Rule 10 of the Devolution Rules under the Government of India Act).* This constitutes a very definite change of master for all European Government servants employed in transferred departments, a change which has had marked effects. Further, in the Governor's Instrument of Instructions it is expressly laid down "that in considering the minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council." The Governor acting with his minister is thus influenced by considerations other than those of justice to the Government servants employed in the department and the efficiency of the work of the department in a way in which a Governor or Lieutenant-Governor was not previously influenced.

3. The minister is, it is true, appointed by the Governor under Section 52(1) of the Government of India Act and holds office during his pleasure, but no minister can in practice hold office for any considerable period unless he can command adequate support in the Legislative Council. Consequently the choice of ministers is limited by the composition of the Council, and a Governor is not free to choose the man who would make the best administrator. The Governor cannot change a minister easily. He has to consider, in dealing with officers of transferred departments, whether any action proposed by a minister which the Governor himself would not take singly is of such importance as to justify his differing from the minister—a difference of opinion which, if insisted on, might lead, if not to the resignation of the minister, at least to inharmonious working between the Governor and his minister. A Governor interested in the passing of an important Tenancy Bill, in securing adequate provision in the Budget for some necessary object, or in defeating a troublesome resolution, is not likely to quarrel with a minister over an appointment to a selection grade, a promotion to the post of Superintending Engineer or a transfer to headquarters of an officer favoured by the minister. Political loyalty to his minister is a phrase which has been used to express the obligation a Governor acknowledges to a minister whose support in the Council is required. In consequence the power of the minister over the officers is great and that power is liable to be influenced by political considerations, by Council speeches and discussions, by the need for placating this individual or that section of the Council, by articles in the newspapers, often uninformed and ill-founded, and by racial considerations.

4. In the case of departments dealing with reserved subjects the Governor in Council exercises authority over the officers of the public services. In the United Provinces the members of the Council are the Home Member (Vice-President) and the Finance Member. The Home Member appointed by His Majesty by warrant under the Royal Sign Manual (*vide* Section 47(1) of the Government of India Act) is not so liable to political influence as a minister, but even to him and to the Finance Member, dependent as they are on the Legislative Council for votes in matters of finance and administration, political considerations are important.

5. The effect of the Government of India Act on all European Government Servants working under Local Governments in India has in short been that the political situation has frequently influenced adversely the conditions of their service. It has resulted in an almost complete change of master for the Government servant. Many officers have in consequence retired on proportionate pensions; many more, particularly men with families, would have gone had they not been deterred by the difficulty of securing a career elsewhere in a short space of time and the consequent hardship to which their families would be subjected.

6. The European Government servant's master has been changed without his previous consent. This point did not escape Parliament or the Secretary of State when the Reforms were introduced and measures have been passed in the Act and the Rules made thereunder to make the change acceptable. They are (*i*) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council shall not be submitted to the vote of the Legislative Assembly (*vide* Section 67 A of the Government of India Act, 1919) nor to the vote of the Legislative Council (*vide* Section 72 D of the Act); (*ii*) No officer may be dismissed by any authority subordinate to that by which he was appointed and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate in that service an officer who has been dismissed (*vide* Section 96 B of the Act); (*iii*) An officer appointed by the Secretary of State has the right of appeal against wrongs to the Governor, from him to the Governor-General in Council and thereafter to the Secretary of State in Council (*vide* Section 96 B (1) of the Act and Rule XVII made under Section 96 B(2) of the Act); (*iv*) Every officer appointed before the commencement of the Act retains all existing and accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable (*vide* Section 96 B (2) of the Act); (*v*) The right to pensions and the scale and conditions of pensions of all persons in the Civil Service of the Crown in India appointed by the Secretary of State in Council is regulated in accordance with the rules in force at the time of the passing of the Act. Any variation or addition to the rules cannot adversely affect the pension of any member of the service

* *Note.*—Under Rule X of the rules regarding the Civil Services in India made by the Secretary of State in Council under Section 96B(2) of the Government of India Act, 1919, a local Government may, for good and sufficient reasons (1) censure, (2) reduce to a lower post, (3) withhold promotion from or (4) suspend from office any officer of an All-India Service.

appointed before the date thereof (*vide* Section 96 B (3) of the Act); (*vi*) A Public Service Commission has been appointed which the Governor-General in Council must consult in cases of appeals against punishment before passing any orders on an appeal to him or before forwarding an appeal to the Secretary of State. The Commission may be consulted by the Governor-General in Council in cases of memorials and by Governors or Chief Commissioners before orders of punishment are passed. The Commission is further required to advise when requested by the Governor-General in Council or a local Government on questions affecting the conditions of service of All-India, Central or Provincial services, and the Governor-General in Council must take the advice of the Commission on questions as to the extent to which officers of the All-India Services and Central Services, Class I, are affected by the abolition of any post or classes of posts; (*vii*) The Governor is required by his Instrument of Instructions "to safeguard all members of the services in the legitimate exercise of their functions and in the enjoyment of all recognized rights and privileges and to see that the Government order all things justly and reasonably in their regard;" (*viii*) Certain officers are permitted to retire prematurely on proportionate pension.

7. The measures quoted in the preceding paragraph are in themselves but necessary and inevitable and no change that may be introduced should in any way weaken the protection they afford to European Government servants. The protection afforded by the Act of 1919 to European Government servants should be continued in any amendment or alteration of the Act of 1919; the protection afforded by the Rules made under the Act should be continued in subsequent or amended Rules.

8. The last of the measures of protection quoted in paragraph 6, viz., the right prematurely to retire on proportionate pension will only continue in force until the action proposed to be taken on the report of the Parliamentary Commission is known (*vide* Government of India, Home Department, Notification No. F-267, dated July 5th, 1922). My Council considers that, without the protection afforded by the right to retire prematurely on proportionate pension, a European Government servant is inadequately protected against adverse political influences. His pay and pension are indeed secure provided he is not reduced, refused promotion, or suspended. He retains all existing and accruing rights. He possesses a right of appeal in the last resort to the Secretary of State and the Governor is required to protect him. But still he is the servant of the Governor acting with his Council or Minister and may be unjustly reduced, refused promotion or suspended owing to political pressure; the exercise of the right of appeal is a long, slow and laborious business; the Governor's protection, as already shown, may be valueless; and his right to retain all existing and accruing rights is a vague and indefinite right, hard to define and to claim. The one protection under which he can take shelter without delay is that afforded by the right to retire on proportionate pension which the Secretary of State has granted in the Premature Retirement Rules made under Section 96 B (2) and (3) of the Act—(*iv* of the preceding paragraph). This right to retire on proportionate pension is the safeguard most valued by European members of the Services against unjust political influence. If it is taken away, an officer cannot resign from the service without loss of all right to pension and he will be liable to injustice against which the only remedy remaining will be the trying process of appeal.

9. *While then none of the existing measures for the protection of the services should in any case be abrogated in consequence of the changes* that may ensue on the report of the Statutory Commission, the right to retire on proportionate pension *should be continued till the end of their service* for all officers now in possession of that right, and should be granted to all officers who may be affected by those changes in a way similar to the officers to whom that right has been granted. In this connexion attention is invited to the orders of the Secretary of State in Council contained in letter No. F-462/27-Ests., dated New Delhi, March 26th, 1928. Under these orders an officer in a reserved service which may become a transferred service is given the option of retiring on proportionate pension, but this option is only open for one year. This suggests that in the opinion of the Secretary of State in Council the keeping of the option open for one year is sufficient. But, as already pointed out, one year is insufficient. An officer may, under existing conditions, go on contentedly for several years without meeting with any injustice or difficulty. He may then find himself under a new Minister with political or racial bias and be subjected to unjust treatment. His position depends on the personal equation of the Minister. Consequently if the right is restricted to one year, an officer will have at once to consider this possibility, and it is probable that many more officers will, as a result, avail themselves of the right, with consequent harm to the services, than if the right were continued indefinitely. Again if the right to retire is required to be exercised within one year, the proportionate pension earned under the existing rules is far from sufficient compensation for the disturbance and loss of career involved. *No protection of the Services can be accepted as adequate by European members of the services, whether or not further changes in the conditions of their service are made, without the extension to the end of their service under Government of the right to retire on proportionate pension.*

10. The rupee has now been stabilised at 1/6 (one shilling and sixpence). It is possible that this rate may again be altered. In the event of its being lowered, the necessary safeguard should be provided in the form of Exchange Compensation Allowance, which should be given on the whole of the rupee pay, on existing balances in the Provident Fund and on future subscriptions to the Provident Fund. To secure this, my Council urges that Exchange Compensation Allowance should be given on the whole of the rupee pay, less provident fund subscriptions; and that on retirement, or for the purpose of the payment of premia on insurances paid from the Provident Fund subscriptions, Government should convert the officer's holding in his Provident Fund or his remittances for payment of insurance premia into sterling at a rate not less than 1/6 to the rupee. Statutory protection on these lines against a fall of the rupee should be given in changes of the Act or Rules that may result as a consequence of the Report of the Statutory Commission.

CALCUTTA.
18th January, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE AND OF THE BENGAL PROVINCIAL COMMITTEE.

Deputation from the All-India Association of European Government Servants.

The deputation consisted of :—

Mr. C. J. IRWIN, I.C.S., Commissioner, Jubbulpore Division, Central Provinces, representing the superior civil servants on the reserved side.
Mr. A. T. WESTON, M.Inst.C.E., Officiating Director of Industries, Bengal, representing superior civil servants on the transferred side.
Mr. S. W. REDCLIFT, M.Inst.E.E., Senior Electrical Advisor to the Government of Bengal, representing European officers in posts equivalent to those in the superior civil services, but employed under contract by local Government with salary votable.

210. *The Chairman :* I understand, gentlemen, you are a deputation from the All-India Association of European Government Servants ?—(*Mr. Irwin*) Yes.

211. We all have your memorandum. My colleagues will observe that the document begins with a memorandum from the general body, the All-India body, but bound up with it are memoranda from the various branches in Bengal, Madras, Bombay the United Provinces, the Punjab, the Central Provinces, and Assam ?—Yes.

212. Let us be clear who you three gentlemen are. Mr. Irwin, you are Commissioner of the Jubbulpore division, and you will be mainly engaged on the reserved side ?—Yes, entirely.

213. I am a little surprised at your saying entirely. I would have supposed that on occasions, communications passed through you on the subject of local government ?—Yes.

214. And education ?—Yes.

215. And those are on the transferred side ?—Yes.

216. Mr. Weston, as officiating Director of Industries, your main work would be on the transferred side ?—(*Mr. Weston*) Wholly on the transferred side.

217. Though, of course, you are an All-India civil servant ?—Yes.

218. You, Mr. Redclift, as senior electrical adviser to the Government of Bengal, represent European officers in posts equivalent to those in the superior civil service, but employed under contract by local Government ?—(*Mr. Redclift*) Not only those, but all specialist officers.

219. To put the thing in another way, your salary is votable ?—Yes.

220. Whereas Mr. Irwin's and Mr. Weston's salaries are not voted ?—(*Mr. Irwin*) Yes.

221. That is a distinction one can understand. We have looked at your document, Mr. Irwin, but I should like you to pick out for me the main points to which you want to call our attention ?—In the first place, we do not know what is going to happen and we do not wish to offer any political views at all ; we come before the Commission merely in order to protect our own interests. To ensure the protection of our own interests, in paragraph 4 of our memorandum we have asked for the continuance of certain safeguards. Those safegards may be divided into safeguards ensuring security of tenure by the control of the Secretary of State, and financial safeguards. In paragraph 4 we have not only set out those safeguards, but we have indicated that we should expect compensation if those safeguards were removed. I should add that we have two precedents for the type of compensation for which we have asked : one is the Egyptian precedent, and the other (a very similar precedent) will be found in the report of the special Commission on the constitution of Ceylon. In paragraph 5 we have emphasised the financial position. We are instructed by our Association to bring before the Commission that there is a distinct anxiety as regards the security of pensions and similar payments, i.e., provident funds and family pension funds, in addition to pensions. The position at present is that as regards security generally, if we consider, when the change (if there is a change), is brought in that our tenure and our financial position will be insecure, some of us (that is to say, those in the All-India services) are entitled to go on proportionate pension. Quite a number of European officers is not entitled so to go. What we wish to ask for is that we should not be compelled to decide immediately on the report of the Commission.

222. If I remember rightly, the story about that is this, is not it ? When the Montford scheme was adopted, of course it was plainly right to recognise that All-India officers already in the service might consider that the fundamental conditions on which they had joined were being changed, and therefore they must be given an opportunity of withdrawing if they wished, notwithstanding that they had not finished their full length of service. There is a provision in the Act, the proviso to section 96 B, which says : " Provided that every person appointed " before the commencement of the Government of " India Act, 1919, by the Secretary of State in " Council to the civil service of the Crown in India " shall retain all his existing or accruing rights, or " shall receive such compensation for the loss of any " of them as the Secretary of State in Council may " consider just and equitable." Then I think some premature retirement rules were made, which enabled a gentleman in your position, or in that of Mr. Weston.——(*Mr. Weston*) That right has only recently been extended to me in a conditional form ; that is to say, being a specialist officer I may apply, but I have not been given the right. Neither have officers in the Central services that right.

223. Let us confine it to those to whom it did apply. They were in a schedule. One may say the All-India officer in the normal case had the right of saying, not only at once, but at any time down to the time indicated, whether he preferred to retire. The time indicated is " when the action to be taken " on the report of the Parliamentary Commission is " known." I understand you to say that supposing there are changes made in the constitution of British India now, the officers who have this right of retirement ought not to be required to decide instantly : is that the point ?—(*Mr. Irwin*) Yes. The present position is that the option shall continue in force and may be exercised until the action proposed to be taken on the report of the Commission is known, when the whole position will necessarily be reviewed. That is how the thing is put. The point that we wish to emphasise is that we have concluded, probably not unnaturally, that some change is inevitable, and we do not want to go at once, or until at all events we have had a considerable chance of assessing the value of that change and seeing how

it affects us. In addition, however, to the changes brought about by whatever the Commission may report, there is a good deal of what I may call somewhat intangible change. The position of the services, as I have said, is regarded as insecure, and there is a good deal of anxiety about their future. They do not believe that their position is going to improve. The conditions of service in India are certainly not as attractive as they were, let us say, 24 years ago, when I joined. With the natural development which we must expect of political conditions in India, it is not likely that conditions of service will not fail, from our point of view, to deteriorate. I have dealt with our paragraph 7, which asks that the option to retire on proportionate pension should not lapse, and I should add that it should be extended. In our paragraph 10 we deal with European Government servants who are not protected by the safeguards we have gone into earlier in the memorandum.

224. I take it Mr. Redclift would be an example ?—He is a very good example. We have not dealt anywhere with the Central services, as you have probably observed. The position with regard to the Central services is this. At present those appointed by the Secretary of State have the safeguards which we have set out in paragraph 4. If any of those safeguards is to be removed, they should be allowed the privilege of the option to elect for premature retirement, plus compensation such as we have asked for.

225. That is not in your document, is it ?—No, it is not in our document, but we have been instructed to bring it to your notice by the All-India Association, the reason being that the conditions of service of European Government servants in the Central services are likely to change if there are any drastic changes elsewhere ; there will be a repercussion on the Central services. There are others in the Central services who are not appointed by the Secretary of State. The case is rather complicated ; circumstances vary very considerably, and it is very hard to generalise.

226. Take an instance that is suggested to me by Mr. Stewart, who, of course, has a special knowledge of this, because he was secretary to the Lee Commission. He was suggesting to me the services of the Central audit. The Central audit is not appointed by the Secretary of State ; it is appointed by the Government of India ?—That would be one. The Geological Survey was a department I was thinking of. It has both officers appointed by the Secretary of State and officers appointed by the High Commissioner on behalf of the Government of India. Well, for those officers who are not appointed by the Secretary of State we consider that they should be given the same benefits as those allowed to officers who were appointed by the Secretary of State if there is any change in the conditions of their service. They joined with the expectation that the British Government would see them through, just as the officers appointed by the Secretary of State, and we consider that if the conditions of their service are changed they should get the same benefits as officers appointed by the Secretary of State, and that the Secretary of State should enforce these benefits. At present the Central services have not got the privilege, as I have said, of premature retirement. Well, in their case the circumstance I have mentioned before applies. It is felt by a large number of officers that the general circumstances of service may change owing to changed conditions in other inter-related services. I do not wish to ascribe any bad motives to anybody in making this statement, but one of those circumstances undoubtedly is the progress of Indianisation. Well, that is as far as regards the Central services. You will see that in our paragraph 10 we have mentioned certain officers belonging to the Central services, and the classes we have mentioned there will show the Commission how conditions of service vary. Paragraph 10 is on page 58. With regard to specialists, what we really want is that paragraph 61 of the Lee Commission Report should be enforced in their regard. That paragraph, briefly, proposes to give specialists the same general position as has been given to the superior services. In many cases they have a reasonable claim to expect continuity of employment, or compensation if that employment is terminated. I should like to add there also, in connection with continuity of employment, that even officers with technical qualifications, after they have served under the conditions in India, find it very hard to obtain employment in their professions out of India. The fact of having worked a long time under Indian conditions in a great many ways unfits them to take up similar employment elsewhere.

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229. * * * * —(*Mr. Irwin*) : I should add about that proviso* that the services are not at all satisfied with the interpretation which has been put on it. We have been told that it does not cover, for instance, the abolition of appointments to which we can be promoted. I can refer the Commission, if necessary, to the letter of the Secretary of State about that, but there has been a considerable amount of feeling among the services about the interpretation put on that proviso ; and in any future Act I think it would be desirable, if it could be done by re-drafting, to make that safeguard a good deal stronger.

230. May we just follow that, because I am all for doing something practical, or at least understanding it in a practical sense. The present proviso says that the officers covered by it shall retain all their existing or accruing rights, or shall receive compensation for the loss of them. Now, I gather that the view that has been taken is that existing or accruing rights, and compensation for the loss of them, is one thing ; but that the possibility that an officer might be promoted before the end of his time—that is to say, to a Governorship, or something of that sort—is not within the words existing or accruing rights ?—May I interrupt, sir ?

The Chairman : Yes, certainly.

The Witness (*Mr. Irwin*) : We were not thinking of Governships at all. We were thinking of ordinary posts on the cadre of the services, at the top.

231. Commissionerships ?—Commissionerships for example. That is the instance that is actually taken by the Secretary of State in his despatch on the subject. May I read you a passage from it showing that ?

232. I am very much interested in what you say. Let us suppose a man comes out ; he has finished his time at Oxford or Cambridge ; he has got through Indian Civil Service. It may be that he has done three or four years' service when the Act of 1919 comes into force. Then he reflects ; he is perfectly well in health, and so on ; and up to the present is doing satisfactorily ; but he comes to the conclusion that the career he had hoped to follow is no longer the career which he thought it was when he entered the service, because he hoped he would have been in due course promoted, and become, it may be, a commissioner under a system which is pre-Montagu. Do you say that in determining the compensation which he is entitled to under this section, if he decides to retire, as he is entitled to retire—— ?—No, I was not referring at that time to determining the compensation on retirement ; I was referring to the claim that we made that we should obtain compensation by the creation of what are known as selected posts in the place of posts which we considered we had a right to expect to be promoted to if those posts were abolished. There have been a large number of proposals to abolish commissionerships, the posts of superintending engineer, and so on ; that is to say, the posts at the

* i.e., Proviso to Sec. 96 B of the Government of India Act.

top, the plums of the service that people expect to get to, when they can sit down and perhaps save a little money at the end of their service.

233. It is no use my saying " Oh, yes " if I do not follow it. I really do not. I can understand a man saying, " Well, I have thought it over, and I " am going to stick it out." That is the end of that. I can understand a man saying, " I have thought it " over, and I have decided to retire and get compensa- " tion." I can understand that. Are you now contemplating a man saying " I have thought it " over, and I am not going to retire, but though I " am not going to retire, if hereafter commissioner- " ships are to be abolished I ought to remain in the service, but to be compensated " ?—The point is that it is an attraction to remain in the service if you are going to be promoted, let us say to Rs.3,000 a month. If commissionerships are abolished, as has been proposed in more than one province, no officer in my service will ordinarily get more than that, whereas when he joined the service he always expected to get up to that pay.

234. I think we are doing something I had no intention of doing. I am not arguing the merits of it in the least; I only want to know what it is that you mean. Are you referring to the position of a man who decides not to retire, but in whose case the prospect of ultimately becoming a commissioner is rendered impossible because commissionerships are abolished ?—Yes. * * *

235. * * * You said that a particular construction or application of this thing was not satisfactory to some people. I want to know whether the unsatisfactory case is a case where the man has retired ?—No.

236. Or whether it is a case where he stops on ?—Yes, it is the case where he stops on.

237. Then if he stays on, why should he have compensation ?—Not compensation, but another post should be added to the cadre, or that one of the posts, let us say, of deputy commissioner in the case of my service, should be given the pay that he would have expected to get if he had been commissioner.

238. *Lord Burnham :* As I understand, the witness is speaking of the expectancy of office of a man who made a miscalculation. He may have allowed, I understand, for the fact that Indians were being brought into the service in a larger proportion, and that that would absorb a larger number of the posts of special responsibility, but he did not allow for the vagaries of the legislative council in abolishing some of these, or causing some of these posts to be abolished. He made a miscalculation in his expectancy of promotion : is not that so ?—You can put it that way if you like.

Lord Burnham : I am not putting it at all in a hostile sense.

The Chairman : Nor I.

Lord Burnham : I am thinking of the man who, wishing to do good service to India, decided to remain on, knowing that there would be a decreasing number of posts to which he might aspire, but then, in addition to that, some of these posts, half of them or 25 per cent., are done away with. I have known cases in the civil service at Home in which that was considered in regard to civil service terms.

239. *The Chairman :* What I find it difficult to follow is the remedy which this deputation propose. I gather it takes the form of awarding the gentlemen in question an increased salary ?—It is not one of the things we are asking for in the memorandum, and perhaps I ought not to have raised it at this juncture; but it has been asked for, and as you mentioned this proviso I thought I had better say there was this feeling in the service about it—that they were being deprived of accruing rights.

240. *Lord Burnham :* Shortly, what you are asking for is the continuation of the right to retire on proportionate pension; you do not ask for increase of salary for the time being, but that the right to retire given you under the Montagu settlement should be extended for a further period ?—That is the main thing.

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Mr. Irwin : I should like to draw the attention of the Conference to paragraph 11. I should like to mention the fact that there are considerably fewer officers now than there were after the original introduction of the Reforms who have any desire to leave India, but we have got to protect our own interests. Numbers of us have families to consider, and that is why we come before the Commission. But we do not want to go. One of our constituent Associations has pointed out that it is quite possible that in consequence of changed conditions a considerable amount of thought will have to be given to the position of the services, and they suggest that that will require a separate inquiry on the lines of that made by the Lee Commission. I have been asked to put that before the Conference.

242. *The Chairman :* I think those are the main things. We are all very much obliged to you, Mr. Irwin. Looking at page 57 of your document, I see your Association is speaking on behalf of something like 1,320 officers, most of them members of the superior civil services; but you say " Officers " of the Police and the Indian Medical Service and " other officers of the Army in Civil employ are " precluded by the orders of Government from " joining the Association " ?—Yes.

243. But taking the range which your Association might cover, does it in fact include in its membership the great majority of the officers ?—Yes. If you will look at the other memoranda you will see that of the officers eligible by our rules (that is, officers appointed by His Majesty or by the Secretary of State), in the Central Provinces we have 93 per cent. in the Punjab (I do not know how it is worked out; I have endeavoured to ascertain, but it is difficult to know on what they base their figures of eligibility) it is only 65 per cent. in Madras, 95 per cent. of the All-India services. In the other provinces it is probably not so high; I have not been able to get the exact figures, but if the Commission is interested we can procure them. We can assure the Commission, I think, that of the people eligible we contain the majority. I should add that, of course, a number of high officials are excluded by the nature of their office; for instance, the Chief Secretary of a province is usually excluded.

244. Yes. I will just add one thing. I see, looking at the report of the Lee Commission, that paragraph 83, dealing with the safeguarding of pensions contains a passage which I think is of some value to your Association, and therefore I should like to read it. They refer there to the apprehensions of the services, that they express grave concern at the prospect of future constitutional development, and so on, and they say, " We do not share this " apprehension under existing circumstances, and " we assume that if any constitutional change is " made hereafter involving the transfer of the " financial control in this regard now exercised by " the Secretary of State in Council, adequate pro- " vision will at the same time be made for safe- " guarding service pensions." That seems to me a quotation of some usefulness to you ?—Yes; that is exactly what we are asking for.

245. *Lord Burnham :* I am not quite clear as to the terms of service. Is it the case that no civil servant, whether All-India or Central, can retire without permission from the authority under which he serves—before, I mean, he is fully qualified for his pension ?—Yes, he can apply to retire and go.

246. The Chairman points out to me he has a right if he has been appointed by the Secretary of State under the terms of the Statute, but if that right were extended, would it be subject to the permission of the authority under which he serves ?—Do you mean under the premature retirement rules ?

247. Yes ?—Under the premature retirement rules, so far as I know, he can demand to retire.

248. My point is this. If it is a question of extending the right to retire on proportionate pension on a big scale, it might of course, make things very difficult for a period of time for the Government of India, and I want to know whether you contemplate making all applications for the right to retire on proportionate pension on account of discontent with further changes dependent on the permission of the authority ?—No, we do not.

249. You mean it to be an absolute right, that a man may say " At the end of six months or a year " I am going " ?—" As soon as it is convenient to " you."

250. That is the point ?—I mean, that would merely be a matter of a few months. One would not necessarily throw in one's hand at less than a month or two's notice. I will read you the rule, if you would like to get it absolutely accurate. The rule on that subject (rule 5) is as follows : " Applica- " tions when received by local Governments will be " forwarded with their recommendations to the " Governor-General in Council and will be trans- " mitted by him to the Secretary of State, whose " orders will be required before any officer is finally " adjudged entitled to the new concessions. The " Secretary of State in Council reserves to himself " the right to postpone the acceptance of the " resignation of officers until suitable arrangements " can be made for their replacement. Officers who " are not allowed for this reason to retire immedi- " ately will be permitted to retire as soon as the " exigencies of the service to which they belong " permit."

251. That was exactly my point. I wanted to know whether you intended that condition to apply to the application you are making to extend the right to proportionate pension ?—Yes, provided the last portion is reasonably interpreted. It could not mean that we should be compelled to serve another five years.

252. You can hardly fetter the Secretary of State by the provision that he must interpret his duties in a reasonable spirit ; that you must assume ?—Yes.

253. I asked the question because there was a fear, when the so-called Reforms were carried through, that there would be a wholesale disappearance of the civil service, which, happily, did not eventuate. What increase in the proportion of the services entitled to proportionate pension would your proposals involve ? Have you calculated that ?—We have not worked that out. (*Mr. Weston*) You cannot know how many will exercise their option.

254. No, but what percentage of public servants here would get the additional right to retire on proportionate pension under your proposals, as compared with those who had it before ?—(*Mr. Irwin*) It would mean working out figures from the combined civil list, and that would take time. I could not give you even an approximate answer offhand, but I can work it out if necessary.

255. *Mr. Kikabhai Premchand :* At page 58, you say : " It is possible that in the future " these revenues will be controlled by a National " Government," and so on. May I know what are your reasons for suspecting that the administration under a scheme of responsible government will not ensure the sacredness or integrity of your contract ? —Of our pensions ? This refers to pensions.

256. Yes ?—We have had pronouncements (I have not the chapter and verse for them here) by politicians of one sort or another in India to the effect that they did not see why they should go on paying pensions to people in England. That statement has been made. Also, I should like to read to you on that point a sentence from the report of the All Parties Conference, which I think, as the latest pronouncement on the question, is relevant. They say " In respect of the emoluments, allowances and " pensions they "—that is to say, the services— " would be entitled to on the establishment of the " Commonwealth, we have provided a statutory " guarantee. It is, however, our duty to point out " that the Lee Commission was appointed in the " teeth of Indian opposition, that its recommendations " were adopted over the head of the Indian Legisla- " ture, and we feel that the entire question of the " source and method of recruitment of the services, " their salaries, emoluments, allowances and pensions " in the future will require re-examination in the light " of the new political conditions created under the " new constitution."

257. It is in the light of that apprehension that you are asking for this ? On the same page, paragraph 8 says, " The members of my Association have " always regarded medical attendance on themselves " and their families by European doctors as one of " the most essential conditions of service in India." Has your Association considered this proposition from a purely practical point of view ? If so, how might arrangements be made to provide European male and female medical practitioners throughout India ?—We have not asked for female practitioners, so far as I know.

258. Men ?—I can only say that, for instance, at the beginning of my service I should think two out of three districts in my province had European medical officers—probably more. Now the proportion is something like one in five or one in four. It comes to this, that if an officer for the treatment of himself or his family has this prejudice, which exists (I do not say it should or should not exist, but it does exist), and wants to have a European doctor, he has frequently to go or to send a matter of 150 to 200 miles.

259. There may be one or two European officers in a district, and you do not want a special European doctor for them ?—That is another difficulty. Now we have a good many districts where there are one or two European officers. In that case you cannot give a doctor to one man. That is quite obvious.

260. Some Indian doctors have medical practice in England, too ?—I have been attended by Indian doctors frequently. I have no prejudice.

261. If the Indian doctors are quite good in England, they would be equally good for European officers in India, too ?—My instructions are from my Association. There are a very large number of European officers who have a prejudice. I may point out that one of the matters in respect of which the prejudices of people in this country are considered more than anything else is medical attendance on their families. I think that the European officer is entitled to his prejudice.

262. Is not that asking too much ?—I leave that to the Commission to decide.

263. *Sir Hari Singh Gour :* I draw your attention to page 58, wherein, speaking of special protection to the services, you say, " Further, the right to " retire prematurely upon such terms should be " unqualified, and should be a continuous option " lasting throughout the period of each officer's " service." You want that all servants belonging to the superior service should have the continuous option during their service ?—Yes.

264. If that option to retire during the whole period of service were given to them, do you think that would be reconcilable with the altered constitution that might be given to this country ?—I know nothing about the altered constitution and I have no instructions to argue on that point.

265. With regard to the option to retire for the members of your service you have given your reasons, that is that they might be affected by the future constitution. That is perfectly right. But that is only a justification for giving you a reasonable time within which to make up your mind ?—Do you want me to give you further reasons why it should be continued ?

266. Yes ?—As I have said before, we have the precedent of the Ceylon case. I have drawn attention to the fact that the attractiveness of the service and

general conditions cannot be as favourable in the future as they have been in the past, and a large number of officers feel that they would like to be able to go at any time. There are a good many, as you probably know, who would make up their minds to go if a pistol was put to their heads. On the other hand, when the concession is extended a number of those officers will say: "If we get that we will "stay; otherwise, we will go." That position will continue, and as I have indicated, it does not only result because the service suffers a definite change. There are conditions in which people find the general position difficult. They may find that relations with the other services in which the conditions are changed, become—I will not say impossible, but—difficult.

267. I quite see your point, and that is a very good justification for giving you more time to decide. But what I am driving at is this. I have not been able to see any reason why you should have a continuous option for the entire length of your service?—That is the period we ask for.

268. Will you give the employer also a similar option of asking you to retire on proportionate pension?—Certainly, if the employer will give us compensation.

269. He will not give you compensation any more than you give?—That I think is rather a good justification for what we have been asking for in this memorandum.

270. I am not expressing any view at all. I am simply asking you a question whether you give a similar option to your employer also?—I will not.

271. What is the anticipation of the civilian? Is not the appointment to the commissionership by selection? Is every civilian entitled to be appointed as a commissioner on the ground of seniority, or is it a selection post?—It is a selection post.

272. Consequently it cannot be described as an accruing right?—That is a question which a lawyer of your eminence is much more fitted to decide than I. All I can say is that the services think so.

273. You say that if the commissionerships are abolished the members of your service want that special posts should be created?—Yes.

274. But supposing there was no reason for the continuance of the posts of commissioner, there would be equally no reason for the creation of special posts. The creation of a special post with similar emoluments as those of a commissioner would be really changing the phraseology, is it not so? If there is no necessity for the continuance of the post of a commissioner, there would be no necessity for the creation of a special post on public grounds because there will be no work?—What we did ask when there was a question of the abolition of a commissionership was that the senior deputy commissioner should get the pay of a commissioner. That was not creating a new post. It was merely giving the man who has got to the top of the deputy commissioner's grade the same pay as that of a commissioner.

275. That, of course, would not be consistent with the policy of economy upon which the abolition of commissionership might be based?—There would be some saving. One of the methods which was proposed in the Central Provinces for getting rid of the commissioners when Government refused to do so was that the council refused to vote the pay of the establishments of these officers. The pay of these establishments would be saved, plus the difference between the pay of the commissioner and the deputy commissioner.

276. You have referred to the report of the All Parties Conference. Will you kindly read the extract you have read once again and refresh your memory. You will agree with me that it only deals with future recruits; it does not deal with people who have acquired a vested right in the service. You will see if you kindly read it that every right is safeguarded to the existing members of the service?—What they say is that "in respect of emoluments, "allowances and pensions they would be entitled "to on the establishment of the Commonwealth "we have provided a statutory guarantee," and if you look at the statutory guarantee, which is to be found on page 121 of the report, it is extraordinarily vague. Paragraph 81 on that page says, "Parlia-"ment—that is to say the Indian Parliament to "be set under the new Constitution—may make "laws for regulating the classification of the civil "services in India, the sources and methods of their "recruitment, the conditions of service, pay and "allowances, and discipline and conduct."

277. That is for new recruits?—It is not so stated in the statutory guarantee.

278. Your statement that the members of the service are apprehensive of the danger threatening their vested rights is not borne out by the All Parties Conference report?—I think the sentence I read out originally bears it out.

279. That is not about the persons who are already in the service?—It does not say in so many words, "we are going to do away with your pensions and "so on."

The Chairman: What strikes me about it is this. Having regard to the many precedents there is nothing that anybody need resent in the condition that if there is a considerable change the officials who have been recruited by the Government should be given statutory protection. It is not necessarily a reflection on anybody. It is true that some such apprehension exists in almost every case where there is a very substantial change in the constitution, as for instance in the setting up of the Irish Free State Government. I fancy something of that sort—without making any reflection upon anybody—is not unreasonable.

Sir Hari Singh Gour: I quite recognise the reasonableness. But why I join issue with them is when they support their argument with reference to the report of the All Parties Conference and say that that supports their apprehension. There is nothing in the report for such an apprehension.

The Chairman: People are sometimes quite honestly apprehensive even though other people think that the apprehension is ill-founded. It is possible that the interpretation of the words is different in different minds.

280. *Sir Hari Singh Gour:* Is it not a fact that under the Civil Service Regulations a person who is appointed to a post loses the right to that post or to the post to which he looks forward if either of these posts is abolished altogether?—I have not looked it up. Can you refer me to the regulation?

Sir Hari Singh Gour: I have not got the Civil Service Regulations here.

Lord Burnham: There are many cases of compensation given on the abolition of a post.

281. *Khan Bahadur Faroqui:* You suggest in paragraph 3 on page 57 of your memorandum that compensation should be granted not only in the case of those persons appointed before 1919, but also in the case of those who accepted service since 1919. May I point out that the declared policy of the Government is the gradual Indianisation of the services? Do you think that there is any justification for claiming compensation for those officers who accepted service with a full knowledge of this fact?—Yes, certainly I do. The services whom I am sent here to represent undoubtedly think so. The position has developed very considerably since those officers took service and they anticipate it will develop still further. That is the ground for apprehension with regard to their service, and that is why we are asking for this.

APPENDIX (*vide* Q. 181, p. 44 and Q. 219, p. 45).

D.O. LETTER No. 168 A.R., dated the 22nd February, 1929, from Mr. W. S. Hopkyns, C.I.E., I.C.S., Special Reforms Officer, Bengal.

During the examination of the British Indian Association's representatives, at Calcutta, the Chairman asked whether figures could be supplied showing incomes of tenure-holders derived from rent.

The Revenue Department report that such figures are available only for the district of Mymensingh, in which the Settlement Officer prepared figures. I enclose the statements with explanatory notes, which have been prepared by the Revenue Department from the Settlement Report.

It should, however, be remembered that Mymensingh District, a large part of which was uncultivated at the time of the Permanent Settlement, is far from being typical of the whole province. The incomes of tenure-holders are probably larger in Mymensingh than in most other districts. A more correct idea of the average income per head of the rent-receiving classes (both proprietors and tenure-holders) may be obtained from the estimates made by the Settlement Officers, who prepared the records of rights in Dacca and Jessore districts. These estimates were Rs60/- in Dacca and Rs42/- in Jessore, these figures including receipts from *salami* and similar perquisites, but without the deduction of cess.

DISTRICT MYMENSINGH.—(FIGURES GIVEN IN THE MYMENSINGH SETTLEMENT REPORT).

	In own possession.		Let to first grade tenures.		Let to second grade tenures.	
	Acres.	Annual value. (conjectural)	Acres.	Rent.	Acres.	Rent.
PROPRIETORS .. .. There are 45,356 groups of co-sharers with Joint Collections.	516,024	1,106,217	1,306,000	842,070	—	—
1ST GRADE .. .. Tenure holders. There are 111,106 entries in the record (*t*).	256,537	829,682	—	—	162,103	156,623
2ND GRADE. .. .. Tenure holders. There are 30,901 entries in the record (*t*).	43,634	114,494	—	—	—	—
	816,195	Rs2,050,393	—	Rs842,070	—	Rs156,623

	Let to third grade tenures.		Let to *ryots*.		Gross profit after deducting only Revenue paid to Govt. or rent paid to superior landlords.
	Acres.	Rent.	Acres.	Rent.	
PROPRIETORS .. .. There are 45,356 groups of co-sharers with Joint Collections.	—	—	2,016,495	5,445,161	6,596,509
1ST GRADE .. .. Tenure holders. There are 111,106 entries in the record (*t*).	—	—	887,471	2,453,656	2,597,891
2ND GRADE .. .. Tenure holders. There are 30,901 entries in the record (*t*).	17,817	34,677	100,652	434,489	427,037
	—	Rs34,677	3,004,618	Rs8,333,306	9,621,437

(*t*) Many tenures have more than one entry, as they occur in more than one village. There may be many co-sharers in a tenure. The area let to third and lower grade tenure-holders is small.

1ST GRADE TENURE-HOLDERS.

(1)	(2)	(3)			(4)
		Estimate of the cess payable by the 1st grade tenure-holders out of their own pockets, excluding the amount received by them from their under-tenants and passed on to the proprietors.			
(*a*) Estimated annual value of land of all kinds in own possession	829,682	829,682 / 16	× 1	=	51,855
(*b*) Rent received from 2nd grade tenure-holders	156,623	156,623 / 16	× ½	=	4,894
(*c*) Rent received from the *ryots* under 1st grade tenure-holders	2,453,656	2,453,656 / 16	× ½	=	76,677
Total	3,439,961				133,426
(*d*) Deduct rent paid to superior landlords	842,070	842,070 / 16	× ½	=	26,314
	2,597,891				107,112
Net cess paid	107,112				
Balance	2,490,779				

The number of 1st grade tenure-holders is not known. The number of entries of 1st grade tenures in the record is 111,106, but many tenures have more than one entry, as they occur in more than one village. There may be many co-sharers in a tenure.

EXPLANATION OF THE CESS CALCULATION IN CASE OF 1ST GRADE TENURE-HOLDERS.

(*a*) The cess has been calculated at 1 anna per rupee on the estimated valuation of the lands in the immediate possession of the 1st grade tenure-holders.

(*b*) The 2nd grade tenure-holders pay to the 1st grade tenure-holder the whole of the cess calculated at one anna per rupee on the valuation of their land, less half an anna per rupee on the rent payable by them to the 1st grade tenure-holders. It follows that the 1st grade tenure-holders have to make up this deficiency, less the deduction calculated at half an anna per rupee on the rent they themselves have to pay.

(*c*) The Bengal Tenancy Act *ryots*, who pay the rent may be :

(*i*) cess tenure-holders,
(*ii*) cultivating *ryots*,

according to certain definitions peculiar to the Cess Act.

We do not know how much of the rent of Rs2,453,656 is paid by class (*i*) and how much by class (*ii*), but the result is the same in either case. In case (*i*) the same considerations apply in (*b*) above. In case (*ii*) the valuation is the *ryots'* rental, and the cultivating *ryot* under the Cess Act has to pay cess to the landlord (here the 1st grade tenure-holder) at half an anna per rupee. Hence it follows that the 1st grade tenure-holder will have to pay the other half-anna, less the deduction which he gets on the rent paid by himself.

An illustration will make this clear :

Case (*i*)		Rent paid
1st grade tenure-holder ..	A	Rs 5
B.T.A. *ryot*	B	,, 10
Nil		

Case (*ii*)		Rent paid
1st grade tenure-holder ..	A	Rs 5
B.T.A. *ryot*	B	,, 10
B.T.A. under-*ryot*	C	,, 16

In case (*i*) B is the cultivating *ryot* under the Cess Act. In case (*ii*) B is a cess tenure-holder under the Cess Act and C is the cultivating *ryot*. In case (*i*) the valuation is Rs10 and the cess -/10/- annas. In case (*ii*) the valuation is Rs16 and the cess -/16/- annas.

The payments are as follows :—

Case (*i*)

	Receives		Pays		Difference
C	—	..	—	..	—
B	—	..	-/5/-	..	-/5/-
A	-/5/-	..	-/7/6	..	-/2/6
					-/7/6

Case (*ii*)

	Receives		Pays		Difference
C	—	..	-/8/-	..	-/8/-
B	-/8/-	..	-/11/-	..	-/3/-
A	-/11/-	..	-/13/6	..	-/2/6
					-/13/6

Hence in either case the net amount payable by A from his own pocket is the same and is equal to half an anna per rupee on the rent received from B, less a deduction of half an anna per rupee on the rent payable by A.

(*d*) The deduction at the rate of half an anna per rupee on the rent payable by the 1st grade tenure-holders is shown here.

(*e*) This represents the net amount payable by the 1st grade tenure-holders from their own pockets to their landlords, the proprietors of estates, excluding the amount received from their tenants which they merely pass on to the proprietors.

APPENDIX TO EVIDENCE OF BRITISH INDIAN ASSOCIATION. [*Continued.*

2ND GRADE TENURE HOLDERS.

		Estimate of the cess payable by the 2nd grade tenure-holders out of their own pockets, excluding the amount received by them from their under-tenants and passed on to the 1st grade tenure-holders.				
	Rs.					
Estimated annual value of land of all kinds in own possession ..	114,494	114,494 / 16	×	1	=	7,156
Rent received from 3rd grade tenure-holders	34,677	34,677 / 16	×	½	=	1,083
Rent received from the *ryots* under 2nd grade tenure-holders	434,489	434,489 / 16	×	½	=	13,578
Total	563,660					21,817
Deduct rent paid to superior landlords	156,623	156,623 / 16	×	½	=	4,894
	427,037					16,923
Net cess paid	16,923					
Balance	410,114					

The number of entries of 2nd grade tenures in the record is 30,901, but many tenures have more than one entry in the record, as they occur in more than one village. There may be many co-sharers in a tenure.

Memorandum submitted by the Indian Officers' Association, Calcutta.

The Indian Officers' Association was formed and registered in 1923, and the objects of the Association as set forth in the application form, and which all members have to subscribe to, are as follows :—

(*a*) To render efficient and loyal service to the Crown and the country.
(*b*) To foster a spirit of co-operation and *esprit de corps* among the members.
(*c*) To safeguard and promote the common interest of all the members of the Association.
(*d*) To represent to proper authorities for redress of the grievances of any member or class of members of the Association as occasion may arise.
(*e*) To co-operate with other Associations having similar objects.
(*f*) And generally to do all such other acts, matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them.

The Association represents the following Superior Civil Services, and its members are serving under both the Central and the various Provincial Governments in India.

(1) Indian Civil Service.
(2) Indian Forest Service.
(3) Indian Educational Service.
(4) Indian Agricultural Service.
(5) Indian Service of Engineers.
(6) Indian Veterinary Service.
(7) Imperial Customs Service.
(8) Indian Audit and Accounts Service.
(9) Superintendent and Class I of the Survey of India Department.
(10) The Superior Staff of the Geological Survey of India Department.
(11) The Superior Staff of the Postal and Telegraph Branches of the Post and Telegraph Department.
(12) The State Railway Engineering Service.
(13) The Superior Revenue Establishment.
(14) The Superior Staff of the Mint and Assay Department.
(15) The Archæological Department.
(16) The Zoological Survey of India Department.
(17) Indian Forest Engineering Service.
(18) Indian Meteorological Department.

As originally constituted, the Association included in its roll Indian officers of the Indian Medical Service, the Indian Police Service and the Indian Jail Service, but the Government of India and the various Provincial Governments in accordance with the rules laid down by Government governing the recognition of Associations formed by its employees refused to recognise the Association if officers of the so-called Security Services were included in its membership. The Association had, therefore, to reluctantly modify its Articles of Association, and only the Services enumerated above are now represented by it.

It is the most representative Association of its type, and as was admitted by the Royal Commission of 1923 on Superior Civil Services, its opinion on matters referring to the questions of policy, service, etc., in reference to the Indian Officers in the Superior Civil Services of the Crown deserves special consideration. The Association forwarded a detailed Memorandum to the Royal Commission referred to above, and also gave oral evidence before the Commission in Calcutta in 1923, but for reasons unknown many important points urged by the Association were not given a full consideration by the Royal Commission. In forwarding this Memorandum to the Simon Commission, the Executive Committee of my Association feel that it will materially help them in explaining their position in reference to the unfortunate effects of the recommendations of the Royal Commission of 1923 on the position and status of the Indian Officers if they were to annex a copy of their detailed Memorandum and their oral evidence before the same body.* This would avoid repetition of the arguments which were advanced by my Association at that time, and would further clearly show how the claims of the Indian Officers have been ignored by the Royal Commission, His Majesty's Secretary of State for India, and the Government of India. As the recommendations made by the Simon Commission will have a very direct bearing on the conditions of service of the officers in different Services represented by my Association, it is of the utmost importance that the Commission should not ignore the representations of the Indian Officers. The Indian Officers in the various Services, together with their European colleagues are, as will be admitted, the mainstay of the Administration in the departments of Justice, Government, etc., in this country, and to ignore their just and reasonable claims altogether when those of their European colleagues are generously considered cannot possibly lead to their remaining contented or being able to render efficient service. With the recognised policy of increased Indianization of the Services adopted by the Government, it is all the more necessary that the conditions of service for the Indian Officers should be carefully gone into, while to attract the best talent it is of the utmost importance that the conditions of service must be made as attractive as possible, and not as has, unfortunately, been the result of the recommendations of the previous Commissions to make them decidedly inferior to those of the European Officers in the same Services.

In considering the question of the relative rate of emoluments of the European and Indian officers in various services serving under the Government of India, it is necessary to go back to 1886–1887 when the Aitchison Commission submitted its recommendations and introduced a differentiation between the emoluments of the European and Indian officers. Several of the decisions arrived at as a result of the recommendations of the Aitchison Commission did not survive the test of time with the changing conditions of India, and the Islington Commission of 1912–1914 therefore laid down that "the rates of emoluments offered should be sufficient to attract recruits of the right stamp, and to maintain them in such degree of comfort and dignity as to shield them from temptation and to keep them efficient for the term of their service."

In the Report on the Indian Constitutional Reforms (para. 322), it was considered "desirable to avoid the differentiation in many cases between the rates of pay drawn by the European and Indian officers in the same service." In spite of this, however, it was recommended that an extra allowance be granted to persons recruited in England "to compensate them for the extra drawbacks and expenses of expatriation." These recommendations were given effect to by the grant of the "Overseas Pay." This pay is defined in the Fundamental Rule 9 (ii) as pay granted to a Government servant in consideration of the fact that he is serving in a country other than that of his own domicile, and the rules regulating its grant were laid down in the Government of India, Finance Department, Resolution No. 1599–Ex., dated the 5th July, 1923. The Indian Officers' Association, as was explained by it in its Memorandum and answers to the questionnaire of the Royal Commission (see pages 12 and 13, para. 3) very strongly deprecated "the innovation introduced by the Montagu-Chelmsford Report, of granting overseas pay to European members of the services. It does not deny for one moment that the increase represented by the overseas pay was very urgently needed, but objects to the form in which it was given. This form of differentiation in the salaries of public servants was absolutely unknown in the past history of this

* Not printed.

country." My Association further pointed out that " in some of the Services represented by this Association, some Indian Officers have been granted overseas pay, but others recruited under the same conditions have not been granted the concession. There are other anomalies in the grant of overseas allowance. This Association trusts that these anomalies would be removed, and an equitable grant made to all officers in the same Service and recruited under the same conditions, before the overseas pay is merged into salary." This, however, was quite ignored, and it is, therefore, necessary to refer to some of these anomalies here. In the case of the All-India Services and some of the Central Services, an exception was made with reference to the Indian officers who were on the permanent cadres of their respective services prior to the introduction of these regulations, and the concession of drawing overseas pay was as a special case extended to these Indian officers as well.

The institution of this overseas pay is wrong in principle, and my Association feels very strongly about the invidious distinction which has been made regarding this concession in the emoluments between the European and Indian officers in the different Services. As it stands at present, it is not only an increase in the emoluments of some of the officers, but it gives an additional advantage to even fairly junior European officers over their senior Indian colleagues. Apart from the invidious distinction in point of pay while on duty, the grant of the overseas allowance involves a cumulative benefit by its inclusion in the average leave salary even when the officers are spending their leave out of India. Obviously the reasons given for the grant of overseas allowance while on active duty in India cannot hold good when the officers are drawing the leave salary in their own country. Further, under the new rules in reference to travelling allowance, etc., where the rates of allowances are based on the pay of officers, which, of course, includes the overseas pay of the European and of the Indian members of the various Services, whether serving under the Central Government or the different Provincial Governments, the officers enjoying the concession of the overseas pay draw considerably more allowances than their Indian colleagues. This advantage in the opinion of my Association is very inequitable, and cannot be justified on any reasonable grounds.

As a result of the recommendations of the Royal Commission of 1923, the Secretary of State has further sanctioned for the administrative posts, when held by officers of non-Asiatic domicile and certain specified appointments outside the Time Scale, a fixed monthly rate of £13 6s. 8d. The overseas allowance of the officers of non-Asiatic domicile is further paid at a sterling rate, which at the time was fixed at 2s. to the rupee; this is totally at variance with the exchange of 1s. 6d., at which rate the rupee has finally been fixed.

As a result of the recommendations of the Royal Commission of 1923, two further anomalous distinctions have been made in reference to the allowances and concessions granted to officers of non-Asiatic domicile.

The first of these is the grant of a number of passages to officers and their families in accordance with the rules laid down in the " Statutory Rules and Orders, 1924, No. 1395, India (1927) " (Rule 13 and Schedule IV.). The concession of passages is also extended to a microscopic minority of Indian officials, viz., the Indian civilians in receipt of overseas pay. Though at first sight it might appear that the officers of Asiatic domicile are not entitled to any free passages to a country other than the country of their domicile, it may be mentioned that some Indian officers have European wives, many have been educated in Europe, and have friends and associates there, most of them send their children to Europe for education, and all will improve their knowledge and widen their outlook by travel abroad, and by the opportunities thus afforded for studying in the advanced countries of Europe and America problems similar to those they are entrusted with in India. As a result of agitation and representation, certain meagre concessions in reference to passages were allowed to the Indian officers of the Indian Medical Service when proceeding on study leave under special conditions, but officers of other Scientific and Technical Departments for whom study leave is as important as in the case of the Indian Medical Service, have not been given any concessions in the form of passages.

The second is in connection with the differentiation which has been made between the European and Indian officers as regards medical treatment.

Another concession of the same nature, which has recently been sanctioned by the Secretary of State for India, in consultation with the Government of India, is the admission of the European and Anglo-Indian officers to special Family Pensions (See Government of India, Finance Department, letter No. D/4972-R. II/23, dated the 10th September, 1928). No such provision has been made for the Indian officers, and my Association cannot but feel that even reasonable claims of the Indian officers serving under the Crown in India are being entirely ignored.

All these concessions are of the nature of granting special treatment to certain class of officers, and are directly opposed to the following principle so ably enunciated by Sir Theodore Morison in his minute on the Islington Commission :—

> " If the State once begins to look into the private circumstances of the officers, there is no logical ground for stopping short of the individual. In fact, it is a dangerous doctrine that the State should enquire into the private circumstances of its officers or make these circumstances a ground for differentiation of salaries."

My Association gravely views this differential treatment between the European and Indian officers serving under the Crown in India, and strongly urges that such differentiation in total disregard of the claims of the Indian officers, cannot possibly lead to a harmonious working, or the Indian officers remaining contented with their present condition.

In connection with the leave rules also, the Indian officers' claims, and their " existing or accruing rights " have been totally ignored. While the nomenclature of the higher leave concessions has been changed from the " European Service Leave Rules " to the " Special Leave Rules " to avoid even the suggestion of racial discrimination, this discrimination has, as a matter of fact, been emphasised and exalted into a principle since the sole condition of eligibility to the higher leave concession is a non-Asiatic domicile under the Fundamental Rules. In Article 310 (old 297) Civil Service Regulations, the conditions laid down for their admissibility were either appointment by the Secretary of State or the attainment of a certain rank or a certain rate of pay. Under Fundamental Rules 57, 57A, 75B and 75C, however, all officers of Asiatic domicile appointed subsequent to the 24th July, 1923, are disqualified for the higher leave concessions even if they are appointed by the Secretary of State, or when they attain a certain rank or a certain rate of pay. The principle that the performance of more exacting duties or the discharge of work of a higher quality needs longer periods of rest and recuperation has been definitely abandoned, and the power vested in the Government of India to extend these higher leave concessions to certain Government servants has been abrogated.

Attention may also be drawn to the fact that Indian officers of proved merit are still kept out of most of the administrative and selection posts, not because of their incapacity to hold such posts or to maintain the dignity of office attendant on such high appointments, but only to appease the non-Indian element in the Services or for political reasons. In the policy of the Government, as advocated in the Montagu-Chelmsford Reform Scheme, and later in the recommendations of the Royal Commission on

Superior Services, the question of Indianization of the Services commensurate with the increased responsibility transferred to the Indian legislature was definitely recognized, and the only standard laid down for the appointments to such higher posts was that of requisite ability and experience. That such qualifications are not wanting among the Indian officers is apparent from the fact that, wherever Indians have been appointed to even the highest and most responsible posts, they have acquitted themselves with credit and distinction. In spite of this, however, there are only very few exceptions where Indian officials have been selected for these high appointments. None of the prize posts, for example the Memberships of the Railway Board, Agents and Deputy Agents of various State Railways, the heads of various Surveys, the Forest Services, the Educational Services, and the Executive memberships of the Councils of the various Provincial Governments have been thrown open to Indian officials. The Indianization of the Services is not proceeding even at the rate laid down by the Royal Commission of 1923. In this latter connection, my Association very strongly deprecates the policy of bringing in so-called specialists on short-term contracts in the first instance, and later on absorbing them in the cadres of the various Services. These specialists are entertained on first appointment on much higher emoluments than those of the members of the Service, while at the time of their appointment to the permanent cadres they are allowed to begin on the pay they were then drawing. They thereby come to occupy much higher posts and acquire an undue seniority over the heads of the officers who have gone through the mill by starting at the lowest rung of the ladder.

The facts detailed above show without any shadow of doubt that the Central administrative machinery of the Government, viz. His Majesty's Secretary of State for India and the Government of India, as well as the Royal Commissions appointed to report on the conditions of service, etc., of the Services have confined their attention solely to the conditions of Service, etc., of one section of officers, namely, the officers of non-Asiatic domicile, and practically all the concessions granted have been made for improving their emoluments and status in utter disregard of the needs of the Indian officers. My Association views this deplorable neglect of the just claims of the Indian officers with grave concern, and would strongly urge the Statutory Commission to consider the situation referred to above from the point of view of Indian officials. An antipathy of the type shown by the authorities concerned to the claims of the Indian officers, is, to say the least, making the Indian officers very discontented, and unless the situation is seriously considered in all its aspects, and steps are taken to ameliorate the lot of the Indian officers, it is certain that the best talent from amongst the Indians will not hereafter be available for filling up vacancies in the different Services.

In India, as indeed elsewhere, pay means position, and it will be ridiculous to affirm that patriotism and service for the country will outweigh any consideration of emoluments or differential treatment between officers of different nationalities doing the same work under exactly identical conditions. The recognition by the Government of the principle that a certain proportion of British element in the administrative machinery is essential in the present political condition of the country should not involve any discrimination between officials of Indian and non-Asiatic domicile. Their conditions of service, prospects, emoluments, etc., should, for equal merit and identical work, be the same as those of their colleagues of non-Asiatic domicile, as any discrimination involves discontent and the loss of prestige of the Indian officers, and consequently of the administration of which they form an integral part.

My Association has already fully dealt with the position of the officers under the changed conditions of service in the reformed régime in its Memorandum to the Royal Commission attached herewith, and does not consider it necessary to deal with this point again in detail.

Deputation from the Indian Officers' Association.

The deputation consisted of :—

RAI BAHADUR B. R. SINGH, Deputy Chief Engineer, Eastern Bengal Railway, Calcutta.
SIR JEHANGIR COYAJEE, Kt., LL.B., I.E.S., Professor, Presidency College, Calcutta.
The Honourable Mr. K. C. DE, C.I.E., I.C.S. (Retd.), lately Member of the Board of Revenue, Bengal, (Spokesman).
SHAMS-UL-ULEMA KAMALUDDIN AHMAD, M.A., I.E.S., Principal, Krishnagar College, Krishnagar.
Mr. J. G. BHANDARI, Deputy Accountant-General, Punjab, and
Dr. BAINI PRASHAD, D.Sc., F.R.S.E., Superintendent, Zoological Survey of India.

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282. *The Chairman :* How many members are there in your Association ?—(*Mr. De*) 213 to-day.

283. You represent members from a very large range of services serving under both the Central and Provincial Governments ?—Yes.

284. Now, what would you like to say ?—Might I first explain how we come before you ? We have got everything to do with the Government of India Act. The preamble to the Act begins with the declared policy of Parliament of " increasing association of Indians in the administration," and ever since the Act came into force that has been going on, and more and more Indians have been taken into these services that we represent, both in the higher grades as well as in the lower. The position just now is that there has been very keen and widespread discontent among the Indian officers of these services, and unless there is some safeguard in the Act to provide that we shall not be treated as we are being treated, and that we shall have equal treatment with the Europeans, this discontent will increase ; and for the harmonious working of the Reforms it is impossible to contemplate such a state of affairs. Therefore, sir, we have come before your Commission. There is a differential treatment of the officers who are European, or rather of non-Asiatic domicile—not necessarily European, they may be New Zealanders or South Africans—and Indians. This distinct difference of treatment between non-Asiatics and Indians has been introduced since the Reforms, or a little before the Reforms, and this has reacted on our mentality and it causes very keen and widespread discontent. Therefore, sir, when recomending any alteration of the Government of India Act, as it is your province to do, you will remember our case. What we ask is that you should provide in the Act that there should be no difference in treatment of officers of these higher services that we represent, whether they are of Asiatic domicile or of non-Asiatic domicile. The consequence of this treatment that we feel is this. Not only are we looked down upon as officers of inferior capacity by our superior officers and by our Governors, but also by the people at large. I have had, sir, 35 years of service in the Indian Civil Service.

285. I am afraid, at present, I do not understand what is meant. What is the unequal treatment which works upon your mentality and makes you feel that ?—There are many items.

286. Begin with the best example of the lot.—First of all they are getting higher pay. In the same service, in the Civil Services that we represent, non-Asiatics get a higher pay than Indians. There is the overseas pay ; there is a difference due to exchange remittance benefit ; there is the passage grant, and there is the difference between the European and Indian equivalents of maximum average and half average leave salaries.

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287. Do you want a provision which would provide that overseas allowance is to be made to domiciled gentlemen as it is made to a man whose domicile is in England ?—Whether you call it increased pay or overseas pay we do not care, but we want the same pay. It has been given to the Accounts and Audit service in the shape of increased pay, not as overseas pay. We go by what Sir Theodore Morison said in his minute on the Islington Commission.

288. It is at the bottom of page 85 of your memorandum ?—Yes, sir. That salutary principle laid down by him was disregarded, and the consequence of that was anticipated by Mr. Edwin Montagu. In a despatch, dated the 3rd of June, 1920, which he addressed to the Government of India he declared that " if a differentiation were for the first time " introduced in the pay of men whose pay has " hitherto always been equal, discontent must in- " evitably arise, and if the overseas allowance is " limited to men recruited in England or to men of " English domicile, invidious comparisons would be " made. If on the other hand, the overseas allow- " ance is paid *eo nomine* to a large number of Indians " who have never been out of India, it will be reduced " to an absurdity." That is the reason, sir, for the increased pay which was granted to the Accounts and Audit service. That is about emoluments. Then comes the question of leave. Under the old rules we of the superior services obtained the benefits of European service leave rules. Now, the leave rules have been divided into ordinary and special leave rules, the special leave rules applying to non-Asiatics. We have been debarred from all its privileges. An Indian of the Indian Civil Service of the rank of a commissioner himself will get in India only four months' leave on full pay, but his subordinates, even his head clerk, if he happens to be a non-Asiatic, will get eight months leave on full pay. This is not dignified for the Indian officers, and we suffer a good deal in prestige, on account of that. Then again, the question of medical attendance, sir. A European gets all his medical, surgical and nursing charges at a private hospital paid by Government. We do not get a single pice, sir. We have got to pay those ourselves. To consult a dentist or any other kind of specialist a European gets travelling allowance from his own station to Calcutta or any other place where such attendance can be had. We do not get that, sir. Not only that, their family gets the travelling allowance also. We do not get anything of that kind. These things were unknown in my time, when I was in active service. They came in only one and a half years ago.

289. *Sir Hari Singh Gour :* They were all unknown before the Lee Commission ?—These rules were issued by the Government of Bengal in 1927 only, about one and a half years ago.

290. *The Chairman :* I want you to think, because you are an experienced officer of the service and therefore I attach great importance to your suggestions, I want you to think what is the sort of provision which you would suggest should be inserted in the Government of India Act ?—We want equalisation of our position. There is another thing—the family pension fund which does not cost Government a single pice. The Lee Commission strongly recommended that it should be extended to Indians as well as Europeans. It has been extended to all Europeans, but Indians have still been debarred in spite of the recommendation of the Lee Commission. Now, sir, the last and biggest point is that we are not given opportunities to show our merit, although nominally all posts are open to Indians and Europeans alike in every service except one, that is to say, the Indian Medical Service, where they have gone further than in the other services and reserved certain posts for Europeans only. For instance, professorships in colleges and principalships of medical schools and colleges have been reserved.

291. *The Chairman :* I am afraid I have not quite followed you. Do you say that, for instance, professorships in colleges in India are reserved ?

Sir Abdelkerim Ghuznavi: I discovered that a certain post like that was reserved for Europeans. That is a fact.

292. *The Chairman:* What about the principalships?

Sir Abdelkerim Ghuznavi: Yes, the principalships of medical colleges. There is a list which I saw in the department while I was a minister showing that these posts were reserved for Europeans.

The Witness (Mr. De): But I am talking of the other services, because the Indian Medical Service men are not allowed to become members of our Association and I am not in a position to speak about them. I only spoke about that incidentally. But in the other services all posts are normally open to everybody. Yet, we are debarred from the higher administrative posts, the posts in which a man can show his merit. We do not get them. We have mentioned a number of them in our memorandum.

293. *The Chairman:* Is it you view that there ought to be a clause in the Government of India Act which deals with that point?—Well, sir, we want something like the declaration contained in Queen Victoria's proclamation that really, actually and in practice—not only in writing—there should be no distinction made between Indian officers and European officers in any way.

294. *Sir Hari Singh Gour:* You have the proclamation now. Why do you want it again?—It is not acted on. You see these differences of pay, leave, medical attendance, family pensions and passages. There is this discriminatory treatment.

295. *The Chairman:* Mr. De, you have developed your main points?—Yes, sir. May I say, sir, one word in regard to our position. As Indian citizens we anxiously desire further advance in the constitutional reforms, and as a body we will strive our utmost to work them loyally and without any reservation whatever. We place ourselves unreservedly in the hands of the reformed legislatures and of the ministers in whom we place our complete trust. Our point, however, is this. We know that the European Officers' Association want to safeguard their interests by provisions in the Act. We do not want anything of the kind, but we cannot with self-respect and efficiency serve the reformed constitution if our position is put markedly inferior to that of our European colleagues. So, sir, we now demand, and will continue to demand, that our position is made the same as it was in the old days before the Reforms. Then there was no difference between a European and an Indian in the services.

296. *Sir Arthur Froom:* Mr. De, you suggest that the salary of Rs1,500 a month in the services you represent should be the same for Europeans and Indians?—In the services we represent we live like Europeans and our expenses are the same.

297. Do you recollect a resolution that was tabled in the Council of State once by an Indian—I do not want to mention his name—who holds a very responsible post now, and this gentleman was of opinion that the civil service is too highly paid. So he tabled resolution to this effect that (*a*) with the exception of Governors or Lieutenant Governors, the pay of the Indian Civil Service should be reduced by 25 per cent., and (*b*) having arrived at this pay, the pay of the European members of the Indian Civil Service should be increased by 25 per cent; or in other words, the object of the resolution was to keep the pay of the Europeans on the present basis, but to reduce the pay of the Indians. In suggesting this reduced pay for Indians this gentleman made it clear that one had to make allowances in the case of European officers for the extra expenses involved in their having to send up their children to England for study, in meeting the cost of illness, and so on. That was his view. Will you subscribe to his view? No, sir.

298. *Mr. Kikabhai Premchand:* You say that the specialists employed in higher appointments involving special skill may be paid higher emoluments, and so on?—Yes.

299. In all vocations specialists should get special pay?—Quite so, sir.

300. Then, consistent with your self-respect you would not object to accept a lower salary when you are appointed to a lower post?—No, sir. But what I wanted to point out was that if you want to bring a specialist on a special pay, do not surreptitiously introduce him into our cadre afterwards on a much higher pay.

301. But if a specialist is necessary?—He comes under his contract if he is necessary, and he is paid accordingly. But afterwards suddenly he is introduced into our cadre above our heads although he is a much junior man.

302. He may be necessary for Government for a period?—Well, he can be brought under another contract for that period; that is how specialists are entertained.

303. Further on you say on page 86:—"The "recognition by the Government of the principle "that a certain proportion of British element "in the administrative machinery is essential," and so on; in view of that recognition and in view of the standard of living of European officers, is it not just to show some consideration to them and remunerate them on a higher level?—I have no quarrel with the proposition, sir, that they should be given a living wage, but we belong to the same services and have got to live in the same way.

304. They have a higher standard of living?—That, I deny altogether, sir. It is not so.

305. *Sir Hari Singh Gour:* Mr. De, it is not a fact that the Indian National Congress and other public bodies in this country have been pressing for Indianisation of all the services on the ground, amongst other reasons, that for Indian services the Indians are cheaper than Europeans?—They have.

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307. You now wish to equalise your status with regard to pay with Europeans?—Yes, sir, as we had always before.

308. Then the advantage you have of being indigenous products of your country and serving your country from patriotic motives disappears. If you are given the same salary and emoluments as Europeans, you reduce your label to that of a paid mercenary. Are you prepared to accept that position?—We do, whether you call us mercenaries or by any other epithet. We accept that.

309. I should have thought that as public and patriotic men serving our motherland you should have been prepared to work on a smaller salary and would not demand the high salary which is paid to imported labour?—When Swaraj comes, if all salaries are reduced, we will readily accept what is offered.

310. But your complaint at present is that there is no Swaraj. When Swaraj comes you are prepared to serve on a low salary. Do I take it that that will be a happy augury for the advent of Swaraj, and that we shall get Mr. De and the other members of his Association to work for the motherland on a lower salary?—My point is not the amount of salary. I am not complaining of our lower or higher expenses. I am only complaining of the differential treatment.

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312. As regards your complaint that you have not got the same opportunities for occupying administrative and higher posts as Europeans, that is due to the fact that all the administrative posts are in the hands of Europeans?—Unfortunately, that is so, sir. The people who select us are Europeans.

313. And they, naturally, wish to select one of their own brethren in India?—Without attributing any motive on their own part, I feel it is only natural. Unconsciously, his feeling must be this, that if a

European who is the head of the department says that Indians are fit for his post, it necessarily follows that there would be no room for him.

314. One more question and I have done. The members of the European Association want safeguards against any constitutional change in the country as regards their pay, promotion and pension to certain appointments. Do you put forward a similar claim, or will you be satisfied with the reformed Government and the constitution as will be given to this country ?—Having decided that as sons of India we cannot demand any such thing; as I have said just before, we place ourselves unreservedly in the hands of the ministers.

315. Then you have no apprehension whatever ?—None whatever. But the only thing we want safeguarded by that Act is that our position should in no way be inferior to that of our European colleagues.

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322. *Sir Hari Singh Gour:* Mr. De, you have said that the Indian Civil Service is the highest paid service in the world, and that men who pass the same examination when they go to Ceylon and Malaya get much less salary ?—Yes, and also in the Home Civil Service.

323. Does that not establish the point that I wanted to bring out that Europeans in India should get less, and not that you should get more ?—I do not mind; if you reduce their salary, you reduce ours also, but do not make any difference and point out to us as an inferior class of officers. In 1893, I had the same advantages as my European colleagues in the Indian Civil Service, but now all these innovations have been brought in, and the civilian who is of an Asiatic domicile is now considered to be an inferior being.

324 *The Chairman:* * * * You may just tell me these two things. In your long experience as a member of the Indian Civil Service, and many of whom might have been Indians, was the right of appeal to the Secretary of State ever in fact exercised by an Indian who is a member of the Indian Civil Service ?—Well, I do not know if there has been any sort of punishments in regard to which any Indian Civil Servant had to appeal.

325. I might tell you that there have been many, many cases ?—Not to my knowledge, sir. On various occasions we have sent up memorials to the Secretary of State for redress of our grievances.

326. You are misunderstanding my question. I am referring to the fact that under the Government of India Act no officer who belongs to the All-India service and who was appointed by the Secretary of State can be dealt with adversely without his having a right of appeal to the Secretary of State in Council, and I wondered whether your own information was such as to enable you to tell me whether or not that right of appeal was ever exercised by an Indian member of the Civil Service ?—No appeal has been made to my knowledge, sir.

327. Then the other thing I want to ask you is this. Is it your view in fact that an Indian who is a member of the Indian Civil Service has the same level of expenses to meet as a European who comes out here and serves for twenty or twenty-five years ?—Yes, certainly, sir, and usually it is more, because an Indian has got to have a house to live with his family, while a European generally lives in the club and spends about Rs300 a month.

328. I was interested to know that. I see your view. You say that in the case of two officers living in the same station, one Indian and the other European, the expenses which the European officer who has come from a distance evidently incurs will not fairly be more than the expenses which the Indian officer incurs ?—Yes, sir.

329. You follow, of course, that in that case, if the services are to be Indianised, there is no economy to be realised from that at all, for the expenses in the two cases will be the same ?—No.

Memorandum submitted by the All-Bengal Namasudra Association.

On behalf of The All-Bengal Namasudra Association, and also the Namasudra Community of Bengal, I beg to submit the subjoined Memorandum for your consideration. I beg also to state that owing to shortness of time we are not in a position to submit a detailed statement of the whole matter under enquiry, specially, with regard to those with which we, as a body, are vitally concerned. I hope, however, to submit in detail the views of the Association with regard to the same by the end of May next.

It is desirable, I hope, to state our position as a community in the province of Bengal. The Association consists of members of the Namasudra Community including those, who by education and culture have understood their position as a community, and have come to think for themselves and also for the community, and have thus claimed to be their natural leaders. The Association is thus a political body taking cognisance of matters relating to State. It also works in reference to social, educational and economical matters as well.

It may not be out of place here to indicate the position that the community occupies in the Presidency of Bengal from the point of view of its numerical strength. The total population in this Presidency is 47,592,462. Of these 25,481,624 are Muhammadans; the rest are non-Muhammadans. These again include Hindus, Christians, Buddhists, Sikhs, Parsees, Jains, etc. There are 190 castes in Bengal under the term Hindu. The Hindu does not indicate any homogeneous race. There is hardly any community of interest between one caste and another because of the special position that one occupies in relation to others in this country. Amongst the Depressed classes themselves there is some community of interests in political, educational and economical matters. As a few castes of the Hindus have received a fair education they have grouped themselves together for all practical purposes. And the rest because of their backwardness of education have lagged themselves behind and are now put under the term "Depressed classes" (backward classes). Under the former group are generally classed, the Nabashakhs and other intermediate classes besides the three prominent castes, the Brahmins, the Vaidyas, the Kayasthas, whose number is about 2·6 millions in this Presidency. The Namasudras alone number about 2·1 millions in this Presidency. The total number of the Depressed classes in Bengal is about 12 millions.

The interests of this community can never be represented by another caste, as the interests are of conflicting nature owing to the construction of the present Hindu society. Past experience has confirmed this view. Various misrepresentations have been made to the Government from time to time in the name of the Hindus, while regard being had to the existing facts, social conditions, and specially to the differences obtaining in educational and political matters, these persons should have spoken for themselves only and should not have assumed the position of the "heaven-born guardians" of the masses.

The literacy of Bengal is one of the wonders of the world. It appears that the literacy of the Brahmins is 48 per cent. and that of the Vaidyas 65 per cent. and that of the Kayasthas 41 per cent. It is a matter of history that for reasons known to them these communities practically shut the doors of schools against the members of the Depressed classes during the pre-British Rule in India, when the Government of the Province was practically in their hands. Even under the British Rule there are many schools and institutions where the boys of the Depressed classes are not admitted. This only explains the poor percentage of literacy of the Namasudra community in the present moment; and it is only 8 per cent. The literacy of other Depressed classes in Bengal is even less than that number. The progress that these communities have been able to make, it must be agreed by one and all, is due to British Rule. The literacy thus indicated only means the capacity of a person to sign his name.

We beg in conclusion, to state that in support of the Memorandum, we will also adduce oral evidence. We shall supply the names and addresses of the gentlemen later on and the same will reach the office of the Commission before the 1st of June next.

I have the honour to be,

Sirs,

RASIK LAL BISWAS,
Hony. Joint Secretary,
On behalf of The All-Bengal Namasudra Association.

MEMORANDUM

1. *Representation.*

(*a*) The basis of franchise :—
Franchise should be based on population and not on any property or educational qualification; that is to say that every adult male member should be entitled to vote.
NOTE.—Owing to property qualification, as exists under the present system only 2 per cent. of the people have been given the right to vote.

(*b*) Methods of election :—
(*i*) Representation on legislative bodies should be made directly by the people or electorates,—there being no intermediary.
(*ii*) Election should be made by ballot.
(*iii*) Polling areas should be made as small as possible—the polling booth should be within two miles from the distant part of the area.

(*c*) Methods of representation :—
(*i*) To secure due representation of the existing conflicting interests every community should be given a definite number of representatives in the legislative bodies, including all local self-governing institutions, in proportion to the population of each with respect to the total number of members in these bodies. No member of a non-Depressed community should be allowed to represent the Depressed classes. In view of this there is no necessity to give any special seat for the protection of any particular or economic interest.

(*g*) Nominations :—
The number of nominated members should be reduced as far as possible. Of the officials only those who are at the head of different departments and officers who are in direct charge of the respective offices should be nominated in the legislative bodies. As regards non-officials only experts to advise the legislatures or the Government or members for the unrepresented interests may be nominated.

3. *Local Self-Governing Bodies.*
(*i*) There should be village union consisting of one big village or some small villages. The village Union Boards should be elected by the adult male residents of the villages.
(*ii*) There should be a District Board at the District headquarters, the members of which also should be directly elected by the same electors as that of the Union Boards.

4. *The Provincial Government.*
(*i*) At the head of the provincial Government there should be a Governor appointed from

England, and he should be ex-officio president of the executive and legislative councils.

(*ii*) The number of ministers should be the same as that of the members of the executive council.

(*iii*) In every province there should be one and only one legislative body. No second chamber is desirable at present.

(*iv*) The provincial legislative council should consist of the members of the Governor's executive council and of the members elected and nominated.

(*v*) The number of the members of the provincial councils should be increased. In Bengal it should be made 300, of which not more than 30 be nominated (officials and non-officials). Every two hundred thousand people (not voters) should be represented by one member.

(*vi*) As the facts stand the members of the executive council should not be responsible to the legislatures.

(*vii*) There should be six members in the executive council, of these three should be Europeans and three Indians. Of these again one should be chosen from amongst the Depressed classes.

These members should be nominated by the Governor and appointed by His Majesty. In the case of Europeans, the rule of twelve years' residence in India should be kept to, and in the case of the Indians, university qualifications along with public activities should be regarded as necessary qualifications.

(*viii*) Ministers should be made individually and collectively responsible for the due administration of the departments placed under the charge of each to the legislatures.

(*ix*) Ministers and the members of the executive council should have joint deliberations with the Governor for the settlement of their policy.

(*x*) More departments should be placed in the charge of the ministers than have been done at present. Specially the Departments of Land Revenue and Irrigation should be transferred.

(*xi*) Provincial autonomy is out of the question at the present.

(*xii*) Funds for the administration of the Reserved and Transferred subjects should be earmarked, and shown as such in the annual budget. The needs of the nation-building departments should be kept in view in the distribution of funds.

5. *Central Government.*

(*i*) At the head of the constitution there should be a Governor-General appointed from England and he should be ex-officio president of the executive and the central legislative councils.

(*ii*) There should be eight other members of the executive council, of whom four should be Europeans and four should be Indians; and of these again one at least should be a member of the Depressed classes.

(*iii*) These members should be nominated by the Governor-General and appointed by His Majesty.

(*iv*) Members of the executive council should not be made responsible to the legislatures in the present moment.

(*v*) Council of State should be abolished altogether and there should be one Central Indian Legislative body.

(*vi*) The Central Legislative body should consist of the members of the Governor-general's executive council and members elected and nominated.

(*vii*) The number of the members of the Central Legislative body should be increased to 350. Of these not more than 50 should be nominated (officials and non-officials).

(*viii*) The electors of the provincial legislatures should elect the members of the Central Legislative body.

7. *Courts and Judiciary.*

The courts and the judiciary should be so constituted by legislation that there may be representatives of different communities on these in order that the people may have confidence in the administration of justice.

10. *Services.*

(*i*) Appointments to the Indian Civil Service and other all-India services should be made in India by a central services commission on the nomination of the Provincial Governments in their appointment Departments.

(*ii*) The Central Services Commission should consist of Indian and European non-officials, presided over by a European member of Governor-General's executive council.

(*iii*) There should at least be three members of the Depressed classes on the Central Services Commission.

(*iv*) Appointments should be made from amongst the qualified candidates of the different communities in proportion to their numerical strength.

(*v*) At the first instance candidates of the Depressed classes and others, including Muhammadans, should only be appointed until and unless an equalisation of these classes is secured to those who have already filled these services.

(*vi*) As regard the provincial services, appointments should be made by a Provincial Services Commission consisting of Indian and European non-officials, and presided over by the European member of Governor's executive council in charge of the appointment department.

(*vii*) These appointments should be made on the nominations of the divisional commissioners.

(*viii*) For the next ten years these appointments should be made from amongst the Depressed classes to obtain an equalisation of their number to those of others who have hitherto filled all these offices.

(*ix*) The term "efficiency" and "competition" are absolutely misnomers, and have absolutely no scope in public services.

(*x*) The superior services should not be Indianised any more without securing a proper number of the members of the Depressed classes in proportion to their numerical strength in these services.

11. *Growth of Education.*

As stated in the introduction the literacy of Bengal, as also in the whole of India is, so to say, one of the wonders of the world. Indian Society is so constructed that by the autocracy of the few not only economic and other movements have been retarded, but educational movements and a general advancement in that direction have been absolutely hampered. The poor percentage of literacy is a miracle, and should be an eye-opener to those who really think of any political progress for India. The few castes

that have hitherto been able to secure the State patronage, including even the landed aristocracy (who received a boon in the shape of permanent settlement in Bengal in 1793), have not employed any of their powers either for the Government or for the people. And no more powers should be given to these few without securing a proper safety for the millions and millions of illiterate people in India. We suggest therefore, that :—

(*i*) Elementary education should be made free and compulsory.

(*ii*) Expenditure for this purpose should be made by taxation of a fixed sum (certain percentage in the rupee) on the surplus revenue that remains with the landlord on payment of Government dues.

Supplementary Statement submitted on behalf of the All-Bengal Namasudra Association.

You will be pleased to find that in that letter of ours, we have tried to give you an idea of the position of the community in so far as its social, educational and political aspects are concerned. It may not be out of place, we venture to think, that we should try and give a true indication of the caste system that obtains in this country and how the said fact determines not only the social and educational conditions of the people, but their political conditions as well. It is, no doubt, difficult for even one living in this country to realise truly the situation that is created by the " caste." It is, therefore, still more difficult for one who has had no opportunity of living in this country and of coming into direct contact with the facts and circumstances created by it. We desire, therefore, to reaffirm the view which is the result of past experience, that a man *is born with his caste and dies with his caste in India.* We have known and seen of many instances up to now where the simple fact that a man is born in a particular caste has not only debarred him from having his true and just share in various branches of the State Administration, but has also debarred him from a little self-realisation through education, for which there has not been any obstacle in any part of the civilised world, but for which there are various obstacles created and introduced in this caste-ridden country. It would be a lamentable mistake to suppose that with a little concession in favour of the people who occupy a backward position on account of their being oppressed through caste, the difference that exists between members of one caste and those of another may be wiped out, for the fact is significant that in social and political matters there may be some community of interests between the members of a caste coming under the general term, " Hindu," and those who are outside the said term—say, for example, the Muhammadans—while there is hardly any community of interests between members of one caste and those of another coming under the same term, " Hindu," in their social and political and even in educational matters. It is indeed a fact that in various social observances the social servant who serves a Brahmin also serves a Muhammadan, but that social servant does not serve any member of a Backward or Depressed classes, of whom the Namasudras are by far the largest. although coming under the same generic term, " Hindu." We desire, therefore, to assert once again the simple fact that the term, " Hindu " does not connote any homogeneous race. It is difficult to indicate any reason for this difference in situation, but the fact is that it does exist. We would respectfully suggest, therefore, that in dealing with this aspect of the question and in recommending the changes, if any, the Commission would do well to consider and see that any such thing may not strengthen the hands of the few to the great prejudice and the detriment of the interests of the majority of the illiterate, poor Backward or Depressed classes as has been our past experience in various matters. We may be permitted to submit that want of proper education, resulting in a very poor percentage of literacy amongst the masses, more particularly amongst the members of these Depressed classes, explains to some extent the situation that no proper demand could be made by these millions of dumb people for their true and just share in the Administration of the country ; but we venture to submit that this condition makes the position of an impartial Government very serious in its dispensation of justice and patronage. We make bold to submit with regret that Government of the country, although making impartial and just pronouncements from time to time with regard to its attitude towards these millions of people, have not been able to carry out the said utterances into action.

We may be permitted to record our agreement in accepting generally the pronouncement made by the late Secretary of State for India in Council, on the 20th August, 1917, in connection with the Indian constitutional changes. The same was followed by a personal tour of his, along with H.E. The Viceroy, with an object of seeing and studying for themselves the various aspects of the said constitutional questions, by receiving the views of different bodies of people in India. We do not desire to indicate in detail how, through the intervention and ill-advice of several caste-ridden Indians, the millions of Indians were prevented from not only having had any opportunity to submit their points of view with regard to the said matter before the said enquiring Commission, but that they were also prevented from submitting, even in writing, their views about such a momentous issue affecting their interests to a very considerable degree. We may be permitted to note with regret that we cannot approve of the attitude taken up by some of the then officials of the Government in respect to this matter. We would, therefore, very respectfully ask the Commission that they would be pleased to make it a point to give each and every one of those desirous of presenting their views before it a patient hearing.

If we have been able to follow the said pronouncement of the 20th August, 1917, we find that it was declared by it that the policy of His Majesty's Government was that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India. So far as the question of appointment is concerned it is a fact that the same has gone to the few of the Indians to the great prejudice of the millions of people even in the Lower Departments of various branches of the Administration for which there were many qualified candidates from amongst the members of the Depressed Classes, and more especially from the Namasudra Community. There was no just and true consideration made of the candidates from these classes for the said appointments. On the contrary, methods have been invented in the name of the rules by which these candidates have been practically debarred from having their just share, not to talk of any true and proportionate share in the Administration. It is also regrettable that the local authorities have signified their assent to the said course, although we venture to submit that there has been no justification for the same.

ALL-BENGAL NAMASUDRA ASSOCIATION. [*Continued.*

So far as the question of the proper representation of the masses upon the Legislature is concerned, certain relaxation of the former rules was no doubt suggested in order that a large section of the Indian people might feel that they had their representatives on these Legislative bodies. But the rules framed for holding the elections of these Legislative bodies have been so inadequate and imperfect that the main object which lay behind the said pronouncement for the gradual development of the self-governing institutions, with a view to progressive realisation of responsible government in India, has not been achieved to the extent to which it ought to have been, if not baffled, in more cases than one.

It is high time now that every adult male member should be given the right to franchise without any restriction whatsoever. It has been seen even with the modifications introduced into the rules of election, that about two per cent. of the total population have been given the right to vote. There are various circumstances which may be taken as explaining this unfortunate condition of this country. Of the several qualifications laid down for any one to have a right to vote, those of payment of revenue or income tax, or a special qualification for a special constituency are absolutely outside the scope of an average Indian, much less to talk of a member of the Depressed Classes, of whom the Namasudras are by far the largest. The only qualifications which are possible for them to avail themselves of in the matter of election are those of actual payment of a chowkidari tax of Rs2/– or of payment of a cess of Re 1/– on the annual rent or payment of Re 1/– as municipal tax. The figures quoted above show as a matter of fact that even with these modifications a very insignificant portion of the people have been given the so-called privilege to elect their representatives on the Legislative bodies. We are extremely sorry to indicate, in view of the aforesaid facts, that the policy which lay behind the said pronouncement has not been at all given effect to. The only means that we have been able to find after the experience of these few years since 1921, when the Government of India Act of 1919, was given effect to, is to introduce immediately the franchise on the basis of population without any regard to any property or financial qualifications in order to assure the masses of Indians, of whom the Namasudras are by far the largest in the Presidency of Bengal, that there was a genuine and sincere desire expressed on behalf of the Government while making the said pronouncement, and that it was never the intention of the Government to do otherwise, or to strengthen the hands of the few to the great prejudice of the millions of dumb people in India. We may be permitted to submit that there is yet a very great moral responsibility of the Government, to see that the interests of the millions are properly safeguarded, and that the same may not be prejudiced by the introduction of any change in the Administration.

There had been, of late, a movement amongst a small section of the people in the country for extending the voting power to women, or in other words to do away with the sex disqualifications so far as the franchise is concerned. The Government was prevailed upon, and an amendment of the rule was made permitting the women to vote. It was tried only once as regards the Bengal Legislative Council. The result does not seem to have been very satisfactory, for excepting a few cases, the majority of the women voters, especially in towns, do not generally occupy a respectable position in society. Regard being had also to the custom that obtains as a matter of religion for the observance of strict purdah (privacy) amongst the Hindu and Muhammadan females, this voting power given to the females has been of no practical use. It will take a long time yet to make the females of the Namasudra community, as also of the other Backward Communities, understand their true position in respect to the political administration of the country, and therefore they cannot be expected to be able to take advantage of this change in the rules in their favour. Further, when the qualifications laid down for one to be a voter have debarred over 95 per cent. of the males to exercise this franchise, it will only be strange to suppose that their women may be able to possess a necessary qualification for the purpose. These women have no independent means of income, and have got to depend upon the income of their male members for their maintenance. We would suggest, therefore, that for years to come it will serve no practical purpose by investing women of this country with the right of franchise.

We have indicated in our Memorandum submitted previously that election should be made by ballot. The method that is still in use has not produced the desired or any satisfactory object; for, the last three elections show that due to illiteracy the voters could not decipher the real situation, and hundreds of instances occurred when the ballot papers have been rejected on account of incorrect or imperfect marking. We are sorry, also, to note that there was more than one instance when the presiding officer and those in charge of election at different polling booths were not able to go above dishonesty while marking the ballot paper on behalf of an illiterate voter, only because of the castes to which these officers, the voters, and the candidates, respectively, belong. This difficulty, we suggest, may be avoided if there be each separate ballot box of a particular colour for each candidate, with his name inscribed on the same; and instead of the present form of ballot paper a card, with a number and the official seal on it, be used. To avoid any misunderstanding, which is not very uncommon, and to avoid unnecessary delay, it is advisable that the votes recorded at any particular polling station be counted immediately after the poll is over, by the presiding officer, in the presence of either the candidates or the agents, and the results communicated to the Returning Officer, with the ballot papers and other articles in connection therewith.

The pay of all the officers, including the Governor, Members of the Executive Council, Ministers, Secretaries should be reduced to a considerable extent; for the revenue should be used more for the benefit of the people than for the Heads of the Departments, and especially for the reason that the public duties that any of these officials should be called upon to discharge, and the position that he will occupy should be taken as enough consideration for rendering loyal services to the State and the country. We venture to think that there is no country in the world, excepting India, where public services yield such a highly disproportionate remuneration and make the services absolutely top-heavy.

The Governor of a Province should be at the head of the Executive, and will be responsible to the Parliament, and also to the Viceroy for the good administration of the Province. He will personally supervise works of the Reserved Departments for which he will be personally accountable to the Viceroy, and he will also superintend the works of the Transferred Departments. He may advise the Ministers in all matters, and in case of difference of opinion he may choose another batch of Ministers, or dissolve the Council for fresh election in order to know the decision of the electorate. To keep the gravity of the House, and also to be in touch with the feelings of the people he will, when feasible, preside over the Council. In his absence the President, elected by the House, will preside. All acts with the sanction of the Governor be enacted as laws. In case of veto, he will send the Bill, passed by the Legislature, to the Viceroy, with a note for his sanction of veto and that note will be published on demand.

The Members of the Executive Council should be recruited for five years from the public men, both of Great Britain and India. It has been seen in more than one case that British members of the Indian Civil Service, on account of their living in this country for a long time, and by coming into contact with only a section of the people, are mentally

captured by the ideas of those few people who are in the position of social aristocrats. As for the Ministers, our suggestion is, that they should not be taken from the representatives of any special constituency. For maladministration, the Legislature will be empowered to express their disapproval of the same by the token cut in their pay, and the proceedings of the Council in respect to this matter should be submitted to the Secretary of State for India, and the Premier, so that the British Cabinet may be able to know the details of the administration of the provinces by the Members nominated by the Governor. Under-secretaries of the Ministers should be taken from the non-official elected Members of the Council, and should be appointed by the Governor in consultation with the Chief Minister, under whose order they may be removed subject to the approval of the Governor.

The official heads of the different departments should carry out the policy and order of the Members or Ministers in charge of each of the departments, and those officers should be liable for efficient working of their departments, and may be transferred, suspended or degraded by the Ministers or the Members of the Executive Council with the sanction of the Governor.

Of the subjects that are now reserved, the following should be transferred :—

1. Education with all its branches, including the Universities, except the education of the Europeans and Anglo-Indians.
2. Tramways within municipalities.
3. Water supply, irrigation, canals, drainage and embankments, water storage and water power.
4. Famine relief.
5. Land Acquisition.
6. Land Revenue administration, with all its heads.
7. Industrial matters.

In a country and in the provinces, where there are ample powers of control in the hands of the Governor-General, Governors and other authorities, and there are sufficient provisions of checks and holding balances, we do not find any necessity of a Second Chamber. This will not only incur a heavy expenditure, but it will also check the progress of the country. The conservatives, the reactionaries, and the aristocrats, who are always against all sorts of social and educational progress of the country—being in the Upper House will always overthrow the popular demands and popular reforms.

Provincial autonomy. Though we are not for provincial autonomy, we shall urge upon the authorities to see that the provinces be not starved, and their administration suffer from want of funds, only to meet the expenditure of the Central Government. As for Bengal, we suggest that the tax on jute should be in the hands of the Provincial Government, and be spent for the cause of education, sanitation, agriculture and irrigation.

All the sources of income of a province should be in the hands of the Provincial Government, which will, in its turn, contribute a just proportion to the Central Government according to its demand. Looking to the needs and importance of the departments, the purse should be divided among the Members of the Executive Council and Ministers, with an eye to the fact that the nation-building departments do not feel any want of funds.

The Governor-General should have the power of superintendence, direction and control of the Civil and Military Government of India. He will also carry out the policy and order of the British Government expressed through the Secretary of State for India. He will be responsible to the British Parliament for the good administration of the country. He will administer Central subjects through Ministers, who will be responsible to him for the good and efficient administration of the departments under each of them.

All the Ministers of the Governor-General should be recruited from amongst the public men both of India and England. These Ministers will advise the Governor-General in all matters, but their advice may not always be accepted. When the Governor-General fails to accept the advice of his Ministers, he will write a note stating reasons of his not accepting the advice, and that note is publishable on demand. In some matters, social, educational, and legal, the Governor-General should accept the opinion of the Assembly. When the opinion of the Assembly clashes with the policy of Parliament, the Viceroy, in consultation with the Secretary of State for India, may veto the bill passed by the Assembly, and he will publish his reasons for the satisfaction of the people. The Assembly should be taken as the representative body of the people.

As there is sufficient power for checks and balances, we find no necessity of the Council of State, and we humbly urge you to abolish the same immediately.

The Governor-General will personally look into the working of the Provincial Governments as well as the administration of the Central subjects. All the heads of the departments should be personally accountable for the efficient working of their departments to the Ministers in charge of those departments. When the Legislatures will see that the working of a particular department is not going on efficiently, or on a good line, they may express their disapproval of the same by token cuts, and also by refusing the salary of the Minister or Ministers who are in charge of that department. On the recommendation of the Governor-General, the Premier will restore the salary or the required money. By this the Cabinet will have a chance to see the working of the Government in particular matters. But if the Legislatures refuse the grant or the salary successively for three times, that grant or the salary should not be restored in order to respect the opinion of the people's representatives. To this extent the Executive will be responsible to the Legislatures. The Governor-General will appoint from the non-official members of the Assembly the Under-Secretaries of his Ministers.

Relation between Central and Provincial subjects :—

Of the Central subjects, we suggest especially that Ports, Customs Duties, Cotton Excise Duties, Income Tax and Jute Tax should be under the control of the Provinces, and the Provinces will contribute to the Central Government the sum required every year. Meston Settlement should not be revived, and no other settlement is necessary. At the request of the Viceroy, the Provincial Governments will contribute in their respective share the money required by the Viceroy.

Law and order, justice and defence of India should be in the hands of the Governor-General, and the Governors, and they will be responsible to the British Parliament for these matters. As far as possible the Government will try to accept the advice or opinion of the people expressed through Legislatures. The Government will see that all these should be used for the Indians, and not for the Empire.

Up till now, the Government is following the policy of conservatism, and is almost always constantly and systematically opposing almost all sorts of social reforms demanded by the progressive Indians. The Government should change its policy, and always leave the matters in the hands and opinion of the Indians. The Government members will be allowed to vote according to their personal and individual choice. The Government, instead of going back, should always keep pace with the idea of the people, and help the Indian people to come out of all sorts of superstitious old ideas.

Instructions have been given by the Home Government to the Indian Government, and also by the Viceroy and the Governors, to their Ministers, to give special protection to the classes who, from their lack of education and material advantages or from any other causes, especially rely upon the protection of the Government, and cannot rely upon their

countrymen, and to take special care for the amelioration of their conditions. But we regret to note that no such protection has been given, or care has been taken for the amelioration of these Depressed, or more correctly the Oppressed, Classes. The Government is busy to see the claims of the agitators fulfilled, and the happiness of the happier more increased.

We venture to state that the British Government, on whom we look not only as our protector, but also as the God-sent deliverers of our misery, thought it insignificant, while enacting the Government of India Act of 1919, to take into consideration the claims and miseries of the Depressed Classes, and made no provision for the safeguard of these unfortunate people. How ludicrous it is that in that Act only one representative was suggested of so many people, numbering about one third of the total population of the province, and that also is by nomination, while other classes who have been occupying all the seats of the council by election, with as many as five more seats by nomination. While the employers have got the right of sending a large number of representatives, the labouring classes have got only two members by nomination. The land-holders, or zamindars, have got a special favour of sending from special constituency five of their men, in addition to about 75 more from the general constituencies. Over and above these, many of their men come in by nomination. As for the Assembly, the Depressed Classes have got no right to send their men. Even the nominations are made from the classes who have already captured the central legislative bodies, and are friends of the high officials or Ministers. Only for an excuse of the Statutory Royal Commission one gentleman from the Depressed Classes has been nominated to the Assembly this time. It is still more ludicrous that the members of the Non-depressed Classes have been eligible to represent the Depressed Classes.

We now humbly beg of the Commission to see that the British Government should issue instructions, in the line of the Instrument of Instructions issued to the Indian Government in the Act of 1919, and also make provision to carry the Instructions into action.

We humbly beg to impress upon the Commission that we have right to live as others do, and let our works be done by ourselves.

In conclusion, we beg to submit that we propose to tender oral evidence in support of the Memorandum on behalf of the All-Bengal Namasudra Association, and the Namasudra Community of Bengal. It was so resolved unanimously at a recent meeting of the members and the thinking leaders of the community. We have unanimously elected for this purpose Mr. Mukunda Behary Mullick, M.A., B.L., of No. 59, Badreedas Temple Street, Calcutta.

Memorandum submitted by the Bengal Depressed Classes Association.

In submitting the enclosed written statement we should like to make it clear that we have not put our suggestion regarding the several matters under enquiry by the Commission. We are of opinion that it is essential for us to submit in as clear terms as possible and it is no less important for the Commission to realise the true position that the Depressed Classes occupy in the country. So far as the details are concerned, we hope to make the same clear by our oral evidence which we tender in support, as also in amplification of the written statement submitted herewith.

At the same time, we should here like to state that we have had an opportunity of discussing the matters under enquiry by the Commission with the members of the Committee appointed by the All-Bengal Namasudra Association to draft their written statement, and we have also had opportunity of looking into their suggestions. We submit that we are in general agreement with the suggestions made by them and we adopt the same generally for the present. We only crave leave to be allowed to furnish details by oral evidence at the time of enquiry later on.

The Depressed Classes form more than 58 per cent. of the Hindu population of Bengal. According to last census their number is 11½ millions. The Namasudras are the most prominent class amongst them, numbering 2,007,259, in 1921. They have made vigorous, steady and successful fight for the self-elevation. Annual conferences are held to right their wrongs and advance their rights. They are the second Hindu caste in Bengal, the Chasi Kaibarta (Kahisya) alone being more numerous. They are in greatest strength in the districts of Faridpur, Backargonj, Dacca, Khulna, Jessore, and parts of Mymensingh, Tippera and Pobna. They have improved their economic position in recent years to some extent and, perhaps, would have shown better prospects but for the oppression by their landowners and money-lenders.

The expression "Depressed Classes" has attained a political significance which has been enhanced by the provision of their special though inadequate and nominal representation in the Legislative Council.

Some have taken objection to the term, Depressed Classes, as the classes included are not really low or in any way inferior to the so-called higher classes. Given equal opportunities they are capable of showing equal progress, as has been proved by the result of examinations.

The caste system stigmatises these classes as untouchables, as water touched by these classes of people is not drunk by the so-called higher classes. Their very presence in a room is said to pollute water and cooked food. They are not allowed to enter public temples. Mr. M. C. Kitter, in "A Study in Ideals," says :—"Caste is another of the institutions which by rigidity and tyranny plays a considerable part in retarding and hindering India's advancements. Castes in some form exist in every country, but elsewhere, as in ancient India, a member of one caste may by qualification, occupation and worthiness be shifted to another by acknowledged authority. The system of caste as instituted and as prevailed until the Aryan began to degenerate, was beneficial, since it regulated division of labour for the community." Sir T. Madhab Rao said :—"The longer one observes and thinks, the more does one feel that there is no community in the face of the earth that suffers less from political evils and more from self-inflicted, self-accepted or self-created and, therefore, avoidable evils than the Hindus."

Though these suppressed classes are classed and reckoned as Hindus they are denied all rights as Hindus and are really treated as people outside the pale of Hinduism.

The Depressed Classes in India form a vast multitude. A question that is agitating Hinduism at the present moment is as to whether these Classes should be counted as Hindus or not. Ten years ago the answer would have been emphatically in the negative; even now this conservative feeling of the country is for their exclusion. But the conscience of the more advanced section of the educated Hindus is a little sensitive on the point. It is awkward to be reminded by rival Muhammadan politicians that more than half of the total Hindu population is not accepted by Hindus as a part of themselves. It is obviously desired by the Hindus in the presence of such an argument to claim the Depressed Classes as within the pale of Hinduism. But if they are to be so reckoned, logic demands that they should be treated with greater consideration than at present. But the stoutest-hearted reformer admits to himself that these difficulties in the way of effective action in this matter are great; as strong as the hold that caste has on the Indian mind.

These suppressed classes prefer British rule to Home rule for India. They remain aloof from the Swadeshi boycott, non-co-operation and recent independence movement started by the handful of agitating Indians.

They are mostly agriculturists, labourers, artisans, and traders. They produce crops and maintain the so-called higher classes. Their improvement in the social and economic scale is due to British rule. But it is also necessary to mention here that the high Government officers, having been recruited from the so-called higher classes, put all possible obstacles in their way and the Government have not fully discharged their duties towards these classes in spreading education and giving suitable appointments to deserving candidates as an impetus to further progress. There are special schools for these classes outside Bengal, but no such school has been started in Bengal.

The Village Education Commission says: "Speaking generally, it is still the case that the casteman not only does nothing for the enlightenment of the outcaste, but puts positive obstacles in his way, knowing that if he is enlightened, he can no longer be exploited."

The Depressed Classes have from time immemorial been specially condemned to illiteracy by the brother Indians. The Education Commission of 1882 recommended that the principle that no boy be refused admission to a Government School or College on the ground of caste be reaffirmed and applied.

At the same time the Commission recommended that the establishment of special schools for children of low castes be liberally encouraged. During the last sixty years certain sections of the Depressed Classes, especially the Namasudras, are making sustained efforts to improve their condition and have organised themselves to some extent to support schools of their own. Towards the total of 96,552, which represents the pupils of the Depressed Classes under instruction in 1921–22, the Namasudra community alone contributed no less than 49,273. Out of 197 students of these classes in the University College, 144 belonged to the Namasudra community, in 1921–22. Owing to lack of incentive, the number of Namasudra students in high English School fell from 1,489, in 1916–17, to 1,025, in 1921–22. In primary education they have made considerable headway. The population and the number of literate males of the Depressed Classes are going below. At the time of making Permanent Settlement with the Zamindars of Bengal, Government assumed the power of enacting laws for the welfare of the tenants. But nothing has been done to protect them against the oppression and unlimited power of enhancement of rent by landlords. His Gracious Majesty the King Emperor in his Royal Proclamation regarding the inauguration of the Reformed Constitution, had the interest of not-fully-developed communities specially in mind and laid a special charge on the people and their representatives to protect them. We recall his gracious words: "In marching towards the goal there will be need of perseverance and of mutual

forbearance between all sections and races of my people in India. I am confident that their high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interest of the masses who cannot yet be admitted to the franchise. I rely on the leaders of the people, the ministers of the future, to face responsibility and endure sacrifice for the common interest of the State."

A review of the work of the Legislature during the last few years will clearly show that the interest of the masses, the Depressed Classes and Raiyats are not safe in the hands of the so-called leaders.

Late Mr. E. S. Montagu and Lord Chelmsford, in their report on Indian Constitutional Reforms, said : "We have shown that the political education of the Raiyats cannot be rapid and may be a very difficult process. Till it is complete he must be exposed to the risk of oppression by people who are stronger and cleverer than he is, and until it is clear that his interest can be safely left to his own leaders or that the Legislative Councils represent and consider his interest we must retain power to protect him. We intend to make the best arrangements for their representation in order that they, too, ultimately learn the lesson of self-protection. But if it is found that their interests suffer and that they do not share in the general progress, we must retain the means in our hands of helping them."

The Bengal Electoral Rules provide that two persons shall be nominated to represent respectively the following classes or interest, namely : (i) the Indian Christian Community, and (ii) classes which in the opinion of the Governor are depressed classes ; and two shall be persons nominated to represent the labouring classes.

We fail to understand how the nomination of one member can be held to be the best arrangement for representation of the Depressed Classes, numbering at least 11½ millions according to the last census report, which has excluded such castes as Dhoba, Sunrri, etc., but who have been included in the list prepared by the Educational Commission with the Government of India, as given in the Calcutta University Commission Report, Vol. I, part 1, page 188, while two members are nominated to represent the labouring classes, numbering about 5 lacs (including females and children) and one member to represent about one lac Indian Christians only.

The so-called leaders, and more especially the self-assumed "heaven-born leaders," have done nothing, nor even made any provision for the protection of the Depressed Classes. Even the so-called All-Party Conference has not thought fit to consult the opinion of the Depressed Classes. On the contrary, attempts have been made to ignore them at all.

It has been proved beyond doubt that the present system of election is quite unfair to the Depressed Classes and the Raiyats. Landlords and money-lenders and men of influence and power, posing as friends of the Depressed Raiyats, manage to be returned as members in the Legislative Council, but that they forget their promises when the time of voting or a motion apparently against the interest of the Raiyats and the Depressed Classes come up before them in the Councils.

So, we earnestly suggest that a number of seats in proportion to population should be reserved for the Depressed Classes, and separate Electorates should be created for them. The franchise should be made as wide as possible. Every adult male member should be given the right to vote. The system of taking votes should be changed, so that there may be no difficulty for illiterate voters in recording their votes. Number of polling stations should be so increased as to be easily accessible to the voters.

The Depressed Classes should have their due share in the administration and public services. Government posts are mostly at the disposal of the Indian officers, who are not sympathetic towards these Classes, and in spite of the repeated assurance of Government that the claims of the deserving candidates of the Depressed Classes will be sympathetically considered we see every day that our deserving candidates are superseded by the influence of Hindu officials. So we press for reservation of at least 40 per cent. of the posts for the Depressed Classes.

We beg, in conclusion, to submit that we adduce oral evidence in support and in amplification of the written statement by furnishing details. It was also unanimously resolved at a Special Conference of the Association ; and Mr. Dhananjoy Roy, M.A.B.L., Pleader, Alipore, 24 Perganas, Secretary, Bengal Depressed Classes Association, and Rai Sahib Rebati Mohan Sarker, N.L.C., Vice-President of the Association, have been selected for the purpose.

CALCUTTA.
21st January, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT DR. SUHRAWARDY), AND OF THE BENGAL PROVINCIAL COMMITTEE.

Deputation from the Bengal Depressed Classes Association and the All-Bengal Namasudra Association.

The deputation consisted of :—

Mr. MUKUNDA BEHARY MULLICK, M.A., B.L., President, Namasudra Association.
RAI SAHIB REBATI MOHAN SIRCAR, M.L.C.
Mr. DHANANJOY ROY, M.A., B.L.
Mr. MONO MOHAN DAS.
Mr. JAYA GOPAL BISWAS.
Mr. BIRAT CHANDRA MANDAL.
Mr. RADHA NATH DAS.
Mr. BHARAT CHANDRA SIRCAR.
Mr. RASIK LAL BISWAS, B.A.
Dr. BANAMALI DAS.

1. *The Chairman :* Mr. Mullick, you, I think, are the president of the Namasudra Association ?—(*Mr. Mullick*) Yes, sir.

2. And we are receiving together the representatives of the Bengal Depressed Classes Association and the All-Bengal Namasudra Association ?—That is so.

3. To a very large extent they have got similar points of view, and we see that there are a number of other gentlemen with you; of whom, I think, some are members of the Bengal Depressed Classes Association ?—Yes, they are.

4. And others are members of the All-Bengal Namasudra Association ?—Yes.

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5. *Rao Bahadur Rajah :* * * * Mr. Mullick, you represent both the Bengal Depressed Classes Association and the All-Bengal Namasudra Association ?—Yes, I do.

6. These are the two pioneer Associations in the Bengal presidency ?—That is so.

7. Apart from these you have got minor Associations also ?—There are.

8. On page 96 of the memorandum from the Bengal Depressed Classes Association you say that the population of the Depressed Classes in Bengal is eleven and a half millions ?—That is so ; it will be more now. We have taken the figure from the Government census report.

9. That forms about 58 per cent. of the Hindu population of Bengal ?—That is so.

10. On the same page you say : " The caste " system stigmatises these classes as untouchables, " as water touched by these classes of people " is not drunk by the so-called higher classes." We understand that. But you further on say : " Their " very presence in a room is said to pollute water " and cooked food." ?—Yes, that is so.

11. " They are not allowed to enter public temples." Will you just make it clear to the Commission what is meant by that ?—If a Depressed Class man enters a room where there is water and food cooked by a high class Hindu, that water and food will at once become polluted. With regard to public temples, the Depressed Class people are not allowed to enter them. A case of this kind has happened recently, and the case also went up to court.

12. How do these Depressed Classes live in the mofussil ?—They live in the villages, but they have got their own localities, what are called *pattis*, *pallis*, *paras*, and so on. They do not live side by side with the caste-Hindus.

13. Am I to understand that the Depressed Classes live in separate localities called *pallis*, *pattis*, and so on ?—Yes, that is the situation.

14. And these are known as *Muchi pallis*, *Chandal paras*, and so on ?—Yes.

15. Supposing a member of the Depressed Classes wants to go and live in a caste village, will he be allowed there ?—I think not.

16. I suppose you have got wells dug out by district boards ?—Yes.

17. Are there wells dug out by the district boards in these *pallis*, and so on ?—We have not any.

18. Supposing these people want to take water, will they be allowed to take water from the district board wells ?—Certainly not.

19. Then what do they do ?—In Bengal we have got canals, tanks in the *pallis* and *paras*.

20. Are you allowed to take water from the tanks ?—If the tanks are situated in the caste-Hindu quarter we are not allowed to take water, and even if they are allowed, they will be allowed to take water from particular portions of the tank.

21. I am told that a certain dirty corner of the tank is allotted to these Depressed Classes; is it a fact ?—It is a fact.

22. As regard the children of the Depressed Classes, have you separate schools conducted by the district boards or local boards or municipal councils in these village parts ?—No.

23. Then where do these children read ?—It is very difficult to find accommodation for them. That is the difficulty in many cases.

24. I suppose there are district board schools ?—Yes.

25. Where are they located ?—Mostly in the caste-Hindu quarters.

26. If the children of the Depressed Classes want to read they have to go to the caste-Hindu quarter ?—Yes.

27. Do they get admission there ?—It is very difficult and the distance also is very great. Admission is not always given.

28. Are these children provided with separate benches in the schools ?—When they get admission, that is the position.

29. The caste-Hindu boys are allowed to sit with their shoes on, whereas the boys of the Depressed Classes are asked to remove their shoes when they enter the school ?—Yes ; they are not allowed to put their shoes on when they read in these schools.

30. As regards water facilities in the schools, do these Depressed Class children get water to drink when they get thirsty ?—That is another difficulty. There is no arrangement for these children to drink water. I myself had the experience in my boyhood. We have to wait outside the room where water is kept till a caste-Hindu friend comes and puts water in our hands.

31. You are not given even a vessel ?—No.

32. Are the Depressed Class children allowed to

touch the caste-Hindu children in the schools ?—No.

33. Supposing by accident he touches ?—Then the consequence is very serious. The Depressed Class boy will be thrashed. Recently there was a case. The parent of the caste-Hindu boy who was touched by the Depressed Class boy thrashed the latter, and the case went up to the court with the result that the parent was fined Rs.10. That happened recently.

34. Are these stray cases ?—No, no. I am only giving the cases which are uppermost in my mind at the present moment. These are common occurrences.

35. Do barbers shave you ?—No : the barbers that shave the high caste Hindus do not shave us.

36. Do the dhobies wash your clothes ?—No, not the ordinary dhobi.

37. You have got your own barbers, your own dhobies, your own priests, and so on from your community itself ?—Yes.

38. *Raja Nawab Ali Khan :* What do these priests call themselves ?—They call themselves priests. They belong to our class. Even our gods are Depressed.

39. *Rao Bahadur Rajah :* The ordinary Bengali Hindu barber or dhobi will not do service to you ?—No.

40. You are an educated man ?—Yes I think so.

41. You know some time ago there was an agitation that in the hotels and refreshment rooms in Edinburgh the Indian students were not allowed to enter. Will you kindly tell the Commission whether in the hotels and refreshment rooms run by the Hindus in Bengal, the members of the Depressed Classes are allowed to enter ?—Not at all.

42. Even though you pay double the price ?—If they know the caste, they will never allow you.

43. You have got your own temples and *mandirs* ?—Yes.

44. You have got your own gods ?—Yes.

45. The caste-Hindus do not worship them ?—There is no question of worship ; they do not even bow down to them.

46. They consider them as untouchable gods ?—Yes.

47. *Sardar Shivdev Singh Uberoi :* What sort of gods have you got ?—We have got the same gods as the caste Hindus have. The gods are the same ; the idols are different.

48. *The Chairman :* Will you kindly tell me which caste you belong to ?—The Namasudra community.

49. There are nearly two millions of them ?—That is the number in Bengal.

50. *Rao Bahadur Rajah :* You have post offices in these localities of yours ?—No.

51. Post boxes ?—No.

52. Supposing a member of your community wants to buy a post-card, what does he do ?—He has to go to the post office, which is situated in the caste-Hindu quarter. He has to throw the pice on the counter and the post-card is thrown back by the clerk in charge. The clerk does not take the coin from the hands of the Depressed Class man, nor does he hand over the card to him. He throws it to him.

53. You have got your hereditary titles, like Mandal, Patre, Rai, Mullick and so on ?—Yes.

54. Suppose there is a Depressed Class man, Akshay Kumar Sircar, the letter is not delivered to him as such, unless the term "Muchi" is added ?—Yes, unless his caste is put down.

55. If he wants to buy a post-card, he has to stand in the verandah and pass on the coin to the clerk, who will throw the card to him ?—Yes. He will not take the money from the hands of the Depressed Class man.

The Chairman : The difficulty about all this is this. We have heard it in different forms, I am sure, with a great deal of sympathy and interest. This is a constitutional enquiry, as you know, and what is the direction in which the constitution of India, which is a written constitution, must be changed ? I am not quite clear what all this is going to lead to.

Rao Bahadur Rajah : The reason why I am putting these questions is this. The condition of the Depressed Classes in the Madras Presidency was worse. The Depressed Class man could not even enter the street in which the post office was located. Now, gradually, on account of bringing such questions in the Legislative Councils, such things are being set right. What I wish to point out is that unless we have got proper representation, these social differences cannot be set right.

56. *The Chairman :* That is perfectly to the point. That is raising a constitutional question. This is all designed to show, is it, that this very large population, 11½ millions, according to one figure, of castes that are called Depressed in the presidency cannot expect to get their condition of things improved until their representation in the council is increased ?

Rao Bahadur Rajah : Yes, that is my point.

The Chairman : I should like to know from this deputation what representation they suggest. What do they want ?

Rao Bahadur Rajah : I will bring out the point, sir.

57. Even the postmen do not enter these Depressed Class localities ?—No. If by chance they find anyone near about the post office, they send all the letters through him. It does not matter to him whether the letter reaches the proper man or not.

58. *Mr. Hartshorn :* You mean to say that there is no provision made by the postal authorities to have any letter addressed to your community properly delivered ?—The postal authorities might have. But what we find is that letters are not delivered to us except through this channel that I have mentioned. The letters are sent through anybody whom the postmen meet.

59. *Colonel Lane-Fox :* Do you ever report ?—We can make reports, but the difficulty is about enquiry.

60. *The Chairman :* Better make it plain, if you will. The difficulty, you say, is about the enquiry ; what does it mean ?—Unless the letters are registered, there is no record of them. If you go and make a complaint, they may say, "No such letter has been received." We have got a journal of ours, and we find that when it is sent out to the persons by value payable post it is often returned as refused, while we know that it is never taken to the addressee.

61. At present there is a nominated member of the Bengal council, nominated by the Government, to represent those classes which in its opinion are Depressed. You have such a member ?—Yes, he is my friend, Rai Sahib Sircar, who is here.

62. Rai Sahib, has this last matter about the post office come to your notice ?—(*Rai Sahib Sircar*) Yes.

63. Have you ever raised the question on behalf of your constituents in the Legislative Council ?—I am alone in the Council and it is very difficult to bring it in the Council.

64. *Rao Bahadur Rajah :* As regards schools and colleges, you have got also hostels in which the Depressed Class students are admitted ?—(*Mr. Mullick*) They are not admitted into the hostels.

65. I understand there are some hostels here in which they are admitted. In such cases do they dine jointly with the other students ?—Separate arrangements are made for accommodation and for food.

66. They have got to clean their own utensils ?—Yes.

67. But in the case of the caste Hindus ?—They are provided with servants.

68. In some hostels where bathing ghats in tanks

are provided, there are separate ghats for the Depressed Class students ?—Yes.

69. They do not have a joint mess with the caste-Hindu students ?—They do not have.

70. There is a Government Sanskrit College in Bengal ?—Yes.

71. Are the Depressed Classes allowed into this college ?—No.

72. You are a member of the Bar ?—I am.

73. Even in the Bar library there are different arrangements for drinking water ?—In the district and sub-divisional courts there are different arrangements.

74. Separate tumblers are kept ?—Yes.

75. The boy in charge of the caste-Hindu room refuses to serve water to you ?—Yes, that is so.

76. I suppose there are a number of graduates in your community ?—There are a fair number.

77. Four hundred to five hundred ?—Yes.

78. There are M.A.'s and B.A.'s ?—Yes.

79. Are there many of them in the public service ?—Only a few.

80. I should like to know whether they find any difficulty in entering the provincial or subordinate services ?—Yes, they do find difficulty.

81. I understand as recently as January, 1921 (1928 ?) they recruited some sub-registrars ?—Yes.

82. And for that the Government asked the various Commissioners to send up nominations ?—Yes.

83. The Commissioners in turn asked the various Collectors ?—Yes.

84. That is, qualified candidates for these posts ?—That is so.

85. In the Dacca division, I understand, the Commissioner sent in four nominations ?—Yes.

86. Two Hindus and two Muhammadans ?—Yes, that is so.

87. Out of these two Hindus only an M.A. belonged to your community ?—To one of the Depressed Classes.

88. And the other was a B.A., a Kayastha ?—Yes.

89. Of the other two Muhammadans, one was an M.A. and the other a B.A. ?—Yes.

90. And out of these, two were appointed ?—Yes.

91. Although in the notification it was said that preference would be given to Backward and Depressed Classes ?—I believe that was the notification.

92. In spite of that they thought it fit to offer the appointment to the B.A. Kayastha, overlooking the Depressed Class M.A.'s claims ?—Yes, it was published in the last Gazette.

93. Again, in June, 1928, in the Dacca Civil Court, there were a number of vacancies for clerks, but they did not even care to advertise ?—That was what we knew.

94. There were a number of graduates belonging to the Depressed Classes who sent in their applications for these clerkships, but the son of an official who was a Matriculate was preferred ?—That we discovered later.

95. And a brother-in-law of the head clerk, an undergraduate, was preferred ?—Yes.

96. And the graduates belonging to the Depressed Classes did not get a chance ?—No.

97. And recently, about five months ago, there were some appointments under the Controller of Currency, in Bengal ?—Yes, and also under the Accountant General, Bengal.

98. There, also, members of the Depressed Classes who were graduates, applied for those posts ?—They did.

99. And they did not get them ?—No, although an advertisement was made and it was said in the advertisement that some appointments would be reserved for them.

100. Also, as regards sub-registrars in Khulna, Faridpur and Jessore districts, several members of the Depressed Classes, graduates, applied for these appointments, but they were not preferred ?—They were nominated by the Collectors, but I do not know what happened after that.

The Chairman : It seems to me, Mr. Rajah, that you have given us, with the help of the witnesses, some illustrations. It may be that they may be challenged ; but let us assume that it does indicate, and it does seem to me it indicates, a very grave social condition in India. Now, I would like to know from this deputation what it is that they suggest should be done ?

101. *Rao Bahadur Rajah :* Mr. Mullick, till to-day, the 21st January, 1929, you have been exercising your franchise in a joint electorate ?—That is so.

102. Although you do not have joint worship, you do not have joint messing, joint bathing and joint social functions ?—Yes.

103. And you have been rubbing shoulders with high-caste Hindus ?—Yes.

Rao Bahadur Rajah : Why do you want separate electorates now ?

104. *The Chairman :* I understand, at present, members of the Depressed Classes, if they had the franchise qualification would have voted in the non-Muhammadan constituencies ?—That is so.

105. In substance they have been voting with the other Hindus ?—That is so.

106. Now, you say you would like to have separate electorates for these Depressed Classes ?—Yes, sir.

107. Will you explain to us, why ?—We see the position that we have been driven to after exercising our vote in the joint electorate with the high-caste Hindus, and but for that condition, perhaps, there would have been no necessity for us to come before this Commission and put forward our grievances which we have been feeling from time immemorial. It is for that reason that we ask for a separate electorate, so that we might be entitled to return our own representatives, our true representatives, to the Council, from where we know all this may be remedied.

108. Just let me put this question to you. We want to consider this in a practical way. You may be quite sure that we feel a great deal of sympathy with the kind of difficulties that you describe, but we want to see how far constitutional arrangements are likely to help you. Are you proposing that the franchise under which members of the Depressed Classes can vote is to be the same as the franchise for other people, or different ?—That we have to leave to this Commission, but we have suggested in our Memorandum that the franchise should be given to every adult male member.

109. You want adult franchise ?—Yes.

110. Unfortunately, there is a good deal of illiteracy as yet in India, though generally speaking, Bengal has a very good record so far as literacy is concerned. But considering the disadvantages of the Depressed Classes in regard to schools and so on, I should fear there would be at least as high a percentage of illiteracy amongst the Depressed Classes as in any other section of the population, is not there ?—The percentage of illiteracy is very great, no doubt.

111. Are you proposing adult suffrage for the Depressed Classes in spite of the fact that they have a very large percentage of illiteracy ? They would be able to vote, would not they, only because the returning officer would try to find out what they wanted to do ?—Some method must be found so that they can exercise their vote freely.

112. Are you content to leave to a high-caste Hindu the business of being a returning officer and marking your ballot paper as you want it marked ?—We have suggested in the Memorandum that to obviate that difficulty coloured boxes for the different candidates should be used in the polling booths, so that the voter may know for whom he is voting and where to put his voting paper.

113. The coloured box plan ? I see. There is another thing you have to deal with. In so far as it is a question of ostracism by high-caste Hindus, you people suffer because you are regarded as being inside the Hindu circle ; but there are some people,

who are in a very backward or depressed condition who are not Hindus at all ?—I do not know whom you would mean by them. We are speaking of those who are by chance regarded as Hindus, for lack of another name.

114. What I mean is this. Do you think it would be justifiable to give a franchise as wide as adult suffrage to the Depressed members of the large Hindu community, but to leave unenfranchised people who are at the lowest level, let us say, among the Muhammadans or other communities ?—So far as this deputation is concerned, we are here to submit our case. That question has not been considered by our Association, and I am not in a position to give a straight answer to it.

115. There is one other thing I should like you to tell me. One observes, of course, that you, sir, are an advocate, and we have heard that a number of members of the Depressed Classes are M.A.'s and people who have done well in the University. Do you not think there has been some improvement in the last twenty years ?—In what way ?

116. Do not you think the position of the Depressed Classes has improved in the last generation ?—There may be grades. In the matter of education, we have been forced to establish schools for ourselves, and there has been some improvement ; but so far as other aspects of the matter are concerned, and with regard to what we understand to be the object of this Commission, so far as getting proper representation in the administration of the country is concerned we are as backward as before.

117. Let us take it in figures. How many members out of the whole do you think the Depressed Classes should have ? Can you suggest any figure ?—We are not in a position to give the number at once, because the whole thing has to be considered. The figures are with Government, and it may be for this Commission to decide what the number should be.

118. I am putting difficulties, not because I am in the least unsympathetic, but because I want you to deal with them. The difficulty which has been suggested is this. You obviously could not make a franchise for the Depressed Classes unless you had a list giving every man's name, so that every man was on a list of voters. Do you think the list of castes is so clearly established that there is no dispute as to which castes are Depressed and which are not ? —I believe that point is not open to any further debate, because in the council Government were asked several times as to which these castes were, and I remember Sir Hugh Stephenson (the present Governor of Bihar and Orissa) said that it had been settled once for all, and that it was down in the Government records what these castes were.

119. You see, the census gives a list of castes, and the numbers add up to just over eleven millions ?—Yes.

120. But not very long ago there was the Calcutta University Commission, and they looked into this and published a list of castes which was not the same as the census list, and their list adds up, not to eleven, but to seven millions. Everything depends, does not it, on which castes you include ?—Perhaps an objection was raised by some of the castes which were included in the census list, and they asked not to be included in the Calcutta University Commission list.

121. Those were the difficulties which occurred to me, Mr. Mullick. I am not in the least (as I have told you already) lacking in sympathy, nor are any of us, but we are engaged on a practical task, and we want all the help we can get to enable us to discharge it. You think those difficulties could be got over, and you would prefer election to nomination ?—Yes. We prefer election to nomination.

122. Are you quite satisfied that in the present state of affairs if there was an election the Depressed Classes would not be under a good deal of influence to vote for somebody whom other people wanted elected ?—If they had a separate electorate there would not be that trouble.

123. Are you sure of that ?—Yes.

124. *Rao Bahadur Rajah :* Up to now you have been exercising the franchise in a joint electorate ? —Yes.

125. What happened in the 1921 election ? Am I right when I say that because you were in a joint electorate the caste people, who predominated in great numbers, put up an ordinary illiterate cobbler to spite your community, and he was returned to the council ?—Yes. Although there were many qualified candidates, these people put up an illiterate cobbler to put us to disgrace.

126. But if you had a separate electorate, you would return your true representatives ? You would be able to return the men whom you would like to have as your representatives if you were acting alone and independently ?—That is so.

127. Moreover, am I to understand that a separate electorate will be a sort of political school for educating your community in the effort to exercise the franchise and criticise policy ?—Yes.

128. If you have a separate electorate, you will be articulate, and will be socially respected by other people ?—That is so.

129. Rai Sahib, you are a member of the Legislative Council ?—(*Rai Sahib Sirçar*) Yes.

130. What do you think of the attitude of that body towards the Depressed Clases ?—It is unsatisfactory.

131. Has any legislation been attempted in your council to ameliorate the lot of the Depressed Classes ? —No.

132. Has any legislation been passed of practical use to these people ?—No.

133. Since the inauguration of the Reforms, has Government secured to members of the Depressed Classes their civic rights, which have been denied them for ages ?—(*Mr. Mullick*) No.

134. Are you satisfied that the Government have used their right of nominating Depressed Class representatives to local bodies properly ?—No.

135. *The Chairman :* I do not follow this. What right of nomination to local bodies do you refer to ?

Rao Bahadur Rajah : I am speaking of nomination of members to District Boards and Municipal Councils.

136. *The Chairman :* I realise the Government has the power to nominate people, but is there anything in the law which says that these people are to represent the Depressed Classes ? I do not think so.—(*Mr. Mullick*) There is nothing in the law, but we feel that in the case of District and Local Boards which deal with district and sub-divisional local affairs, after the elections are over, when the Government and the Government Officer who is there (the Collector or Commissioner) finds there is this body of people who have not been able to return their candidates, it is the duty of that officer to get over the difficulty by nominating some one of them, and that has not been done.

137. It is a general power of nomination ?—Yes.

138. And you think the Government, in filling these nominated posts, has not considered sufficiently the importance of getting, amongst others, Depressed Class men nominated ?—That is so.

139. *Sir Hari Singh Gour :* I do not think that is what Mr. Mullick means. I think he means Government have nominated members of the Depressed Classes, but not of the right type ?—No, I did not mean that. In most cases they have not nominated any representative of the Depressed Classes. It is not a question of right type or wrong type ; in most cases they have not nominated anybody.

140. When they have been nominated, have not they been your representatives ?—Only on one or two boards.

141. *Rao Bahadur Rajah :* Out of the 27 Boards in this Presidency. With regard to adult franchise, if it is not possible to have it, if there are difficulties in forming these big electorates, what is your alterna-

tive ?—We would not press for that for the present, because there may be difficulties.

142. *The Chairman :* What is your alternative ? —We want separate electorates, of course.

143. *Rao Bahadur Rajah :* But as regards the franchise ?—To lower the present one. That we leave to the Commission. The present franchise is Re1 cess or Rs2 chaukidari tax or income tax. We would suggest as an alternative the payment of any cess—not a Re1 qualification—and the minimum cess which can now be paid is 6 annas. Payment of any cess should be a qualification for that purpose. We would not go to the length of adult franchise at present, but would leave it there.

144. *The Chairman :* Have you any kind of idea how many of the Depressed Classes are enfranchised and vote under the present constitution—how many out of your eleven and a half millions ?—It is difficult to give an exact idea.

145. I am sure it is, but is there any sort of guide you can give us ?—We shall have to find out an approximate figure, but it is very difficult to get at the exact number.

146. *Rao Bahadur Rajah :* Can you give any percentage, any proportion ?—It is difficult to give a percentage, but no doubt large numbers of our people have the franchise.

147. And you want representation in proportion to your population ?—Yes, that is what we want.

148. *Lord Burnham :* On page 169 of the Government Book,* there is a paragraph 237 on the attitude of the Council here towards the Depressed Classes, and it ends by a quotation : " There is more than " a little truth in the bitter words of a speaker on the " Budget of 1922 "—and these are the words—" ' So " far as sweet words are concerned, I admit that " from the highest rulers of the province to the so- " called Leagues, every one shows sympathy with " the condition of the Backward Classes. But when " the time for practical action comes, all sympathy " evaporates.' " Do you believe that to be a true statement ?—That is an exact statement of affairs.

149. Then if the main thing is that you should get adequate representation, supposing it is not found possible to give you the adult franchise for which you make a claim, you would rather, I imagine, have a system of representation by nomination than a franchise restricted as the general franchise is now for your own castes ?—We should go in for a separate electorate rather than ask for nomination.

150. *Mr. Hartshorn* : I would like to pursue the question put by Lord Burnham. I understand that what you desire is that we should adopt adult suffrage ?—Yes, that is our submission.

151. And running with that, you would like to have separate electorates in which the Depressed Classes would elect their own representatives ?—Yes.

152. You say, if you cannot have adult suffrage you would like to have such a lowering of the qualification as would bring in a much larger number of your community as voters than at present ?—Yes.

153. Suppose the Commission are unable to recommend adult suffrage or separate electorates for the Depressed Classes, but would be prepared to recommend adequate representation for the Depressed Classes by nomination, what would you regard as adequate representation for your community if nomination were decided upon ?—We would not go in for nomination at all, and that is the view that we come to as an Association, and, having seen the unsatisfactory results of the nomination in the last three elections, we would not go in for nomination at all.

154. How many seats do you think should be reserved for you if you were to have your own electorates ?—That, of course, ought to be left to this Commission, because it is so difficult to give a straight answer at once.

155. You are 25 per cent., 11½ millions out of 46 millions ; that is your population ratio ?—Yes.

156. Assuming that figure to be correct, are you expecting to get seats in proportion to your population, or something less than that, or something more ?—We expect to have seats according to the proportion of our population.

157. Then you expect to get 25 per cent. of the seats in the Council ?—That is our expectation.

Sir Sankaran Nair : They have said that in their Memorandum.

Mr. Hartshorn : I see in their Memorandum they are asking for 40 per cent. of the posts.

Sir Sankaran Nair : Yes, and 25 per cent. of the seats. Would you allow me, sir, to put in one word of explanation ?

The Chairman : Certainly.

158. *Sir Sankaran Nair :* You claim adult suffrage, but in all the Memoranda you say you want adult male suffrage, and you object to women's suffrage. Do you depart from that position ?—We have asked for adult male suffrage and not female suffrage.

159. And you oppose the female suffrage ?—Yes.

160. Your position is the same now, also ; you do not want women's suffrage ?—No. Our position is the same.

161. *Mr. Hartshorn :* Why ?—We have made that clear in the written statement, because of the illiteracy and the religious superstition, and all that. We would suffer most. Our womenfolk would not be prepared to go to the polling-booth. We are talking of the present ; having seen the past. We do not know what will happen in future.

162. *Lord Strathcona :* When you ask for 40 per cent. of the posts in the Services, do you mean the higher posts, or 40 per cent. of all the posts in the Services ?—Here we have put down all the posts that are given by the provincial Government, and we have given the reason that up till now our representation in the public administration has been absolutely inadequate ; and for some time to come, to ameliorate the conditions and to give us better encouragement, we want our proper share of the administration.

163. Do you think enough members of your community are qualified educationally for those posts ?—Yes.

164. You can produce your 40 per cent. if you can get the jobs ?—Yes.

165 *Major Attlee :* You say you are opposed to women's suffrage, but you want to get rid of your disabilities. Are not you going to leave one great class, the women, labouring under the disability of no representation ?—The women to-day have to depend on the incomes of their husbands and fathers and brothers. That will have to come at some later time.

166. They are economically Depressed as well ?—They are Depressed in their family relations as well.

The Chairman : They are the Depressed sex !

167. *Maharaja Shashi Kanta :* Are not your Depressed Classes untouchable amongst yourselves ? —We have not known of any.

168. Would a benefit to one class be considered a benefit to all the classes ?—That is what we feel ; and that is the decision we have come to.

169. *Mr. Cadogan :* Would you mind repeating that answer ? I did not catch it ?—I believe the Maharaja's question is whether a benefit to one of the communities would benefit the rest. I said that is so, so far as the Depressed Classes are concerned.

170. *The Chairman :* I have not followed the point before, which was an interesting question. The Maharaja, I think, was asking whether, if you take this long list of castes, if you add up the eleven-and-a-half millions, there are some of them who in the social scale would regard themselves as superior, and others in a lower scale—as Depressed as compared with them ?—So far as this list of the people whom we have the honour to represent is concerned, they

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have not got any idea like that. I do not know if it has been brought to the notice of this Commission that after these three high castes there are these nine classes. They might think in any way they like; and they are not put down in the Depressed Classes.

171. I do not know about Bengal, but I have some information about Madras, that in Madras there are Depressed castes that will not take water from another and inferior Depressed caste ?—I have no idea of Madras.

Rao Bahadur Rajah : That is not the case now.

172. *The Chairman :* Then there is an improvement ?—Yes.

173. *Lord Burnham ;* Since when ? When did the improvement come about ?—Since the last ten years or so. It is because our Associations are working for these things.

174. *The Chairman :* You think there is a solidarity, is there, growing up amongst the different Depressed Classes ?

Rao Bahadur Rajah : Yes.

175. *Maulvi Abul Kasem :* You say that you feel various difficulties in your daily life, and that your representation in the public services, by which I understand in the actual administration of the country, is very small.?—Yes.

176. May I ask you if it is a fact or otherwise that for want of proper representation in the administration of the country you have suffered not only socially, but politically and economically ?—That is so.

177. And you are not allowed to advance because your representation in the machinery of administration is very meagre ?—That is a fact.

178. From the replies you gave to the Maharaja, I understand that you are an entirely separate and definite community from the caste Hindus ?—Certainly.

179. And you want, therefore, to protect your rights by a separate electorate and a separate quota of representation in the legislature ?—That is so.

180. And also in the machinery of administration of the Government ?—Yes.

181. The education of your community, education in Bengal, is controlled by three different agencies—by the Government, by municipalities and by district boards ?—Yes.

182. Can you tell us how far you have benefited from all of these bodies in the question of your education ?—Well, so far as the last two are concerned, Municipalities and District Boards, we have received very little benefit from there, but from the Government recently we have got some little help in the shape of the grant of hostels, and so on, and I believe it was in Lord Ronaldshay's time.

183. In the City of Calcutta, in the Medical College Hospital, at a special part of the hospital which was built by a member of the Depressed Classes, your members of that community were not admitted ?—That is what we learnt some time ago.

184. But one of the hospitals built by a member of the Depressed Classes at his cost—the members of that community were not admitted to it ?—That is exactly what we heard.

185. *Mr. Hartshorn :* They are admitted now ?

Maulvi Abul Kasem : Admitted because the donor of the building was a member of the Depressed Classes himself ?—That is what happened in the case of the Hindu School as well.

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190. *Sir Abdelkerim Ghuznavi :* What is your idea about the transfer of Law and Order to a popular Minister ?—We have said in our Memorandum, as a result of our deliberations, that that should at present rest with the Governor and be a reserved and not a transferred subject.

191. You want a separate electorate and separate representation, but I do not think you have told us how many seats you ask for ?—In proportion to our population.

192. *Sir Hari Singh Gour :* You say you would like the transfer of every subject except Law and Order ?—Yes.

193. But in the penultimate paragraph on page 96 of your Memorandum you say you "prefer "British Rule to Home Rule for India" ?—Yes, that is what we have stated.

194. Is that your considered point of view ?—Yes, that was put down as a result of the deliberations of our Association.

195. *Rao Bahadur Rajah :* Please read the next sentence also : it explains the whole thing.

Sir Hari Singh Gour : No, it does not. I want to ask you, Mr. Mullick, what is your view as to the political advancement of India ? To what extent is your community prepared to advocate a political advance in the constitutional development of this country ?—I am afraid I am not in a position to give a straight answer to that question, as that matter has not been considered by our Association.

196. So far as the political advancement of this country is concerned, I take it your Association makes no statement ?—That is so.

197. And this remark to which you have committed yourselves, that you prefer British rule to Home Rule for India, is only a reference to the Swadeshi movement, the Swarajist movement and the recent "independence" stunt ?—It also refers to the sufferings we have experienced as a result of all this.

198. It is an expression of the great disappointment you have felt at the sufferings your community has undergone ?—Yes.

Sir Hari Singh Gour : And beyond that it has no significance ?

The Chairman : I read it like this, and I think you will probably agree with me, Sir Hari Singh. I think these gentlemen have come here to call the attention of the Conference to the seriousness of their social disabilities, and their deputation serves a very useful purpose in calling attention to that. I think they have said very frankly that as for the rest of it they are thinking of the representation of their own classes. I do not think they are offering any sort of view as to the future of India ; I doubt if they have thought that out.

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201. *Raja Nawab Ali Khan :* Is not it a fact there are half a dozen Depressed Class men who are members of the Provincial Council here in Bengal ? —No, we have one nominated and two elected only, and those two came in with the other people.

202. *Rao Bahadur Rajah :* Are not these two helping you ?—No, not in the least.

203. Why ?—Because they came in with the caste Hindus.

204. You mean because they came into the Council with the support of the caste Hindus ?—Yes.

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222. *Sardar Shivdev Singh Uberoi :* I should like to know whether there are some signs of improvement in the relations between your classes and the Hindu classes in the last ten years, since the removal of untouchability has been one of the foremost items of the leaders ?—We have painful evidence to the contrary.

223. So you think there has been no improvement ? —No, except in the passing of resolutions.

224. *Sir Zulfiquar Ali Khan :* Do the Christians and the Moslems treat you as untouchables ?—We have no instance of that.

225. Do you really consider yourselves, therefore, outside the pale of society ?—For all practical purposes.

226. Do not you follow the Hindu rite ?—We have to. We are called Hindus for want of a better name.

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Memorandum, submitted by the General Committee of the Darjeeling Planters' Association in connection with the case of the Tea Industry in Darjeeling.

Introduction. The Tea Industry in Darjeeling may be regarded as having been established as a commercial enterprise in the year 1856. In that year the Alubari Tea Garden was opened by the Kurseong and Darjeeling Tea Co., and another was started on the Lebong spur by the Darjeeling Land Mortgage Bank, these gardens being followed, in 1859, by the Dhutaria Garden. Between 1860 and 1864, four gardens situated at Ging, Ambutia, Takdah and Phubsering were established by the Darjeeling Tea Co., in addition to the gardens at Tukvar and Badamtam opened by the Lebong Tea Co. By the end of 1866, that is to say, ten years after the establishment of the Industry on a commercial basis, there were no less than 39 gardens with 10,000 acres under tea cultivation and an outturn of approximately 433,000 lbs. of tea.

The latest available official statistics, being those for the calendar year 1927, show the number of tea plantations in the Darjeeling District at the end of that year as 168 with 60,110 acres under tea out of a total area of 157,016 acres in the occupation of tea concerns. The official returns give the *daily average* number of employees as 60,504 souls. The capital employed in the Darjeeling Tea Industry is estimated at approximately Rs. 15 crores, and the production of tea in 1927 was 20,789,169 lbs.

The Darjeeling Planters' Association. The objects of this Association are :—To watch and protect the general interests of the Tea Industry in the Darjeeling District. To focus the considered opinions of its members on matters affecting the welfare of the Industry and the interests of the Planting Community. To represent effectively such opinions and interests to Government and to other authorities and public bodies and especially to the Indian Tea Association (Calcutta). To foster unanimity and co-operation among the Planting Community. To take such legal action as may be called for in the interests of the Association, and to raise the funds necessary to carry out these objects.

For administrative purposes the Darjeeling District is divided by the Association into 8 sub-districts, namely :—

(1) Darjeeling West,
(2) Darjeeling East,
(3) Teesta Valley,
(4) Rungbong Valley,
(5) Sonada,
(6) Tingling,
(7) Kurseong, and
(8) Mahanadi.

Each centre elects a local Committee annually from its number, and each of these local Committees is entitled to one representative on the Governing body of the Association. This Governing body consists of the following twelve members, *i.e.*, a President and a Vice-President to be elected at each annual general meeting; the eight local Committee representatives, excluding the Chairman and Vice-Chairman; and two additional members, other than the Chairman and Vice-Chairman and the eight elected members, to be elected at the annual general meeting. This Governing body conducts the affairs and controls the funds of the Association, and their duties are performed in an honorary capacity. The membership of the Association comprises 86 tea estates representing an area of 105,000 acres, with a labour force with dependants of approximately 104,000 souls, who are entirely of the Nepalese race and form a well-settled population residing on the gardens. About 9 per cent. of the area under tea cultivation is owned and controlled by Indians, the balance, namely 91 per cent., being controlled by Companies managed from Calcutta and London and proprietory concerns.

Purport of this Memorandum. The purport of this Memorandum is to place before the Statutory Commission certain facts, particularly concerning the Darjeeling District, which it is hoped the Statutory Commission will take into consideration in the course of the inquiry they are now undertaking into the working of the system of Government, the growth of education and the development of representative institutions in British India and matters connected therewith.

The first matter of paramount importance to this Association is the question as to whether or not the Darjeeling District should or should not remain, as at present, a declared "backward tract," which is excluded from the jurisdiction of the Reformed Provincial Council and administered by the Head of the Province. This matter has been fully considered by the Governing body of this Association in close consultation with the local Committees and the members they represent, and it is the unanimous opinion that the Darjeeling District should remain, as it is now, under the direct administration of the Governor of Bengal.

The factors which influenced Government, in 1919, to exclude the Darjeeling District from the operation of the Reforms Scheme are as strong to-day as they were then. Geographically, racially, and historically the Darjeeling District is distinct from the remainder of Bengal, being mainly a hill district in which the conditions of climate, agriculture, communications, and other considerations differ widely from those obtaining in the plains of Bengal. The district is populated almost entirely by Nepalese immigrants or the descendants of immigrants from the State of Nepal within the last sixty years, and these people are primitive and have little in common with the residents of Bengal. The Gurkhas of Nepal won the Darjeeling District from the Sikkim State by conquest between 1780 and 1814, but the district was restored to the Sikkim Raja in 1817, after the British war against the Gurkhas, and it has all along been separately administered. The district was acquired by the British Government in 1835 direct from the Raja of Sikkim, mainly with the object of making the district a sanatorium for British troops and residents. The district has developed during the past eighty years from an almost uninhabited frontier tract to its present prosperity entirely by British enterprise and administration.

The Darjeeling District has not, up to now, had any direct experience of the representative system in connection with the elected Provincial Council of Bengal. Its Local and District Boards were only established in 1920 and are entirely nominated, not elected. There is no evidence of any popular demand for representative Government, probably by reason of the fact that such Government would not be in keeping with the traditions and customs of the Nepalese. The mixed population of the towns may be induced to express a desire for more representative institutions, but such a desire could only reflect the view of a very small number of potential political representatives.

If, however, it is considered that the elective system should be introduced into the Darjeeling District, this Association would submit that a commencement should be made in the first instance with the Local and District Boards, on which the tea planting community with its large interests should be adequately represented. Such boards may be regarded as the training grounds for responsible government, and the true test of the advance made towards responsible government would be reflected in their successful working or otherwise.

Any representation which the Darjeeling District could reasonably expect on the Bengal Legislative Council would be so small in comparison with the masses of Bengal as to be quite ineffective in safeguarding the peculiar interests of the Darjeeling District. Moreover, social conditions and the requirements of the district as regards education,

sanitation, health, water supply and other amenities of civilised life are widely different to those obtaining in the plains of Bengal. The administration of such subjects by the Bengal Legislative Council will, it is feared, owing to the peculiarities of the district, be less effective than it is at present, and it is for this and the other reasons set out in this Memorandum that the Darjeeling Planters' Association considers it essential that the existing form of administration should be continued for the Darjeeling District.

However, in the event of it being decided that the Darjeeling District must be included with the remainder of Bengal under the Reformed Administration, then this Association would most strongly press for adequate representation to be accorded to the tea planting and other interests in the district, regard being had to its dissimilarity from the other districts of Bengal.

Finally, this Association would urge that the members of the Statutory Commission should, before arriving at any decision, make a point of visiting the Darjeeling District in order to familiarise themselves with local conditions obtaining there. The Association will be pleased to afford every facility for such a visit and will submit oral evidence before the Commission in substantiation of their contention that the administration of the Darjeeling District should remain, as it is at present, under the direct control of the Governor of Bengal.

Deputation from the Darjeeling Planters' Association.

The deputation consisted of :—

Lieut.-Colonel J. O. LITTLE (President).
Mr. F. PAGE WERNICKE (Vice-President).
Mr. G. WRANGHAM-HARDY (Secretary).

229. *Mr. Cadogan :* I want to put one or two questions about that part of the document you have submitted to the Commission, which is headed "Purport of this Memorandum," on page 104. The Conference has already had some evidence on this question a day or two ago, and it was evidence which would seem, as far as I can see, to conflict with what you submit in your Memorandum, so I wanted to ask one or two questions so as to get clear exactly what your proposal is. It is briefly this, I think. You contend that the backward tracts of the Darjeeling district should continue to be kept away from the operation of the Reforms scheme. That is briefly what you suggest ?—(*Colonel Little*) Yes.

230. The evidence which we had a day or two ago was to the effect that the backward tracts of Darjeeling district were not on all fours with the Chittagong district, or with the backward tracts in other provinces, Bihar and Orissa and Assam. I think they are chiefly Nepalese immigrants in Darjeeling, and of the Hindu religion, and of cultural affinity with the plainsmen ?—Yes, they profess a form of Hinduism. It is rather mixed with Buddhism in most cases.

231. In any case, the point was that they were considerably more developed and in a condition in which they might now be included within the scope of the Reforms. That was the evidence submitted to us. I notice that you say on page 104 : "There is "no evidence of any popular demand for representative "government." I am sure you will agree with me that it is not always easy to estimate what is a popular demand for anything, but a Memorandum has been submitted to us by the Hillmen's Association in Darjeeling, in which they do voice this demand, or they place this demand before us. I do not know if you have seen it ?—No, I have not seen the Hillmen's Association's document.

232. *Mr. Cadogan :* What is the Hillmen's Association ? Is it an Association of any substance ?

The Chairman : It consists of 500 members.

233. *Mr. Cadogan :* I think it is recognised by the Government ?

Sir Hari Singh Gour : Yes.

234. *Mr. Cadogan :* It puts forward a demand to be brought within the Reforms.—Yes.

235. That conflicts with your statement, does it not ? You continue to say : "If, however, it is "considered that the elective system should be "introduced into the Darjeeling district, this "Association would submit that a commencement "should be made in the first instance with the Local "and District Boards." But in the Hillmen's Association's Memorandum, one of their complaints is this. The Association submits that the hill people represent 80 per cent. of the population, and are sufficiently advanced, and are taking part in Municipal and District Board administration ?—They are taking part, but they are entirely nominated to those Boards. There is no such thing as an elective system at present in the district, except in the Municipality of Darjeeling and that of Kurseong.

236. But your contention really is that they should remain as they are, at any rate at present, as backward tracts ?—I do not quite agree with the term "backward tracts." They are probably, as you said, not on a footing with other tracts which are rightly called backward tracts, because they are inhabited by people who are much more primitive ; but our point is that the inhabitants of the Darjeeling hill district are of an entirely separate race and customs and climate and country from the rest of Bengal, and that it will be no advantage to the people of those tracts to be included in the Province of Bengal, of which they have never formed a part.

Mr. Cadogan : I have no other question to ask.

237. *The Chairman :* I should like to follow it a little. I gather that this Darjeeling Planters' Association are here urging what they conceive to be the interests of these hillmen ?—Yes. We consider it more in the interests of the hillmen to remain excluded than to be included in the Reforms.

238. But the change, if it were made, would have the effect, would it not, of including some tea gardens which are now excluded ?—Yes.

239. And your Association is quite properly formed to promote the interests of the tea gardens ?—Yes.

240. I am not quite clear whether I am to understand that what you put before us is put before us solely from considering the ethnological peculiarities of the hill tracts, or whether it has anything to do with what you conceive to be the interests of the tea gardens ?—I do not know that it would make very much difference to the tea industry in the Darjeeling district, whether it is included or excluded.

241. Do not think for a moment that I am hostile to the proposal ; I have not considered it ; but one naturally supposes that the Darjeeling Planters' Association, though I am sure they take a proper interest in these racial questions, are primarily concerned as a community of business men in considering what is in the interests of the business they represent ?—Yes, that is so.

242. But you have not said anything about that. Why is it in the interests of the tea gardens of the Darjeeling district to be excluded from the Reforms ? —Because we think that the inclusion of the district in the Reforms would bring with it elections, and an upset of the labour.

Mr. Travers : The point, if I may intervene, is that the tea planters, who live for many years amongst their labourers, are anxious to do the best for those labourers. They naturally get fond of them after living among them for years and years, and the Darjeeling Planters' Association wishes to do its best for the people among whom they live.

The Chairman : I am sure it is so. At the same time, I rather wanted to know whether the apprehended change was really limited to the hillmen. Surely it has its effect on the tea gardens.

Mr. Travers : May I ask a question or two about the hillmen ?

The Chairman : Yes.

243. *Mr. Travers :* The fact is that your Association itself has no axe to grind in this matter at all. It does not matter to the tea gardens whether you are within the province or outside ?—No, not particularly, I think.

244. All you want to do is to do the best for the people of the district ?—Yes.

245. *The Chairman :* I am quite willing to believe that ; but why does it not make any difference ? Does it make no difference whether the Bengal legislature makes the laws which affect the tea gardens ?

Mr. Travers : I directly represent them outside, and I can put up anything for them, whether they are within or not, but at the same time, if the district should be included, the Darjeeling planters want to have a representative of their own. The reasons for that, Colonel Little, I take it, are that your labourers in Darjeeling are of a different race from those in the plains, and you have different labour methods ?—Yes.

246. And, therefore, if the district is included, you think you should have your own representative ? —Yes.

247. Mr. Cadogan said a word or two about the Hillmen's Association. I do not wish to crab any organisation, but do you consider that the Hillmen's Association really represents the people of the Darjeeling district ?—I should say not.

248. Has it any branches outside Darjeeling ?— I believe that they propose to form branches at Kurseong and Kalimpong.

249. But they have not done so at present ?— I do not think so, at present.

250. Do they have frequent meetings, or anything of that sort ?—Well, we never hear of any meetings,

and in a newspaper report of May last it is stated that after a lapse of many years the local Hillmen's Association held their annual general meeting.

251. When this came up before the Conference, the other day, this question of inclusion or exclusion, the Chief Secretary said that Government officers now considered it as advisable. Have you heard of Government officers having made any inquiries outside Darjeeling amongst the people who live in the tea gardens in reference to that subject?—Not to my knowledge. An inquiry was addressed to the Local Planters' Association, which I represent, and also to the branch of the European Association, and, I believe, to the Hillmen's Association, but I have heard of no other inquiries.

252. *Mr. Hartshorn:* Are there any other Associations of whom inquiries should be made? They are the three Associations you mentioned yourself?—There is a Moslem Association in Darjeeling. There is a very small Moslem community there. They, possibly, may have had an inquiry; I do not know.

253. *Mr. Travers:* Is it not also a fact that more than one Deputy Commissioner of considerable experience in Darjeeling—recent experience—has said to you that he thinks it would be advisable to exclude the district from the province?—That is so.

254. *The Chairman:* It certainly would be a very curious result. When we were in Assam, we were on the whole urged to exclude some areas that are at present included; while it appears to be the other way round here. What do your colleagues of the Provincial Committee feel about it, Sir Abdelkerim?

Sir Abdelkerim Ghuznavi: We feel that they are the best people to judge. I do not think that we have any particular views. If they claim to speak on behalf of the hillmen there, I think they ought to know more about it than anyone else. There is a small section which has been influenced, I suppose, by things that happen down below in the plains, and they may have put forward a claim of that kind; but as regards the people there, I live in Darjeeling pretty often, but I have not heard of any very great demand to be included within the Reforms.

255. *Lord Burnham:* I find that the Hillmen's Association consists of members of various sections of the population inhabiting the area who have come from different places. They do not even meet each other often, and I wonder how they transact business of this Association?—I do not know, sir. I have never been present at their meetings. The Darjeeling Planters' Association, however, cultivates good relations with the Hillmen's Association as far as possible. We have invariably invited representatives of their Association to attend our annual general meetings, which are held in March every year, and they have on one or two occasions attended, but not of late years.

256. What I am wondering at is how these hillmen, whom Bengal claim from these various places, come together in order to formulate their views in the matter of claiming further reforms and an increased status for them?—That demand, sir, comes from a section of hillmen drawn largely from the towns of Darjeeling, Kurseong and Kalimpong.

257. *The Chairman:* I suppose that the labour of the tea gardens in your district consists of immigrant labour; or is it all local labour?—It is entirely Nepalese labour sir, but most of it is well-settled on the estates; that is to say, a large portion of it was born on the estates, but they are all originally immigrants from Nepal.

258. I see; then you establish colonies for them, and they stay on in the estates; and now even their second generation works in the gardens. But is the labour free to go out whenever they want?—Yes; the labour is entirely free; they can come and go as they like.

259. It is really a very healthy organisation. I wonder how far the people of this Hillmen's Association would like to associate with them the employees in your tea gardens?—I have made enquiries recently, and I can hear of no employees on tea gardens who are members of the Hillmen's Association.

Mr. Travers: We consider as part of our job, sir, not only to represent our own interest, but also represent the interest of these people.

260. *The Chairman:* Would you mind telling me this? In your view are there signs of an increase in political interests or self-consciousness among the hillmen?—I should say that there are no signs among the general body; but there may be signs of it in the towns.

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267. *Sir Arthur Froom:* On page 104 of your Memorandum you say: "Social conditions and the "requirements of the district as regards education, "sanitation, health, water supply and other amenities "of civilised life are widely different to those ob- "taining in the plains of Bengal. The administration "of such subjects by the Bengal Legislative Council "will, it is feared, owing to the peculiarities of the "district be less effective than it is at present." Where does the money come from for education, sanitation, water supply and so on? Is it not from the Government of Bengal?—I suppose from the general revenues of the province of Bengal.

268. Is that voted by the Council?

Mr. Travers: No; it is reserved; it is not voted; that is one of our points, sir, that the people have peculiar wants and those wants will be more thoroughly attended to by Government than by the Legislative Council; and in a province like this a lot of things have to be done for the people of the country.

269. Then your fear is that Darjeeling would be left out in the matter of progress of education, sanitation and so on?—We think that the measures suitable to the remainder of Bengal would be unsuitable to the Darjeeling District, and the administration would be less sympathetic towards the people if it were administered by a minister.

270. You contend that in the Darjeeling District matters in regard to education, sanitation, water supply, and so on are in advance of many other parts of Bengal?—Certainly they are in advance on all tea estates, and possibly they are not behind the rest of the country, in any case.

271. In fact, you feel satisfied with the progress made in the matter of sanitation of the estates?—On the estates, yes.

272. And you do not want any action to be taken which would endanger the present satisfactory state of affairs there. Is that so?—Yes.

273. *Sir Hari Singh Gour:* Assuming that the measures suitable to the plains of Bengal are unsuitable to Darjeeling, why should you think that the minister in charge of education, sanitation, and so on would not adapt himself to the special requirements of the hill tribes?—Compared with the remainder of Bengal, Darjeeling is a very small district, and I fear that any Bengal minister will have his hands so full with Bengal affairs that he will have little time to spare to the special needs of Darjeeling.

274. But supposing steps were taken to ensure that he pays special attention to the backward hill tribes of Darjeeling, that objection will disappear?—Yes.

275. *The Chairman:* Thank you very much. It is an interesting and curious point, and one attaches more importance to the views of the Darjeeling Planters' Association, because, as I understand it, it does not really make any difference between its own interests and the special interests of these hillmen, and that you are saying this because you think that it is in the best interests of the tribesmen themselves?—That is so, sir.

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Memorandum submitted by the Associated Chambers of Commerce of India and Ceylon.

Introduction. The body known as the Associated Chambers of Commerce of India and Ceylon is a company incorporated in 1920 for the following purposes among others :—

1. To promote and protect the trade, commerce, industries and manufactures of India and Ceylon.
2. To take up, consider and discuss questions connected with or affecting such trade, commerce, industries and manufactures ;
3. To promote or oppose legislative or other measures affecting such trade, commerce and manufactures.
4. To collect and circulate statistics and other information relating to such trade, commerce and manufactures.

The Association is composed of seventeen member Chambers, most of them predominately European, but including Indian members as well. These representations to the Statutory Commission are, however, made by a smaller number of Chambers, for the Ceylon Chamber of Commerce is not concerned, and the Burma and Punjab Chambers are making separate representations.

The Chambers which associate themselves with this Memorandum are, in alphabetical order, the Bengal, Bombay, Calicut, Chittagong, Cocanada, Cochin, Coimbatore, Karachi, Madras, Narayanganj, Northern India, Tellicherry, Tuticorin and Upper India Chambers.

A study of the membership of the various Chambers which constitute the Associated Chambers of Commerce, will show that they are able to speak on behalf of almost the whole of British commercial and industrial interests established in India, and also on behalf of large Indian interests. It is, indeed, almost impossible to draw any line of demarcation between British and Indian interests in regard to invested capital, for companies floated and managed by British managing agents are frequently owned to a very large extent by Indians. Similarly, in many companies generally regarded as Indian, a considerable number of the shareholders may be British. While, therefore, it is not possible to produce any exact figures to show the magnitude of the interests represented by the Associated Chambers, it may be said that if the estimate that £1,000,000,000 of British capital has been invested in India is correct, the Associated Chambers represent by far the greater part of that, as well as a very large amount of capital raised in India and entrusted to the care of British managing agents. The interests of the members of the individual Chambers include tea, jute, cotton, mining, timber, leather, shipping, railways, agriculture, engineering, insurance, banking and in general all forms of export and import trade.

The Associated Chambers of Commerce accept the Declaration of August the 20th, 1917, as being a pledge binding on the British Government, the Government of India, and the British people as a whole, and they are themselves sympathetic to Indian aspirations. They realise that in some provinces poor response has been made to the opportunities for self-government given by the Government of India Act, 1919, but the Chambers are prepared to take the initiative in recommending a policy which will, they hope, go far to meet Indian aspirations. They think it important that lack of co-operation on the one hand should not result in a narrowness of outlook on the other. They believe that irresponsibility can largely be overcome by giving responsibility, and they are prepared to agree to Indians being afforded an opportunity of exercising genuine control in the government of the provinces if adequate safeguards are provided. The Chambers therefore recommend the grant to provinces of constitutions varying up to full responsible autonomy provided :—

(*a*) That the position of the Government of India *vis-à-vis* the Assembly is strengthened.
(*b*) That the Central Government is given powers of intervention in the event of a breakdown of Government in any Province.
(*c*) That Provincial Second Chambers are set up.
(*d*) That adequate safeguards are provided for the administration of the Police.
(*e*) That a clause is inserted in the new Government of India Act, forbidding discrimination against industrial and commercial interests in Central and Provincial legislation and taxation, and in Municipal bye-laws and taxes.

Provincial Governments. While recognising that dyarchy is an ingenious temporary expedient for training Indians in the task of self-government, the Chambers of Commerce believe that it has now exhausted its possibilities and, whether rightly or not, is so universally unpopular in India that it is desirable to abolish it as far as may be possible when introducing a new constitution.

Owing to the consistent efforts of a large party in India to make dyarchy unworkable, the Governor in Council in nearly every province has been to some extent compelled to adopt a policy of assisting the Ministers for the moment in office against all efforts of the other elected members of the Legislative Council to eject them. This is most clearly shown by the fact that, contrary to the intention of the framers of dyarchy, the official *bloc* has been consistently used to support ministers. It has, therefore, resulted that ministers in no province have been wholly responsible to the elected members of the legislature and consequently they have been regarded by many Indians as to some extent a subsidiary branch of the bureaucratic Government. This has involved both halves of the diarchic Government in opprobrium which each half individually might not have incurred.

The Chambers of Commerce, while fully alive to the risk involved, are prepared to recommend the abolition of the Provincial Executive Council, and the transfer to a Ministry responsible to the provincial legislature of all subjects (or in the view of some Chambers, all subjects except Law and Order) now administered by either half of the Government. Official nominated members should be withdrawn and should return to their intended rôle of administrative officers. The Ministry will be wholly responsible for carrying on the Government, and will neither incur the control nor receive the support of an Executive Council nominated from outside.

It will be necessary that the Secretaries of the Departments who will constitute the permanent staff, and on whom Ministers will have to rely to a very great extent, should be senior men in their respective services and be adequately paid.

The word "adequately" may be emphasised, because the abolition of the higher paid posts of Executive Councillors will seriously diminish the prospects of members of the Civil Service, while the responsibility on the senior men, as the permanent staff in each department, will be a heavy one. It is common knowledge that in England Ministers of all parties place very full reliance on the permanent staff and never fail to obtain their fullest assistance, even guidance, no matter what political party is in power.

The Governor should continue to preside over the Ministry and, after such consultation as he considers expedient, would appoint his ministers from amongst those members of the Council who might be expected to control a majority. If and when the Ministry loses the confidence of the legislature and is defeated, the Ministry will resign and the Governor will form a new Ministry, presumably resting on the support

of a somewhat different coalition of groups. It is obviously desirable that some convention as to joint responsibility should grow up, but the Chambers do not believe that this can be laid down as a rule, nor do they think that, in a country where political divisions are likely to take the form of a large number of small groups rather than of two or three large political parties, it is ever likely to be so strict as it is in Great Britain.

Law and Order.—Judicial Administration. The Associated Chambers attach the utmost importance to the independence and impartiality of all courts exercising civil jurisdiction. Owing to its work of hearing appeals from subordinate courts throughout a Province, the Judges of a High Court are able to form a fairly reliable judgment of the qualities and capabilities of junior judicial officers, and the Local Government in the past has consulted the High Court before making appointments of District and Subordinate judges. The High Court is expected to supervise and inspect subordinate courts, but this is an onerous task which, with other judicial administrative work, has engaged much of the time of the Chief Justice and other judges, and without sacrificing the work of the High Court itself it is usually impossible to carry out as much inspection as is desirable. Some means should be provided to enable that inspection to be carried out at regular intervals.

It would appear that the posting and transfers of District and Subordinate judges should be supervised by the High Court if political and communal influence is to be excluded.

The present arrangement by which the Calcutta High Court is under the administrative authority of the Government of India, but the local Government provides the finance, is clearly unsatisfactory and a scheme should be devised for making the Central Government responsible for supplying the finance required. The Chambers consider that all the High Courts should be under the Government of India, both for administration and finance. They also regard it as essential that the Secretary of State should continue to be responsible for new permanent appointments of Judges to the High Courts under Letters Patent of the King.

Police Administration. The Chambers have given the most anxious consideration to the question of the control of the Police and the maintenance of Law and Order. Upon the good administration of this department depend the stability of the country and the security of life and property. Some Chambers, therefore, are averse from any transfer of this subject, but a majority believe that the risk must be taken if any real self-government is to be given to the provinces. The different views are dealt with in the following paragraphs.

The majority of Chambers hold the opinion that the expedient of centralising the Police would prove administratively most difficult, if not impossible, as the Central Government could not exercise any useful control over Police scattered throughout the length and breadth of India. Even if it were possible, the withdrawal of control from the provincial authorities would result in increased suspicion and dislike of the Police, who would appear as the myrmidons of a remote and uncontrolled alien bureaucracy, and there could be no chance of this popular resentment being modified so long as responsibility for maintaining law and order did not lie on the provincial ministers and council. The surest way to make those responsible for governing realise the need for an effective and active police force is to make them responsible for the maintenance of order, so that their countrymen will hold them to blame if they fail to secure that safety of person and property to which the citizen is entitled. So long as the maintenance of Law and Order is in any form reserved, criticism will be more directed against the methods adopted by the bureaucracy and police to preserve the peace than against those sections of the populace which are disturbing it.

These Chambers have also considered as an alternative that the Police should be under the Governor, with a senior official, such as a controller of services or chief secretary, to advise him and to issue all executive orders; but the objections given above apply equally to a proposal to reserve the maintenance of order to an extra-parliamentary authority within the province, and the position of the Governor in being made to assume duties of so controversial a nature would quickly become impossible.

They take the view that the problem is largely one of principle, that the elementary and primary duty of any Government is the maintenance of law and order, and that if Provincial Governments are not to be trusted with that responsibility, the only logical attitude is to say that the time has not yet come for any further advance towards provincial autonomy.

But they do recognise that special safeguards will be required to prevent wrongful and unfair treatment of Magistrates and Police Officers, even down to the subordinate ranks, for having discharged their duty in circumstances of difficulty. They find it difficult to make adequate proposals on this point, but they do not consider it incompatible with the idea of giving full provincial control over the administration of the Police force to provide some special safeguards resting with the Governor and Governor-General in Council to protect officers from persecution or unfair punishment, particularly when they are subject to heated and vexatious attacks at times when feeling runs high and becomes irresponsible and unreasonable owing to communal or civil outbreaks of disorder.

Subject to such safeguards this majority, therefore, would favour the administration of the Police force of a province by the province, but would leave the Criminal Investigation Department, as at present, with the Central Government.

Some Chambers consider that Law and Order should remain a provincial subject, but that the portfolio for this Department should be with the Governor, who, in administering it, should himself function as a Minister. For obvious reasons it is impossible that the Governor himself should appear in person to answer to the legislature on questions affecting Law and Order, and it is, therefore, further recommended by these Chambers that, in his capacity of Minister, the Governor should be represented in the Legislature by a senior official, acting as a Parliamentary Secretary. The Governor's powers of veto should extend to Law and Order as to other matters, but his powers of certification, which it is recommended should be severely circumscribed, should certainly apply to Law and Order. (See Upper India Chamber's separate Memorandum).*

Yet other Chambers, which are opposed to transferring to the Provincial Councils the responsibility for the maintenance of Law and Order, recognise the logical argument in favour of so doing, but contend that the risk is too great and that there is no justification for exposing life and property to the danger that this would entail. These Chambers do not approve of even the modified proposal of placing the Police under the direct control of the Governor. As they wish to abolish dyarchy to the fullest extent possible whilst ensuring the efficiency and impartial administration of the Police, they recommend that the administration of the Police throughout India should be in the hands of the Central Government working through Commissioners in the provinces who would maintain a close liaison with the local Government.

It is a matter for consideration whether the special Armed Police Forces maintained in some Provinces such as the Malabar Special Police in Southern India, and the Frontier Rifles of Bengal, should be placed under the control of the Central Government or of the Army Department, but a decision on this point would necessarily depend on the decision on

* Printed in Vol. XVI.

the main problem and on the specific representation of the local Governments concerned.

Provincial Legislatures. The Chambers do not recommend any alteration in the legal powers or composition of the provincial legislatures except the withdrawal of all the nominated official members, subject to the possible retention of a Parliamentary Secretary representing the Governor. They are not prepared to express any opinion upon the franchise, but they would point out that the electorate is steadily growing in every province owing to the increase in the number of persons who satisfy the conditions required of voters. They would be opposed to any lowering of the qualifications, save perhaps to secure better representation of the rural electorate, as they believe that it will be a slow and laborious task to educate even the present electorate, which should not be swamped by an addition of large numbers of less educated and experienced persons.

Although the legal powers of the Councils would not be altered, their political powers would be immensely increased if the whole Government were made responsible to them, and the Ministers did not by merely accepting office obtain the consistent and almost unquestioning support of the officially nominated *bloc*. When the bureaucracy is no longer involved in trying to work the political machine, political feeling will, perhaps, not be roused against it to the same extent, and Indian politics may be expected to take on the character of natural rivalry between party groups. For the first time members of the Provincial Councils will realise that the responsibility for maintaining a Government in office to carry on the administration of the province will rest upon them, and the Chambers think an unreasonable attitude will quickly have its consequence on the prosperity and welfare of the people of the provinces, instead of merely resulting in the exercise by the Governor of his special powers. The grant of full responsibility to the legislature will enable the powers of certification of the Governor to be abolished. These have been inevitable so long as he had a special responsibility to discharge to the Secretary of State, and ultimately to Parliament. But when once the responsibility rests upon the Council, they will no longer be required. If, however, the proposal to retain control of Law and Order by the Governor is adopted, the power of certification of supply for this department will be necessary.

Second Chambers. It appears, however, necessary that if this very sweeping reform is to be carried out, a Second Chamber should be created. The Chambers do not feel called upon to make any detailed recommendation as to the exact powers or composition of this Second Chamber. They would, however, point out that many Indians whose judgment, experience and social position would make them valuable members of the legislature, will never solicit votes on the hustings for election to a popular House.

Such men would, however, be willing to serve in an Upper House if it were composed largely of nominated members holding office for five years or more, and eligible for re-nomination. Of these, about two-thirds might be elected by the Council of State electorate, and one-third nominated by the Governor. European representation should be provided for in both cases. This cannot be regarded in any sense as a reactionary proposal, for the members of the Senate in Canada and of some of the Provincial Upper Houses in Australia are nominated.

Public Service Commission. The Associated Chambers recommend that Ministers should be relieved of the invidious duty of resisting importunity by the provision of special machinery for the recruiting of provincial services.

They suggest that this end might perhaps be best attained by the creation of Provincial Public Service Commissions, or of Provincial Selection Boards on the lines suggested by para. 26 of the Lee Committee's Report. It might be found convenient to have a full-time paid Chairman, with whom would be associated two members appointed *ad hoc* for making particular appointments. In any case the all-India Public Service Commission should have some power of supervision regarding methods of appointment, *i.e.* recruitment and the conduct of examinations.

The Chambers would be failing in their duty if they did not urge the need for safeguarding the prospects of Europeans at present in the Services.

The position of members of the covenanted services is, of course, different from that of members of the uncovenanted services, and their contractual rights in relation to the Secretary of State may be regarded as a sufficient safeguard. The Chambers are confident that no proposal to abrogate or circumscribe these rights would be even considered by Parliament; but they wish to draw attention to the vital importance to members of the Imperial Services that the security of their pensions should be guaranteed, and that they should be granted over a long period the option of retiring on proportionate pension, an option granted at the time of the introduction of the present reforms, and now shortly due to expire.

The maintenance, however, of ultimate rights of this kind, is no guarantee that the British member of the services will find the conditions of work such as to induce him to stay in India, and give his willing service; and it is generally recognised that the withdrawal of the bulk of the British element would jeopardise the success of any Indian constitution, and, in fact, the stability of the country.

The danger of discrimination against Europeans by Indian Ministers is very real, and, indeed, a case is mentioned in the report of the Reforms Enquiry Committee, 1924 (See para. 34 and Appendix 5).

Though the Chambers are most deeply impressed with the necessity of guarding against a quick withdrawal of the British element, they can find no concrete suggestion to make, but they feel they should emphasise the vital importance of retaining the Governor as the final authority in regard to all appointments and postings in the covenanted services.

The position of a member of the provincial or subordinate services would appear to be adequately safeguarded under the Rules regarding the Civil Services in India made by the Secretary of State in Council under section 96 B (2) of the Government of India Act on 21st June, 1924, in cases where action is definitely taken against him by the local Government, if Rule XIX be amended to give officers of a subordinate service a right of appeal to the Provincial Public Service Commission or Selection Board; but it is not clear that he can obtain redress where he is merely passed over. The Chambers are apprehensive that among these lower posts Indian Ministers may be disposed to press on Indianisation by passing over European and Anglo-Indian officials without formulating any charges against them.

The Associated Chambers desire to point out that they are not opposed to Indianisation provided that it does not involve a decline in efficiency or an injustice to Europeans and Anglo-Indians, who have entered a service with certain expectations which ought not to be defeated on grounds of race or colour.

Intervention by the Governor-General. While desirous of making recommendations of so liberal a character as to meet all legitimate Indian aspirations, the Chambers of Commerce do not conceal from themselves the possibility that the new constitution like the old one may be faced by deliberate opposition or obstruction on the part of some Indian group or party. They therefore consider that provision must be made to meet the danger of a breakdown of Government in any province. They consider that the Governor-General in Council should be given powers in case of necessity to intervene, and in fact to suspend the constitution, so that the Governor may carry on the administration in such way and under such conditions, and for such time as may be

laid down by the Governor-General in Council with the assent of the British Government. Further, it should be laid down that a declaration by the Governor-General in Council of a breakdown of Government in any province should be conclusive, and not open to reference to any court.

Relations between Central and Provincial Governments. The Chambers desire to direct the attention of the Commission to the opinion expressed by the majority of the Reforms Enquiry Committee in para. 48, that " in the event of the transfer of all subjects, the existing Rule 49 of the Devolution Rules would leave an insufficient control in the Central Government " ; and to another passage " Much clearer definition and a much closer examination of the relations between the Central and Local Governments would be an essential preliminary to any scheme of provincial autonomy in India."

The Federation of British India, if it comes into being, will start upon its career with an inestimable initial advantage in having developed from a powerful Central Government. This should enable it to avoid the dangers and troubles of excessive decentralisation which are almost universal in federations in their early stages owing to the weakness of the Central Government and the particularist feeling of the provinces. It would be disastrous if this advantage were sacrificed, and owing to excessive decentralisation, the Government of India, like the Commonwealth Government in Australia, were hampered in every way by the vested rights of the Provinces.

In particular, a very careful definition of the respective rights of the Central and Provincial Governments in matters of labour legislation or disputes will be necessary if conflict is to be avoided. The Chambers agree with the minority of the Reforms Enquiry Committee that, following the precedent of Canada, all authority not specifically conferred on the Provinces should remain vested in the Government of India.

The Chambers are of opinion that the present system, by which the Loan requirements of the Local Governments are made known in advance to the Government of India, which includes them in its own Loan programme and enables the Provinces to obtain money more cheaply than would be the case if they had to borrow on the security of their own revenues, has proved satisfactory. They believe that the present borrowing rules give all such powers as are necessary to the Local Governments, and these should, therefore, be in no way relaxed. They approve of the intention ultimately to entrust to a Central Board of Non-official Commissioners the raising of loans required for the Provinces.

Terminal Taxes. The Associated Chambers consider that, whatever constitution may be framed for India, and whatever degree of autonomy may be given to the Provinces, it is essential that British India should not cease to be a single economic unit enjoying internal free trade. Owing to what was probably an error of drafting, the Scheduled Taxes Rules made under the Government of India Act, 1919, gave to Provincial Governments an unrestricted right to levy and increase a terminal tax in any town where an octroi had been in force on the 6th July, 1917. The effect of these so-called terminal taxes in ports and other centres of transit trade has been to impose a burden on commerce which has made it difficult for the Central Government to foster the economic development of the country by a judicious adjustment of railway rates and customs duties. Municipalities favourably placed have been enabled virtually to increase the Imperial Customs Tariff or the railway freight, and to appropriate the proceeds for the benefit of the local inhabitants. The Taxation Enquiry Committee condemned this form of taxation, and Chambers will be able to deal with the question in detail if and when they appear before the Finance Committee.

The Associated Chambers venture, however, to recommend to the Statutory Commission that the difficulty in its widest aspect should be met by a provision in the constitution similar to sections 9 and 10 of the Constitution of the United States of America which provide *inter alia* that " No tax or duty shall be laid on articles exported from any State " and " No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress."

Any abolition of terminal taxes would, of necessity, have to be gradual to enable municipalities to substitute other sources of revenue.

Major Ports. By Rule 9 of Schedule I (Part I) of the Devolution Rules, " Ports declared to be major ports by rule made by the Governor-General in Council, or by or under legislation by the Indian Legislature " are a central subject. The Government of India at the present time exercises its control over all the major ports except Chittagong through the agency of the reserved side of the Local Governments. It is, indeed, the intention of the Government of India to undertake the direct administration of all the major ports, but it is understood that this may not be effected in all cases for a considerable time. The Associated Chambers desire that all the major ports shall be directly administered by the Central Government before all subjects in the provinces are transferred.

The Central Government. The Chambers of Commerce are only prepared to favour the grant of responsible Government in Provinces on condition that the position of the Government of India *vis-à-vis* the Legislative Assembly is strengthened. The Government of India is required to carry on the administration under difficulties which no other Government in the world (except on rare occasions that of the United States) is called upon to face. It has to work through an Assembly in which it is in a permanent minority. President Lowell observes " that an irremovable Governor and a popularly elected Assembly are a contrivance for causing friction and perpetuating it." For eight years the Government of India has been required to obtain the consent of the Assembly to measures it deemed desirable, and yet has had no opportunity of bringing home to the Assembly the consequences of the policies advocated by an irresponsible opposition.

The Montagu-Chelmsford Report emphasises repeatedly the ill-effects of giving powers of criticism without responsibility, and regards the spirit of carping criticism which marked the Minto-Morley Councils as due to this irresponsibility. It is, therefore, surprising that the authors of the Report, having so clearly perceived the defect in the work of their predecessors, should have repeated that very mistake in the Central Legislature they themselves set up. " Responsibility for the administration remains undivided, with the result that while the Governments found themselves far more exposed to questions and criticisms than hitherto, questions and criticisms were uninformed by a real sense of responsibility such as comes from the prospect of having to assume office in turn . . . the power remained with the Government and the Councils were left with no functions but criticism. . . . Parliamentary usages have been initiated and adopted . . . up to the point where they cause the maximum of friction. . . ."

This criticism of the Minto-Morley Councils, written in 1918, might as well have been written of the Montagu-Chelmsford Assembly in 1928. The alternatives, therefore, are either to go forward and make the Government of India responsible to the Assembly or to strengthen the Government's position sufficiently to enable it to carry all such measures as it considers to be highly desirable, but which could not rightly be certified as essential to the interests

of India. The proceedings of the Legislative Assembly show that it would be in the highest degree unwise to confer any greater powers upon that body at present. Agreeing with Lord Selborne in his speech in the House of Lords on the second reading of the Government of India Bill, on December 11th, 1919, the Associated Chambers of Commerce think that the moment when a great experiment is made in the Provinces is not the one to make any changes in the Government of India.

Citations from Debate Reports illustrating lack of responsibility shown by the Assembly.

The first Assembly, which sat from 1920 to 1923, was composed of comparatively moderate politicians, for, at that time the Congress Party were boycotting the legislatures. There is, therefore, the greater cause for concern that even that Assembly should, on two occasions, in 1922 and 1923, have failed to realise the vital need to balance India's budget, and to accept the enhancement of the Salt Tax recommended by the Government of India. The Chambers do not think it necessary to repeat the arguments of Sir Basil Blackett, Sir Malcolm Hailey, and Mr. Innes to show how little the enhancement of the tax would have injured the poorer classes and how much it would have assisted the Government of India. The communique issued on the 29th March, 1923, by the Viceroy Lord Reading is an unanswerable justification for his action in certifying the Finance Bill and by implication an unanswerable criticism of the Legislative Assembly's decision.

In 1927, an amendment to the Finance Bill to reduce the Salt Tax from Rs. 1-4-0 to As. 10 was carried by a majority of 50 to 48, despite the fact that Sir Basil Blackett made it quite clear that if revenue from the Salt Tax were sacrificed it would be impossible to effect the remission of Provincial Contributions intended. The Council of State restored the Salt Tax to Rs. 1-4-0. On March 28th, the Assembly concurred in the reversal of its own decision of six days earlier.

It might be deduced from this that the Assembly did not know its own mind. As a matter of fact, some members had voted for the reduction with no desire that the Salt Tax should actually be reduced at the cost of postponing the remission of provincial contributions. They thought themselves safe in casting a vote on the popular side, because they believed Government had a majority or, in the alternative, relied upon the Council of State to give them a *locus penitentiæ*. That many members of the Assembly availed themselves of this by abstaining from voting on the second occasion, or by leaving Delhi before the division, will be apparent from the division lists, for, while the Government vote increased by four, the Opposition vote fell by nine.

The attitude of a large section of the Assembly was clearly expressed in this debate by Lala Lajpat Rai, a Responsivist, when speaking in favour of reducing the salt duty, he said : " It is no concern of mine to solve the difficulties which the Government may experience in making two ends meet in case this amendment be accepted by the House."

On the 11th March, 1927, Mr. T. Prakasam (member for E. and W. Godavari cum Kistna) moved a cut in the Budget Demand for the Postal and Telegraphic Department in order to demand higher pay for subordinate employees of that Department. In the Committee stage of the Finance Bill pressure was brought to bear on Government to reduce postal rates. Of the fourteen Indian elected members who spoke in favour of raising postal servants' wages, three spoke and ten voted in favour of reducing postal rates, regardless of the fact that both Government speakers and Sir Darcy Lindsay and Mr. H. G. Cocke (non-official European members) pointed out that the Department was hardly doing more than paying its way, and that, therefore, either an increase in expenses or reduction in receipts would result in the department being run at a loss. To suggest a simultaneous increase of expenditure and decrease of receipts showed a complete failure to grasp the responsibility of a legislature entrusted even partially with the government of the country.

In all the discussions of the ill-fated Reserve Bank Bill it was apparent that many members of the Assembly realised that a Reserve Bank would in effect take over the control of India's monetary and exchange policy and thus would end the control of the India Office in this department. Such economic Swaraj was obviously greatly desired by all parties, but owing to an ill-advised attempt to subordinate the Bank to politics by providing that the Legislative Assembly should elect a proportion of the directors, the Bill was dropped by the Government of India. It is a matter for concern that politically-minded Indians should desire to carry politics and racialism into the board-room of the Bank which was to be entrusted with the control of India's currency, credit and exchange.

Again, on the Demands for Railway Grants, in 1927, the Assembly reduced the vote for the Railway Board by Rs. 942,000 to Rs. 100. On the Budget Demands the Assembly reduced the travelling allowance of the Executive Council by Rs. 59,999 to Re. 1 and the vote for the Army Department by Rs. 578,000 to Rs. 2,000. In the debates on the last Demand in particular, such wild statements and allegations were made that it is difficult to credit the sincerity of some of the speakers. The votes were naturally certified by the Viceroy on 29th March, 1927.

Even if not very many perverse decisions have been taken by the Assembly and persisted in, that is no evidence that the Indian elected members have taken a reasonable view of their responsibilities. It is a favourite argument with Indian politicians that in seeking to ascertain the opinion of the people of India, it is necessary to ignore the votes of the nominated officials and of many of the nominated non-officials. If this method be applied, it will be apparent that few Bills or votes for supplies would have been passed by the Assembly. As Lord Meston has observed, the fact that there have been so few actual conflicts between the Assembly and the Government of India has been due to tact and the exercise of much skill in management on the part of the Government.

The Chambers of Commerce recommend that the strength of the Government parties should be made approximately equal to what may be anticipated will be the strength of the anti-Government party. This will not enable Government to carry all measures regardless of public opinion and without a fair opportunity for dissentient opinions to be expressed, but it will give to the Government of India that minimum of legislative power which cannot be denied to any Government without grave consequences upon the administration of the country.

Representation and the Franchise. The declaration of August 20th, 1917, has wisely or unwisely committed Parliament to a policy of developing self-governing institutions with a view to the progressive realisation of responsible Government in India, but it is by no means clear that the typically Western machinery introduced in 1919 will ultimately prove the most satisfactory for India.

It is in the first place apparent that elsewhere the success of a representative system has depended upon the degree of intelligent interest that the voter has displayed in watching legislative bodies and his own representative in particular. No attempt has ever before been made to introduce representative Government into an Oriental country with a vast and illiterate population, and it is clearly a matter for greater surprise that it has worked at all than that it has not been a conspicuous success.

So far as the Legislative Assembly is concerned, the Chambers are of opinion that the present system of direct election should be abandoned because Indian elected members are not in any sense representatives of the people ; they are plenipoten-

tiaries, except in so far as they choose to become delegates of some political, communal or commercial body.

The Montagu-Chelmsford Report defines responsibility as, "consisting primarily in amenability to constituents and, in the second place, in amenability to an Assembly." On the important and difficult matters which arise in the Assembly, the bulk of the electors have no knowledge nor views and no opportunity of controlling their nominal representative. A concrete instance of this may be cited.

In September, 1927, the constitution of the Reserve Bank, as proposed by the Government of India, underwent rapid and somewhat bewildering changes. When one morning the European Group found that the proposal had assumed the form of a Stockholders' Bank, they did not feel justified in coming to a final conclusion on its merits without first obtaining the views of their constituents. Two members of the Group accordingly waited on the Finance Member to ask whether he would delay the Bill until they had had time to ascertain whether their constituents (who had only had an opportunity of expressing their views on the original proposal of a Shareholders' Bank) approved or disapproved of the new scheme. The Finance Member very properly replied that as the Indian members had no wish to consult their constituents he was afraid he could not hold up the measure for the sake of the European Group alone. No blame attached to the Indian members who did not consult their constituents, for it would, indeed, have been disingenuous to ask for an opinion on the relative merits of a Shareholders', Stockholders', and State Bank from people who did not know what a Reserve Bank was. That the Chambers are not exaggerating the ignorance of the Indian electorates will be admitted by most Returning Officers. This ignorance was emphasised by local Governments in their evidence laid before the Muddiman Committee, and it may be illustrated by the fact that even a Bar Association forwarded to the Government of India through the local Government their considered opinion that an appreciation of the rupee would encourage exports and check imports.

It is unreasonable to expect the elector in the mofussil to understand discriminating protection, which is the fiscal policy to which he is assumed to have given his considered assent, nor is it possible for the elector in Assam or Madras to understand the North West Frontier problem. Primarily for this reason, but also in order to establish the principle of representation of the Provinces as units in the Central legislature, the Associated Chambers recommend that the majority of the elected members of the Assembly should be elected by colleagues composed of both Houses of the Provincial legislatures. The Upper India Chamber, while in agreement with the principle of indirect election, suggests that the electoral colleges should be on a wider basis, and their views on the matter are explained in the separate Memorandum which they have submitted.*

The same considerations apply to a much less degree to the Provincial Councils, and the Chambers have given anxious consideration to the question whether to recommend that a return should be made to the Minto-Morley system under which Provincial Councils were elected by local bodies. A majority of the Chambers, however, are opposed to making any such recommendation, for the problems dealt with in the Council are more nearly within the grasp of electors and, allowing for the spread of general and political education, it may be expected that the electors will in the future be able to form more intelligent opinions on the questions raised at provincial elections. They also doubt the political expediency of depriving these electors of powers and rights they already possess.

The Chambers do not feel competent to express an opinion on the franchise at present in force, but they would point out that the number of electors is increasing automatically as more and more persons satisfy the franchise requirements, and they would be opposed to any lowering of the present qualifications. The task of educating even the present electorate will be a slow and painful process, and it should not be hindered by the addition of a large mass of still more ignorant and inexperienced voters.

Communal Representation. The Associated Chambers interpret the speech of the late Lord Minto, on the 1st October, 1906, in reply to the Moslem delegation headed by H.H. the Aga Khan as a pledge which binds the British Government both in letter and in spirit. This and subsequent statements by Viceroys and Secretaries of State, therefore, involve the retention of communal representation for the Muhammadan community until such time as they choose voluntarily to surrender it.

Even if they did not hold this view, the Chambers would still consider it highly injudicious to make any change. Territorial representation is only one method of organising representative government, and the fact that it has been generally adopted in the West is no reason for its unqualified adoption in India, where ties of neighbourhood are far less strong than ties of religion and caste. Men are less concerned about rights they enjoy in security than those that are threatened, and the failure of Mr. Jinnah to persuade the Muhammadans of the Punjab, the United Provinces and Bengal to surrender their rights for the sake of an agreement with the Hindus makes it clear that for an external body to seek to deprive them of these rights would provoke widespread opposition and would exacerbate communal hatred.

Similar considerations apply to the Madras Presidency, where the tension between Brahmins and non-Brahmins requires provisions of a like nature, and again to the Punjab where the Sikhs scattered over wide areas can be adequately represented only by means of a communal electorate.

Nomination. It appears to the Chambers that for an indefinite time to come, it will be necessary to employ the expedient of nomination to secure the representation on all legislative and municipal bodies of minority communities or special interests. In a country like India it is, moreover, the only way to secure the very valuable services of men whose social position makes them unwilling to face the bustle and strain of a public election. It is for this reason that it has been recommended that a substantial proportion of the members of the Second Chambers in the provinces should be nominated. Equally, however, it appears that labour and the Depressed Classes can only be adequately and fairly represented if Government nominates some able, honest and educated men to represent their interests.

Further, though the qualification for the franchise is already very low, a large majority of the people still remain without the power to vote. In the past the interests of these depressed and backward classes may be said to have been represented, and ably represented, by the official members of the Council. The proposed exclusion of all official nominees clearly necessitates the extension of the system of nomination in order that the depressed and backward millions may not lose the representation they have now, even thought it be indirect. For this purpose the Chambers recommend that nominations be made to represent these people by members of their own class; for men of good education and ability can be found in every community, and they believe that a man, who has won a position in life in spite of the disabilities of birth, is likely to prove of value and a steadying influence in any legislature.

There has perhaps, in the past, been a tendency for Government to select for nomination men who were generally agreeable to the Government policy rather than those who held strong and independent views. This, however, may be explained, if not excused, by the obligation reposing on Governments, both Central and Provincial, to work through legislatures in which they had only a precarious, or sometimes no, majority. The proposals of the Chambers will

* Printed in Vol. XVI.

alter this state of affairs if accepted, and the pressure of necessity having been removed it may reasonably be anticipated that there will be no inducement for nominations to be made on any other consideration than the representative value of the nominee. This will be better ensured if the power of nomination to both houses of the provincial legislatures resides in the Governor acting on his own initiative.

Commercial Representation. Representation should be accorded to Commerce by means of election by Chamber of Commerce constituencies; but in order to ensure that commercial interests are truly represented, the Chambers consider that it is necessary for the purposes of the Governing Act so to define Chambers of Commerce as to ensure that the membership of the Chambers shall be confined to genuine representatives of trade and commerce.

Considerable dissatisfaction has been expressed during the past few years by the Chambers of Commerce with the methods of election which have been laid down under the election rules of the various Provinces for Chamber of Commerce constituencies, and the Associated Chambers strongly urge that the difficulties which have been experienced and complained of should be removed. They urge that the necessity for nominating an individual to represent a member of a Chamber of Commerce, and whose name must appear on the electoral roll, should be done away with, and that the member, when a firm or corporate body, should be given power to vote in its own name. Alternatively, the electoral rolls of Chamber of Commerce constituencies should be revised semi-annually, if not quarterly. Under the present rules many members are deprived of their votes, and are also prevented from nominating persons connected with their business as candidates for election by the fact that the person whose name appears on the electoral roll, prepared perhaps two or three years previously, has severed his connection with the member's business or has died, or is absent on leave. Members of Chambers of Commerce should be permitted to nominate any duly accredited person connected with their business as a candidate and also to nominate any similarly accredited person to exercise the vote on behalf of the member. In short, the membership roll of the Chamber should be the electoral roll.

The details of the position as it stands to-day, with an historical description are contained in the special note drawn up by the Bengal Chamber of Commerce, and printed in the Appendix.

The Executive Council. The Chambers of Commerce are opposed to any alteration in the general nature and constitution of the Viceroy's Council. They do, however, feel that there are strong reasons for diminishing the numerous and heavy duties which devolve upon the Commander-in-Chief. His Excellency is required to discharge the functions of Commander-in-Chief, Secretary for War, and Member of the Civil Government. They do not consider it fitting that His Excellency should be called upon to take part in political controversy, and as Army Member defend his department in the Assembly. They recommend, therefore, that he should be withdrawn from the Legislature.

The appointment of a new civilian member of the Executive Council responsible for the provision of munitions and supplies would enable the parliamentary representation of the Army Department to be undertaken by him, and would also provide an additional check on military expenditure. It does not seem on principle desirable that the difficult task of holding the balance between the requirements of efficiency and the claims of economy should rest on one individual. A colleague in the Executive Council would surely be of assistance to the Commander-in-Chief in exercising a control over military expenditure and the Chambers agree with the majority of the Esher Committee that "the creation of a separate department of government responsible for production and provision would undoubtedly result in increased efficiency and consequent economy . . . and that the Indian taxpayer would welcome this scheme, as affording the best guarantee that his interests are safeguarded."

It is not proposed that the Commander-in-Chief should cease to have the rights attaching to full membership of the Executive Council, but he should be excused attendance at meetings which do not affect his department.

On the whole of this subject, the Associated Chambers would invite the attention of the Statutory Commission to the weighty reasoning of the majority of the Army in India Committee's Report, especially Part II Section I, paras. 8 to 16, and Part I, Section III. para. 19.

Secretary of State. The Chambers of Commerce do not think it necessary to refer at length to the question of the powers of supervision and control exercised by the Secretary of State over the Government of India and the Local Governments. The principle is clear, and so far as they know has never been departed from, that relaxation of control by the Home Government has only taken place in proportion as a Colonial Executive has become responsible to the Colonial Legislature. Until the Government of India is responsible to the Indian Legislature, it will have to remain responsible to the Imperial Parliament. As Parliament exercises this control by holding the Secretary of State responsible for the good government of India, it follows that he must continue to control the Government of India. This constitutional doctrine does not, however, in any way conflict with the gradual growth of conventions that the Secretary of State's overriding power will not be normally exercised in particular departments. Such a convention indeed already exists that in cases where the Government of India and the Legislature are in agreement on a fiscal question, the Secretary of State will not override the agreed policy.

It follows equally from the principle above laid down that a consequence of giving responsible Government in the provinces will be to enable, and indeed to require, the Secretary of State to cease to exercise any control over the Provincial Governments as regards provincial and domestic matters. They do not think any change in the legal powers of the Secretary of State are needed, for, in the event of a breakdown of Government and a consequent suspension of the constitution of a province, the Secretary of State's responsibilities will at once return.

Statutory Safeguard against Legislation Discriminating against British Commerce. The Chambers of Commerce are greatly concerned at the tendency shown by Indian politicians to introduce legislation discriminating against British commercial interests established in British India. It may reasonably be claimed that the remarkable increase in the wealth of India during the last century has been due more to the initiative of British firms than to any other cause except the establishment of Peace by British political rule.

British commercial houses have been established in India for over a century, and they may claim to have shown the way for the economic developments which have enabled Indians subsequently to embark upon similar ventures. It was principally with British capital that jute mills, coal mines, engineering works, coastal shipping, and ship repairing yards were started in days when India possessed no such enterprises. It was principally with British capital that the railways were built which facilitated communication between the different parts of India, thereby first establishing the idea of a common Indian nationality, and by facilitating the transport of grain mitigated the horrors of famine. It was principally with British capital that vast irrigation works were built which have made productive large

tracts of country previously desert. It was principally British capital which turned vast areas of jungle into wealth-producing tea gardens. The European firms in India, so far from desiring to hamper indigenous enterprise, welcome it as likely to increase the wealth of the country to the advantage of Indians and British alike. They do, however, claim on grounds of justice and expediency that the Indian legislatures shall not be in a position to imperil the existence or development of any commercial or industrial interests established in India by legislation or taxation indicating discrimination of a racial or communal character. The Chambers confine themselves to asking for " national treatment " only for industries and commerce established in India, whether registered there or not; and nothing in this demand is to be construed to prevent the imposition of tariffs for revenue or protective purposes. Fiscal autonomy has already been granted to India by the Imperial Parliament, and India has adopted as a policy some measure of protection.

The Chambers feel, however, that this restraint should only apply in the case of countries which do hot discriminate against India. British commerce in India asks for no privilege, but merely for the same impartial treatment as is accorded to Indian commerce in Britain. Such a provision is a familiar clause in commercial treaties between two fully sovereign countries.

Such a prohibition would admittedly be a novel constitutional provision, but there is no lack of precedent for the principles it rests upon. Capitulations are authority for the proposition that European countries have found it necessary to insist on certain safeguards for their nationals resident in Oriental countries; commercial treaties show that to accord " national treatment " to foreigners established in the country is not considered derogatory or inexpedient by fully sovereign states; the constitutions of the United States and other confederations are evidence that a fundamental law can be effective in protecting personal and commercial rights against the caprice of popular legislatures.

The Chambers suggest that this should take the form of a clause inserted in the next Government of India Act, which will be an integral part of the statute creating the Indian Constitution. This would enable any person aggrieved to move the courts to treat as *ultra vires* any measure of an Indian legislature purporting to enact discriminatory legislation or taxation. This clause should extend to Acts passed by the Central or Provincial legislatures, and to bye-laws or regulations passed by Local Government bodies.

The Chambers conceive that the next step towards making India a federation of autonomous provinces will necessarily include a Supreme Court to interpret that constitution, and to adjudicate upon the reciprocal rights and obligations of the Central and Provincial Governments and of the Provincial Governments *inter se*. In this case the ultimate tribunal in India for interpreting this clause would obviously be the Supreme Court, subject to an appeal lying as of right to the King in Council.

Federation of India. The Chambers of Commerce are of opinion that economic and political developments in India are tending more and more to compel a federation of the whole of India, including the Indian States. They therefore consider that any constitution for British India which does not take into consideration and in some way include the Indian States must be regarded as provisional only. They are strongly of opinion that it would be immensely to the advantage of both the Indian States and British India if some constitution could be agreed upon which would make the whole of geographical India into a single economic unit.

One of the gravest obstacles to increased trade between British India and the States is the immunity of the Governments of the latter from the jurisdiction of any courts even in purely commercial matters. It is clear that it can only be by a voluntary limitation of their sovereign rights by the princes themselves that this obstruction to trade can be done away, but the Chambers believe that acceptance by the State Governments of a liability to be sued on commercial contracts and of machinery for executing decrees obtained against them would result in a great increase in trade between the States and British India to the benefit of both parties.

Meston Settlement. The Associated Chambers of Commerce of India and Ceylon as a body are not able to put forward any proposals for a redistribution of provincial and central revenues, owing to the fact that their members necessarily regard the question from the point of view of their respective provinces whose interests are to a large extent conflicting.

They consider, however, that a satisfactory solution of this problem is an essential condition of the successful working of any new constitution proposed for India, and they consider it to be a problem of such complexity as to require the careful and prolonged investigations of an expert Committee specially appointed for the purpose.

They have, therefore, already recommended to the Statutory Commission the appointment of some such expert Finance Committee to examine this problem and to report thereon to the Commission. Individual Chambers of Commerce will make separate representations to this Committee if appointed.

Conclusion.—In conclusion the Chambers desire to state quite explicitly the reasons which have led them to advocate a general advance to responsible Government in all the Provinces. They do not delude themselves with the belief that according to the strict interpretation of the Preamble to the Government of India Act, (Parliament " must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility ") the evidence will establish a case for any development of self-governing institutions in the Provinces of India. They believe that there is a lack of evidence to show that Indians are capable of governing themselves; there is, however, equally a lack of conclusive evidence to show that Indians are incapable of governing themselves. The Chambers are anxious that there shall be no ground for any suggestion that Britain has not honoured the pledge given in the House of Commons on the 20th August, 1917, and for this reason they recommend that self-government in India should be given a fair, and more than a fair, trial.

They do, at the same time, recognise that Britain is under an obligation of honour not to hand over the destinies of minorities, the Depressed Classes and those who are economically most helpless, to the control of an indigenous oligarchy unless that oligarchy gives proof of being as willing to constitute itself a trustee for the whole body of the Indian peoples, regardless of race, creed and caste, as the British Government has been. The Madras Adi Dravida Jana Sabha said in their address to Lord Chelmsford and Mr. Montagu, that, " they would fight to the last drop of their blood any attempt to transfer the seat of authority in this country from British hands to the so-called high caste Hindus who had been oppressing them in the past and would do so again but for the British Government "; and the Chambers of Commerce believe that this address expressed the inarticulate sentiment of many millions of Indians.

The terms of reference of the Statutory Commission require it to report, " to what extent it is desirable to establish the principle of responsible government, or to extend, modify or restrict the degree of responsible government then (*i.e.*, now) existing." The evidence at the present juncture is inconclusive, owing largely to the financial and constitutional difficulties which have affected the working of

dyarchy; but the Associated Chambers of Commerce consider that if further instalments of responsible government are to be given automatically from time to time without safeguarding the interests of the mute masses of India, Britain will have been guilty of betraying a trust not incompatible with, and equally as sacred as, the Declaration of 20th August, 1917.

Therefore, they conclude this Note with a strong expression of opinion that if the full measure of responsibility for Provincial Government which they have recommended, is granted, and if it fails to attain to that standard of efficiency and impartiality which would justify its continuation after fair trial the British Government will be forced on grounds of its responsibility to India and to humanity to resume again the control voluntarily delegated.

APPENDIX.

Memorandum by the Bengal Chamber of Commerce regarding the election of representatives of the Chamber on legislative bodies.

For many years the Chamber has returned representatives to the legislatures. The principle of the election of these representatives was conceded when the Morley-Minto Scheme of Reforms was introduced in 1910; prior to that time the Chamber had recommended members for nomination by the Government. In regard to certain bodies other than the Legislative Councils the principle of election was in operation, but, unfortunately, the simple methods of election followed in respect of these bodies were not adopted for the Councils. A more complicated procedure was introduced, and this became still more complicated with the establishment of the Montagu-Chelmsford Councils ten years later. For an attempt was then made to bring the procedure for commerce and industry constituencies into line, more or less, with the procedure prescribed for general constituencies. This necessitated an Electoral Roll, and the question at once arose as to what names were to be entered on the Roll.

2. With one exception the members of the Chamber are firms, companies, or corporations, and it was agreed, in 1920, by Government and the Chamber, that the provisions of the rules would be complied with if the names of the members, exclusive of aliens, were entered on the Roll. This arrangement lasted until 1924, but in the petition presented against the return of Mr. Byomkesh Chakrabarti to the Bengal Legislative Council as a representative of the Bengal National Chamber of Commerce, the Commissioners took the view that only the names of individual persons, and not the names of firms, companies, or corporations as such, could be entered as electors on the Electoral Rolls of commerce and industry constituencies. The Chamber did not contest the decision of the Commissioners as to the legal interpretation of the rules as framed, and in July, 1924, the Government of Bengal informed the Chamber that, in order to give effect to the decision, it was proposed to submit for the consideration of the Government of India certain modifications in the Electoral Rules, of which particulars were given. Meantime, however, recognising that the position must be accepted for the time being, the Committee of the Chamber had already taken steps to prepare a revised Electoral Roll for the Chamber constituency of the Bengal Legislative Council; and this Roll was in due course completed by getting the various firms, companies, and corporations each to nominate an individual connected with such firm, etc., for inclusion in the Electoral Roll. The Chamber's reason for taking the initiative in regard to the Bengal Council Roll was the doubt whether, in the forthcoming session of the Council, the presence of the Chamber representatives in the Council might not be challenged on the ground that their election was invalid.

3. But the modifications suggested by the Government of Bengal, and referred to above, did not meet with the approval of the Chamber Committee, and they informed Government that they were not prepared to accept a system of election which necessitated an Electoral Roll giving the names of persons, that is to say, the names of partners in firms and directors of companies. They pointed out that such a Roll may be considered to be for all practical purposes impossible in the case of the Chamber, because of the frequent changes among the personnel of partners in firms and directors of companies. The Committee accordingly proposed that the alterations in the electoral rules should be such as to enable members of associations such as the Chamber to elect their representatives in their own way subject to the approval, by the Governor in Council, of their regulations.

4. The Chamber maintains that it was never the intention of the framers of the Reforms Scheme to prescribe, for constituencies such as the Chamber, such complicated regulations as were in fact introduced. Lord Southborough's Franchise Committee of 1918–19 was required to advise *inter alia* as to how representation could be adequately and effectively secured in the new Councils for special interests. In dealing with this part of their reference the Franchise Committee said in paragraph 23 of their report:—"We are satisfied that the method of representation through associations has worked well in the past and should be continued in the future. Where, therefore, we have found associations which have been proved to our satisfaction to be fully representative of the various interests concerned we recommend that election to the special seats provided by us for commerce and industry should be made by their members. . . . We have recommended safeguards against the abuse of the method of election through associations by proposing that the regulations for elections should in each case be approved by the Governor in Council, who will further have authority to modify the system of representation in order to meet any alteration in the position or constitution of the different associations. The regulations should contain provisions for ensuring that all electors have a place of business within the province." It is clear from this extract that the Franchise Committee intended that the members of associations such as the Chamber should elect their representatives in their own way subject to the approval, by the Governor in Council, of their regulations.

5. Two examples may be quoted of the application of a simple system of election by the Chamber. The first of these is to be found in the Calcutta Municipal Act of 1899; the second in the Calcutta Improvement Act of 1911. Section 58(1) of the Calcutta Municipal Act of 1899 provided for the appointment of Commissioners by the members of the Chamber in such manner as might be determined at a meeting of the Chamber to be convened in accordance with the provisions of rules made under section 8(3) of the Act. In exercise of the powers thus conferred the Government of Bengal framed the following rules which they published on the 9th July, 1900:—

> 1. When the term of office of any Municipal Commissioner appointed under section 8(2), (*a*), (*b*) or (*c*) is about to expire or when a vacancy has occurred, or is about to occur, by reason of the death, resignation, removal or disqualification of any such Commissioner, the Chairman shall cause a notice to be addressed to the President of the Bengal Chamber of Commerce, the Master of the Calcutta Trades Association, or the Chairman of the Port Commissioners, as the case may be, stating the number of vacancies in which Commissioners are to be appointed, and fixing a date for submitting the return prescribed by section 58(2) of the Calcutta Municipal Act.
>
> 2. On receipt of the said notice, the President of the Bengal Chamber of Commerce, the Master of the Calcutta Trades Association, or the Chairman of the Port Commissioners shall respectively proceed to take steps in such manner as may from

time to time be decided upon by the Chamber, the Trades Association or the Port Commissioners for the purpose of appointing Commissioners to fill the said vacancies.

6. In pursuance of these rules the members of the Chamber adopted the following resolution in special general meeting on the 7th August, 1900 :—

That until otherwise determined at any future meeting of the Chamber, the appointment of a Commissioner or Commissioners under sections 8(2) of the Calcutta Municipal Act III (B.C.) of 1899 shall be made by a majority of votes of members of the Chamber. Such votes shall be given by voting cards to be issued by the Secretary on the direction of the President and to be numbered and signed by the Secretary. No voting cards shall be received or used unless so numbered and signed. The voting cards shall be signed by the members voting, and shall be returned to the Secretary within three days from the date on which the same shall be issued and no voting cards shall be used unless returned within that time. On the return of the voting cards to the Secretary, such cards shall be examined by two members of the Chamber, who shall be appointed by the Committee as scrutineers. The scrutineers shall report the result of their examination of the voting cards to the Secretary and such report shall, as to appointment of any Commissioner or Commissioners, be final and conclusive.

7. Section 4(*a*) of the Calcutta Improvement Act, 1911, provides that the Board of Trustees shall consist of eleven persons, one of whom is to be a member of the Bengal Chamber of Commerce ; and section 7(2) of the Act provides that this trustee shall be elected by the Chamber. In exercise of the powers conferred by section 137(1) of the Act the Government issued, on the 20th December, 1911, the following rules governing the election :—

1. In these rules, " member of the Chamber " means a person who—
   (*a*) is a permanent member of the Bengal Chamber of Commerce, or
   (*b*) is entitled to exercise the rights and privileges of permanent membership of the said Chamber on behalf, and in the name, of any firm or joint stock company, or other corporation, and who has a place of residence in India.
2. (1) On or before such date as may be appointed by the local Government in this behalf, the Secretary to the Chamber (hereinafter referred to as the " Secretary ") shall, under the direction of the President, send to each member of the Chamber a voting card, which shall be numbered and signed by the Secretary.
   (2) Any voting card which is not duly numbered and signed by the Secretary shall be invalid.
3. (1) Each member of the Chamber shall have one vote only.
   (2) Every member desirous of voting at the election shall record his vote on his voting card and sign it, and shall return the card to the Secretary within seven days from the date on which it was issued.
   (3) Any voting card which is not returned to the Secretary within the said period of seven days shall be rejected.
4. On the return of the voting cards to the Secretary they shall be examined by two members of the Chamber, who shall be appointed by the Committee of the Chamber to act as scrutineers.
5. (1) The Scrutineers shall report the result of their examination of the voting cards to the Secretary.
   (2) The candidate who has obtained a majority of votes shall be deemed to be elected, and the report of the scrutineers shall be conclusive evidence of his election.
   (3) If the voting has resulted in a tie between two or more candidates lots shall be drawn, in the presence of the scrutineers and in such manner as the President of the Chamber may prescribe, to determine which candidate shall be deemed to be elected.

8. In the case of the Corporation of Calcutta, the method of election as defined above was in operation from 1900 until the Municipal Act of 1923 came into force. It was a simple, direct and practical method, and it was never known to create even the smallest difficulty. The similar system which was made applicable to the Calcutta Improvement Trust has also worked most satisfactorily since 1911. It may be explained that the procedure which is now in force with regard to the election of representatives to the Corporation of Calcutta requires an Electoral Roll, but the Roll consists of the names of members of the Chamber, that is to say, of firms, companies, etc., and not of the names of individuals. This arrangement is, of course, very much more satisfactory than is an Electoral Roll of individuals, because it has not the result, as the " individual " Roll has in the case of an electorate like the Chamber, that in a short time after the Roll has been completed a considerable number of those whose names appear on it will be found to be absent from India on leave. A point of importance is not only the possible loss of a vote in the election of a representative but—as has been found again and again in practice—the omission of the name of a person willing to come forward as a candidate for election but unable to do so because his name does not appear on the Electoral Roll.

9. The Chamber has been in correspondence with the Government of Bengal on the subject for some time past. They have suggested that the rules should be so amended as to enable the Chamber to elect its representatives on a simpler system. And they are glad to say that the Government of Bengal have expressed their willingness to recommend the amendment of the rules in this sense. The Chamber put forward certain definite amendments as framed by Counsel, and these were largely adopted by the local Government and, the Chamber understands, submitted to the Government of India. It is unnecessary to refer in detail to the changes proposed, but it is sufficient to say that a modification of the rules on the basis of the suggestions would eliminate the Electoral Roll altogether and introduce a simpler system of election similar to that prescribed by the Calcutta Municipal Act of 1899 and the Calcutta Improvement Act of 1911, which is referred to above in paragraph 5.

CALCUTTA.
22nd January, 1929.
Morning

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE, AND OF THE BENGAL PROVINCIAL COMMITTEE (EXCEPT MR. FAZL-UL-HUQ AND MAULVI ABUL KASEM).

Deputation of the Associated Chambers of Commerce of India and Ceylon.

(Members of the Deputation from the European Association who were examined in the afternoon, * were also present)

The deputation consisted of :—

The Hon. SIR GEORGE GODFREY, Member of the Council of State, President of the Associated Chambers in 1928, and President of the Bengal Chamber of Commerce.
Mr. H. G. COCKE, M.L.A., Deputy President of the Associated Chambers in 1928, and Chairman of the Bombay Chamber of Commerce.
SIR JAMES SIMPSON, M.L.A., representative of the Associated Chambers of the Legislative Assembly, and Past Chairman of the Madras Chamber of Commerce.
Mr. T. GAVIN JONES, M.L.A., Past President of the Upper India Chamber of Commerce.
Mr. J. H. FYFE, M.L.C., Vice-President, Bengal Chamber of Commerce.
Mr. D. K. CUNNISON, Secretary of the Associated Chambers in 1928, and Secretary, Bengal Chamber of Commerce ; and
Mr. A. H. E. MOLSON, Political Secretary of the Associated Chambers.

1. *The Chairman :* * * * It seemed to me, on looking through your document, that if one were to pick out a single sentence, you might, perhaps, think it right if I picked out the sentence on page 111, which starts with the heading " The Central Government." There, I see you say : " The Chambers of " Commerce are only prepared to favour the grant " of responsible government in provinces on condition " that the position of the Government of India " *vis-à-vis* the Legislative Assembly, is strengthened." If I understand this document as a whole rightly, that is really the principle which underlies the whole scheme ?—(*Sir G. Godfrey*) That is so.

2. That means, of course, that we have got to consider two separate things, and also to consider the two in relation to one another. One is, your proposal for a change in the Provincial Government, and the other is your proposals in relation to the Central Government ; and the third is your proposals for the relations between the two. It seems to me that on points of constitutional structure, that is the way it breaks up. Now, let me first of all take in outline your proposals for the reform of provincial Government. Of course, every member of the Conference will have noticed the very striking passage on page 108. * * * " The Chambers there " fore recommend the grant to provinces of constitu- " tions varying up to full responsible autonomy "—I will come back to that word, " varying " in a moment—" provided "—then you mention five conditions : " (*a*) That the position of the Government " of India *vis-á-vis* the Assembly is strengthened." Well, I will take that later on ; that is the assumption. " (*b*) That the Central Government is given powers of " intervention in the event of a breakdown of " government in any province." That is rather my third head, the relation of the two. " (*c*) That " Provincial Second Chambers are set up." I want you to develop that in a moment. " (*d*) That adequate " safeguards are provided for the administration of " the Police ; (*e*) That a clause is inserted in the " new Government of India Act forbidding discrimina- " tion against industrial and commercial interests in " Central and provincial legislation and taxation and " in municipal bye-laws and taxes." One or two of those things, I think, need to be looked into a little more in detail. What does the Chamber mean when it says in the passage I have just read, that they recommend the grant to the provinces of constitutions varying up to full responsible autonomy ? Does that imply variation as between one province and another ?—In the first case, it would be so, and the word " varying " is also used with regard to the expressions, " full responsible government." " Varying " refers to the initial stages, when we do not contemplate that all provinces will necessarily receive the same amount of autonomy, and also in regard to the fact that we did not consider that it was possible to introduce full provincial autonomy straight away. The Central Government must retain certain powers over the provinces.

3. Then at page 108 we get proposals, and I will first of all take the proposals which have to do with executive government as opposed to the constitution of the legislatures in the provinces. You propose to transfer to provincial ministers all subjects, or, in the view of some Chambers, all subjects except Law and Order. Then, subject to the possible qualification about Law and Order, you intend under this scheme, if the other conditions are satisfied, to get rid of diarchy altogether ?—That is the intention as far as the executive is concerned.

4. Then you say you recommend the abolition of the Provincial Executive Council. That is because you propose to have a ministry, I suppose, with joint ministerial responsibility. Do you propose a Prime Minister ?—No, we do not propose a Prime Minister.

5. I am not quite clear how it is intended that the ministry is to be constructed ?—The idea is that the Governor shall consult with leaders of various parties in the Provincial Council, and shall select his ministers from those leaders, giving due regard to the prospects of obtaining a working majority for what you might call the Cabinet ; but we do not propose that he should nominate a Prime Minister or Premier, the idea being that the Governor would preside at the meetings of the ministry.

6. I realise that you propose he should preside, but I want to see how you suggest that the ministry is to be brought together. Is your idea that it is to consist of leaders of different parties, or that it is to consist of members of one party ?—I think it would be impossible, under present conditions, to obtain a ministry from one party. They would

* See page 148.

never be able to secure a working majority in the House.

7. Is it the idea that the Governor is to choose each of them and then say that they constitute the ministry, or is the idea that the Governor is to choose his principal adviser, who will then advise the Governor about his colleagues ?—No, our idea is that he should nominate all the members, because if he is to preside over them at meetings he must be presiding over a Cabinet of men with whom he can work, and on whom he feels he can rely to carry measures through his House, and he will choose them accordingly.

8. Do you conceive that under that system there is likely to arise an organised opposition ?—Oh, certainly.

9. If you compose your ministry of the chiefs of a series of groups, it is not very easy to see how there will evolve, or might be expected to evolve, an Opposition ?—Well, I think in a provincial council, for many years to come, whatever the grouping might be, there would always be an opposition to it. There would also be break-aways from groups.

10. I meant an organised Opposition, an opposition based on some principle or other ?—We cannot visualise any suitable division of parties as things are in India at the present time, so that we cannot expect to have two parties, or even three parties ; there are almost certain to be more than that.

11. Now taking the legislative side, I see at the bottom of page 110 you propose the abolition of all official nominated members, the ordinary official *bloc*, so that your provincial legislature would consist entirely of members who are elected and members who are nominated, but not officials, with the possible exception, you say, of a secretary speaking for, perhaps, the Law and Order department, if it was dealt with specially : is that it ?—Yes.

12. I understand that you are not proposing, in the case of the provincial legislature, indirect election : you propose, in substance, to leave the franchise much as it is ?—Yes.

13. I will come back to what you call Law and Order in a moment ; but turning to page 110, you repeat there in more detail what you said on page 108, and what you regard, apparently, as a condition, that there should be a Second Chamber in the province ?—Yes.

14. And I gather that you think it should be partly nominated and partly elected ; perhaps two-thirds elected and one-third nominated ?—That is our suggestion, yes.

15. And do you regard that as an essential feature of your scheme ?—That proportion ?

16. No, the creation of a Second Chamber in the province ?—Yes, we consider that essential.

17. There is one other feature of the provincial scheme, apart from Law and Order, which is of great importance, and very striking. It is at page 110. You say, "The grant of full "responsibility to the legislature"—that means the provincial legislature—" will enable the powers of " certification of the Governor to be abolished." Then I gather that the view of the Chambers is that if their other conditions were fulfilled, they would be prepared to contemplate provincial legislature with a ministry responsible to the legislatures, the legislatures for the most part elected, with a nominated unofficial element added, the Governor presiding at the Council of Ministers, but the Governor being in a position where he had to accept whatever the legislature decided. Do you propose that he should be left with any power of veto over legislation ?—Yes, we would retain that.

18. But no power of certification ; that is to say, the initiation or the effecting of legislation or of finance which is refused ?—Well, in regard to certification we wished to abolish it as far as possible. In regard to this reference to Law and Order, we recognise at once that if Law and Order is what is generally called a reserved subject, the Governor must have powers of certification. We also recognise that even if it was a transferred subject it might, under certain conditions, be necessary for the Governor to have powers of certification, and, in the event of any emergency, we would recommend that temporary powers of certification might be reserved. It might be only temporary.

19. I have not quite followed all this. What you have last said is not in the document, is it ?—It is not expressed in the document, no ; I am developing what the idea was in our minds.

20. I am reading the sentence on page 110 "The grant of full responsibility to the " legislature will enable the powers of certification " of the Governor to be abolished." I appreciate, of course, that if you make special arrangements for the police you may have to make a special exception, but I have not discovered anywhere in your document provisions for the temporary exercise of powers of certification in what is called a time of emergency ? —We had that in our minds when we wrote on page 110, under the heading of " Intervention by the Governor-General," that there might be a breakdown of the Government in a province.

21. But I am speaking of the Governor of the province ?—Yes.

22. I understand your answer to be with reference to that ?—I said we should like to see reserved for the Governor in the province, under temporary conditions, powers of certification which would, as I say, only be temporary, because if it was a serious breakdown the Governor-General would step in under our recommendation and declare that the administration of the province had broken down, and that it must be resumed under executive control. We have not expressed that anywhere, but it is a development of our idea.

23. If you will excuse me for saying so, I hardly think it is a development. I understand the plan as it is given in the document. I read what you say on pages 110–111, and I understand what is meant. It appears to be this : that there shall be no power of certification in the provincial Governor, that it would be quite illogical to suggest such a thing, that responsibility in the provincial legislature is conceded and things must take their course, but that if the situation were such as to require the intervention of the Governor-General in Council, provision might be made for it. That does not seem to me to be quite the same thing as saying that as a temporary matter a Governor might intervene, and I wanted to know what your views were ?—In further discussion we thought a situation might possibly arise where, for some reason or other, the supply of funds was deliberately and obstructively refused, and it would then be necessary, pending a reference to the Governor-General in Council, for the Government to be able to meet payments due, and the Governor would have to have powers to certify such expenditure. We wish to curtail the powers of certification as far as we possibly can, because we feel that they have always been a great grievance on the part of the legislatures and have given rise to a good deal of friction.

24. Let me ask you one question on a subject which is not unfamiliar to us in its various aspects It is apparently by convention always called Law and Order. You know, of course, there is no such head in the Devolution Rules at all. What were you intending to include in " Law and Order ? " Is it police and jails, or what is it ?—We have headed the chapter " Law and Order," and in the first paragraph we deal with judicial administration and in the second with police administration.

25. It is a highly technical matter, but is it your view that if your scheme was adopted the High Court should be a provincial subject, or should it be a Central subject ?—Central.

26. You say : " The Chambers consider that all " the High Courts should be under the Government " of India, both for administration and finance " ?—Yes.

27. We are going to hear the Chief Justice in the course of our sittings, and we shall hear his view about that. With regard to the Police, I gather (and it is certainly not a matter of reproach) that the different Chambers throughout British India are not quite agreed about this subject. It is very natural they should not be?—There is very wide divergence of opinion.

28. And, therefore, you have had to write a paragraph (which is very helpful to us) which makes allowance for those wide divergencies of view?—Yes.

29. I quite see that. I do not think I will ask you specially about that. That is the outline so far as the province is concerned. It is convenient to take the thing I mentioned third next, before we come to the Central Government *simpliciter*, namely, the suggested means of intervention in case of need in the affairs of the province by the Central authorities. You deal with that on page 110, where you say: "While desirous of making recommendations of so "liberal a character as to meet all legitimate Indian "aspirations, the Chambers of Commerce do not "conceal from themselves the possibility that the "new constitution like the old one may be faced by "deliberate opposition or obstruction on the part of "some Indian group or party. They, therefore, "consider that provision must be made to meet the "danger of a breakdown of Government in any "province. They consider that the Governor-"General in Council should be given powers in case "of necessity to intervene, and, in fact, to suspend "the constitution." I may as well confess to you that my own training and study as a constitutional lawyer, such as it is, makes this phrase, "suspend "the constitution," a little difficult for me. What is it that would happen if the Governor-General in Council in fact suspended the constitution? How do you conceive the course of events then?— * * * Our idea was that in the event of a serious breakdown the Governor would be in touch with the Governor-General in Council and would report all the conditions, and the Governor-General in Council would by executive order be able to declare that the constitution (as we look on it) had broken down, and the Governor, with his permanent officials, would have to take over the administration of the province. Section 59 of the Government of India Act says: "The Governor-General in Council, may, with the "approval of the Secretary of State, and by notifica-"tion, take any part of British India under the "immediate authority and management of the "Governor-General in Council, and thereupon give "all necessary orders and directions respecting the "administration of that part, by placing it under "a chief commissioner or by otherwise providing for "its administration." That was the idea that was in our minds.

31. I daresay I am wrong, and I am quite willing to be corrected, but I had thought that followed on Section 58, and was not intended to be an emergency power "suspending the constitution." Do you think it was?—We refer in our Memorandum to an emergency power, but I think that illustrates the method. You asked how we visualised what would happen if the constitution were suspended. That illustrates the method by which it would have to be done.

32. Do not think I am in the least criticising; it is with the object of being a little clearer, because, of course, although the expression, "suspending the "constitution," is constantly used, for instance, on the continent of Europe, it is not a very easy thing to visualise from the British administrator's point of view. Would it mean that the Governor-General in Council would disband the legislative Council?—Yes.

33. Would he dismiss the ministers?—The ministers would go with it unless the Governor recommended their retention to assist as administrators, not as ministers. The Governor would still have his permanent staff of officials.

34. The officials would be, would not they, the officials of the provincial Government? They would not be the Governor's in any personal sense, would they?—That is another question, as to whether they are members of the provincial services or of the All-India Services. That is a complication which arises.

35. Anyhow, I wanted to be clear what was in your minds. Let us now turn for a moment to the Central Government, which you deal with particularly on page 111. Here, again, we want to distinguish, do not we, between the executive and the legislative arrangements. As regards the executive, as I follow your document, you are not proposing any substantial change; that is to say, the Viceroy would have his council and would choose his councillors?—Yes.

36. Or, rather, they would be appointed by the Secretary of State?—Yes.

37. On the other hand, in the legislature you do propose a change?—Yes.

38. That is argued out on page 111, and also referred to at page 112. Will you please help us a little more about this? Take what you say at the bottom of page 112: "The Chambers of "Commerce recommend that the strength of the "Government parties should be made approximately "equal to what may anticipated will be the "strength of the anti-Government party." I perfectly understand the object aimed at in that sentence, but I should be grateful if you would develop a little how you think it might be written down on paper. Your point is a very powerful one. Your point is that as things are in the Central Legislature, experience goes to show that the opposition, the legislative Opposition, is more numerous than the body that supports the Government, and you make the point (which I think I may say, so far as it goes, is a perfectly good point) that it is not a very happy arrangement or one that is likely to work very smoothly, if a Government in a legislature finds itself the smaller rather than the larger party. Some of us who are accustomed to arrangements of a different sort in Britain do not understand how the Government can get the time of the House, how it can decide when the House shall adjourn, and many other things, when it has not got a majority. I quite understand your point, but how do you propose to remedy it?—We recognise that it is a very difficult matter, and we had a considerable amount of discussion over it. If I may put it in this way, it will give you what our idea was. We quite recognise that it is a very difficult subject, and that the present position is very unsatisfactory indeed; but, unsatisfactory as it is now, it is likely to become more so, probably when provincial autonomy has been given and when some of the provincial Governments may be obstructive to the Central Government. We hope, and with some degree of confidence, that members of the Legislative Assembly being elected by the provincial legislatures, instead of direct by the country, will be men of better balanced ideas than some of those who now attend in the Assembly, but we do not anticipate that they will show less bias against Government. The necessity, therefore, is either to increase the number of nominated officials to half the total strength of the House, or to reduce the number of elected members, or to combine both these procedures. On practical grounds, we feel it is embarrassing to administrations for a considerable number of officials to be sent up to Delhi or Simla to act merely as voting machines, and it is somewhat humiliating for very senior officials who are sent up there to be treated in that way as mere pawns. If they were allowed to speak freely and take part in the debates in the Assembly, the debates would probably be much more interesting and more informed than they are at present; and we recommend that such officials as are sent up by local Governments should be entitled to do this. But on account of the difficulty of sparing officials from their ordinary administrative work and of securing sufficient non-officials of a suitable nature for nomination, we

consider the third alternative will be necessary, combining the two: there would be a slight decrease in the number of elected members and a slight increase in the nominated members.

39. In your last sentence you have moved from the phrase, "nominated officials," to the phrase, "nominated members"?—Yes. "Nominated members" includes both.

40. I know it does, but that is what I am not clear about. At present the Legislative Assembly consists of a very substantial majority of elected members (104 out of 140); it consists in the second place of a number of nominated private persons, nominated non-officials. In the third place, it consists of a certain number of nominated officials. I can imagine a proposal that you should drop one of those elements altogether, or a proposal to change the proportions between them. I am not quite clear whether you are proposing to drop any one of these three elements?—No.

41 It will continue, as before, to consist of elected members (though by the method of indirect election), nominated non-officials, representing, I suppose, interests which could not expect adequate representation by election, and nominated officials?—Yes.

42. When you say, "nominated officials," I want to know how you propose to secure what you refer to at page 112, and what, again, you refer to on page 111, near the bottom of the page, where you point out, I think, with great force, how the criticism of the Morley-Minto councils might be applied to the later scheme, and then you say: "The alternatives, therefore, are either to go forward "and make the Government of India responsible to "the Assembly or to strengthen the Government's "position sufficiently to enable it to carry all such "measures as it considers to be highly desirable, "but which could not rightly be certified as essential "to the interests of India." That is not quite the phrase of the Act, but I know what you mean. Does that mean you propose to make half the Central Legislature official?—Official and nominated, because although a nominated non-official is not necessarily bound by any means to vote with Government, on the Government side, a great many of them, naturally, would do so; so that our proposal is to reduce the number of elected members and increase the number of nominated officials and nominated non-officials.

43. In other words, it becomes a sort of half-and-half arrangement; half elected and half not?—Yes.

44. I follow what you mean. * * * On page 114, you say you want, and, indeed, you make it a condition, that there should be some statutory safeguard, something which forbids discrimination, and so on. Now, perhaps you will allow me for the moment, instead of asking a question, to make an observation about it, because naturally, one has been thinking about this, as my colleagues have, a great deal, and I want help. I have tried myself to analyse the different possible ways in which such things might, perhaps, be done. No doubt, it is possible to conceive this, that you might have a section which describes the sort of legislation which it would be beyond the powers of the legislature to carry; and if you could devise such a clause, and then it was suggested that a particular piece of legislation went beyond the powers, broke the rule, you could challenge the legislation in the law courts, and contend that the legislation was waste paper. That is a possible way. I will mention one or two other possibilities in a moment, but it seems to me that there are considerable difficulties in the first method, which would have to be very carefully weighed. The first difficulty, and one which, perhaps, presses on my mind more than on you, is this. It is all very well to talk in general terms, but in the long run somebody would have to draw the clause. It turns on words, you see?—Certainly.

45. And nothing is easier than to demand reasonable safeguards, and nothing is more difficult than to write them down; and that is particularly true in the conditions here, because a great many interests and communities are concerned—the Muhammadans and lots of people. I am not saying for a moment whether their claim is right or wrong, but if you are trying to think how to do it, it seems very difficult to write it down; not, perhaps, impossible, but very difficult. A second difficulty which oppresses my mind very much is this. I think it is a very serious step to open the flood-gates of litigation even wider than they are opened at present. I gather that one-fifth of the revenue of Bengal Presidency is derived from the litigating habit of the people. It is a very serious thing to make it a possible contention in any law court that a particular Bill or Act is *ultra vires*. All sorts of people might raise the question, and though lawyers are very useful members of society, even lawyers sometimes take a thoroughly bad point and argue it for a very long time, and it is possible that judges may differ in opinion. So it seems to me that the method of saying that protection against discrimination and unfair treatment is to be by appeal to the law courts, is not necessarily very satisfactory to the commercial community. Do you see what I mean?—I follow you, yes.

46. I am not saying it may not be the only way; but have you got any other suggestion to make? There are one or two variants that occur to me, but none of them is very satisfactory?—I think we are strongly in favour of an appeal to the court. We consider that any such statutory safeguard can only be of use to us if it is in the Act, and that we cannot rely with confidence on a mere Instrument of Instructions to either Governors or to the Viceroy.

47. I am not surprised to hear you say that; that is the second possible method which occurs to one. Many people have referred to it. We have had dozens of Memoranda which say: "You ought "to put into your Report the recommendation that "the Instructions to the Governor shall include an "instruction that he is to take care that people are "not treated unfairly," or that he is to veto legislation to do so-and-so. Well, if I may say so, I quite agree with you. I do not myself think, for what it may be worth, that Instructions to Governors, in the nature of things, would be an entirely effective safeguard. It would not give the person who felt himself aggrieved any effective power to challenge. Now, is there any other method? Is it possible, for example, to visualise this: that there should not be an indiscriminate right of appeal to the courts challenging any Bill which anybody thought he might be able to upset, but it should only be if certain leave is given on the ground that the case does appear to be a case of substantial importance raising a real point, that the courts should be appealed to. Would that method give any help?—We have not considered that alternative, but I do not think we should like it. We are much more inclined to pin our faith to the interpretation of the Act and the conditions of *ultra vires* by a court, because, after all, if it was a question only of obtaining permission from some authority, it might be the Governor, the Governor would be presumably advised by his law officers, and would probably have to accept their recommendations; and law officers have been known to err in giving advice. They might give him wrong advice.

48. I feel that it is in the interests of everybody, if possible, to prevent this sort of challenge being raised, if it has to be raised, except in serious cases.—Yes, we agree with that.

49. And I do not think the method which you sketch out secures that?—Well, if one may be allowed for a moment to refer to what you said about opening the doors to a flood of litigation, I assume that on any one particular Bill or Act, if it became an Act, there could only be one application or one of these proceedings. It could not be continued by innumerable persons.

50. You appreciate, do you not, that if you worked out the scheme on the lines at present

suggested, it would not mean merely that the High Court could take the objection, but it could be taken in any subordinate court in the land?—Oh, that certainly was not in our minds.

51. It is so. If you take the Canadian constitution, where there is a strict distribution of powers, and where, therefore, the question does sometimes arise whether the right legislature has passed the Act, the objection could be taken in a police court, and it has been taken in a police court. One of the best-known cases in Australia was taken, in fact, in a police court; so that it does not mean merely that the High Court would decide. Do you see what I mean?—Yes, I see what you mean.

52. I will tell you what I would like you gentlemen to do, and I am going to invite the next deputation to do the same. After all, you are an important body, and you will not be ruined if you have to take a little good professional advice. I would ask you to let us have, on whatever professional advice you choose to employ, the draft of the sort of clause that you have in mind. Do not leave it by saying that you will leave it to the lawyers; just employ the best men you feel inclined to employ, if you do not feel inclined to do it yourselves, and have a committee meeting and put it down. We would really like to have a clause about this. And I think while you are about it you might do this, if you kindly would. Of course, you should remember that if anything of the kind is proposed, it is not likely to be limited to the European or to the commercial case, so that one wants to see what the scheme is?—We can do that, certainly, if you wish.* Our idea, condensed, is here—this is not a legal document.

53. Never mind about that.—I will just read it to show you what we had in our minds as a possible clause. It would have to be developed, no doubt: "No tax nor any law or bye-law shall be valid passed "by the Central or provincial legislatures or by any "local Government body calculated or designed to "discriminate against any commercial, industrial "or agricultural interest established or to be estab-"lished in India by subjects of the British Crown "on the ground of the religion, place of birth, descent, "or colour of the owners, directors, managing agents, "or shareholders of and in the said interests: "Provided that this shall not prevent the Indian "Legislature from requiring the fulfilment of any "conditions in the case of any newly-formed under-"taking in receipt of special assistance at the expense "of the taxpayer or consumer; and provided "further that this shall not prevent the imposition "of such protective duties as may be proposed by "the Government of India and approved by the "Central Legislature: Provided further that the "aforesaid restriction shall not apply in the case "of subjects of such countries as have adopted "discrimination measures on similar grounds against "Indians ordinarily resident in those countries."

The Chairman: I see. Well, I should think it most unfair to worry you about the small technical drafting points, and I am not doing that at all. I am simply saying on behalf of all of us that we should greatly value the suggestion which you might find it possible to communicate to us as to the form of a clause, and I dare say, if you think well, you would take advice about it, would you? I shall not ask more about it now.

54 *Lord Burnham:* By my own fault, I am certain, I am quite unable to realise in working the scheme of government which is contained in this Memorandum, and, therefore, I dare say Sir George Godfrey, who has had great experience, would, in popular language, give us a picture of the Government he proposes working in the province of Bengal, grouping it under the Governor, the Government, and the Legislative Council. I want to know what the Governor, first of all, would be, and I say that advisedly, because, of course, when he uses the words, for example, "provincial autonomy," and then proposes the intervention of the Governor-General and the Viceroy, perhaps at every turn and certainly frequently, it seems to me very difficult to interpret; but would he deal with the Government of Bengal and tell us how, under his scheme, it will be fashioned? First of all, what will be the position of the Governor?—Of the Governor of a province?

55. Of the Governor of Bengal under your scheme, or of any province?—The Chambers recommend first of all that the Governor should preside at the Cabinet meetings of his ministers.

56. Without power of overruling them?—Without power of overruling, yes; but he would have the power of vetoing legislation.

57. Would he have the power of voting?—No, not at the Cabinet meetings. He will take part in the discussions and preside, and we anticipate that a man of his experience (whether he is specially selected from Great Britain or whether he is a senior man from one of the All-India Services) will have considerable influence on discussions.

58. He will be rather like an American at the League of Nations; he will be an official observer: Will you develop that? What would his powers be, as compared with his present powers, under your constitution? The power of veto would remain as at present?—Yes, the power of vetoing legislation.

59. It would be as contained in the Government of India Act, the same as now?—The same as now. The Government of India Act, of course, will have to be revised; it will require considerable alteration if our suggested form of government is adopted.

60. What changes would be made with regard to the power and position of the Governor?—The Governor will take no executive action; Law and Order apart, there will be no reserved subjects as at present; they will all be transferred, and, therefore, the Governor will not have the same amount of executive responsibility as he has at the present time.

61. You say with the exception of Law and Order?—I say, putting that on one side, because there is a difference of opinion as to whether that should be reserved or transferred.

62. Of course, if it is reserved, then dyarchy continues as at present, with a few small exceptions?—Yes.

63. Do you recommend that it should be transferred or not?—Police administration?

64. Yes. I am not clear about it. You say there is a division of opinion, but does that mean you do not recommend the transfer?—There is too much difference of opinion in the Association for us to make any recommendation with regard to the transfer of the police, but if that remained a reserved subject, then the Governor would still have some executive responsibility for that department.

65. If it continues to be reserved, the powers of the Governor in respect of Law and Order will remain as at present, is that so?—Practically, yes.

66. On the other hand, if it be transferred, will it be in the hands of a responsible Minister whose powers will be the same as those of other Ministers?—Yes.

67. The Governor would have no greater powers with regard to Law and Order as a transferred subject than in regard to any other?—No.

68. A number of your branches (I do not know whether the majority or not) are content that that should be so?—Yes, that is right, I think. (*A member of the deputation*) Under normal circumstances.

69. What are abnormal circumstances?—(*Sir G. Godfrey*) The breakdown of the Government, when the Governor-General would intervene.

70. I was asking about the Governor, not the Governor-General. The Governor would have no power because the Governor-General intervened unless the Governor-General made him his agent for that purpose?—You asked us what would be abnormal circumstances, and my reply is "abnormal" would be when there was a break-down.

* See Appendix, page 133.

71. For that purpose you rely entirely on the Governor-General?—On the Governor-General in Council, but naturally he would work through the Governor.

72. He would only work through the Governor if he made the Governor his agent?—The Governor would report the conditions; we are assuming that the Governor is the man who would report that his administration had broken down. The Governor-General would not ascertain that without receiving reports from somebody or other of some sort.

73. Do you contemplate that Ministers should be appointed for a fixed period of years, as is suggested by many bodies, or that they should be at the will of the majority of the Council?—That is a very difficult subject, but the recommendation in our Memorandum is that they would go out on failure to carry anything. They would be responsible to the Council. We say (page 108) "If and when the Ministry loses the con-"fidence of the legislature, and is defeated, the "Ministry will resign."

74. Do you consider, having regard to the political history of Bengal, and the changes in other provinces, you could secure a stable Government in this way? —We recognise there will probably be considerable instability, but we have failed to find any safeguard against that.

75. Have you ever considered what the possible duration of Ministries might be? In France, since the Third Republic was set up, it works out at six months—Yes. France is a very remarkable instance, but France still continues to govern itself.

76. Do you give it more than six months here?—No, not at first. (*A member of the deputation*) Two!

77. Then, coming to the Legislative Council, can you tell me how you think that is going to work? Will there be any official *bloc* in the Legislative Council?—(*Sir G. Godfrey*) No, that will be abolished.

78. How will Government's policy be defended? By the Ministers in the Council?—Yes.

79. You are in favour of a Second Chamber?—Yes.

80. We have not heard much about that. How would you constitute your Second Chamber? I see it in the document, but I thought you might like to describe it in popular language?—We suggested that two-thirds of the Upper Chamber should be elected by the same electorate that elects Members for the Council of State of the Central Government—not by the electorate which is used for the Provincial Councils. The latter is entirely different from the electorate for the Council of State. We suggest the remaining one-third should be persons nominated by the Governor, and our idea there was that they would be drawn from the ranks of notable persons in the province: big landowners, commercial men, chancellors and vice-chancellors of universities, important office-holders, and so on.

81. All the elect. Do you think there would be any difficulty in getting together sufficient men of the required quality and character of a Second Chamber in such a province as this?—No, no difficulty.

82. Would you give the Second Chambers equal powers with the First?—Yes.

83. In matters of finance?—Except in regard to financial subjects.

84. What powers would you give them in regard to finance?—Our idea was that they should have the same powers, except with regard to the initiation of legislation for taxation.

85. But they should have the same powers of amendment and rejection as the Lower House?—Yes. We had not worked it out in detail, but there would be some procedure whereby if there was disagreement between the two Houses, a matter would be referred back, and eventually, if they did not come to terms on referring back, we should recommend a joint conference of the two Houses.

86. How would the Government be represented in the Upper House? Would Ministers sit in the Upper House, or would they have a right to address it?—That is a point we did not discuss, I think, at the time we drew up the Memorandum, but we think Government would have to be represented by what we might describe as Parliamentary Secretaries appointed for the time being—prominent men who would be asked to represent Government in the House, or even by a Minister if there was one in that House.

87. Am I right in assuming that all your proposals are dependent on the conditions you set out for strengthening the Central Government, and so on?—There are certain main principles set out, but we have not attempted to give details.

88. I am afraid I did not make myself clear. What I mean is this: unless you obtain these guarantees, you are not in favour of the proposals you set out; they are all conditioned by and dependent on these guarantees?—They are all dependent on those broad principles.

89. Mainly the strengthening of the Central Government?—Yes, and Second Chambers in the provinces.

90. Therefore, unless you obtain these new, extended powers you are not in favour of the rest of the changes that are set out?—That is right.

91. *Mr. Hartshorn:* I do not quite understand what the position of the Chambers is on the question of transferring Law and Order. I understood you to say, in reply to Lord Burnham, that there is such division among your members that you cannot make a recommendation on the subject. I do not understand that in the light of your document, because I should have thought if there was a subject on which you made a recommendation it was on the subject of the transfer of Law and Order. You say (page 109): "Some Chambers are averse from "any transfer of this subject, but a majority believe "that the risk must be taken if any real self-"government is to be given to the provinces." Further down, on the same page you say that the majority of Chambers hold the opinion that "The "surest way to make those responsible for governing "realise the need for an effective and active police "force is to make them responsible for the main-"tenance of order so, that their countrymen will "hold them to blame if they fail to secure that "safety of person and property to which the citizen "is entitled." Still further down, you say: ". . . "if provincial Governments are not to be trusted "with that responsibility, the only logical attitude "is to say that the time has not yet come for any "further advance towards provincial autonomy." On page 108, you say: "The Chambers, therefore, "recommend the grant to provinces of constitutions "varying up to full responsible autonomy." I do not quite understand how you think that the provinces could be granted any advance unless they are given powers over Law and Order. If you say it is not essential to responsible government that the people should have Law and Order transferred to them, I do not see how it harmonises with your recommendations for the grant of provincial autonomy. Is it a fact that you have changed your views since the document was prepared?—There is no recommendation from the Associated Chambers as a body on the question of the transfer of Law and Order. When it was ascertained, at the table when we discussed this subject, that there was a wide difference of opinion and there were three alternatives, we agreed at that time that we should make no recommendation. On page 109 we have merely set out the different views held by the Chambers. You will see the last sentence of paragraph 1 "Police Administration" reads: "The different views are "dealt with in the following paragraphs." With regard to the expression, "logical attitude," that has been used on page 109, it was merely an argument put forward by one side, or one party; it is not an argument put forward by the Associated Chambers as a body.

92. But you have given in your document the view of the majority. I should have thought that if you were giving us the majority view of your

Chambers we could take it to be a recommendation of the Chambers as a body ?—We admit that the word, "majority" could be interpreted in the way you have done. But we have used the word in its narrower sense and not in its broader sense. After all, it is a common practice in many bodies not to make a recommendation on a bare majority. In some cases recommendations may be made, though it is a bare majority, but we decided not to make any recommendation.

93. Would I be asking a fair question as to whether this is still the view of the majority of your Chambers ?—I am afraid I cannot possibly tell you. (*Mr. T. Gavin Jones*) There was a very strong minority for not transferring Law and Order.

94. *Sir Arthur Froom :* May I know how many Chambers voted for the transfer and how many against ? Was there a poll ?—(*Sir George Godfrey*) There was no record kept. I should be very sorry if I were to attempt to tell you what, probably, was the number on one side or the other. You must remember that there were three propositions before them, so that the number of members were divided into three groups.

95. I am not criticising anyone, but is it not a fact that the Chambers have varying number of votes according to their importance ?—Yes, when a matter to be voted upon by the Chambers is put up to an actual poll, then the different Chambers will have different votes.

96. *The Chairman :* I am not asking you to reveal anything, but am asking you just to explain the matter of fact. When you speak of a majority of Chambers (you say that you have 14 in all), do you simply mean that of the 14 the majority took the view, or do you mean that each Chamber counted for something other than one ?—The voting was done by show of hands ; one Chamber had one vote.

97. *Sir Arthur Froom :* What I want to make clear is whether the Conference has the same feeling or not. I have a strong feeling that this majority was not a majority at all.

The Chairman : I certainly understand the document to say that there was a majority.

The Witness (*Mr. H. G. Cocke*) *:* There was clearly a majority of Chambers, but it may be that four or six of the more important Chambers were not with the majority. And if it were a question of taking votes as prescribed by the rules there might have been a majority. I do not say one way or the other. Possibly, some of the larger and more important Chambers were not with the majority and had voting been on the number of votes allotted to each Chamber, which is on the basis of the number of members, the result might have been different.

98. *The Chairman :* Let us look at page 108 of the document, wherein you give a list of the Chambers, in alphabetical order, which associate themselves with this Memorandum. I am not asking you to say who voted and how, but do I understand correctly that the majority of the Chambers in that list voted in favour of what you have said ?—(*Sir George Godfrey*) Yes.

99 *Mr. Hartshorn :* You say, on page 108 : "The "Chambers, therefore, recommend the grant to "provinces of constitutions varying up to full "responsible autonomy." Do you contemplate, under that suggestion, that different stages of advance should be made in the different provinces ?—Yes.

100. Some of them should be granted full autonomy ?—Yes ; some provinces should be granted a fuller measure than others.

101. Have you come to any conclusion as to which of the provinces you think are most ready for the largest measure of advance ?—No, because we think that is a matter for the Governments of each province to decide and put their case before the Commission.

102. You think that different measures of Reforms should be granted to different provinces ?—Yes.

103. Have you considered the possible effects which your proposal, if adopted, would have on the provinces ? Do you not think it is possible that if we grant a larger measure of Reforms to some provinces than others, there would be a strong feeling on the part of the provinces that were left behind ?—I suppose that happens in every case of differentiation.

104. With reference to your proposals on nomination, you suggest that nomination should still be adopted for the purpose of giving to the Depressed Classes adequate representation, and I think you suggest that persons nominated to represent these classes should be taken from their own classes ?—As far as possible.

105. Do you think that there ought to be some provision in the Government of India Act imposing that obligation upon the Government in making nominations ?—I certainly would not recommend that to start with. We recognise that there are difficulties. I think it should be left to the Governor's discretion.

106. Do you think that there are sufficiently qualified men in these different communities to represent them if they were nominated ?—Every possible endeavour should be made to find persons from among their own people rather than having outside people, but, as I said, we recognise that there are difficulties in the way.

107. *Major Attlee :* I should like you to look on page 108. You say : "It is indeed almost impossible "to draw any line of demarcation between British "and Indian interests in regard to invested "capital. . . ." What is the position to-day in India ? Is the British and Indian capital co-operating in a majority of industries ?—Oh, yes, very much.

108. Has it been comparatively of recent movement ?—Oh, no.

109. Has there been acceleration in the movement of Indian capital into British capital in regard to industries ?—I should say that there has been a great increase since the war.

110. Are there not some industries that are still almost without Indian capitalist interests ?—Do you mean companies with rupee capital ?

111. I refer to the companies operating in India ? —Those companies that have sterling capital with their headquarters in London have not many Indian investors as shareholders, but other British companies which have rupee capital have a very large number of Indian shareholders.

112. Have Indians invested large capital in British companies ?—Some have.

113. Would you say that there is a growing community of interests between the British and Indian capitalists' interests ?—Yes.

114. Do you think that this will tend to militate against any dangers of what I think you call unfair discrimination ?—It certainly ought to, but we cannot rely on it.

115. What would you say about the effects of the Reforms on trade and industry generally ? It is rather a difficult question, because you had the aftermath of the war ; you had troubles of various sorts which might have affected the industry. But would you say that the Reforms have or have not adversely affected the trade and industry in this country ?—Nothing very appreciable.

116. Turning to a different point, I notice on page 112, you set out a number of instances to illustrate the lack of responsibility on the part of the members of the Assembly. When one looks at these instances the point that strikes one, coming from the British Parliament is that the things you criticise are Parliamentary procedure, rather than a sense of irresponsibility. For instance, take No. 5. The member moved a cut in the Budget Demand. Moving reductions in the grant is a common form in the British Parliament. If I want more money to be given for postal employees, I should move a reduction of £100 ?—The point there is not that he moved the reduction, but the point is that it is a demand to give higher pay to the subordinate employees of the department at a time when the

department was not paying its way and had not the means to do so.

117. Now, about the second instance. "It is no "concern of mine to solve the difficulties which the "Government may experience in making two ends "meet in case this amendment be accepted by the "House." I think that is a very sound constitutional attitude which is always taken by every opposition. Do you like to supplement?—There is a great deal of difference between a Government that has a working majority and can actually pass such measures as are necessary for the good government of the country and a Government which has not got a majority in the council and cannot get measures which are necessary to the country passed. No doubt, there are powers of certification, but our desire is that they should not be used, if possible. Excessive cuts made certification inevitable.

118. That leads up to another point—the difficulty that you have to face at the present moment—that the Reforms have in effect put most of the provincial people in the opposition in the Central Legislature?—That is right.

119. In this document, which is very interesting, you have suggested that you might get over the provincial legislatures by giving responsibility to the people, but at the same time you want to put in a large nominated element in the Central Legislature, so that in effect the tendency will be that the elected members will claim to represent the voice of India and the Central Legislature will be in opposition. Therefore, you will not have any responsibility. There is a tendency in a Nationalist movement to concentrate on the Central Legislature and the minor legislatures, and even local governing bodies are used as fortresses to be captured. Will not there be a danger there by keeping irresponsibility in the Central Government entirely that you will create irresponsibility in your local legislatures?—We think that the provincial legislatures will become much more important than hitherto.

120. Is not there a danger that the party that wants self-government in the Central Legislature will capture all the seats they can in the local legislature and use it merely as a weapon to try and gain their purpose in the Central Legislature?—Yes, and, therefore, it is essential that the Central Government should be strong enough to resist that.

121. The strength not depending on the popular votes?—No.

122. With regard to the Second Chambers, in the document that we have you have not laid down the exact details. In effect you have placed in your Second Chamber all the vested interests—such as land, commerce, and so on?—Yes, intellect, too, we hope.

123. Is not there a danger there, if you put all the vested interests in the Upper House? Your object is to create a strong Labour party in the Lower House?—We have not attempted to name the number. We do not want too big a number. We want the Upper House to be a small, compact body and the idea of the nominations there is that many useful men in all departments would be prepared to serve in the Upper House if nominated and we should have very valuable workers there who would not be prepared to contest seats at a general election.

124. You propose joint sitting in the case of trouble between the two Chambers?—Yes, if they are unable to agree.

125. Therefore in effect the Lower House will be more or less at the mercy of the Upper House unless they can have such a big majority in the Lower House that they can vote down the Upper House plus the Opposition in the Lower House?—I do not think the Upper House will take an unreasonable view. It will not be quite the same thing as the Lower House in regard to parties. They are much more likely to take a reasonable view, and will not obstruct measures which are necessary and advisable. It is difficult to visualise any distinct party system in India for many years to come.

126. Is not there a great disinclination in the Legislative Councils to impose the necessary taxation if needed?—Very strong, yes.

127. And that is stronger among people, I think, who have got a lot of money than those who have got nothing?—Yes.

128. Do you think the Upper House will be averse to put on taxation? Take, for instance, the landowners under the Permanent Settlement of Bengal. Will there not be rather strong opposition to any attempt to put some form of taxation on their unearned increment?—Amongst their own class, certainly.

129. And they are going to form a good part of your Upper House, are not they?—Some of them, certainly.

130. *Colonel Lane-Fox:* You have suggested the grant to provinces of constitutions varying up to full responsible autonomy. But you have not suggested the machinery?—We regard that as a matter for the Commission to consider.

131. You have suggested it without realising how you are to carry it out?—We cannot carry it out.

132. You recommend a constitution of varying degree. That means you start with a certain amount of information. Whom do you recommend as the authority, and on what grounds?—You mean who is going to make the grant, or who is going to recommend the method?

133. Supposing we recommend some period for you to come up, who would be the authority to deal with that?—The British Parliament.

134. On what grounds? On whose recommendations?—On the recommendations of the Governor-General.

The Chairman: I have understood the use of the word "varying" to mean that you thought it was possible that under the present Reforms there might be a more complete advance to provincial autonomy say in one province than in another. Then the question arises, how is the one behind to get up to the other? If you deal with that it might be either because the Constitution makes a provision for that, or it might by the expression of view by some higher authority later on. I do not think they mean that there is to be, in the case of one province, a variation from time to time. They are thinking rather whether all are going to start at the same level now.

135. *Colonel Lane-Fox:* You mention as one of your chief safeguards the Second Chamber. But is it not that rather an illusory safeguard in many cases? How is it a safeguard when you transfer all subjects? Supposing you give charge of Police to a Minister, and he administers it as between his community and another, or something of that sort, how is the Second Chamber going to help you?—It is mainly for the purposes of legislation.

136. *Lord Strathcona:* On the point of Law and Order, would it be a fair summary of your position to say that your Association do not contemplate the transfer of Law and Order unless the five safeguards mentioned on page 108 form part of the new Constitution?—Yes.

137. On page 108 you have stated about dyarchy. I wonder if it is fair to ask you, Sir George, whether it is your opinion that possibly the period of ten years has been rather too short to give a fair test to diarchy?—In my opinion, I think that dyarchy as introduced is such an impossible form of government altogether that it would be difficult to say whether ten years is too short or too long. Personally, I think it is too long.

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139. Just one question on Services, page 110. Do you think that if your proposals were accepted and embodied in the New Government of India Act, there would be something in the nature of a quick withdrawal of the British element, and do you think that the Services would be affected to such an extent

that there will be rather a rapid withdrawal of the British element?—There is certainly a belief that there would be a very strong tendency to withdraw from the Services.

140. But I gather that the view of the Associated Chambers is that they appear to face that, and as they say on page 110 they are not opposed to Indianisation provided that it does not involve a decline in efficiency or an injustice to Europeans and Anglo-Indians. Your main point is that you want to ensure efficiency in Services and no injustice to those who are in service?—Yes.

141. On page 115, you refer to the Federation of India, and you include the Indian States in it. Have the Chambers of Commerce at their disposal any information as to how any such proposal would be regarded by the Indian States?—No, we have not any reliable information.

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144. *Lord Strathcona:* You say in the last paragraph on page 116, "Therefore they conclude this "note with a strong expression of opinion that," and so on. Could you tell us a little more precisely what you mean by that paragraph? Perhaps I may put it in this way. Does that paragraph mean that if the new Constitution is met with obstruction and non-co-operation in India, the Chambers would make a recommendation that the new Constitution should not be proceeded with—Yes.

145. *Mr. Cadogan:* I want a little more light thrown on your recommendation for the transfer to a Ministry responsible to the Provincial Legislature of all subjects. You also say that the official nominated members should be withdrawn. I do not quite see how ministerial responsibility is feasible without a party system. I postulate that the remaining reserved subjects should be transferred. Take the case of the Minister responsible for the development of Law and Order as it is called. He would be without the support of the official *bloc*. He has no party at his back, and yet you make him responsible to the legislature. I understood you to say in answer to Lord Burnham when he suggested that the Ministry might be constantly falling that you do not contemplate that situation with any great misgivings. But would you have some suggestion on the lines that the Ministry would be given some security of tenure during the life-time of the Council? Would that conflict too much with the theory of ministerial responsibility?—We discussed that fully, and we were quite frankly frightened of giving fixity of tenure to Ministers, because there might be Ministers entirely unsatisfactory, and we thought it very much safer in spite of the probability of instability that we should make them responsible to the legislature.

146. Cannot you be equally frank of the situation of the ministry being constantly threatened with defeat? Is not that equally a dangerous situation?—We recognise that it is probable and there are very great disadvantages, indeed. But we consider this better than giving them a fixed tenure.

147. You are looking forward to a party system being valuable in the provincial legislatures?—Yes, party system may be evolved eventually.

148. *Sir Abdelkerim Ghuznavi:* You were telling us a short while ago that you contemplate the conditions at present prevailing in India and think that there will be always an Opposition in the Council. That means that there is always a party completely opposed to Government and the carrying on of government? Is that your idea?—That is so.

149. Do you also mean to tell us what your idea is, whether that party will be a very strong party and whether that party is likely to be the major party?—The party in opposition?

150. Yes; it is generally opposed to Government. In that case how do you reconcile that with your suggestion that the Governor should have no powers of certification, no power of vetoing, and things of that kind? If the Governor has no powers of certification, how do you propose things should be carried on?—We do not contemplate that the party or group of parties which produce ministers for working in a Cabinet will be in a minority. Opposition may come from one party or two parties or parts of parties; but we anticipate that the ministers will carry a working majority in the House, and if they carry a working majority in the House the Finance Bill and other proposals they put forward will be passed through the House. We hope that the conditions of provincial autonomy will remove the idea at present existing in the provincial councils that everybody except an official is to be in opposition. We hope that will disappear.

151. That is why you recommend full provincial autonomy? And you visualise a state of affairs in which the Governor will have no powers of certification and no powers of veto, but at the same time has to preside over the Cabinet merely as a figurehead. Is that the idea?—No, we do not want him to be a figurehead, merely attending garden parties and giving champagne dinners. We want him to have a very great influence. We recommend he should retain the veto.

152. Tell us, what powers do you want to give him? In answer to certain questions put to you by the Chairman and members of the Commission, I do not think you were quite clear as to what powers you intend the Governor should have?—It shows the difficulty of expecting us to be thoroughly conversant with all the details of the rules connected with the Governor's powers as they are at present; but the way we understand it is that over transferred subjects the Governor at the present time has very little executive or directive power, but he still sits with his Ministers—please correct me if I am wrong—I believe he now sits with his Council and Ministers—and we think that he should continue to sit with his Cabinet, and his powers will be more or less what they are now in regard to transferred subjects.

153. Will it surprise you to know that the Governor has at present very large powers even with regard to transferred subjects?—You mean in regard to certification, in case there is a necessity.

154. In the working of the transferred departments. On the question of Law and Order, I just want to make clear this point. I will not endeavour to enter into the question whether a majority of the Chambers or a minority of the Chambers hold the view, but there is a view that Law and Order should be transferred, and there is a view that Law and Order should not be transferred. Now, supposing Law and Order is transferred, as regards the safeguards, would you suggest beyond what you were just telling us, that the safeguards should be all centred in the Governor-General, any other safeguard?—That has exactly been our difficulty. We have been working on this question of Police administration. It is certainly one of the main difficulties.

155. Do you also recognise that as things are at present in India there is a lot of communal feeling and that members of one community, unfortunately, do not trust the members of the other community in case of riots and disorders and things of that kind? I may also remind you that in the last Calcutta riots cases occurred when the Police officers were asked to conduct enquiries through non-Indians. Having regard to that, you still think that Law and Order should be transferred?—The Association has not recommended that Police administration should be transferred.

156. Then you are throwing a different light. You do not actually recommend the transfer of the Police?—No.

157. Then, what is your definition of Law and Order? If that does not include Police, what does it include?—Law and Order does include Police. I think it has been discussed, but we as an Association have not recommended that Law and Order or the Police administration should be described as transferred subject.

158. That is why I made my question quite clear.

It is not my intention to go into the question whether the Chambers as a body recommended the transfer of Law and Order. My position was this. From your Memorandum it was quite transparent that certainly a certain section recommended the transfer, and perhaps another section did not. My question is based on the suggestion of that section which did recommend the transfer, and having regard that I asked you a series of questions enquiring whether you thought that when that section recommended the transfer of Law and Order they had taken into consideration the question of the prevalent communal feeling ?—Certainly they did.

159. And in spite of that they thought that Police might be transferred ?—Yes, always subject to the safeguards which they were unable to enumerate or specify in detail.

160. Then you go on to say that you recommend the withdrawal of all official and non-official members from the provincial legislatures. Is that so ?—The *bloc* of officials.

161. And not non-officials ?—Not the nominated non-officials.

162. You still want to retain them ?—Yes.

163. I now come to another point. You seem to be rather strong in your recommendation about what is known as indirect election for the Assembly. At the same time you do not quite tell us clearly what your ideas are as regards the direct or indirect election to the provincial Councils. What is your view ? Do you recommend indirect election for the local legislatures, or do you not ?—No. Direct election.

164. Have you considered the effect of a proposal like this ? I take it from a perusal of your Memorandum that the reason why you recommend indirect election to the Assembly is that you think that members there do not really possess that representative character which you want they should have, and, therefore, you recommend that these members should be returned by the local councils, that is to say, you want men who really can remain in touch with the constituencies and who are really true representatives. If that is the point, why should you recommend indirect election to one and direct election to the other ? It might be clear if I just give an illustration. Are you aware that the Upper India Chamber of Commerce in their evidence before the Conference very strongly advocated indirect election even to the provincial Councils, and recommend what is known as electoral colleges ?

The Chairman : We know, of course, that there was a recommendation made in favour of indirect election, which you have referred to. Now, let me ask, what is the question you want to put. You do not want to go through the history of the thing ?

165. *Sir Abdelkerim Ghuznavi :* I want to know whether they also support the scheme put forward by the Upper India Chamber of Commerce in regard to the electoral colleges ?—I think we have got it down in our Memorandum. You will find it at the bottom of page **112** and the top of page **113.**

166. What is the idea in supporting indirect election to the Assembly and not the provincial Councils ?—We hope that the standard of members for the Assembly would be improved by being elected by the indirect method, by the provincial legislatures. Our arguments with regard to provincial councils are set out on page **113**: " . . . and the Chambers have given anxious " consideration to the question whether to recom- " mend that a return should be made to the Minto- " Morley system under which provincial Councils " were elected by local bodies. A majority of " the Chambers, however, are opposed to making " any such recommendation, for the problems dealt " with in the councils are more nearly within the " grasp of electors, and allowing for the spread of " general and political education, it may be expected " that the electors will in the future be able to form " more intelligent opinions on the questions raised " at provincial elections. They also doubt the " political expediency of depriving these electors " of powers and rights they already possess."

167. Might I just go back to that vexed question of the transfer of Law and Order. It is a fact that some of you have recommended that ? Now, supposing Law and Order was put in charge of a responsible minister, and at the same time that minister had a board consisting of, say, a European, a Muhammadan. and a Hindu, to advise him, would that meet your objection ? Supposing there was a statutory board like that ?—It is rather difficult for us to give an opinion on that point, because it is a question arising out of what we have not recommended, but I think our feeling would certainly be that it would be an impracticable proposition.

168. As regards your recommendation as to separate communal electorates, do you consider that the pledge given as regards communal representation by the British Government should be fully honoured both in letter and in spirit ?

The Chairman : I think we can assume that. You are quoting the Memorandum on that point.

169. *Sir Abdelkerim Ghuznavi :* I am asking this because there seems to be a conflict of opinion amongst the Chambers on certain points. Therefore, I thought I had better make sure of that point at any rate. You quite agree with that, or is there any difference ?—We all agree.

170. Do you consider that the only form of government suitable to Indian conditions is the federal system with complete autonomy and residuary powers vested in the constituent States, the Central Government having control only of such matters of All-India interest as may be specifically entrusted to it by the Constitution ?—I think you are asking for an opinion, which I really am not in a position to give you on behalf of the Association ; but we have referred to the danger of excessive decentralisation.

171. You have raised it in your memorandum. I merely put things in a different language. The idea is there. You talk of federal system ?—If I may say so, for the moment, we have felt throughout that we are working on the declaration of August **20, 1917,** and then we have gone on to state what we are prepared to support or recommend, subject to certain safeguards or conditions, but if you ask an individual his personal opinion as to whether a particular form of government very much modelled on the West is suitable to India or not, that makes it entirely different.

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174. *Mr. Travers :* In dealing with the position which your report would bring about, you say that the Governor would take the chair at meetings of the ministers and would in some degree be in the position of the Prime Minister. Do you not think that in taking the chair at meetings of the ministers and assuming some of the duties that are usually performed by a Prime Minister, the position would quickly become impossible ?—No ; not at all.

175. You think that he could do it without having the powers of the Prime Minister, and that he could yet take the chair at meetings without making his position at all invidious ?—Yes.

176. The Governor, of course, sits as representing His Majesty in the provinces. Do you not think that it would really be better if you kept him apart from all such questions of politics that the ministry might discuss ?—Then he becomes merely a figure-head with little influence.

177. One more question I want to ask you, Sir George. You yourself have been a member of the Bengal Legislative Council, and many of your deputation have also been members of provincial Councils. In regard to the Budget, there are certain items which come before the council dealing with His Excellency the Governor's staff and his household which, in our view, raise discussions of a very undesirable nature. Do the Associated Chambers think that it is desirable for all such items to be removed from the Budget to a civil list ?—I am

bound to say that we did not consider that point, but I think individual opinions would certainly be strongly in favour of it.

178. I have one question to ask about the Services. You say in one of your paragraphs (page 110): "it is "generally recognised that the withdrawal of the "bulk of the British element would jeopardise the "success of any Indian constitution." You say, in another place (page 110): "The Associated Chambers "desire to point out that they are not opposed to "Indianisation provided that it does not involve "a decline in efficiency." It seems to me that those two paragraphs are contradictory, unless you specify a proportion. Are the Associated Chambers disposed to recommend a proportion of the Services that should be retained?—We do not want, certainly, to go beyond the Lee Commission's recommendations with regard to proportion.

179. *Sir Arthur Froom:* With regard to your proposal that the Governor should select a Cabinet from the members of the Council who can control a majority, do you mean to convey by that that all the members of the Cabinet should be selected from one party?—No; we expect the Cabinet to be selected from different parties.

180. In fact, you will establish a communal Cabinet, will you?—It might be what is called a Coalition Cabinet.

181. Then do you think that Cabinet will last five minutes?—Why not? One party will have no chance of standing by itself.

182. My question was, do you support the idea of a mixed communal Cabinet being set up?—It will have to be.

183. One question as to what will constitute a breakdown of Government. Would you visualise that supposing a Provincial Legislature passes some measure which the Government might think is wholly against the interest of the Province, the Governor-General should step in and call upon the Governor to take up the administration himself?—It will be rather difficult to describe it; but assuming that the Governor after various efforts finds that it is quite impossible to retain a Ministry which could carry anything through the House, he would naturally have to disperse the Provincial Council and discharge the Ministry. There would be a breakdown and you would have to make provision for taking over the administration. Another instance might be the passing or attempt to pass some legislation or take some action which is entirely unconstitutional and which causes an impossible position. In such cases the Governor might have to report to the Governor-General requiring his assistance, and asking him to exercise his emergency powers, and the Governor-General would declare a breakdown.

184. At any rate the Governor would be the authority to bring such cases to the notice of the Governor-General?—Yes; we certainly assume that the Governor would advise the Governor-General.

185. As regards safeguards, during our tour we heard in one province the question of statutory safeguards from one community and certain other safeguards from another community. So, I take it that any section sought to be inserted in the Government of India Act would be for all minority communities. Will you support that view?—Yes, certainly.

186. Then about the question of finance. Has the Associated Chambers of Commerce examined the question of finance at all? Are you prepared to give evidence on that question?—The interests of the Associated Chambers are spread throughout all India. We could not speak about finance on behalf of one province or of another province.

187. During the course of our travels, we heard a suggestion that there might be a dynamic Constitution. I do not know if you understand what a dynamic Constitution is. But so far as I understand it, it is a Constitution that within itself would suggest that a time will come to further advancement without any reference to another Royal Commission. Will you support that idea that it could be done without reference to the Parliament?—No; I think, certainly, the Associated Chambers would not desire to see a fixed time set, and then a Royal Commission. We do not desire another Royal Commission. but we cannot contemplate that either the Provincial Governments or the Central Government can have any latent power in themselves to produce such advance. Such a thing must come from the British Parliament.

188. I have only one more question. It is a question which, to my mind, is rather complicated; perhaps you might be able to clear it up. It is this. As each department becomes transferred, the recruitment to that department becomes provincialised, and, so far as I have been able to understand it—I think my colleagues hold their own views in the matter—the effect of it is to reduce the element of the All-India Services in certain departments. For instance, take the case of the Education Department, and the Forest Department; and as regards Law and Order, it might have a repercussion in that department also. Have you any suggestion to make, or do you suggest that there should be some legislation or rules laid down that even in transferred departments in the provinces there should be a proportion, following the recommendations of the Lee Commission, of the All-India Services, although such departments have been made provincial?—I think your point is really based on the system of transferred departments under the present Devolution Rules. But the Devolution Rules were issued under the existing Government of India Act. Whatever form the future Constitution may take, it must come under the new Government of India Act, and necessarily it will follow that there will be a new set of Devolution Rules. It is necessary that those Devolution Rules should provide that some proportion or some substantial extent of the British element in some form should be retained in the Services.

189. By "British element," do you mean that the Britishers should come in through the provincial service examination, or do you wish to preserve the All-India Services? This is the important point—They would come in through the present form of recruitments for the All-India Services.

190. A certain number of them should be allotted to serve in those departments; is that your idea?—Yes.

191. *Mr. Kikabhai Premchand:* On page 108 of your Memorandum, you speak about autonomy of the provinces, and you insist on strengthening the position of the Government of India *vis-à-vis* the Assembly. Since the Government of India already control almost all nation-building departments, such as commerce, finance and currency, and industrial legislation, can you contend that your suggestion, if carried out, will result in any advance to the people in controlling their destinies from the country's economic point of view?—It seems to me that all the progress that has been made in what might be described as nation-building works, such as irrigation works, agricultural improvements and legislation to endeavour to build up similar progress in other directions has been carried out since the British occupation. It is due to the British occupation, and under the British occupation the progress is still being maintained. I do not see what more rapid advance you can expect beyond that.

192. If no measure of control over any of these departments is given to Indians, do you think they will remain content?—Are you speaking of the Provincial Government or the Central Government?

193. I am talking of the Central Government.—We hope that much importance will attach to working in the provinces, and that able intellectual Indians, who are really anxious to improve conditions and go ahead, will work in the provinces rather than go up to the Central Legislature.

194. Can you suggest any means of strengthening the Assembly whereby you could also recommend

the transfer of some control to the Assembly?—Not now. We feel that it might come up at some later stage.

195. Even if you raise the franchise for the Assembly, you would not do that?—No.

196. I will take you next to page 110. There you say that your Chambers "are not opposed to "Indianisation provided that it does not involve a "decline in efficiency or an injustice to Europeans "and Anglo-Indians.". What prompts you to suppose that Indianisation of the Services must necessarily entail inefficiency, and injustice to the Europeans or Anglo-Indians?—That really means cases where the tendency might be in a province to promote and push on Indian officers in the Services to the detriment of British officers. There is a well-known reference to the Central Provinces administration which came out in the Reforms Enquiry Committee's report that the Governor had to overrule a minister because the minister paid special attention to giving promotion to the Indian members of the Service irrespective of claims or seniority on the ground that it was necessary to give Indians opportunities for training. The Governor refused to accept those recommendations and said that transfers and promotions should be made irrespective of the race of individual members.

197. *The Chairman:* I am not clear whether in the constitution that you propose there will be a right of appeal to the Governor or not?—Every Government servant has the power of appeal to the Governor, and it goes up to the Governor-General, and in the case of All-India Services it goes up to the Secretary of State.

198. *Mr. Kikabhai Premchand:* In your opinion is there any real foundation for the allegation made in certain quarters that Indians are unfairly treated where their interests conflict with those of Europeans?—No; we know of cases the opposite way.

199. Could you quote some?—There was a well-known case of a member of the Educational Service in the United Provinces during the time of Sir William Marris, when twenty-two officers of the Service were passed over in favour of an Indian, and an appeal was made. The appeal went up to the Governor and to the Governor-General and ultimately to the Secretary of State, and it took two years to get that set right.

200. I take you to page 114, wherein you have made a reference to statutory safeguards against legislation discriminating against British Commerce. Although logical reasons may be put forward, nevertheless the Government of India were compelled, probably under Manchester pressure, to handicap the cotton industry in India by the imposition of an excise duty on cotton manufactured, for a period of thirty years. In view of this, what grounds of complaint can you put forward in the event of Indians refusing to accord any more guarantees beyond those extended to British people in other dominions of the Empire?—I think you are referring to the excise duty, but Europeans in India never supported that. We are not defending it in any way; we are opposed to it.

201. *Mr. Kikabhai Premchand:* What I say is in view of that, can you put forward any complaint if Indians refuse to accord any more guarantees than those extended to British people in other dominions of the Empire?

Lord Burnham: May I ask what are the guarantees accorded to British people in other dominions?

Mr. Kikabhai Premchand: If there are no guarantees, then there should also be no guarantee given by India.

202. *Lord Burnham:* What sort of guarantee?

Mr. Kikabhai Premchand: Here they ask for statutory safeguards; that is some sort of guarantee.

The Chairman: I think the question can be put in this way, "Why do you want statutory safeguards?"

203. *Mr. Kikabhai Premchand:* Is it not that India being a part of the Empire it would be desirable for India to accept the principle of Imperial preference?—Yes.

204. And the Dominions have got Imperial preference, and that is why there is no statutory safeguard or anything given by the Dominions. I hope you would not mind according the same thing to India?

The Chairman: Forgive me for my interruption. I am sure, though unintentionally, you are on quite a different point. It is quite plain what these gentlemen want (whether they are wise or unwise) when they ask for statutory safeguards. That has nothing to do in the world with Imperial preference; it has to do with limiting the power of Indian legislatures to pass particular kinds of legislation which they think would discriminate unfairly against them.

205. *Mr. Kikabhai Premchand:* Has the extreme political agitation in India harmed India's credit in the financial world at all?—I think it certainly has a tendency to restrict the investment of funds in India.

206. Has it not adversely affected financial credit?—Yes.

207. I take you to the top of page 116. In your statement you touch on education, poverty and illiteracy of the masses and appeal to the sense of humanity of the British Government to resume their hold upon India. On the same basis of humanity, do not these conditions, after one hundred and seventy-five years of British rule, substantiate the appeal of the Indian public for progressive Dominion status in order that an attempt may be made for improvement?—We do not say that there is not very much room for more improvement. But we say that the improvements are all due to the British occupation. We cannot see that there can be a more rapid improvement if Dominion status is granted.

Afternoon.

(MAULVI ABUL KASEM WAS PRESENT DURING THE AFTERNOON SESSION.)

Deputation from the Associated Chambers of Commerce of India and Ceylon —CONTINUED.

1. *Raja Nawab Ali Khan:* Is it the view of your Association that the Council of State which is a revising Chamber does not exercise moderating influence over the Legislative Assembly?—(*Sir George Godfrey*) It does.

2. In that case, where is the need for reducing the number of elected members in the Legislative Assembly?—We look to the Assembly to act as a really important body and that it should not be necessary to rely on the Council of State for moderating as now.

3. *The Chairman:* The position seems to be that while the Council of State will be able to moderate in the sense of refusing to pass something which the

Legislative Assembly has passed, it cannot have the opposite operation of securing passage of something which the other House has not passed.

Sir Hari Singh Gour : It does pass, for instance by certification. The Princes Protection Bill which was thrown out by the Legislative Assembly was certified by the Governor-General and sent to the other House where it was passed. You will find the provision in the standing orders.

4. *Raja Nawab Ali Khan :* And the cut in the Salt Tax was restored by the Council of State ?—The Salt Tax was part of the Finance Bill.

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8. *Sir Hari Singh Gour :* The next thing you want to do is that you group the Ministries. You want to have the Ministries representing the various groups, and then you want a general control over all subjects ?—On all central subjects, and general control over the provinces in regard to the passing of Acts, and so on.

9. That means you want a larger control of the Central Government over the provinces ?—I would not put it in that way. I do not say we want larger control. We want a final authority on legislation.

10. I will give you an example. The scheme of the Government of India Act is that the final control is now with the Secretary of State, who has got the power of superintendence, direction and control over the Governor-General in Council, and in the same words and in the same terms and to the same extent the Governor-General in Council has the power of superintendence, direction and control over the province, modified to the extent that in the domain of transferred subjects that control is limited. You would give the Central Government an unqualified control in future, or would you limit that control to subjects which are not directly transferred, and if they are all transferred according to your scheme, then would you qualify this control to that extent ?—I would limit it to the extent that the control would be in the nature of the control now exercised over the transferred subjects.

11. At present the Local Governments have got control over the judges, except those of the Calcutta High Court. You want to centralise all the High Courts and transfer their control to the Central Government ?—Yes.

12. You want further the centralisation of the major ports ?—Yes.

13. Lastly, in answer to Sir Arthur Froom, you said you want continuance of the British element in the Services to be safeguarded in spite of the grant of provincial autonomy, and thus you go behind the Lee Commission's recommendations to that extent. The cumulative effect of all these proposals, do you think, will be an advance upon the present form of diarchical government ?—Yes, a great advance.

14. You think that a large section, or even a small section, of the intelligentsia of the country will touch this Government constituted under your scheme ?—I think so.

15. Do you call this a full measure of responsible government as you call it in the last paragraph on the last page of your Memorandum ? You say there, " Therefore they conclude this note with a strong " expression of opinion that if the full measure of " responsibility for provincial government which " they have recommended is granted," and so on. That is to say, your strong expression of opinion is that the provinces get a full measure of responsibility ?—The full measure which the Chambers have recommended. They do not say that it is an absolutely full measure. The definite expression is " the full measure which they have recommended."

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18. On page 110 you say " While desirous of making " recommendations of so liberal a character as to " meet all legitimate aspirations." You regard this new Provincial Government which you have suggested to be a liberal measure of reform which will satisfy all legitimate Indian aspirations ? You say on page 108 that the Association is composed of members predominantly European, but includes also Indians. How many Indian members does it include ?—The members of the Associated Chambers of Commerce are Chambers. Therefore I cannot say that there are any individual Indian members in the Associated Chambers.

Sir Hari Singh Gour : This Memorandum is exclusively prepared by European members ?

19. *The Chairman :* I do not think that is my understanding. I dare say the arrangement is more familiar to me. The Associated Chambers of Commerce are an association of Chambers, not of individuals, but of Chambers. The constitution of the individual Chambers, of course, can be ascertained by enquiry in each case. For instance, there is Mr. Gavin Jones, who represents the Upper India Chamber of Commerce. Are there Indian members in that Chamber, Mr. Gavin Jones ?—(*Mr. Gavin Jones*) Yes.

The Chairman : So it is not quite correct to say that the Memorandum is prepared by nobody but Europeans. It is presented by an Association of Chambers and some individual Chambers contain some Indians.

20. *Sir Hari Singh Gour :* Were any Indians consulted in connection with your scheme ?—(*Sir George Godfrey*) They were.

21. And they were in agreement with you ?—Yes. There was an Indian at the actual final meeting.

22. Seeing that this affects the people of India much more than it does the European interests, because it deals with the constitution of India, did you not consider it advisable that in urging the changes which you recommend you might take one or two Indians as part of your present deputation, so that they might speak in support of your views ?—That was not considered. There were two Indians present at the meeting when the present deputation was selected.

23. You want a strong Central Government, and your whole scheme is that the will of the executive should prevail, that is the Central Government ?—Yes.

24. In order to achieve that purpose you want to increase the nominations and reduce the elected element ? If you want that, the will of the executive should prevail, why do you want the legislature at all in the Central Government ?—(*Mr. Gavin Jones*) In an advisory capacity. (*Sir George Godfrey*) Because I think it will not be compatible with the idea of gradually training up India towards Dominion Rule as has been so often declared.

25. It is just to comply with the prevailing desire that you set up a constitution in the Central Government of the nature you have described. You have yourself quoted at page 111 of your Memorandum that " Responsibility for the administration remains " undivided, with the result that while the Governments found themselves far more exposed to " questions and criticisms than hitherto, questions " and criticisms were uninformed by a real sense of " responsibility such as comes from the prospect of " having to assume office in turn." Now, what prospect of having to assume office in turn do you give to these people in the Central Legislature when you have placed them in a position of utter helplessness *vis-à-vis* the Executive Government ?—We expect the time will come when they will not be in that position.

26. How long will it take for that time to come ?—I could not possibly say that.

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28. I suppose it is with the object of strengthening the Central Government that you have recommended the substitution of indirect for direct election to the Central Legislature ?—No, that is not the view. That is not the main object. The main object was to try and obtain for the Central Legislature members who would be more responsible.

29. Do you not foresee that if the members of the Central Legislature are merely representatives of the provincial legislatures the public at large will organise their forces to capture the central citadel by sending in very large numbers, in fact almost to a man, men from a smaller body of the provincial councils which they will capture, and the result of that would be that there would be a deadlock in the provinces, and the executive government will have nothing to intervene with ?—I think whatever system is devised or thought of there may be deadlocks and difficulties.

30. No, but the difficulty is before us. From 1921 down to to-day a very strong party has grown up in the country crying for more, and saying that the Reforms that have been given are either insufficient or illusory. When you embark upon this new scheme of Reforms and strengthen the provincial Governments would not there be a very strong lever to destroy the very foundation of what little there is of responsible government in the country ?—No, we do not think so at all.

31. Now, you do not admit that dyarchy has succeeded ?—No.

32. Therefore the transition from the state of the present diarchy is to full autonomy ? There is no half-way house ?—I cannot admit that. No.

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34. Now, as regards the statutory guarantees, I have the very greatest difficulty of understanding the point of view of your Chambers. You say on page 115, towards the end of the third paragraph, that " The Chambers confine themselves to asking for " ' national treatment ' only for industries and " commerce established in India, whether registered " there or not." Now, it does not matter to whom these industries belong, is it not so ? The Chambers confine themselves to asking for national treatment for all industries and commerce established in India, wherever registered, whether registered in Japan or San Francisco ?—Yes.

35. Now, can you show me any country in the world that flings open its doors to uninterrupted development of commerce by all nations of the world without protecting its own commerce or making safeguards for the development of its own industries ? And you want it to be embodied in the Statute ?—Yes, that is right.

36. As a limit upon the power of the Indian legislature to legislate ?—Industries that have been established and are actually in existence should not be interfered with. You will agree with that ? We want to protect them so that they may be carried on.

37. I am quite clear that you want to protect, but there is a limit beyond which protection cannot be given ?—Protection from undue and unfair interference.

38. Who will be the judge of that ?—We want it to be a statutory provision.

39. Who is going to be the judge of whether it is unfair or undue interference ?—Our contention is that the aggrieved party should be able to apply to the court to say that such and such a measure is *ultra vires*, outside the Constitution.

The Chairman : Sir Hari Singh Gour, do you think that my suggestion would perhaps bear fruit for the benefit of your question as well as others ? If these gentlemen are going to be good enough to send in their definite suggestion I would not mind reserving my judgment about it until we have seen it. It is a suggestion that occurs to me.

40. *Sir Hari Singh Gour :* I will just conclude. You are aware that in the British Dominions like South Africa and Australia there are Acts limiting the rights of Indians, and you are further aware that following upon the decision of the Imperial Conference the Indian Legislature passed an Act dealing with the law of reciprocity. Now, if any statutory guarantee is given the effect of that would be that while the Dominions will be able to hit India, India will not be able to hit back at all, and yet the Imperial Conference has unanimously decided that India has that undoubted right ?—We have definitely provided for that in our recommendations.

41. I mention these facts so that your legal advisers may advise you on this subject.—We distinctly say that the Chambers feel that this should only apply in the case of countries which do not discriminate against India.

42. That makes your case worse, not better. You are incorporated bodies and your shares are sold, and freely sold, on the stock exchange. You cannot make a rule that your shares shall not be held by, we will say, a South African or a New Zealander or an Australian. Consequently the new reformed Indian Government desiring to reciprocate against these people would attack you because you have got those shareholders ?—But I take it that in regard to shareholding in public companies the Government has no moral right to interfere.

43. *Lord Burnham :* There are restrictions in some cases.—There may be for special purposes, but it is a thing that should be avoided if possible.

44. *Sir Hari Singh Gour :* Of course that is a matter for the consideration of the Government in this country. If we were to make a law preventing you from selling your shares to anybody who is not a pure Indian or a domiciled British Indian or, it may be, a Britisher, that would hit your trade very hard, because the value of your shares will go down ? —That would not affect the companies. It would affect the Indian who bought shares and wanted to sell them.

45. The exchange value of the shares will go down ? —The shares going down does not affect the financial stability of a company.

46. No, but I do not suppose you will be able to get debentures at that low rate which you would otherwise have, if you had your shares standing at a premium. You see that the question is a complicated question, and I do not think the Associated Chambers have considered the various aspects of it. —We discussed it a great deal.

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47. *Sir Hari Singh Gour :* * * * I understand you want the Viceroy's executive council to continue ?—Yes.

48. What is your view about the recruitment of members of the executive council from amongst the elected members of the two Houses of the legislature ?—We should have no objection whatever to elected members of the Central Legislatures being on the council, but we would certainly not be in favour of restricting the selection to the legislature. The Governor-General must be in a position to select his own councillors.

49. Then you go back again to the objection which I have pointed out, in the Montagu-Chelmsford report, that you do not give the remotest chance to the members of the legislature ever to have any prospect of having to assume office in any shape or form ? —Not for the time being, certainly. But there is no reason why an elected member of the legislature should not be a person selected by the Viceroy. I think you will agree that the personnel of the council is a matter of very great importance, and that the best men should be selected.

50. But ask your members in the legislative council what they think of the personnel, and they will tell you what they think about it. Now, as regards the constitution of the Council of State, would you keep the Council of State as it is, or would you stiffen its constitution so as to give the executive a considerable voice ? —No, we make no suggestions for altering the Council of State.

51. You want to continue the Council of State as it is and reduce only the elected members of the Assembly, to which you want indirect elections ?—Yes.

52. And in the provinces you have pointed out that the ministers will be in the Lower House ? —Yes.

53. And they will be responsible to the Lower House ?—Yes.

54. And if the Lower House having an elected majority turns them out what can the Second Chamber do to help them ?—It will no doubt use its influence amongst the different groups.

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56. *Sir Zulfiqar Ali Khan :* Now, I want to be very clear about this. I think you have maturely considered this point. In the provinces, for example, there would be a Prime Minister ?—We are not recommending Prime Ministers.

57. Supposing that point is conceded and a Cabinet is formed with a Prime Minister, then there would be a strong party in favour of the Prime Minister who forms the Cabinet ?—To do that you are getting away from our recommendations.

58. You want the local councils to elect the members of the Assembly.—Yes.

59. Supposing there is no Prime Minister, as you have suggested, then you would have the members of the Assembly elected by the Council, but if there is a Prime Minister you would not have indirect election ?—I am afraid we are at cross purposes.

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60. *Sir Zulfiqar Ali Khan :* The question I want to put is this. Sir George, you have explained that the elected members of the Assembly may be sent up by the elected members of the legislative councils. Now, in case of there being a Prime Minister and his Cabinet, would you still support this idea ?—Yes, that makes no difference ; but it is not our recommendation.

61. Would you kindly enlighten me on this point ? Supposing the Prime Minister has a strong party, in every province there ought to be a strong party, and supposing the Prime Minister has his nominees elected to the assembly, do you think in the Assembly itself there would be a free expression of opinion on subjects concerning the provinces, because these elected members would be under the influence of the Prime Minister ?—That question is based on a hypothetical condition that there is going to be a strong party from which the Prime Minister and the ministers are drawn, but we cannot visualise that at present. In our view the imaginary ministry will be drawn from a coalition party, a group of parties.

62. What about the Prime Minister ?—The Prime Minister would be one of the group who form the ministry, if there is to be a Prime Minister.

63. Then that Prime Minister ought to be supported by the majority of the council members forming the respective parties ?—He ought to be.

64. Because if the Governor calls upon somebody who is the most powerful member in the legislative council, then he alone can form a stable government. Under those conditions what I want to know clearly is whether you would in those conditions support the idea of indirect election ?—Certainly I would.

65. Whether you get a really representative element in the Legislative Assembly or not ?—Yes.

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67. *Sir Zulfiqar Ali Khan :* Then with regard to the transfer of Law and Order, do you think that in the existing condition of strained relations between the communities, you could safely transfer Law and Order ?—I have once before replied to that question already, and I may repeat my answer. We have divided the subject of Law and Order into judicial administration and police, and we recommend that judicial administration and the High Court should be a central subject under the Central Government. As regards police, there are three different points about it as we have already mentioned before the Conference this morning, and we have made no specific recommendation about the police administration.

68. Then you want to strengthen the Central Government by the creation of a Second Chamber ? —Not the Central Government ; it is for the provincial Government.

69. For the Central Government also ?—No.

The Chairman : In the Central Government they propose to keep the Council of State, which is a Second Chamber.

70. *Sir Zulfiqar Ali Khan :* Then in the provinces you want a Second Chamber ?—Yes.

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72. What I want to know is this. In the event of a Second Chamber in the provinces, do not you think that the demands conceded may be nullified by the operations of the Second Chamber in the province ? —Oh, not at all. I do not see why you should expect to find in the body we have suggested men not imbued with a spirit for working in the interests of their country.

73. This is the view in the provinces, I know—at any rate in certain provinces—that the Second Chamber certainly is a sort of drag on the Government. Anyhow, you do not think so ?—No.

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75. In your Memorandum you say that very large sums of European money have been invested in this country ?—Yes.

76. It is perfectly true. You have taken a very honourable share in the development of this country ; but, at the same time, you do not want to create an impression in the minds of the people that you stand in the way of the constitutional reforms in India ?—That is so.

77. You wish the Indian people to get on along the paths of freedom and liberty and constitutional reform ?—Yes.

78. *Sardar Shivdev Singh Uberoi :* Your organisation was constituted in 1920 ?—Yes.

79. And the aims and objects are also given down below in four classes ?—Yes.

80. They relate mostly to the protection and promotion of trade, commerce, industries and manufactures ?—Yes.

81. Am I to understand that this is the first time your Association has come into the field of politics in order to make recommendations for the future government of India, or has it taken an interest, since the constitutional reforms, in the politics of the country ?—As a report or recommendation or Memorandum by the Association, this is the first occasion on which it has dealt with matters which may be possibly designated as political ; but, of course, we are doing it as commercial representatives, and that is the reason why, I would explain, we have not gone into all the details connected with constitutional reforms.

82. *Dr. Suhrawardy :* With reference to the system of indirect election recommended by your Association, may I inquire whether you have considered that under the old Minto-Morley Reforms this system of election was tried on a small scale, inasmuch as the Local Legislature sent up two or three members to the Council ?—Yes.

83. And is it not a fact that this system of election was given up subsequently ?—It was given up at the time of the introduction of the Reforms, of course.

84. It was tried as an experiment under the Minto-Morley Reforms on a small scale, and it has been given up ?—It has been given up when the present Reforms came in.

85. I simply want to draw the attention of the Conference to the fact.—It was not given up on its merits ; it was given up under the new Act.

86. The Chairman has pointed out that it was considered by the Reforms Committee ?—Yes.

87. With reference to Law and Order, do I understand that you are in favour of the transfer of Law and Order to the popular control, excluding the Police ? —Judiciary and administration and High Court.

88. That is to say, so far as Police is concerned, you are not in favour of the transfer of Police to the popular control ; but so far as Law and Order, excluding the Police Administration, is concerned, you are in favour of its transfer to popular control ?

—We are in favour of the centralisation of High Courts, and justice in what we term here judicial administration. As regards the Police Administration, we have made no recommendation as to whether it should be transferred or non-transferred or a central subject.

89. As regards the High Court, do you recommend its transfer not to a Minister, but to the Second Chamber ?—No, to the Central Government.

90. In the event of Law and Order being made a transferred subject in the province, are you in favour of the Governor being given powers of restoration and certification of grants which he now possesses with regard to reserved subjects ?—I think I would rather not reply to that question, because there again it assumes a condition which we have not recommended.

91. You have not considered that point ?—We have considered it very fully. We recognise the difficulty. If you transfer to a Minister and then give the Governor powers of certification, we realise that the effect of that is practically to reserve it instead of transferring it.

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The Chairman : We are very grateful to you, gentlemen, and you have been very patient and good in giving us answers to questions from all sides. I am afraid we have kept you a very long time ; but we shall be very grateful if for a time you feel disposed to stay and listen to the evidence which is to be given by the Members of the European Association, but that is exactly, of course, as suits your convenience.

The Witness : We shall be very glad to avail ourselves of the opportunity to stay, sir.

APPENDIX.

LETTER No. 160/13–A.C., DATED 6TH APRIL, 1929, FROM THE ASSOCIATED CHAMBERS OF COMMERCE OF INDIA AND CEYLON.

It will be within your recollection that when the delegates from the Associated Chambers of Commerce of India and Ceylon gave oral evidence* before the Indian Statutory Commission towards the end of January last, the President of the Commission requested them to draft a clause for the new Government of India Act which would provide reasonable safeguards against discriminatory legislation. From the report of the oral evidence it would appear that Sir John Simon's words were :—

> " I would ask you to let us have, on whatever
> " professional advice you choose to employ, the
> " draft of the sort of clause that you have in
> " mind. Do not leave it by saying that you will
> " leave it to the lawyers ; just employ the best
> " men you feel inclined to employ if you do not
> " feel inclined to do it yourselves, and have a
> " Committee meeting and put it down. We
> " would really like to have a clause about this."

It was consequently decided by the Association to endeavour to have such a clause drafted by the most suitable counsel available in Calcutta and Bombay. I am accordingly attaching hereto drafts prepared with the assistance of the legal advisers of the Bengal and Bombay Chambers of Commerce. In connection with the Bombay draft I am to suggest that the proper place for the first clause would be somewhere after Section 65 of the Government of India Act, while the proper place for the second clause would be in Part 9 of that Act which relates to the High Courts of India. I am to add that sub-clauses 2 and 3 of the second clause of the Bombay draft are taken from Order 46 of the Code of Civil Procedure, while the rules contemplated by sub-clause 5 will be on the lines of the rules contained in the same Order.

I am to express the hope that these drafts will be of assistance to the Statutory Commission in drafting a clause which will meet the wishes of the Association in regard to discriminatory legislation.

BOMBAY DRAFT.

FIRST CLAUSE.

The Indian Legislature has not power to make any law intended or calculated to discriminate against any commercial, industrial, or agricultural interests established or to be established in British India by any person or association of persons, whether British subjects or not.

Nothing herein contained shall affect the power of the Indian Legislature to make any law of a discriminative nature against the subjects of any country if any law has been passed by the Legislature of such country discriminating against British Indian subjects residing or carrying on business in that country, or the power to impose any duty or duties for the protection of any trade, commerce, or industry, agricultural or otherwise, in British India.

SECOND CLAUSE.

(1) When any question arises in any Court in British India subordinate to a chartered High Court as to whether any law made by the Indian Legislature or a Provincial Legislature was within the power of the Legislature, such question shall be referred by such Court to the chartered High Court of the Province in which such Court is situated.

(2) The Court making the reference shall stay the proceedings in the case until the question is decided by the High Court.

(3) The High Court, after hearing the parties if they appear and desire to be heard, shall decide the point so referred, and shall transmit a copy of its judgment under the signature of the Registrar to the Court by which the reference was made, and such Court shall on the receipt thereof proceed to dispose of the case in conformity with the decision of the High Court.

(4) An appeal shall lie to the King in Council from the decision of the High Court.

(5) The High Court shall have the powers to make rules regulating the procedure on such reference and other matters relating thereto.

BENGAL DRAFT.

No law, ordinance, or other measure shall be made or sanctioned by the Indian Legislature or by any Provincial Legislature or by any Municipality or other Local Authority :—

(*a*) which discriminates, or shall tend to or is calculated to discriminate, as between the races or classes comprising His Imperial Majesty's subjects, and which expressly or impliedly excluding from amenability thereto others of such subjects shall operate directly or indirectly to abrogate, restrict, detract from or adversely affect the status or rights of the members of any race, creed, community, or class or classes of persons either with regard to their personal liberties, property or contractual rights or otherwise howsoever as held and enjoyed by them at the date of the commencement of this Act in common with others of such subjects, or to interfere with the exercise by the members of any class or classes of any profession, calling, or vocation, or with the conduct by them of any trade, industry, or business upon equal terms in all respects with others of such subjects—

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* See page 122.

(*b*) to levy any taxation, cesses, duties, or other imposts of whatsoever nature or kind exclusively upon any persons as being the members of any race, creed, or class—

PROVIDED THAT nothing herein contained shall affect the right of the Indian Legislature to take any steps in the interests of public safety or to subsidise or assist any industry or undertaking in pursuance of any existing laws providing for special assistance at the expense of the taxpayer or consumer generally, nor prevent the imposition of such protective duties as may be imposed from time to time by the Government of India.

In any event the aforesaid restrictions shall not apply to the case of subjects of such countries as have adopted or may hereafter adopt discriminating measures against subjects of India, whether ordinarily resident in those countries or not, or against the import of Indian goods.

LETTER No. 310/13A–A.C., DATED 1ST AUGUST, 1929, FROM THE ASSOCIATED CHAMBERS OF COMMERCE OF INDIA AND CEYLON.

I am directed to refer to this Association's letter, No. 160/13–A.C., dated 6th April, with which were forwarded, for the consideration of the Commission, two draft clauses dealing with discriminatory legislation.

These draft clauses have given rise to further consideration of the question, and in the result two further alternative draft clauses have been prepared in consultation with counsel.

The Association feels that it is unnecessary to make any apology for following up its earlier suggestions by this further reference, both because of the importance and difficulty of the subject and because the suggestion that the Association should assist the Commission originated with Sir John Simon. I am accordingly instructed to forward the further alternative drafts marked A and B respectively, together with the following remarks thereon.

Draft A is on the same lines as the original "Bombay" draft, but is more comprehensive. The "Bombay" draft dealt solely with industrial and commercial matters.

The criticisms levelled against this draft are three.

(1) Doubt is expressed whether being so wide in its terms it may not appear to the Commission to be insufficiently specific. It is suggested that Sir John Simon may have had it in mind in asking for a draft that it should be formulated in as precise terms as possible, and that it might be better to express in more detail the various rights which require protection.

(2) It is felt that the words "Indian Legislature" should be more precisely defined so as to make it clear that Provincial Legislatures, Municipalities and Local Bodies are included. This point is developed later under Clause B. It is suggested further that the expression "Legislature" is not sufficiently wide to cover rules framed in exercise of powers conferred by an Act.

(3) It is pointed out that it is altogether wrong and objectionable and contrary to all constitutional principles that High Courts should be empowered to pass judgment abrogating the Acts of the Legislatures to which they are themselves subject. It is held that it is very important to ensure that a Bill of a discriminatory nature, if introduced, should not pass into law, and that it must not be left to some Tribunal to declare an Act to be *ultra vires* after it has passed into law.

Draft B follows the lines of the "Bengal" draft previously forwarded, with the addition of a clause making the Governor-General in Council the arbiter of what is discriminatory legislation.

The criticisms of this draft are as follows:—

(1) It is pointed out that it is dangerous to be too specific, and that the more exhaustive a measure may be in its terms the greater the risk of overlooking possible contingencies which not having been expressly included are therefore *ipso facto* excluded.

(2) It is held that the words "or any Provincial Legislature or any Municipality or any other Local Authority" and also the whole of Clause (*b*) which refers to taxation are redundant for the following reasons:

No Provincial Legislature can pass any law which the Indian Legislature has no power to pass.

The Municipal and Local authorities are the creation of statute. Every Municipality and every Local Authority is established by legislation. The Act which creates it also empowers it to impose taxation, cesses, duties and other imposts. Every Municipal Act contains a section which defines its powers to impose taxation, octroi duty, etc. These taxes as a rule, are divided into three classes, namely:—

(*a*) those which the Municipality can impose without the sanction of Government;

(*b*) those which it cannot impose without the previous sanction of the Local Government; and

(*c*) those which it cannot impose without the previous sanction of the Governor-General in Council.

Similarly every Act creating a Local Authority contains a section which prescribes its powers.

If there is an absolute prohibition to the Indian Legislature to pass any law of a discriminatory nature such as is described in Clause (*a*), it follows that no such legislation can be passed by a Provincial Legislature, or a Municipality or a Local Authority.

On the other hand it is pointed out that it is not possible at this stage, when all is a matter of uncertainty as to the powers which will be vested in the different Legislatures, to predict that a provincial legislature, if autonomous, will not be empowered to pass laws without any interference from the Central Legislature.

(3) On the question of making the Governor-General in Council the arbiter of what is, or is not, discriminatory legislation, the contrary view to that expressed above in dealing with Draft A is that it would be unconstitutional that the question whether a piece of legislation is *ultra vires* or *intra vires* should be left to be decided by an executive body. It is held to be essentially a question of law which must be left to the determination of the High Court.

A further point is made in this connection, viz., that supposing the majority of the Council of the Governor-General as *newly* constituted were to consist of extremists, a Bill of a discriminatory nature might be hatched in the Council itself. Then if the Bill were to be passed into law the Governor-General in Council would be called upon to say whether a Bill which

had emanated from his Council was *ultra vires* or not.

I am instructed to make it plain that the Association does not feel that it is in a position to pronounce in favour of one or the other Draft and considers that it cannot do better than place before the Commission for their consideration the various points which have emerged during the discussion of this difficult subject.

DRAFT A.

FIRST CLAUSE.

The Indian Legislature shall not have power to make any law or pass any measure—

(*a*) which discriminates or shall tend to or is calculated to discriminate as between the races or classes comprising His Majesty's subjects in any matter whatsoever, or

(*b*) which shall affect or tend to affect expressly or impliedly any rights of the members of any race, creed, community or class of any nature or kind whatsoever hitherto enjoyed by them in common with others of such subjects in any matter whatsoever, or

(*c*) which shall interfere, or tend to interfere, directly or indirectly, with the exercise by the members of any class of such subjects of any rights in any matter whatsoever upon equal terms in all respects with others of such subjects.

PROVIDED THAT nothing herein contained shall affect the right of the Indian Legislature to subsidise or assist any industry or undertaking in pursuance of any existing laws providing for special assistance at the expense of the taxpayer or consumer generally, nor prevent the imposition of such protective duties as may be imposed from time to time by the Government of India.

In any event the aforesaid restrictions shall not apply to the case of subjects of such countries as have adopted or may hereafter adopt discriminating measures against subjects of India, whether ordinarily resident in those countries or not, or against the import of Indian goods.

SECOND CLAUSE.

(1) When any question arises in any Court in British India subordinate to a chartered High Court as to whether any law made by the Indian Legislature or a Provincial Legislature was within the power of the Legislature, such question shall be referred by such Court to the chartered High Court of the Province in which such Court is situated.

(2) The Court making the reference shall stay the proceedings in the case until the question is decided by the High Court.

(3) The High Court, after hearing the parties, if they appear and desire to be heard, shall decide the point so referred and shall transmit a copy of its judgment, under the signature of the Registrar, to the Court by which the reference was made; and such Court shall on receipt thereof proceed to dispose of the case in conformity with the decision of the High Court.

(4) An appeal shall lie to the King in Council from the decision of the High Court.

(5) The High Court shall have the power to make rules providing for the expeditious hearing of such cases by a Bench of two or more judges and for regulating the procedure on such reference and other matters relating thereto.

DRAFT B.

The Indian Legislature or any Provincial Legislature or any Municipality or any other Local Authority shall have no power to make any law or any other measure—

(*a*) which discriminates or shall tend to or is calculated to discriminate as between the races or classes comprising His Imperial Majesty's subjects and which expressly or impliedly, excluding from amenability thereto others of such subjects, shall operate directly or indirectly to abrogate, restrict, detract from or adversely affect the status or rights of the members of any race, creed, community, or class or classes of persons either with regard to their personal liberties, property or contractual rights or otherwise howsoever as held and enjoyed by them at the date of the commencement of this Act in common with others of such subjects, or to interfere with the exercise by the members of any class or classes of any profession, calling or vocation, or with the conduct by them of any trade, industry, or business upon equal terms in all respects with others of such subjects.

(*b*) to levy any taxation, cesses, duties, or other imposts of whatsoever nature or kind exclusively upon any persons as being the members of any race creed or class—

PROVIDED THAT nothing herein contained shall affect the right of the Indian Legislature to take any steps in the interests of public safety or to subsidise or assist any industry or undertaking in pursuance of any existing laws providing for special assistance at the expense of the taxpayer or consumer generally nor prevent the imposition of such protective duties as may be imposed from time to time by the Government of India.

In any event the aforesaid restrictions shall not apply to the case of subjects of such countries as have adopted or may hereafter adopt discriminating measures against subjects of India, whether ordinarily resident in those countries or not, or against the import of Indian goods.

(*c*) When any question arises as to whether any law made, or any other measure taken, by the Indian or any Provincial Legislature or any Municipality, or any other public authority, was within the power of such Legislature or Municipality or Public Authority, the decision of the Governor General in Council on such question will be final.

Memorandum submitted by the Council of the European Association.

On behalf of The Council of the European Association we have the honour to submit the following Memorandum :—

INTRODUCTORY.

1. *The position of the British Community and the European Association.* The Council of the European Association, in placing before the Statutory Commission appointed under the Government of India Act 1919, its views on the problems which are within the scope of the present inquiry, feels it essential at the outset to explain the position in general of the non-official European Community in India and in particular of the European Association which it has the honour to represent and on whose behalf this Memorandum is submitted.

2. *Historical Record.* The British Non-Official Community in India is the direct descendant of those merchants who, in 1612, settled at Surat for trading purposes under a Firman from the Moghul Court and extended their activities in 1643 at Masulipatam, in 1661 at Bombay (ceded to the English by the Portuguese), and in 1716 in Bengal, again under Firman from the Moghul Emperor.

From these small beginnings and in the protection of their trading interests, suffering from the general disorder and breakdown of administration following the collapse of the Moghul Empire, the British gradually assumed control over the whole of the Indian Sub-Continent and gave to India an era of peace and prosperity which hitherto she had not known. In all spheres of activity Britishers shouldered the greater portion of the burden in bringing order out of chaos, and it is largely due to their initiative, enterprise and capital that India to-day occupies a prominent place both industrially and politically among the nations of the world. The British Community in India, therefore, by right of its past labours, the constructive work it is carrying on to-day, and the immense financial responsibilities under its direct control, can claim the fullest hearing on the important problems which His Majesty has called on the Royal Commission to study.

3. *The Census.* According to the 1921 Census the European population of British India amounted to 156,637.

These figures comprise :—

Officials	11,351
British troops	63,538
Women	45,577
Non-officials—Males—under 18 years of age	14,391
Non-officials—Males—Adults	21,780
	156,637

A large majority of the 21,780 Non-Officials occupy posts of great responsibility as Partners, Directors, Managers and Heads of Departments in various Industrial, Commercial, Banking and Agricultural concerns throughout India.

4. *Financial interests and responsibilities.* The total capital controlled by the British Community amounts to many hundreds of million pounds, while of the immense Import and Export trade of India amounting annually to £400,000,000 Europeans have responsibility for the larger share.

It would appear unnecessary to emphasize the fact that the well-being of the Indian people is as much dependent on the development of India's economic resources as on the development of her political organisations, and in the former sphere the British Community will for many years to come have to play a leading part.

5. *The European Association.* Throughout India the British Community has various commercial, industrial, and agricultural organisations, which will give evidence before your Commission, but its sole political organisation is the European Association. The Association was founded in 1883 on the introduction of the Ilbert Bill, but, as its founders say in their first report, the causes which made such an Association necessary had their origin long anterior to the Ilbert Bill. "On that occasion a demand "arose for a united and concentrated effort and for "a channel through which the Anglo-Indian (British) "Community might give expression to its political "views and notify to the governing body its political, "social or economical requirements." "The case "was not one which could be satisfied by the "accustomed action of existing public bodies, "inasmuch as these bodies each represented a special "interest in a special way. It thus became necessary "to form an Association having a distinctly political "end in view and representing not one interest but "all interests, not one class but all classes, not one "Community but all Communities of Englishmen "settled or employed or domiciled in India." This, the Council claims with confidence, the Association still does for all British residents in India. The Council, the governing body of the Association, is elected annually by its members in the various Provinces and contains representative men of every class, among whom are many of the acknowledged leaders of the British Commercial Community throughout India.

The Branches, Sub-branches, and Agencies of the Association number in all 31, and their distribution throughout India is graphically shown on the accompanying map (Appendix IV).* The Chairman and Committees of these branches are also elected annually by the members within the area administered by them. Membership of the Association is open to all European British subjects as defined in the Rules under the Government of India Act 1919, and of the 21,780 Europeans eligible in India 8,000 are members of the Association.

6. *The authority behind the Memorandum.* The Memorandum is divided into two parts. In the first part which is entitled "General Considerations" the Association set out their views on the present position and their recommendations as to the general lines on which the changes should be made. Representing a community with large interests in India, many of whose members have had practical experience of the workings of the Central and Provincial Governments under the Government of India Act 1919, the Association hopes that the views expressed will be of use to the Commission.

In the second part the Memorandum deals with the special position of the European and Anglo-Indian non-official communities, and the manner in which their interests might be affected in the event of any extension of responsible government. Suggestions are made as to the desirability, especially in matters of taxation, trade and commerce, for safeguarding the present position under which Europeans and Indians have equal rights.

This Memorandum has been fully considered, discussed and approved by all the Branch Committees who themselves will submit memoranda and give evidence more particularly on Provincial affairs, when your Commission visits the various Provinces. The responsibility for the wording of the Memorandum rests, of course, with the Council of the Association, but in order to avoid confusion with the various "Councils" of the Provincial and Central Governments, which are frequently referred to, the Council of the Association refer to themselves in what follows as "the Association."

* Not printed.

PART I.
GENERAL CONSIDERATIONS.

SECTION I.
GEOGRAPHICAL, GENEALOGICAL, ECONOMIC AND OTHER FACTORS.

7. *Realities of Position.* The Association has observed that in the discussion of constitutional reforms and the progressive development of India's political organisation there is a marked tendency to pay too little attention to the divergent and complex factors which go to the making of modern India. If, therefore, the Association lays emphasis on the difficulties inherent in the problems under examination it is with no desire to exaggerate such difficulties into obstacles to political advancement, but to ensure that in considering progressive solutions of the problems the realities of the position should not be overlooked.

8. *Geographical.* The question "What do we mean by India?" needs only to be asked to disclose at once considerable divergence of opinions, for its very geographical boundaries are subjects of argument. "Is Burma part of India, and what have far-off Lahoul and Spiti, living in the fifth century on the rim of the eternal snows, got to do with twentieth century India of the crowded ports and limitless horizons?" "The mere space of India and its strongly contrasting physical conditions can be understood by anybody who takes the trouble to read Geography, but these are only the externals of the problem. We get nearer to its essentials when we examine the Indian population and see it as a vast palimpsest on which layer after layer of writing can be read—Aryan, Dravidian, Mongol and Autochthonous Negrito—and nearest of all when we study the working through many centuries of religious, racial, social, political and economic forces on these immensely different peoples scattered throughout India's vast extent and many conditions of climate and soil."

9. *Genealogical.* The number of main castes in India is given as 67, irrespective of tribal subdivisions, and the languages in general use throughout the Sub-continent number 53, or with dialects, 222. These are factors militating against any rapid growth of nationalism, and Mr. Marten in his report on the Census of India, 1921, says "The sense of a common political nationality has never in the history of the people achieved sufficient intensity to override the facts of cleavage which are inherent in the social system."

The more obvious of the realities of the Indian situation which face any reformers are the immense inequalities in the historic antecedents, in the state of education, and in the general level of culture of the many different peoples of India, which postulate not only wide differences in their political capacity, varying from a high capacity to none at all, but also equally wide differences in their capacity for self defence under modern political conditions.

10. *Hindu Moslem Relationship.* In particular is this cleavage noticeable in the existing relations of Hindu and Muhammadan. The latter, for many years lagged behind his Hindu fellow-subject in all spheres of activity, and in consequence is faced to-day with the political and economic dominance of the Hindu. The obvious transfer of power from British to Indian hands brought about by the Reforms has made the Muhammadan alive to his backward position and to the fear that under the majority rule of democracy he be definitely relegated to a secondary position. In consequence, throughout the period covered by the Reforms, the Muhammadans have sought to ensure their position in the future government of India by pressing for proportionate representation in the legislatures and in all Government services. Feeling has run high and has led during the past few years to frequent outbreaks of rioting between the two communities, and the present position, which is likely to become more strained with every step in political progress, seriously threatens the internal peace of India. The problem is one of the major difficulties with which we have to reckon in considering India's political progress.

11. *The Indian States.* Another of the important factors in the problem of India is the question of the Indian States. Occupying approximately one-third of India and with a population amounting to 70 millions, these States number 678. A glance at the attached map of India (Appendix V.)* which is coloured so as to show clearly the areas occupied by British India (red) and the Indian States (yellow) and non-regulation districts (orange) is enough to show the importance of this subject. There are islands of State Territory in British India, and British enclaves in some of the States. The people of British India and the neighbouring States are the same in language, race, and religion. No matter what solution of the political problem of the Indian States may be admitted, nothing can alter the fact that India is economically one.

The Association is unable to envisage any Reform in the political organisation of India that leaves unsettled the political status of the Indian States and their relationship with British India, and at a later stage in this Memorandum will put forward definite proposals as to the solution of this problem.

12. *Economic Factors.* It is generally recognised that the chief problems which now face national Governments are economic problems. This does not represent the whole truth as far as India is concerned—for we know that she has political problems of the first magnitude to solve—but it gives rise to a reflection of the utmost importance. It is a fair question to ask whether in future developments political arrangements should not rather be accommodated to the conditions imposed by economic facts. The Association would quote from the inaugural address of Colonel Stimson, Governor-General of the Philippine Islands, who recently took over from General Wood. He says "It has often seemed to me that sometimes in our insistence upon political development we overlook the importance of the economic foundations which must underlie it and upon which it necessarily rests." That statement the Association believes is equally true of India, where, as elsewhere, economics must be a dominant factor in the political organisation of the country.

Questions of customs, communications, ports, currency and exchange, in fact the great majority of subjects now dealt with by the Government of British India, vitally affect the Indian States and their subjects, whilst the actions of States have their reactions in British India. The Association considers the economic factors of the problem of great importance and in making the recommendations which follow, many of which are political in character, the Association has borne in mind the probable economic effect of the various courses which might be taken.

SECTION II.
HISTORY OF REFORMS IN INDIA.

13. *Faith in British Institutions.* The history of Political Reform in British India was very adequately dealt with in the historic report of Mr. Montagu and Lord Chelmsford in their second chapter on the growth of the administrative system. The Association feels that there is therefore no need again to set out in detail the actual facts. It does, however, feel that the close connection of Political Reform in India with Political Reform in England deserves some emphasis. Through her close connection with England, India has shared in due proportion to her conditions and needs in the benefits of the rising

* Not reproduced.

Liberal tide in England which was throughout the 19th century the motive force of Great Britain's development at home and in her dominions overseas. It appears to the Association that in spite of the practical difficulties of implanting Western institutions on an Oriental civilisation, the Britisher's faith in his own institutions and political traditions is so strong that he clings persistently to his desire to give the same benefits to other races with whom he comes in contact. During the discussions among the British Community throughout India which preceded the preparation of this report that trait was strongly in evidence and, whilst there are individuals who consider the Indian political problem an original one, which, owing to the complexities shown in Section I of this Memorandum, needs original treatment, the majority have an abiding faith in their own political traditions. That faith, however, is not blind to the difficulties inherent in any attempt to graft on to an Oriental civilisation, accustomed to personal rule, Western democratic institutions, and belief in the eventual success in India of British institutions is tempered by a realisation of the vital necessity of making good each step towards the goal of responsible government before fresh advance is tried.

14. *Antagonism refuted.* The European Association and the British Community which it represents are sometimes charged with being antagonistic to Indian political aspirations. The Association definitely repudiates the charge. Its attitude throughout has been that of constructive criticism while reform proposals were under discussion, and loyal co-operation when the reformed constitution became Law.

15. *Policy of Association.* In support of this contention the Association would draw the attention of the Commission to the policy which guides it in its examination of all problems.

OUR POLICY.

While the principles for which the Association stands remain unchanged in its history, its policy must be kept abreast of the times, and in conducting the affairs of the Association, the Council keep prominently before them the following aims, which were adopted in their present form by a General Meeting of the Association held in the year 1926.

(1) *Maintenance by all constitutional means of the rights of the British Community in India. The claim to these rights involves neither infringement on the rights of others, nor the acquisition of privileges which it is unwilling to share with others.*

(2) *Protection of British Minorities throughout India from aggression, racial or otherwise.*

(3) *Practical sympathy with the Anglo-Indian and Domiciled Community in their political aspirations, and the fostering of a relationship of cordiality and co-operation with those Indians who are working constructively for the good of India.*

Among others, the following considerations govern the Council's actions :—

(*i*) *Maintenance and promotion of ties strengthening the position of India as an integral part of the British Empire.*

(*ii*) *The wisdom of assisting the political and economic development of the country in which we live with due regard to the benefit and contentment of its various peoples.*

(*iii*) *The maintenance of the British Garrison at a strength sufficient to guarantee India from internal disturbance and external aggression.*

(*iv*) *The assurance of a reasonable standard of efficiency in the Indian Administration by preserving in the Services the minimum European British element laid down by the Lee Commission.*

(*v*) *The necessity for legislative safeguards for the protection of the religious, educational, social and legal customs of the British Community, with special regard to the maintenance and extension of trial by mixed juries and experienced magistrates.*

(*vi*) *The vital necessity for communal representation as the only practical method of securing the British Community's political position and a truly representative Government.*

(*vii*) *The loyal acceptance of the Reformed Constitution and the retention of the Preamble to the Government of India Act* 1919 *as an indispensable test for determining the time for each advance towards responsible government.*

(*viii*) *The necessity for the preservation and increase of British prestige and for practical recognition of the duties of European British subjects to their own community and to the land they live in.*

16. *Europeans in Legislature.* A careful study of the actual work of non-official Europeans in the Central Legislature will show the extent of co-operation offered and the measure of the endeavour of the British Community to assist in furthering India's political advance. A detailed account of this work is given in the two volumes attached to this Memorandum, entitled " European Non-Officials in the Indian Legislature " Vols. 1 & 2.*

SECTION III.

CRITICISMS OF REFORMED CONSTITUTION.

17. *Terms of Reference.* The terms of reference of your Commission define the problems under examination. They are :

> " To enquire into the working of the system of government, the growth of education, and the development of representative institutions in British India, and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of Second Chambers of the Local Legislatures is or is not desirable."

It is necessary therefore for the Association in the first instance to examine the working of the existing and experimental measure of responsible government instituted by the Government of India Act, 1919.

LOCAL SELF-GOVERNMENT.

18. *Survey of working of local bodies.* The true test of the advance made in responsible government is to be found first in the working of Local Self-governing bodies, panchayats, district boards, and municipal bodies. A study of the official reports on local administration shows that whilst some advance has been made by the electorate, the growth of a realization of its full responsibilities has been checked by outside political issues and personal jealousies. That the efficiency of local administration, passing from the hand of the trained administrator to that of an elected chairman, would suffer to some extent was to be expected. The intensity of communal feeling

* Not printed.

and personal jealousies seriously threaten to delay if not to jeopardise altogether further healthy development. The Association believes that the village panchayats, municipal and district boards are the primary training ground for responsible government in India. The Association, therefore, advocates the development of the panchayat system in all villages throughout India with the delegation to panchayats of definite though limited powers of taxation to cover the village administrative requirements, and based on the widest possible franchise. At the same time in view of the criticisms so constantly made in official reports on Local Self-government, the Executive must retain powers and be armed with instructions adequate to remedy maladministration. At the moment there is leniency towards inefficient and corrupt administration.

19. *Executive Posts.* The Association is compelled to call attention to the tendency to make executive posts in municipal and other local self-governing bodies a question of party patronage. It considers this a dangerous practice which needs summary check, and is of opinion that where possible executive posts in Local Self-governing bodies should be filled by members of a Local Government service recruited through Provincial Service Commissions.

THE PROVINCIAL SPHERE.

20. *Previous Criticisms.* The system of dyarchy introduced by the Government of India Act, 1919, has been in operation for some seven years. The Association was a strong critic of the scheme of Reform put forward by Mr. Montagu, the then Secretary of State for India, and Lord Chelmsford, and the Council considers it advisable to republish as an Appendix the views put forward by the Association on that occasion since much of the criticism then made has been amply justified. (Appendix I).* These opinions are of more than academic value since they are the effort of men with great practical experience of India to apply to her complex conditions the political traditions of England which they have inherited. It is of definite value therefore to see how criticisms made prior to the initiation of the experiment have been shown to be well-founded, and to what extent they find support in the general views elicited during the present examination of the problem.

21. *Financial Aspects of Dyarchy.* Before, however, undertaking that task the Association would emphasise factors outside the problem itself which have been an added difficulty confronting the Reforms. It was unfortunate, though perhaps unavoidable, that the Reforms should have been initiated at the commencement of a period of great financial stringency, calling not only for severe retrenchment in all departmental expenditure, but in some cases for additional taxation. Funds had to be found for the maintenance of the primary functions of government, all on the reserved side, at the expense of benevolent activities on the transferred side. Ministers were consequently faced with the necessity of carrying on, but in many instances owing to lack of funds were deprived of a full opportunity to show their abilities in the initiation of new schemes and thus appreciate the real value of the power handed over to them.

22. *Tends to irresponsibility.* Further, the obvious difficulties of working dyarchy in departments without dyarchy in finance has, as this Association anticipated, bred irresponsibility. The Association in its Final Statement on the Reforms Scheme, referring to the relations between the Ministers and the Indian members of the Legislative Council asked this pertinent question—"Will they now favour or assail him accordingly as they approve or dislike his attitude towards the momentous reserved questions . . . It is certain as a rule they will." It is now possible to add "they have."

* Not printed.

23. *Summary of previous views.* The main criticisms of the Reforms previously made by this Association can thus be briefly summarised.

(a) REPRESENTATION. "The problem in India is much less to find individual Indians possessed of character and administrative ability than to create an electorate which may be depended upon to choose such men in preference to those less able or less worthy."

This difficulty has been emphasised in the working of the Reformed Constitution, and the Association can point to numerous instances in which the choice of the electorates has fallen on men unsuited to be their representatives.

(b) COMMUNAL ELECTORATES. "The Council of the Association would urge that the recognition of communal interests is the first step towards union. For the prime condition of united action by men of various communities is that each community should feel secure in its rights."

Opinion on this question has not changed and the Association considers that the existing system of communal electorates must continue. It is confirmed in its opinion by the views expressed by the Director of Public Information in his review of the moral and material progress of India for 1926-27. There is no denying the fact that communal tension, always present in India, has been increased since the introduction of the Reforms, and the Association considers this the natural result of realizing that power is gradually being handed over, and is more in the nature of a fight for political position than the outcome of communal electorates. It is, however, true that the formation of communal electorates has led to much proselytizing amongst those individuals who lie on the border line of Hinduism and Islam with a view to showing that a particular community had a numerical majority in a particular province and was therefore entitled to a majority of seats in the Provincial Legislature. It feels that some of the existing tension is due to the continued insistence of the majority community on joint electorates and believes that if the majority community would recognise the practical difficulties of the position, and the undoubted nervousness of minorities, it would materially assist the growth of a more healthy atmosphere. The Association, while fully alive to the defects of communal electorates, disapproves of the endeavour to find a superficial settlement of the communal problem by a redistribution of Provinces. It considers that communal electorates must remain at present, but would suggest that the foundations of an improved political electorate might be laid by the addition of electorates formed on some basis of common interest which cuts across the communal interest.

(c) DIRECT ELECTION. The Association in its previous Memorandum definitely favoured direct election and that remains the opinion of the Association to-day in so far as the Provincial Councils are concerned. Experience in the past of the intrigue and corruption arising from limited electorates inclined the Association to a wide electorate, which, even if ignorant of its responsibilities, would at least have been too large to be entirely swayed by corrupt methods. Much buying of votes is still reported, though in so far as the Association is aware no election petitions on the grounds of corruption have been proved. It might thus be argued that a wider franchise would be still less corruptible. But it should not be overlooked that whilst the electorate has shown some awakening, a large proportion is still too

ignorant to exercise the vote in a responsible manner, and it would be unwise to swamp the existing electorate with a fresh crowd of ignorant voters until those now enfranchised are more fully acquainted with their responsibilities. In England changes in the franchise were made at considerable intervals.

(d) MINISTERIAL RESPONSIBILITY. In its final statement on the Reforms, the European Association said that in its opinion, "The test (of representative government) could only be made real by making ministerial tenure of office dependent on the vote of non-official members of the Legislature."

To some extent that recommendation was incorporated in the Government of India Act, 1919, though owing to the obstructionist activities of the Swaraj party, ministers in most provinces have been forced to depend for support on the Government block. Further, there has been no real or effective test of the suitability to Indian conditions of representative government owing to the facts that in no Province has Dyarchy been complete, and that the transferred side has lacked a separate purse.

As was expected, the politician has sought to identify the ministers with the reserved side, and the electorate has never been consulted on questions of policy affecting only those departments over which the Legislature has full responsibility. Again, relying on the Governor's powers of certification, opportunity has been taken to make irresponsible cuts in Budget grants. Similarly, the right to criticise in resolutions the action of the Reserved half of Government without any responsibility for that action has led to the growth of irresponsibility in some Provinces, particularly in Bengal and the Central Provinces. The Association finds itself in entire agreement with the views expressed by its predecessors that real training in responsible government can only be secured by making ministerial tenure of office dependent on the vote of non-official members of the Legislature. The Montagu-Chelmsford report repeatedly emphasises the ill effects of giving powers of criticism without responsibility, and the Association cannot emphasise too strongly its agreement with that criticism both as regards the Provincial and Central Legislatures.

CENTRAL GOVERNMENT.

24. *Responsible Government opposed.* The Association would now turn to the Reformed Central Legislature. Here again the Association finds itself in agreement with the views of its predecessors both in their Final Statement on the Reform Scheme and in their Memorandum to the Reforms Enquiry Committee (Appendix II).* The Association is opposed to the undue acceleration of responsible government in the Central Government prior to satisfactory proof of the experiment in the Provinces.

Apart from this, the institution of an elected majority without responsibility and inherently in opposition to Government has weakened materially the Executive which finds itself responsible but in a minority and unable to carry such measures as it may deem highly desirable, but which could not rightly be certified as essential "to the safety, tranquility, and interests of British India or any part thereof." It appears essential to the Association that the position of the Executive in the Central Government should be strengthened, particularly if the recommendations for a further transfer of power in the Provinces are accepted.

25. *Weakness of Executive.* The Association considers that the Legislative Assembly has been wrongly constituted, and can in no way be considered representative. Many of the constituencies are unwieldy and it is extremely difficult, if not impossible, for an elected member to keep in touch with his constituency. Apart from this, the qualification of existing electorates is in many Provinces too low, and but a small proportion of the electorate is capable of understanding the many intricate problems which are dealt with by the Central Legislature. It is well known that election to the Legislative Assembly is less strenuously contested than elections to the Provincial legislature. This is due primarily to the fact that the Provincial legislature offers more hope of advancement to the politically ambitious than does the Legislative Assembly, and secondarily to the difficulty which suitable men in business or the professions find in being absent from their business or professions for long periods. An analysis of the elected members of the Central Legislature will show that with a few outstanding exceptions the members have neither the political nor the social position in their Provinces which might be expected. As to the unrepresentative character of the membership this has been testified to by members themselves during debates on questions of social reform. For various reasons, the chief one of which is the language difficulty, an undue proportion—over 50 per cent.—of the elected representatives are drawn from the lawyer class and the small urban interests to which they belong have thus secured an undue share of political influence at the expense of agricultural and commercial interests.

26. *Need for Strong Central Government:* The modern, and particularly the more recent, history of countries under federal government teaches lessons of importance for India. It shows how economic conditions press continually and with increasing success against the barriers raised by State and Provincial rights and jealousies. The growth of communications, the expansion of commerce and industry, and the ever growing scope of economic problems lead all the time to a greater concentration of power in the hands of the Central Government, and the consequent diminution of the importance of the constituent units in a federal state. This fact is particularly relevant to India, in which the various Provinces in British India and the Indian States form an economic unit.

Arising out of this consideration, there are two further important criticisms of the Central Legislature which the Association has to make before it passes to its recommendations.

27. *Economic Unity.* All over India the boundaries of the Indian States, most of which are merely imaginary lines, run side by side with the boundaries of British India. There are islands of State territory in British India, and British enclaves in some of the States. The people of British India and the neighbouring States are the same in language, race and religion. No matter what the solution of the big constitutional question of the future relation of the Indian States with British India may be, nothing can alter the fact that India is economically one, and to consider only one aspect of the political development of India might inflict immense loss and hardship on the whole country and injure Indian commerce and industry.

28. *All-India Subjects.* The majority of questions now dealt with by the Central Government of British India intimately affect the Indian States, who have at present no say in the settlement of these questions. Already the difficulties of this position are being felt acutely and it would be wrong, and entirely contrary to British treaty obligations with the Indian States, if these questions were delegated to settlement by a self-governed British India alone.

In examining the problem of the political organisation of British India, there are therefore more than sufficient grounds to justify a recommendation for the establishment of an All-India Government.

29. *Government Publicity.* There is one other point which the Association would particularly emphasise. The Government of India to-day is called upon to gain support for Government policy without any

* Not printed.

provision for placing that policy before the electors. With the exception of the Anglo-Indian press the entire Indian and vernacular press is definitely hostile to the Government. At election times Government has no machinery to place its position before the electors. Government officials are prohibited from active participation. The candidates in the majority of cases vie with each other in seeking the suffrages of the elector by a virulent campaign against the Government. This position is not only undesirable, but is full of potential danger since every election tends only to diminish the authority of Government. To meet this position the Government of India is provided with an entirely inadequate publicity office subject to the vote of its opponents and consequently lacking in that vigour essential to successful propaganda.

SECTION IV.

RECOMMENDATIONS.

THE ELECTORATE.

30. *Local Self-Governing Bodies.* (a) The Association in putting forward its recommendations for consideration by the Statutory Commission would emphasise the danger of building a superstructure before the foundations are secured.

The electorate, being the foundation upon which responsible government rests, calls therefore for primary consideration. The Association has previously stressed the necessity of looking to Local Self-governing bodies as the initial training-ground for the electorate and recommends that where village panchayats are not in existence they should be formed on the widest possible franchise with limited powers of taxation to cover the cost of village administration, and that the electorate for District Boards and Municipal bodies should be made as wide as possible. At the same time the Association realizes that the success of these bodies is largely dependent on the interest shown in them and the guidance that can be given by the District Official. It would appear a necessary safeguard to provide the Local Self-Government Department with adequate power to take over and administer these bodies in the event of maladministration.

The Association also recommends that where possible executive posts in Local Self-Governing bodies should be filled by members of a Local Government Service recruited through Provincial Service Commissions.

The Association is also convinced that the growth of a sense of responsibility in the electorate is dependent on the spread of primary education, a subject on which it will make representations to the Committee appointed for this purpose.

The Provincial Legislatures. (b) The Association does not recommend any extension of the franchise for the Provincial Legislative Councils, on the ground that the existing electorate has still much to learn and the growth of its sense of responsibility would sustain a definite setback if the existing voters were to be overwhelmed at this stage by an influx of illiterate voters. The position in the various Provinces differs considerably and at present the franchise is not similar. The various Provincial Committees of the Association will be addressing the Commission on this and other matters of particular Provincial importance, and the Council of the Association would not oppose any recommendations for a change in Provincial franchise which Branches might consider justified by the conditions in their Province.

The Association is, however, convinced that communal electorates must remain for the present, but recommends the formation of additional electorates based on a community of interest which would cut across the communal electorate. The majority community press continuously for the theoretically sound system of joint electorates, but the Association is not convinced that the insistence on joint electorates is entirely disinterested.

The Association suggests a careful examination of the interests represented by the present sitting members in the Provincial Legislatures, and considers that a greater proportion of seats should be given to Agriculture, Landed and Business interests, Labour and the Depressed Classes.

India, in its social customs, is still too conservative to take readily to democratic methods, and many representative and able Indians of standing will not submit themselves for election under the present electoral system, one of the reasons being that the atmosphere surrounding the polling booths is one of intimidation and rowdyism. In fact many suitable candidates of high social standing would consider their prestige irreparably damaged by having to canvass the suffrage of the electorate and to submit to the volume of personal abuse which is a marked feature of all elections. This position must be recognised.

The Council of State. (c) The Association recognises the valuable work done by the Council of State, whose members throughout a difficult period have fulfilled their duties with a real sense of responsibility without being slavish followers of Government. No change is suggested, therefore, in the electorate for the Council of State.

The Legislative Assembly. (d) The Legislative Assembly has already been criticised as being unrepresentative and constituted on an unsound basis while the responsible Executive has been placed in an impossible position. The Association cannot approve the existing system of direct election owing to the difficulty of securing the necessary link between members and their far-flung constituencies. In addition, the existing composition has given undue political influence to the small urban interests. The Association therefore recommends the abolition of the present system of direct election to the Legislative Assembly and the introduction of a system of indirect election by Provincial Legislatures and approved public bodies representing Landed, Commercial, Labour and Minority interests. Agricultural interests must also be given adequate representation. The Association recommends that of the elected members 40% should be elected by Provincial Legislatures, 20% by Commercial and Industrial Bodies, 20% by Landed and Agricultural interests and 20% by Minority interests.

CONSTITUTION OF LEGISLATURES.

31. *Provincial Councils.* The Council of the Association is prepared, subject to adequate safeguards, to recommend the grant of full responsible government to the Provinces where such is recommended by Provincial Committees of the Association having a special knowledge of the conditions of their own Province. Non-regulation districts should, however, remain under the direct administration of Governors. In those Provinces in which European opinion believes that the conditions of the Province require for the present the reservation of law and order, this department should be placed under the direct administration of the Governor, the cost being a non-votable charge against the revenues of the Province.

The safeguards which the Association regard as essential are :—

(*a*) That second Chambers be established in the Provinces.

(*b*) That all bills passed by Provincial Legislatures shall require the assent of the Governor-General in Council.

(*c*) That there be adequate constitutional safeguards against legislation which discriminates against any particular section or community in matters of Taxation, Trade or Commerce, and that it be made a charge on the Governor to use his power of veto

on any legislation which appears to be unfairly directed against any particular section or community.

(*d*) That the recommendations of the Lee Commission as to the Services be adhered to.

(*e*) That the financial relations between the Central and Provincial Governments be re-examined and adjusted to overcome the inequities of the Meston award.

(*f*) That the Governor-General in Council have powers to take over and administer a Province in which the administration breaks down.

(*g*) That a Public Services Commission be appointed in each Province.

32. *The Constitution of the Central Legislature.* (*a*) In considering the constitution of the Central Legislature the Association has been impressed by the fact that under the Government of India Act 1919, the Central Legislature has considerable power over legislation of an All-India nature, legislation affecting not only British India, but also indirectly the Indian States, whilst the latter have no say in regard to such legislation and have to rely entirely on the Viceroy in Council to protect their interests.

The Association proposes to confine its suggestions here to the Central Legislature for British India, but would point out that its views are governed to a large extent by the considerations dealt with in detail in paragraphs 36 to 39 hereunder.

Powers and Responsibility. (*b*) The Montagu-Chelmsford report emphasized very strongly the disadvantages of giving powers of criticism without responsibility, and a perusal of the proceedings of the Legislative Assembly will show in many places how true was the summing-up of the position by the authors of the report. While admitting these defects in the present constitution of the Assembly, the Association is faced with the difficulty of submitting an alternative proposal which meets with the unanimous approval of the members of the Association and which would secure the strengthening of the executive, upon the vital necessity of which the Association is unanimous. Two alternatives have been suggested (i) That the central legislature be converted to a single House with powers curtailed to those of a purely advisory body, and (ii) An increase in the number of nominated seats. Neither alternative has adequate support from our Association to justify our making a definite recommendation on this point.

A far-reaching advance in responsibility has been recommended for the Provinces, and sufficient time must be given to prove the success of the great adventure there and to consolidate the position before introducing an unexplored extension of responsibility in the Central Legislature.

Executive should be strengthened. (*c*) It is hoped that the revised electorate recommended for the Legislative Assembly will provide a more representative House than the present, but it will not entirely overcome the difficulty with which the Government is faced in working with a minority.

Nominated Officials. (*d*) The Association think that the present position of nominated Government officials in the Legislative Assembly is unsatisfactory. It is obviously necessary that for the present Heads and Secretaries of Departments must be members of the Central Legislature, but the Provincial nominated members are in an anomalous position. Presumably they are nominated to the Central Legislature to represent the views of their Provincial governments, but in practice even when dissenting from the opinion of the Central Government they are obliged to vote with that Government (as for instance during the debates on Provincial contributions). The result has been that those members, many of whom could make valuable contributions to the solution of problems under discussion and who could bring to bear their practical knowledge as district officers, remain silent voting machines. The Association is theoretically opposed to the intervention in politics of permanent officials, but recognises that at the present stage of development their retention in the Central Legislature is necessary. The Association would, however, definitely recommend that members nominated to represent Provincial governments should be free to speak and vote in accordance with the requirements of their Province. Further, provincial administrative requirements necessitate far too frequent changes of representatives, and the nomination of official members for at least a session would seem desirable.

There is one point in favour of having nominated official members. It is that experience in the Legislature may be valuable training for them if at a later date they come to be Members of Council or Secretaries in charge of departments.

Viceroy's Executive Council. (*e*) The Association has little criticism to offer as to the existing constitution of the Council. It is convinced that the Council must remain predominantly British. It has been concerned at the personal attacks to which His Excellency the Commander-in-Chief has been exposed in the Legislative Assembly derogatory to his exalted position and subversive of military discipline. With the growth of politics in the Central Legislature the Association holds the view that it would be wiser to relieve His Excellency of his responsibilities in the Executive Council and that he should be replaced by a member for Defence who should for the present be British.

Link with Assembly. (*f*) Suggestions have been made for a definite link between the Executive Council and the Central Legislature, and provided this does not unduly restrict the opportunity for the Viceroy to select the best non-officials the Association would not be opposed to such a change. It is the general opinion that the non-official members of the Viceroy's Executive Council have not always been wise and suitable selections, particularly from the point of view of the legislative work they are called upon to perform. It is possible that the appointment of a member of the Legislative Assembly to the Executive Council might be an additional strength to the latter body.

Finance. (*g*) The outstanding difficulty in the problem is undoubtedly the question of the division of finance between the Central Government, Provinces, and, if they are brought in, the Indian States. The existing arrangement based on the Meston award, has been the subject of much criticism and controversy and any recommendations made in this Memorandum are subject to a revision of that award. The Association has not attempted, nor has it the authority, to put forward any recommendation on this vital portion of the problem. All it can do is to re-emphasise the necessity that the problem should not be looked at from the purely provincial point of view to the detriment of the wider and more unifying activities of the Central Government. It would recommend that the Statutory Commission should forthwith appoint an expert finance committee to examine this portion of the problem and it is confident that the Provincial Committees of the European Association would, if invited, be ready to place their views before any such Committee.

SECTION V.

AN ALL-INDIA GOVERNMENT.

33. *Provincial Outlook.* The Association has previously emphasised the economic aspect of the problem, and whilst recognising the desirability of decentralisation in certain matters, is convinced that the Central Government must have definite powers to intervene in Provincial matters with a view to checking the abuse of a purely Provincial outlook,

already very noticeable in the discussions on Provincial contributions arising out of the Meston award, to the detriment of a wider All-India outlook and the final development of India's economic prosperity.

34. *Subjects distribution.* This involves a careful examination of the subjects to be administered by the Central Government and the Provincial Governments respectively. The Association considers the existing distribution of subjects as between Central and Provincial Governments satisfactory, but would recommend that the Government of India should be given power to co-ordinate the work of Provincial Road Boards in the development of India's Road system.

35. *Social Reforms.* Whilst on the question of Central subjects the Association would also recommend the delegation of such powers to the Provinces as to enable each Province individually to deal with social reform. The moral and material progress of the peoples is largely dependent on the ability to modify existing and ancient customs to suit the requirements of modern India. To ensure an equal advance of public opinion throughout India is a difficult task likely to delay social reforms. Already certain Indian States possessing as they do the necessary authority have introduced social reforms, and if provinces were similarly empowered to undertake social legislation, advance would be more rapid and the consideration of questions of social reform might assist in the healthy growth of parties in the Provincial Legislatures.

36. *Federation of States.* The most difficult portion of the problem from the economic point of view is, however, the status of the Indian States. The Association is convinced that some advance should be made towards developing a Federation of Indian States having a definite connecting link with the Government of British India. The Association is mindful of the existing treaties with the Indian States. So long as these treaties exist carrying with them responsibilities for the external and internal security of the Indian States, the Crown cannot delegate those responsibilities to the British India Government or any other, particularly one responsible to electorates in British India alone. It is obvious, however, that the Ruling Princes are alive to the political development proceeding in British India and recognise that moral and economic factors are compelling them to some change in existing relations. They desire, and justly, an adequate voice in All-India subjects materially affecting the welfare of the States and their peoples, and some of them have shown courage and statesmanship in the reforms which they have voluntarily introduced within their States. The Association welcomes this move in the direction of a united India, though it recognises that participation in any such reform which may be introduced must be entirely voluntary. It has given much thought to the problem and would place on record in some detail a suggestion which it believes will create tendencies towards final federation.

37. *Ultimate goal.* It will not be possible at the moment to take more than an initial step towards the ultimate and distant goal of an All-India Government consisting of a federation of Indian States working harmoniously with British India through legislatures which would draw their representatives both from British India and the Indian States.

38. *Federation of States.* The first step towards this goal would appear to be the building up of a federation of the Indian States, working through the Chamber of Princes and controlled by a Viceroy in States Council, corresponding to some extent to the Viceroy's Executive Council in British India, to which the participating Indian States would delegate certain definite powers. In questions affecting both the Indian States and British India, the Indian States Council and the Executive Council of British India might meet as a Union Council under the Viceroy.

Supreme Court. If the Indian States are included in the future constitution it might be found desirable to establish a Supreme Court, to the jurisdiction of which the Indian States would become amenable.

39. *Economic Aspect.* The Association wishes to emphasize the economic aspect of the problem which in its opinion necessitates the fullest examination of India's political organization and an alteration in the existing constitution which will create a tendency towards the ultimate development of an All-India Government in which both the Indian States and British India will have their share.

SECTION VI.

MISCELLANEOUS.

40. *The Secretary of State.* The position of the Secretary of State and the India Council are questions which come within the purview of the problem under consideration.

There has been, and there will continue to be, criticism as to the desirability of interference by the Secretary of State.

The provisions of Sections 19 (a) of the Government of India Act which deal with the relaxation of the powers of the Secretary of State give ample scope for advance. The Association is not prepared at present to recommend any change in the India Council. The arguments put forward by the Joint Select Committee are just as urgent to-day as they were when they were written.

41. *Redistribution of Provinces.* The Association has had also under consideration the question of a redistribution of Provinces. Muhammadan opinion has for some time strongly advocated the separation of Sind from Bombay, and members in the Assembly have pressed for the formation of an Oriya Province, whilst many Indian politicians look for some readjustment of the Provinces on linguistic grounds.

The Association recognises that the Indian Provinces are not natural divisions, but administrative units, and that in the course of time, and when financial considerations permit, some redistribution is probable. The Council of the Association, however, is compelled to leave its Committees in each Province to deal with any proposals for a change in this direction.

THE SERVICES.

42. *Lee Commission.* The Association in its readiness to agree to the transference of further power in the Provinces stated the necessity for certain safeguards, one of which was adherence to the recommendations of the Lee Commission regarding the Services.

The Association is not concerned with the nationality of Government servants, but is insistent on the British character of the administration being maintained. The Association from its own observations is satisfied that there has been deterioration in the efficiency of the administration since an increased policy of Indianisation has been adopted, and would emphasise the fact that a too rapid elimination of the British element and its substitution by an Indian element inevitably means that the character of the Administration would become Indian.

43. *British Standards.* It is true that many of the Indian Civil and other Government servants are already adequately maintaining British standards, and that, given the continued support of their British colleagues, there is some hope that the sound traditions of the services will not be impaired. In the opinion of the Association India will require for many years to come the services of Britishers in all branches of the administration, and the new conditions under which they will have to work and the new responsibilities of guidance which will fall to them call for the best men whom Great Britain can send. The Association, therefore, considers it

essential that no further steps in the reduction of the British element should take place.

44. *Nervousness of Members.* The Association has noted with pleasure the improved recruitment in London for the Indian Services, but it is not too confident that the position can be maintained. The Services are far from satisfied with their existing position, and nervous as to their future and their pensions. In many cases the inevitable changes which are taking place in the form of Government are depriving or are likely to deprive such officers of high appointments formerly open to them, whilst their advance in the Service is further threatened by political expediency. The discontent in the Services is also in large measure due to their dislike of many practices which have grown with the Reforms and are possibly the inevitable outcome of political government; in particular the use of their patronage by Ministers. Here the divergence of outlook between European and Indian must inevitably lead to difference of opinion.

45. *Proportionate Pensions.* These are not conditions under which men can give of their best, and in spite of improved recruitment, the Council of the Association is aware of the strong opinion held amongst the Services that Indian Service no longer affords Britishers adequate opportunity. Such an attitude in the Services themselves does not create an atmosphere favourable to recruitment. The Association does not endorse any such view, and believes that India still offers a fine career to men of ability imbued with a true spirit of service. At the same time it is essential that everything possible should be done to relieve members of the Services of nervousness as to their future careers. At the moment men who are dissatisfied with the conditions of service due to changes brought about by the Reforms are entitled to go on a proportionate pension. This concession, however, closes in 1930 prior to the announcement of the Statutory Commission's enquiry and parliamentary legislation arising therefrom. The consequence may be that many Government servants forced to come to a definite decision before the period of the privilege closes may proceed on proportionate pension rather than face an uncertain future. The Association strongly recommends that the privilege of proceeding on proportionate pension be made a permanent factor of Indian Service, and that such steps, as may be possible, be taken to reassure the Services with regard to the security of their pensions.

46. *I.M.S.* The Association has also some remarks to make on the regrettable position of the Indian Medical Service, and the effect that this will have on the spread of Western medicines, and in the prosecution of research. The Association is strongly of opinion that the Government must continue to recognize the right of European Government servants and their families to treatment by doctors of their own race and that adequate provision should be made accordingly. It is equally convinced that the necessary British element should be retained for the purposes of education in Western medicine, and for research in the treatment of tropical diseases. There is already a general tendency to turn to indigenous medical systems and whilst it may not be immediately possible to provide adequate medical treatment on modern lines for the bulk of the population, and there is therefore some justification for assisting and improving indigenous systems, the Association would press for adequate provision for instruction in more modern methods.

The recent proposals of the Government of India have gone some way towards remedying a state of affairs which was deplorable, but in the opinion of the Association the importance of this question justifies further consideration by your Commission.

PART II.

NON-OFFICIAL EUROPEANS.

47. *Special Electorates.* The European community are in numbers a very small minority in the population of India. They are for the most part engaged in trade or commerce, many of the big commercial firms having an unbroken connection with India for a century or more. Their importance in the trade and economic life of the country could not, the Association think, be disputed. At present in matters of taxation and trade Europeans and Indians are treated alike, have similar obligations and similar rights.

The Association has already expressed its opinion on the necessity for maintaining for the present the existing system of communal and special electorates. The Non-official European Community and the vast interests for which it is responsible could not secure adequate representation by any other methods. The Association has already pressed for greater representation of Interests—a principle which it believes is more just under Indian conditions and will give greater stability than the more usual form of democratic representation.

The Association also presses for adequate representation for European interests on all Local Self-governing Bodies wherever justified, and in particular Assam.

48. *Danger of Discriminatory Legislation.* The position of the European Community in India is one of some complexity. Whilst the community as such, and the majority of the big commercial firms, have an unbroken connection with India for a century and more, the individuals which compose it are constantly changing. They come to India at the outset of their careers and leave it on retirement after the best years of their lives have been given in its service. Whilst the community's position in India is recognized to some extent by the grant of representation in the legislature of the country, there has been a persistent endeavour by Indians to deny its members the full rights of Indian citizenship. The Government of India, yielding to the demands of Indians in this respect, have shown a serious lack of sympathy and an increasing tendency to look upon the non-official community as foreigners. The Association feels compelled to protest against this attitude on the part of Government and of Indians, and claims that as in England the Indian has equality of status and legal rights so in India the Englishman should suffer no legal disabilities or unfair discrimination against his commercial interests. The attack which has been made on British Trade since the institution of the Reforms has been so determined that the Association is forced to call the special attention of the Commission to this question. The Association asks for no privileged treatment, but it desires statutory recognition of its right to a permanent place amongst the great communities of India, and to equality of treatment for its individual members in accordance with Queen Victoria's declaration.

The Association has not previously pressed for any specific Statutory protection but these attacks upon the community, upon its commercial interests, its legal and social customs, have been so persistent during the period of the Reforms that it is compelled to ask the Commission to give very special attention to the necessity of introducing statutory safeguards.

49. *Statutory Safeguards.* The Association has no wish to impute hostile intentions against the European community to any section of Indian opinion likely to obtain control of the provincial governments. The Association, indeed, hopes sincerely that Europeans and Indians, realising their common interests, will work in progressively increasing harmony. At the same time the facts themselves and the expressions of hostility by leaders of certain sections of Indian opinion make it plain that discrimination against Europeans either in legislation

or administration is a possibility unless adequate steps are taken to prevent it. The Association puts forward a claim to statutory safeguards merely as a minority contributing to the life of the country. In the past minorities have been able to rely on the disinterestedness of a Government and Administration which was not identified with any one section or community in India more than another. If responsible government is granted to the Provinces the position so far as minorities are concerned will have changed. There may well be a Government which owes nothing to the support of certain minority communities and whose supporters are inclined to disregard the interests of such communities. There is, of course, nothing in the least derogatory to Indians in such a suggestion. The problem is a familiar one in Europe. There remains to consider the limits within which safeguards should be operative. At present the Instructions to Governors contain an authority in the most general words to prevent any unfair advantage or discrimination in interests arising from race, religion, education, social condition or wealth, or in matters affecting commercial or industrial interests. These Instructions (Par, VII. (3) to (5)) provide as follows :—

> " (3) To see that no order of your Government and no Act of your legislative council shall be so framed that any of the diverse interests of or arising from race, religion, education, social condition, wealth or any other circumstance, may receive unfair advantage, or may unfairly be deprived of privileges or advantages which they have hitherto enjoyed, or be excluded from the enjoyment of benefits which may hereafter be conferred on the people at large ;
>
> (4) To safeguard all members of our Services employed in the said presidency in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and privileges, and to see that your Government order all things justly and reasonably in their regard, and that due obedience be paid to all just and reasonable orders and diligence shown in their execution ;
>
> (5) To take care that, while the people inhabiting the said presidency shall enjoy all facilities for the development of commercial and industrial undertakings, no monopoly or special privilege which is against the common interest shall be established, and no unfair discrimination shall be made in matters affecting commercial or industrial interests."

The Association is completely in favour of the continuance of these or similar instructions. In asking, however, for definite constitutional and statutory safeguards the Association realises that the restriction on constitutional powers must be capable of clear and exact formulation and must be limited to fields in which discrimination itself must necessarily be regarded as unfair. Taxation, Trade, Professions, Commerce and Industry are, it is suggested, matters on which it would be proper and practicable to forbid discriminatory legislation altogether. The Association realises that there are of course other matters, religious, educational and social, in which discrimination is possible. The Instructions to Governors referred to deal quite generally with such matters. The Association feels, however, that so far as the European community is concerned it would be impractable to ask for statutory safeguards on these points. In education, for example, it might be desirable to give special facilities to some community which might be discriminatory and yet fair. If and in so far as it is practicable the Association would in principle support any statutory protection required by a minority. On the matters in which the suggestion of the Association is put forward, namely, Taxation, Trade, Professions, Commerce and Industry, the Association feels that all sections of the community should unite in repudiating any idea of discriminatory legislation.

Precedents for the prohibition of discriminatory legislation are to be found in the Statute Book, for example paragraph 16 of the Irish Treaty, scheduled to and given the effect of law by the Irish Free State Constitution Act, 1922, and Section 73 of the British North America Act of 1867.

50. *Representation and Rights.* (a) The present position in the Central and Provincial Legislatures is as follows :—

EUROPEAN REPRESENTATION IN CENTRAL LEGISLATURE.

Council of State.	
Chambers of Commerce, India	2
,, ,, ,, Burma	1
	3
LEGISLATIVE ASSEMBLY.	
European members from :—	
Madras	1
Bombay	2
Bengal	3
U. P.	1
Assam	1
Burma	1
Associated Chambers of Commerce	1
	10

QUALIFICATION.

Residence and income qualification which varies from the payment of income tax to an income of Rs. 12,000 in Bengal.

EUROPEAN REPRESENTATION IN PROVINCIAL COUNCILS.

Province	Elected by a General Constituency	Commerce and Industry	Trades	Total
Bengal	5	10	1	16
Madras	1	3	1	5
Bombay	2	3	1	6
U. P.	1	3	—	4
Bihar and Orissa	1	1	—	2
C. P.	—	1	—	1
Punjab	—	1	—	1
Assam	—	5	—	5
Total	10	27	3	40

The Association would press for the representation of the European population of the Punjab in the Legislative Assembly, but otherwise the Association is satisfied with the present representation as set out above so far as the Central and Provincial Legislatures are concerned. Any changes made should contain provisions to prevent those rights being infringed or diminished. The Association is, as has been stated, in favour of the retention and development of the communal electorate system.

Trial by Jury. (b) The Association attaches great importance to the preservation of the right to a jury containing a majority of Europeans in a criminal prosecution. A corresponding right in the composition of juries is enjoyed by Indian British subjects.

Education. (c) The Association regard the state-aided schools for Europeans as important and necessary. Grants to some of these schools have recently been cut down. Their right to an adequate grant should if possible be protected, and the Association will address the Education Sub-Committee on this subject.

THE ANGLO-INDIAN COMMUNITY.

51. *Ties of Kinship.* The Association, in view of the ties of kinship existing between the British and Anglo-Indian community, share with the leaders of that community the anxiety with which they view altered conditions. The past loyalty of the Anglo-Indian community and the valuable work of its members in many departments of Government activity, particularly the Railways, Posts and Telegraphs, Customs and Auxiliary Force, perhaps needs emphasis, for such services are liable at times to be overlooked. It is not on its past services, but on its present and future sphere of usefulness to India, that the Anglo-Indian community can best base its claim for Government assistance.

52. *Status.* The position of the community to-day is far from satisfactory. The community belongs to and is of India, but is as distinct from the other races of India as is the Muhammadan from the Hindu or the Bengali from the Madrasee. Legally its position is ambiguous :—

For purposes of the Law Courts the definition of a European is :—

> "Any subject of His Majesty born, naturalised or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian Colonies or possessions of His Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal."
>
> "Any child or grandchild of any such person by legitimate descent."

For purposes of the Franchise the definition of a European is :—

> "A European means any person of European descent in the male line, being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has, or had up to the date of the birth of the person in question, such a domicile."

And of an Anglo-Indian is :—

> "An Anglo-Indian means any person being a British subject and resident in British India.
>
> "(i) of European descent in the male line who is not a European, or
>
> "(ii) Of mixed Asiatic and non-Asiatic descent, whose father, grandfather or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not a European."

For purposes of employment in Government Service the Anglo-Indian is officially styled a Statutory Native of India. For purposes of the Auxiliary Force the Anglo-Indian becomes an European British subject.

In actual practice the community, which should represent all those of European stock domiciled in this country, finds much of its best material classifying itself under the existing rules as European, to escape the ambiguous position of being styled Anglo-Indian, whilst the bottom grades of the community are constantly being filled by Christians of very doubtful European stock, in fact often pure Indian stock, who seek thus to escape from their wretched social position among the depressed classes.

53. *Legal Position.* The Association recommends that the whole legal position be reconsidered and that the Anglo-Indian community should be clearly defined and be definitely recognised as one of the communities of India, and as such fully entitled with all other Indian communities to enter into Government service. That legally members of the community should be permitted to claim trial by a jury consisting of a majority of Europeans if they so desire; in fact they would extend to all accused, irrespective of race or creed, the right to a majority of Europeans or Indians as they might desire.

54. *Economic Position.* The problem is, however, mainly economic. The Anglo-Indian has acquired and maintains to the best of his ability Western standards of living, and consequently finds himself faced with and being squeezed out by the economic competition of the Indian with his simpler and cheaper Indian standards. It is the same problem as faces South Africa, in fact the whole of the West to-day, when the lower standard of living and consequently lower wages of Indian labour are enabling the industries of India seriously to attack the industries of the West with higher standards to maintain. The Association can find no panacea for this state of affairs. The major portion of the economic life of the community is closely connected with the Railways, and the Association endorses the Honourable Commerce Member's remarks in the Legislative Assembly during the discussion on the Railway Budget in February this year that

> "When, as a matter of history, members of a particular community have held a very large number of appointments of a particular class, inevitably the whole economic organisation of the community becomes involved with that fact. That is a point that the Government of India cannot possibly ignore and to take measures which would summarily involve a sudden violent dislocation of the economic existence of an important community would clearly be a matter in which the Government of India ought to proceed very cautiously."

55. *Employment.* It would seem necessary therefore to secure for the community for a period of years a definite reservation of employment in those departments which have previously found their recruits largely from this community.

56. *Education.* The Council of the Association have had the opportunity of a discussion with the leaders of the community on the problems which face them. In many spheres of Government activity the Anglo-Indian finds himself to-day excluded owing to his poor standard of education, and possibly the most practical method of assistance which could be given to the community would be a general revision of the whole of the question of European education in this country. On this question the Council of the Association will in due course address the Special Educational Sub-Committee which has been appointed, but at the same time it endorses and supports the claim of the Anglo-Indian community for special educational assistance.

57. *Representation.* To maintain the position of this community and to keep its problems prominently before Government and the Legislatures, the Association deems it necessary that the community should be given greater representation, particularly in the Central Legislature under whose control are the departments in which the community is most keenly interested. It is impossible for one member to undertake all the work that has to be done, and the Council is aware that the present representative of the community in the Legislative Assembly has not always been given the opportunity to voice the views of the community on the important problems in which the community is deeply interested. The Association would recommend at least one representative for the community in the Legislative Assembly from Bengal, Bombay, Madras and the Punjab.

SUMMARY.

58. It is convenient to summarise here the recommendations which the Association desires to make.

SUMMARY OF RECOMMENDATIONS.

PART I.

LOCAL GOVERNMENT.

Para. No.

1. Encouragement and development of village panchayats, and municipal and district boards to be elected on the widest possible franchise with power to the Executive to take over in the event of maladministration .. 30(a)
2. That a Local Government Executive Service be formed in each Province.. 30(a)
3. Adequate representation of European interests on Local Self-governing Bodies 47
4. The system of communal electorates to be continued and the existing electorates to be reorganised so as to give greater representation to agriculture, landed and business interests, labour and the depressed classes .. .. 30(b)
5. No extension, or at any rate no considerable extension, of the present franchise .. .. 30(*b*)
6. That responsible Government be introduced into the Provinces, subject to the following safeguards: 31
   (*a*) That Second Chambers be established in the Provinces.
   (*b*) That all Bills passed by the Provincial Legislature shall require the assent of the Governor-General in Council.
   (*c*) That there be adequate constitutional safeguards against legislation which discriminates against any particular section or community in matters of Taxation, Trade, or Commerce, and that it be made a charge on the Governor to use his power of veto on any legislation which appears to be unfairly directed against any particular section or community.
   (*d*) That recommendations of the Lee Commission as to the Services be adherred to.
   (*e*) That the financial relations between the Central and Provincial Governments be re-examined and adjusted to overcome the iniquities of the Meston award.
   (*f*) That the Governor-General in Council have powers to take over and administer a Province in which the administration breaks down.
   (*g*) That a Public Services Commission be appointed in each Province.
7. That Provinces should have necessary powers to deal with Social Reform.. 35

CENTRAL GOVERNMENT.

8. COUNCIL OF STATE. No change recommended .. .. 30(c)
9. LEGISLATIVE ASSEMBLY. Abolition of direct election and substitution of a system of indirect election by provincial legislatures and approved public bodies .. .. 30(d)
10. An increase in the proportion of nominated non-official seats in order to strengthen the hands of the Executive .. .. 32(c)
11. No extension of responsible government 32(b)
12. The appointment of a special finance committee to make recommendations on the financial relations between the Central Government, the Provinces, and, if they agree, the Indian States 32(g)

VICEROY'S EXECUTIVE COUNCIL.

13. No change is suggested except that a British Minister for Defence should be substituted for His Excellency the Commander-in-Chief as member of the Council .. .. 32(e)

ROAD BOARDS.

14. The Government of India should be given power to co-ordinate the work of Provincial Road Boards 34

INDIAN STATES.

15. The building up of a federation of the Indian States working through the Chamber of Princes with a view to the ultimate development of an All-India Government 37

THE SERVICES.

16. No further reduction of the British element to take place at present .. 42
17. The examination and removal of any legitimate grievances or apprehension with a view to attracting the best men into the Services 44

PART II.

EUROPEAN COMMUNITY.

18. That powers of responsible government should be subject to a statutory safeguard prohibiting discriminatory legislation against any particular communities in matters of Taxation, Professions, Trade, Industry and Commerce, and that the existing instructions to Governors with regard to discrimination should be continued 47
19. That adequate representation be given to European interests on Local Self-governing Bodies especially in Assam 47
20. That the present rights of voting and representation in the Provincial and Central Legislatures be preserved .. 50(a).
21. That European representation in the Legislative Assembly be provided for the Punjab .. .. .. 50(a)
22. That the right to a jury containing a majority of Europeans be preserved 50(b)
23. That the right to State grants of the schools for Europeans be protected.. 50(c)

ANGLO-INDIAN COMMUNITY.

24. That the legal position of the Anglo-Indian Community be considered and defined and the community reorganised as one of the communities of India, and given increased representation in the Central Legislature 53

CONCLUSION.

59. *Conclusion.* The Council of the Association believes the Commission will recognise in the Memorandum which it has put forward, as well as in the work of the community's individual representatives in the various Legislatures, the goodwill of the British community towards India's political progress. The Council of the Association. in view of its responsi-

bilities to its Members, has only been able to make recommendation for a larger measure of Responsible Government in the Provinces on the understanding that adequate safeguards are provided, and it will be prepared to elaborate in oral evidence the nature of the safeguards which would meet these altered conditions.

The Council trusts that you and your colleagues will, in the difficult and arduous task submitted to your care by His Majesty the King, receive the whole-hearted assistance of all those who have the true interests of India at heart, and that as the outcome of your deliberations the problem of Indian Constitutional development may be advanced a further stage towards its final goal.

Deputation from the European Association.

(The Deputation Representing the Associated Chambers of Commerce of India and Ceylon also present).

The deputation consisted of :—

Mr. C. B. CHARTRES (President).
Mr. T. D. EDELSTON (Vice-President).
Colonel J. D. CRAWFORD, D.S.O., M.C., M.L.A. (General Secretary).
Mr. W. H. THOMPSON, M.L.C. (representing Bengal).
SIR ALEXANDER MACDOUGALL (Madras).
Mr. T. GAVIN JONES, M.L.A. (United Provinces).
Mr. G. H. COOKE, M.L.A. (Bombay).
Mr. LANGFORD JAMES (Bihar and Orissa).
Mr. T. J. PHELPS (Trade).
Mr. T. A. CHALMERS, C.S.I., M.L.A. (Assam).

93. *The Chairman :* * * * Is there in this elaborate Memorandum of the European Association any special treatment of the subject of Police ?—(*Mr. Chartres*) : No, sir. At the time this was prepared we thought you would be hearing our branches in the provinces, and as Police is a provincial subject the council did not deal with it in detail.

94. Of course, it is a subject which affects India as a whole ?—Yes ; but I may say that since then you have told us that you were not going to hear our branches. We called a conference last month in which every province in India was represented, and we have come to a unanimous opinion on the subject.

95. This is important, gentlemen of the Conference, because it is not to be found in the print, and I am anxious to hear what it is. The reference is to page 141 of the Memorandum. We are told at the bottom of page 141 that the Council of the European Association would be prepared, subject to safeguards, to recommend the grant of full responsible government to the provinces where such is recommended by provincial committees of the Association ; and near the bottom of page 141 I read the following passage : " In those provinces in " which European opinion believes that the con- " ditions of the province require for the present the " reservation of Law and Order, this department " should be placed under the direct administration " of the Governor, the cost being a non-votable " charge." The detailed arrangements you will go into ; but when you held your provincial conference, Mr. Chartres, I would like you to tell me, because I do not know, what was the view which was taken by the different provincial organisations of the European Association ?—The view was that on account of the very great communal tension which exists in many provinces, it was felt it would be unsafe at the present time to transfer Law and Order to the administration of a minister who himself would be responsible to the House ; we preferred the administration of Law and Order to be in the hands of a member who would not be a member of the Cabinet and who would work directly under the Governor.

96. If I follow you rightly, that means, does not it, that as a result of this conference the European Association is to be understood as proposing the continuance of dyarchy ?—A modified form of dyarchy ; we are not prepared to see the transfer of Law and Order to a minister.

97. Why do you say " a modified form " ? What is the modification ?—We have transferred all the other departments, and we have not visualised a common sitting of the member and the Cabinet, which is an essential feature of dyarchy.

98. I am going to use the word " police " if you do not mind, because I think " law and order " is not a very happy expression, though it seems almost universally used. The real matters to consider are police, jails, the subordinate magistracy and the administration of justice, and they might easily be dealt with in different ways. Let us take the police. Is the proposal your Association would now put to the Conference that the money necessary in a province for the police should be voted or non-voted ?—We would prefer to see it not voted, but dealt with in a similar way to that in which money required for the Army in India is dealt with in the Legislative Assembly ; that is to say, the Governor at his discretion might throw the whole or one head of the vote open for discussion in the council.

99. I do not want to carry you too far, but it is important to see how this fits in. At present you have the Governor consulting his colleagues in a discussion where some of his colleagues will be executive councillors and some will be ministers, and they will all contribute, I suppose, to the discussion in the Governor's Cabinet even though the matter might ultimately be decided by the person in charge of the department concerned. But do you contemplate that the member who is going to remain in charge of the police will be part of such a Cabinet ?—No, we contemplate him being outside the purview of the council.

100. *The Chairman :* You see, one of the difficulties in practice of such dyarchy as now exists is that police are not really wanted for their own sake. People do not want police for their own sake ; they want them because from time to time it is necessary to use them for the purpose of maintaining order, or whatever it may be ; and that may easily arise in connection with a transferred subject. If you have an Education Minister who pursues an education policy which is deeply offensive to a particular community, you may have a riot.

Sir Hari Singh Gour : There is the case of excise.

101. *The Chairman :* There are many such examples. A very good instance is one which arose in the Punjab—religious endowments connected with the Sikhs. That produced a very serious situation. I am not sure how one would visualise a plan by which the police were not only reserved (for they are that now) but by which the member in charge of them had no contact with the ministers administering transferred departments ?—I did not mean that he should have no contact with ministers ; there must be liaison with the Cabinet, of course. I meant

that he should not have a seat in the legislative council.

102. You would not put the member in the provincial council ?—No.

103. I see. You have made that quite clear to me in outline. Perhaps we might now deal with these " adequate constitutional safeguards." I wish to call the attention of the Conference to the fact that although on page 141 all you get is " (*c*) That " there be adequate constitutional safeguards against " legislation which discriminates * * * " and that is all you get in the summary, there is another passage of considerable importance on pages 144 and 145 which deals with this matter in a good deal more detail ; and I think we should be grateful to the Association for endeavouring to analyse the thing. May I take it that the sort of reasons which you set out in paragraphs 48 and 49 on pages 144 and 145 are the reasons which actuate you in asking for this form of safeguard ?—Yes, I think those give the conditions as fully as we can give them.

104. I had better read a sentence or two. I see on page 144 you say : " there has been a persistent " endeavour by Indians to deny its members " (that is, the members of the European community) " the " full rights of Indian citizenship," and just below you say, " The Association feels compelled to protest " against this attitude on the part of Government " and of Indians, and claims that as in England " the Indian has equality of status and legal rights " so in India the Englishman should suffer no legal " disabilities or unfair discrimination " ; and you go on to describe the " attack which has been made on " British Trade " as being very determined. In the middle of the next page you say " the expressions of " hostility by leaders of certain sections of Indian " opinion make it plain that discrimination against " Europeans either in legislation or in administration " is a possibility," and so on. Those, of course, are rather grave matters, and I think I should just put this to you : are those views the views which you have been led to form on a consideration of what has happened in the recent past ?—They emphatically are, yes.

105. I do not wish to start a controversy, but I want to know what it is all about. Can you give me an instance of the sort of thing you mean ?—Take the first point mentioned, about being considered as foreigners in this country. Quite recently, when a delegation had to be sent to represent India at the League of Nations, it was implied by speakers in the Assembly that British representatives from this country would be looked on as foreigners in such a delegation. We maintain we are citizens of India, living and working out here, and if appointed on such a delegation we are not foreigners, but citizens of India.

106. To take an instance, near the bottom of page 144 you say : " The attack which has been made on " British Trade since the institution of the Reforms " has been so determined that the Association is " forced to call the special attention of the Com- " mission " to it. The Commission, of course, has a duty to listen to you, but you do not call our attention to it simply by stating that it happens. What is it that is referred to ?—There are many instances we could quote. The Bombay Corporation, for instance, passed a resolution that no British goods were to be bought by their body.

107. By " British goods " do you mean goods made in Britain ?—Yes. I believe they went further than that ; I think " in any part of the British " Empire " was the wording of the resolution. There have been other instances which have cropped up in the debates in the legislature, and finally there is the Shipping Bill, which discriminates very strongly against British trade on the coasts of India and against British interests.

108. I will not ask more, but I wanted to call attention to that, because the expressions are strong and definite and I wanted you to have the opportunity to call our attention to matters you had in mind ? —At the present time there is a very strong cry for a boycott of British goods.

109. You do not suggest do you there could possibly be any constitutional safeguard against that ?—It is part of the agitation which is being carried on in favour of constitutional changes. (*Mr. Edelston*) : In the Shipping Bill they specify that all the officers and all the men must be Indians. We object to that. We say we have just as much right to be employed anywhere as an Indian.

110. On the next page (page 145) you say (and if I may say so, very truly) that you recognise " that " the restriction on constitutional powers must be " capable of clear and exact formulation." I do not know if you will allow me (not in the least to embarrass you but honestly to get all the help we can) to ask you whether you would help by doing what the Associated Chambers of Commerce said they would do. You know much better than other people what you want. Would it be possible for you. with whatever assistance you think is useful, to let us see a draft of the sort of clause you have in mind ?—(*Mr. Chartres*) : We have been into this matter very fully and I am advised that until we know the actual form of the Bill that is intended to govern the new Constitution, it is very difficult to frame any clause which would give safeguards.

111. * * * I agree it is very difficult, but I do not think it is difficult on that ground at all. Imagine, there are going to be legislatures in India that will have power to legislate for the peace, order and good government of British India. Now, what is the clause you gentlemen think should be put in the constitution for the purpose of limiting that general power of legislation ? That is all. It does not depend in the least, if you will excuse me for saying so, on the precise way in which a legislature is constructed, does it ?—I think it depends to a certain extent on how the powers of that legislature are defined in the Bill.

112. I think you had better assume the powers would be, in general terms and subject to anything introduced by your clause, powers to legislate for the peace, order and good government of British India. It is the ordinary thing, you know ?—Set out somewhat on the lines of the present Government of India Act ?

113. Yes, if you like. There are two clauses, one dealing with the powers of the Central Legislature and one with those of the provincial. Now, what would be the sort of suggestion you gentlemen would make if you were seeking to insert some anti-discriminatory clause ? You see ?—Yes.

* * * * * * * *

116. * * * —We shall be very glad to submit a draft clause.*

117. I wish you would. Do not think that I am anxious to reduce this to logic-chopping ; but really it is no good going on talking about safeguards in general terms unless someone will think out exactly what is meant, and how it would be expressed ; do not you agree ?—I agree, as long as the principle is admitted at the present time, that possibly we might be able to send a draft which would be useful ; but it must not be understood that finally, if the Bill is greatly changed——

118. No one is seeking to pick holes in anything ; but I really need some help.—We shall be very glad to refer the matter to our lawyers and submit a draft.

119. They will want to know what you mean. Lawyers can always write things down if you will tell them what you mean. Now, there are a few practical matters which I have not quite understood. Would you mind turning to page 142. I am really not quite clear whether your Association does or does not recommend that the number of nominated seats in the Legislative Assembly should be increased. Just look how the document is framed. It begins

* See pages 157–8.

at the middle of page 142. You first of all say you think a perusal of the proceedings of the Legislative Assembly will show that the anxieties of the authors of the Montagu Report were justified. "While "admitting these defects in the present constitution "of the Assembly, the Association is faced with the "difficulty of submitting an alternative proposal"; and they want one which would secure the strengthening of the executive. Two alternatives have been suggested; the one is the Single Chamber, and the second an increase in the number of nominated seats. "Neither alternative has adequate support "from our Association to justify our making a definite "recommendation on this point." Well, that led me to think that you did not recommend it?—No, I do not think we did recommend either.

120. Another thing I had not quite understood on page 143. I do not quite follow what you mean by saying in paragraph 35 that the Association would recommend "the delegation of such powers to the "provinces as to enable each province individually "to deal with social reform." Would you just explain that a little? I do not appreciate what is the criticism?—May I allow Colonel Crawford to reply to that?

121. Certainly.—(*Colonel Crawford*) We have it in the Hindu Marriage Bill. Social reform is obstructed when it comes before the Legislative Assembly from the Government benches; not only obstructed, but ultimately turned into a communal question, and in the case of the Hindu Marriage Bill the Muhammadans came in. We have had the matter examined since submitting the report, and have found that the provinces had power to undertake social reforms if they chose to do it.

* * * * * * * *

124. It seems to me, Colonel Crawford, to take your instance, if the Governor-General gives leave it would be perfectly open now for a provincial legislature to legislate on the sort of subjects you have in mind?—(*Colonel Crawford*) Yes. I would like to see the legislatures doing it.

125. * * * Is there anything which should be altered, you think, to make it easier to do? Do you think it should be within the power of the provincial legislature without any leave, or do you think you must leave things as they are?—I think social reform is one of the things they want to get on with, and anything that would make it easier within the provinces would seem desirable. I gather from our further study of the subject that there is no objection to the provincial legislatures doing it now.

126. Yes, but they could only do it now with leave?—With leave.

127. * * * I am not quite clear to what extent your Association would recommend to us the abolition of the official *bloc*, either in the provincial legislature or in the Central Legislature?—(*Mr. Chartres*) In the provincial legislature we should like to see the official *bloc* done away with.

128. Altogether?—Entirely. In the Central Legislature, under the scheme that we have recommended here, I do not think it is possible to do away with it; otherwise Government could not carry any legislation whatever.

* * * * * * * *

129. *Sir Hari Singh Gour:* * * * * You have said on page 142, paragraph (f); "It is the "general opinion that the non-official members of the "Viceroy's executive council have not always been "wise and suitable selections, particularly from the "point of view of the legislative work they are called "upon to perform. It is possible that the appointment of a member of the Legislative Assembly to "the executive council might be an additional "strength to the latter body." Is your opinion based upon experience of the members whom you return to the Legislative Assembly?—Yes.

130. Why would you suggest that the appointment of one member of the Legislative Assembly might be an additional strength? The more the better, I suppose?—(*Colonel Crawford*) We are not insistent on the "a." The principle is the thing.

131. At page 138, paragraph 15, sub-para. (6), you point out that "While the principles for which the "Association stands remain unchanged in its history, "its policy must be kept abreast of the times, and "in conducting the affairs of the Association, the "Council keep prominently before them the following "aims, which were adopted in their present form "by a General Meeting of the Association, held in "the year 1926 . . . (vi.) The vital necessity for "communal representation as the only practicable "method for securing the British community's "political position and a truly representative "Government." You want to introduce into this country a representative institution, not necessarily a responsible one?—Representative.

132. Yes, but not necessarily a responsible Government? * * * (*Colonel Crawford*) Representative government is the first step towards responsible government. Representative is all you can get at present.

135. You think it would be a "progressive realisation of responsible government" if you gave us representative government to begin with?—It would be a step in that direction.

136. * * * As regards the Bombay Corporation resolution to which reference has been made, the fact that any corporation or body of corporations or the public at large make up their minds to buy only indigenous goods and not to buy British goods,—can that be safeguarded against by any Act of the legislature?—(*Mr. Chartres*) I did not refer to it as a thing calling for safeguards, but as an explanation of the passage to which the Chairman referred.

137. Do not you think if any safeguards of the character you desire are incorporated, it may jeopardise the whole of British trade by the public combining to boycott British goods even more than they do now?—I do not think so.

138. You think they will fall into a happy mood by feeling you have done them a great service by preserving your rights in the face of their national sentiment?—We are asking for something which we think is fair to us and will be of advantage to India.

139. And you think they will see the fairness of it?—I think so.

140. You think so. You mentioned the Hindu marriage law, and said you thought it should be provincialised. But if it is provincialised, do not you see what will happen? A girl in Bombay cannot be married unless she has attained the age of fourteen years, say, but it will only be necessary to cross the frontier, which may be a small river or even an imaginary line, to contract a marriage. Then how is the Bombay Government's law to be enforced at all?—(*Colonel Crawford*) You will get cases where people will take advantage of the conditions in other provinces, but you would get a certain advance in some provinces as you have in those Indian States to-day which have taken steps in the matter, and you will make some progress; whereas by constituting all your opposition in the Central Legislature you make no progress.

141. But marriage is an international institution, and marriage in one place is marriage everywhere, and, therefore, the Indian Legislature deals with these problems of All-India social reform; if it was localised in provinces the result would be what I have explained?—In America you have it localised.

142. I do not suppose you ask India to copy America?—I suggest to an ardent social reformer like yourself that you would get on quicker if you did this.

143. If I thought that, I would ask my friends in the local legislatures to deal with the question. With regard to the official *bloc*, you said just now in answer to the Chairman that you would remove the

official *bloc* in the provinces, but would retain it in the Central Legislature. You retain it in the Central Legislature because otherwise you think the Government will not be able to carry on ?—Yes.

144. Why do you remove it in the provinces ?—(*Mr. Chartres*) Because in our scheme we are proposing responsible government in the provinces.

145. Do not you think the presence of the official *bloc* takes away officials from their normal duties, and if their presence in the local legislature is an impediment to the discharge of their duties (because they are drawn from various parts of the province) is not the trouble worse when you take men, say, from Burma and Assam to Delhi or Simla, merely to be voting machines, as was pointed out by the Associated Chambers of Commerce ?—(*Colonel Crawford*) It may take men away from their districts, but it brings to the Central Legislature a vast store of administrative experience from the provinces which would not otherwise be available.

146. It was pointed out by the Associated Chambers of Commerce that they did not approve ?—We have nothing to do with the Associated Chambers of Commerce.

147. I am just pointing out to you that they do not approve of these officials being turned into voting machines ?—(*Mr. Chartres*) The remedy we have put forward is that those official representatives should be allowed to speak on the floor of the House and give their opinion on matters affecting their own province.

148. Would you give them a free vote ?—On matters affecting their own province. (*Colonel Crawford*) On page 142, paragraph (*d*), we say : " The " Association would, however, definitely recommend " that members nominated to represent provincial " governments should be free to speak and vote in " accordance with the requirements of their province."

149. Oh, yes ! In cases like the Meston award, and things like that. I am not dealing with that. I mean, are they to be the backbone of the Central Government, at their beck and call and voting with them if Government so desires ?—(*Mr. Chartres*) Speaking generally, they must be prepared to support the Central Government, and Government has a right to expect its nominated members to support it.

150. As regards the recommendations of the Lee Commission, I find from your summary, at page 147, that you want the recommendations of the Lee Commission with regard to the Services to be adhered to. When you wish to give the measure of autonomy you propose in your scheme to the provinces, would you give effect to the recommendations of the Lee Commission to that extent ? The recommendation of the Lee Commission was that in the transferred field the Services should be provincialised. So you are in favour of that ?—For the subjects that are transferred ; but for Law and Order, which we take to include not only the Police but the administration of justice——

151. I understand you use that loose phrase, " Law and Order," to include what the Chairman said ?—What we call the Security Services. We consider they should be Central Services.

152. So long as in your scheme Law and Order is in charge of a member directly under the Governor ? —Yes.

153. The difficulty I see in that scheme is this. Under the present law, the reserved departments of the provincial Government, though it may be responsive to the legislature, is not responsible to it, but is under the superintendence, direction, and control of the Government of India, and the Government of India is in its turn subject to the superintendence, direction and control of the Secretary of State. Would you make this member in charge of Law and Order subject to the superintendence, direction and control of the Government of India and the Secretary of State, as the case may be ?—So far as his department is concerned he is responsible to the Governor ; but the Government of India, we visualise, must retain the final control over Law and Order in the provinces.

154. And you would not allow even a discussion in the provincial legislative council on the policy of the Government regarding Law and Order, without the special leave of the Governor ?—Yes.

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158. * * * *The Witness :* Our point is that in the Legislative Councils the voting power and responsibility should go hand in hand. We do not think that the provinces are ready yet, in view of communal tension, for the transfer of Law and Order and, therefore, we say that we would not recommend the transfer. We think the Councils will work better if the power of discussion and criticism is withheld from them on this reserved subject, while that power is retained in the case of those subjects for which the Councils have full responsibility.

159. Do you know what that will bring you to ? It will bring you to this : Supposing at the commencement of the year the Governor says, " I want one lakh of rupees for the maintenance of my Police," and subsequently there is a riot and more money is required. Because the rest of the Budget has already been voted on there cannot be any re-appropriation. How are you going to find money ?—Just as it is done at present—by a supplementary demand.

160. Supplementary estimates are put to the vote and because the amounts are votable there is re-appropriation ?—(*Colonel Crawford*) For instance, if a war breaks out and extra grants for military expenditure are required, they would be taken on a supplementary demand.

161. No, it will not be taken. A case like that has not arisen since you and I became members of the Assembly : the position will have to be studied. But I have studied this, that if you split your budget into two parts, take a certain sum of money for your Police and make the rest votable, and if you require during the course of the year more money for the purpose of suppressing riots, you cannot have any re-appropriation ?—You will have to provide powers for that.

Sir Hari Singh Gour : Do you then want that the Governor should have the power of dipping his hand into the votable part of the budget and to drag out as much as he wants ? In other words, you want to convert the votable item into a non-votable item ?

162. *The Chairman :* What is the position ? First of all, let us take the question of the raising of money. If any additional money is needed to be raised over and above what has been raised in the ordinary way, there is a vote—is not there ?—in order to carry the additional tax ?—(*Mr. Chartres*) Yes.

163. And there may be cases in which, on the vote, the tax is rejected, and if the circumstances were so exceptional as to warrant it, none-the-less it might be passed under the special powers of the Governor-General. Normally speaking, any extra money that is needed is all voted. What I want to know from you gentlemen is whether the money that is to be spent on the Police under your scheme will all be voted ?—That is not our recommendation.

164. I will put it in another way. Do you not contemplate that the taxes which produce the fund out of which the money will be taken will be voted ? —Yes.

165. *Sir Hari Singh Gour :* You are referring to additional taxes, sir. Suppose the budget shows a surplus from which this money can be provided for and the Legislative Council says, " I am not going to raise additional taxes because there is money, but I will not give you money because you are outside my jurisdiction."

Lord Burnham : So far as I understand, the Association wants to put the expenditure on the Police in the same position as the expenditure on the Army.

The Chairman: Or the High Court judges' salaries.

166. *Sir Hari Singh Gour:* That will do in normal times. If there is a sudden emergency and a demand for more money arises, then comes the difficulty. How would you be able to circumvent an impasse of this character? Did it occur to your Association how to get over it?—(*Colonel Crawford*) If a deadlock occurs, the Governor, being responsible for carrying on the province, will have to step in; he will suspend the House and call for a fresh House. As a last resort the Governor-General will step in.

167. Will the member in charge of Law and Order consult the ministers or will he act independently of the ministers?—(*Mr. Chartres*) For the control of his own department, no; but for the executive work of the province, yes; he must be in touch with them from day to day.

168. Supposing the ministers are of one view and he is of another, who is to criticise?—He must have the final control over his department.

169. I will give you a concrete example. The ministers say, "the excise prohibition policy upon which we have embarked requires a larger Police force." The member in charge of the Police says that because he has not got money he cannot keep more Police. Then?—The Governor and the member in charge of the Police must decide that point.

170. That is to say to that extent the member in charge of Law and Order and the Governor can overrule the ministerial side of the Government; in other words, you are going to give the member in charge of Police a hand in the transferred department while the ministers in the transferred departments have no hand at all in the reserved departments?—The position will be something like this: If the minister who wants prohibition to be enforced insists on more Police force then the member in charge of Police will go to the member in charge of Finance and say, "If I have to increase the Police force to that extent you have to give me more money." So the two ministers must agree before anything can be done.

171. But, Mr. Chartres, you cannot always think as to what will exactly happen; sometimes things may happen which you never thought of?—But you are putting only half the case; we should consider the whole case.

172. You want that the High Courts should be centralised. Will the member in charge of Law and Order have anything to do with the High Court?—No.

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175. *Sir Hari Singh Gour:* I think your real object in taking away the High Courts from the control of the province is to ensure their impartiality and to see that, at any rate, justice is not diluted by communal, class or local interests?—Yes.

176. While you are purifying the High Courts does it not necessarily follow that in order to purify the subordinate judiciary you should put them under the High Court as they are in Bengal?—(*Colonel Crawford*) Speaking personally, yes.

177. *Sir Arthur Froom:* I have recently received, and I have no doubt the Conference has received, a revised Memorandum* from the Punjab Branch of the European Association (E.Pun.195) setting forth some new suggestions. They say that "a special "representative for British Interests in India be "appointed by Parliament." Since this document has been issued after the European Association had sent in their Memorandum, might I ask you if this document of the Punjab Branch of the Association, which puts forward this startling suggestion, has received the concurrence of the Council of the European Association?—(*Mr. Chartres*) No. The matter had been discussed at a conference last year on a slightly different footing, but was turned down. Soon after we received this Punjab Memorandum we circulated it to all the members of our Council for opinion; they have all rejected the proposal. I would, therefore, ask the Conference to take it as an expression of opinion only of the Punjab branch.

* Not printed.

178. I have no doubt that you have read in the press and also heard elsewhere that the European Association has been described as a reactionary body. Would you like to tell the Conference what your position is?—I think that anyone who carefully reads our Memorandum cannot say that our Association is a reactionary body. I would like to amplify that and say that we have, as a body, loyally accepted the Declaration of 1917, and that since the Reforms were introduced our members have done their best to work them in every province, and that we, as a body, are only too anxious to see India develop on what we consider the right lines. If we appear to want to walk slower than some other parties in India, it is not because we object to the road, but it is because we want to progress steadily forward. The conditions in this country are very different from those of any other country where democratic institutions are in vogue, and we think that it is absolutely necessary to make certain of security at each step on the road before trying the experiment over the whole country.

185. *Sir Arthur Froom:* Have you any criticism or advice to offer on the administrative machinery of India?—The general opinion of our members is that the local self-government is certainly not operating in this country in a way which can be called satisfactory. In every province that I visited last year I found that our members had considerable faults to find with the administration of municipalities and District Boards; in fact, we have gathered a lot of information on this subject.

186. Do you think that much importance should be paid to the working of District Boards and Municipalities?—Yes; I think they are the foundation on which the whole political machinery in this country must be built. That is the school for the electorate, that is the school for the members who have to carry out self-governing duties. We look on these institutions as a very important part in the whole machinery of the government in this country.

187. Would you like to see closer co-operation between the Provincial Governments and the District Boards and Municipalities?—Certainly. There does not seem to be any power, or if there is power there is no inclination to use it, to compel these bodies to carry out their work in an efficient manner. I think that is a loophole in the present administration which ought to be closed up. On the other hand, I think that many of these boards are working under very difficult conditions because they have not got that machinery which used to exist in the days of the official chairman. The non-official chairman has come into control, but has not the same facilities, and these Boards are undoubtedly placed in a difficult position. That is why in our recommendations we suggest that there should be some service of executive officers for these bodies to help them in their work.

188. What is your experience of the handling of parliamentary business by officers who are trained mainly in the administration?—(*Colonel Crawford*) Not very satisfactory. I think there is a good deal of difference between a parliamentarian and an administrator.

189. Have you got suggestions to make?—I do not see why the leader of the House should not be a man with parliamentary experience in England. (*Mr. Gavin Jones*) I would also suggest that there should be a special Civil Service department for political purposes. Now and then we have men sent in as ministers (?members) who have no experience of parliamentary practice, and by the time they learn it they move away and somebody else comes in.

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190. *Sir Arthur Froom:* What is your opinion on the prospects of developing government on party lines in India? For instance, do you consider that adequate stability would be secured by a Minister voted by the House?—(*Mr. Chartres*) In the near future I cannot visualise anything but groups of

different parties in the House, and I think it is very doubtful therefore if you can get stability in a ministry formed from those groups. Our experience during the last five years has shown that it is very difficult to get stability.

191. I notice—in fact I am aware—that in this Memorandum Second Chambers are recommended. It has been suggested at times that it is doubtful whether you can get adequate material to form Second Chambers. Have you any alternative suggestion, or do you still stick to the same suggestion ?—Our opinion now, as the result of our last Conference, is that there is suitable material in each province for a Second Chamber.

192. On page 133, paragraph 13, you say, " whilst " there are individuals who consider the Indian " political problem an original one, which, owing to " the complexities shown in section 1 of this Mem- " orandum, needs original treatment, the majority " have an abiding faith in their own political " traditions." You say there are individuals who consider that. Have they put forward any concrete suggestions in that connection ?—We have had one or two very interesting suggestions. The first is a proposal for splitting up Provinces into States, and is really a copy of what was put before Mr. Montagu in Calcutta. The second is one put forward by Colonel Tandy, who was the head of the Survey of India.

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The Witness : Yes. He has suggested a very interesting readjustment of the whole administration in India. The administration of this country is performed through machinery which was designed very many years ago. Great changes have occurred, work has increased enormously, and many departments of the Government of India have had to be reorganised. For instance, many of the railways have been reorganised on the group system during the last five years. But throughout the country the old system of administration is still adopted, and I am not sure if a time like this, when changes are being considered, is not a very good opportunity also to go into the question of bringing the administration of the country up to date. It certainly is not up to date, and it certainly is not satisfactory at present.

193. *The Chairman :* Are you speaking primarily of the areas ? I have read Colonel Tandy's book. It is largely concerned, not entirely, with the selection of suitable areas ?—Yes, and also of any one department having to be sub-divided. That is to say, instead of the local government board office in Calcutta having to supervise every local board in the whole of the province, he would group them and have better inspection of districts. That is what all the big organisations in the world do, and speaking as a man who has had some experience of reorganising business matters in this country, it is a scheme that appeals a lot to me from the point of view of increasing the efficiency of the Government.

194. *Sir Arthur Froom :* There is another point, a point referred to by Sir Hari Singh Gour, and that is with regard to the departments which are transferred and which have, therefore, become provincialised. In this Memorandum you lay considerable stress on the retention of the British element in the Services. Now, take, for instance, one or two departments already transferred. I put a similar question to the Associated Chambers, and I consider it of such an importance that I should like to have an expression of opinion from your body. Take, for instance, education ; we learnt not very long ago that the element of the All-India Service on the educational side has practically disappeared altogether, and I take it that in the other departments which are transferred, the transference bringing in its train the provision that recruitment must be provincial, the All-India element in those Services will equally disappear unless steps are taken to prevent it. Now, can you visualise any alteration in the Devolution Rules under the future Government of India Act, or would you recommend that there should be some alteration which would preserve a certain element of the All-India Services in the departments administered as transferred ? In referring to the All-India Services, I am not making any difference between the British and Indian element so long as they belong to the All-India Services, Indian Civil Service, or the Indian Educational Service, or the Forest Department, or the Police and so on ?—I think that one of the conditions of the transfer of autonomy to the provinces must be that they will undertake to employ a certain percentage of the All-India Services in the different transferred departments, and the Security Services must be retained as All-India Services. The Government of India must have some field for training and recruiting its own staff, and it can only get trained men from among those who are employed in the provinces at the beginning of their career. I cannot visualise how the Government of India can possibly hand over everything to the provinces without insisting that the Security Services shall be manned by All-India Government men.

195. *Lord Burnham :* On the basis of the Lee Commission report ?—Yes.

196. *Sir Arthur Froom :* We do not want to go outside the recommendations of the Lee Commission. They have been accepted in this country. I think the idea of the Association is that they do not want to go beyond them. In the statement of the policy of the European Association, one statement is to the effect that their aim is practical sympathy with the Anglo-Indians and Domiciled Community in their political aspirations. We heard, at Delhi, that the Anglo-Indian community regard their future in this country with a considerable amount of alarm ; that they have been squeezed out from some of the Services in which they worked for very many years, such as the Post Office, Customs, etc. Can you suggest a remedy for this, as part of your declared policy is to try and assist these Anglo-Indians as far as possible ?—We have dealt with this subject on page 146 of our Memorandum. I think the essential feature of the difficulty is an economic one, and the serious factor of it is that the great field for Anglo-Indian employment in the past has been the railways and one or two other large Government departments, in which they felt they had more or less a prescriptive right, and I do not think they took particular pains to keep themselves qualified for competing with other men who wanted to get into these Services. Indianisation has, undoubtedly, increased their difficulties very much in that respect. The only way in which they can be fitted to fight the economic battle is by better education, and we impressed that fact as strongly as we could on the Hartog Committee when we appeared before them. We thought that the Government of India should recognise the peculiar case of the Anglo-Indian community and provide some special facilities for their education.

197. That is your idea of the proper solution ?—Yes.

198. With regard to safeguards, would you include in the clause referring to safeguards that these safeguards should be extended to all minorities in India ?—Yes, certainly.

199. You are not claiming them exclusively for the European community ?—No, certainly not.

Sir Arthur Froom : On Law and Order, I think our Chairman pointed out that Law and Order being outside the Cabinet of ministers, there would be a certain loss of cohesion. I think the Chairman gave an illustration about education.

The Chairman : The difficulty seems to be this, and any well-devised scheme must face the difficulty. Police is not departmental in the sense that some other subjects are departmental. There is medical administration, in order that people may get medicine. But the Police seems to be more or less like a condition on which everything else may be worked smoothly. You may want the policeman to regulate

an election row one day and the next day you want his help because there is a dispute about a religious matter and so on. So it is difficult to treat that as a departmental subject by itself.

200. *Sir Arthur Froom:* The point is this. Whether or not it would so happen, it has been suggested that there will be some difficulty in this subject being in charge of a minister. I would suggest that there is some sort of arrangement like this now. In the case of trouble you call the military. The military is not under a minister and I have never heard of the military refusing to assist. So my suggestion is that there is something already obtaining which works quite smoothly, and there need be no fear that it will not work smoothly as has been suggested ?—I think the balance of advantage lies in our scheme.

201. You suggest that Law and Order should be reserved and you have given your reasons. But is it your suggestion that in the provinces it should be reserved for all time, or do you visualise that in the future it could be transferred ?—I visualise that in the terms of the preamble of the Government of India Act the matter would be reviewed, and as the country develops and shows the possibility of efficiency and stability in the working of the Councils, the time might come quite rapidly when it could be transferred.

202. You are not dogmatic about its being a reserved subject for all time ?—Certainly not.

203. With regard to the Central Government, you state in your Memorandum that you do not propose that there should be any change in the Central Government for the present. But you state in the Memorandum, whether rightly or wrongly, that you would like to see how provincial autonomy works out in the provinces. At the same time you do not dogmatise that there should be no change in the Central Government for all time, do you ?—Certainly not. As the course of events develops in the provinces, and if it is proved that this form of democratic government is going to work in India, I see no reason why the time when an advance in the Central Government could be considered should not come fairly rapidly. But at present I would not like to name any date whatsoever for even enquiring into it.

204. *Lord Burnham:* You use the word, "democracy" in the real sense or in the way in which it is used here ? Do you mean a general franchise or anything of that sort ?—It means that there would be elected representatives or some franchise to the Council, with ministers responsible to the Council.

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206 *Mr. Kikabhai Premchand:* You say, at the bottom of paragraph 2 (Memorandum by the Council of the European Association): "The British "community in India, therefore, by right of its past "labours, the constructive work it is carrying on "to-day, and the immense financial responsibilities "under its direct control, can claim the fullest "hearing on the important problems which His "Majesty has called on the Royal Commission to "study." May I take it that you do not demand any special privileges or the continuance of any which might exist now ?—No, we do not obtain any special privileges.

207. Do you not think that your community has received adequate benefit for its past labours ? You say in paragraph 2, "by right of its past labours" ? —(*Colonel Crawford*) We do not claim any special privileges for British trade against Indian trade or against the interests of India.

208. You had adequate benefit for your past labours, and there is nothing uncompensated now ?—(*Mr. Chartres*) We do not ask for compensation. We merely put it forward as a reason for being heard.

209. You speak of "the constructive work" which your community claims to be carrying out. Will you enumerate the special works you have in mind and tell us whether those could not be carried out by Indians ?—The big works that we British have carried out, such as railways, irrigation, and other things ; I do not think that India could have carried them out without British help.

210. Why ?—Because immense financial resources were needed to do that, and I do not think that India would have had the necessary credits in the world's markets, to say nothing of the technical experience required in carrying out the works after you have got the money.

211. You mention in paragraph 4 of your Memorandum about the total capital controlled by the British community in India, and you claim that the immense import and export trade of India is largely the creation of Europeans. Would it be correct to say that this large trade could not have been developed without the support of the Indians and that it has brought great benefit and profit to your community ? —I think it is quite right, that it could not have been developed without the co-operation of Indians. I think that modern India is the result of the work of British and Indians together, and I think that Indians have benefited equally with us in the development of the country.

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212. *Mr. Kikabhai Premchand:* * * * Now, I will take paragraph 10. You ascribe there the cleavage between the Hindus and Muhammadans to (*a*) the political and economic dominance of the Hindu, and (*b*) the Reforms. As regards (*a*), do you agree that the relationship of the two communities may improve with the spread of education ?—I think it ought to. Yes.

213. And as regards (*b*), have you anything to say to the criticism that communal representation in the Legislatures under the Reforms has accentuated the tension between the two communities ?—I doubt if it has accentuated it. It existed before the Reforms were introduced.

214. Not in such an acute form ?—No. The knowledge that power is being given out under the Reforms scheme has certainly accentuated it. It has been accentuated, not by communal electorates but by the scramble for power.

215. In paragraph 12, you quote with approval from the address of the Governor-General of the Philippine Islands in a passage in which he speaks of the relationship between political and economic interests. But you must be aware that the constant complaint here has been for many years that the economic development of this country is largely associated with the political and financial handicaps under which she labours ? If it is definitely proved, Mr. Chartres, that Indian economic advancement has been retarded by her deficient political power and fiscal restrictions, would you not approve the concession of full Dominion status by progressive stages, the progress being as rapid as possible ?—I think on that hypothesis I would, yes; and with the conditions that you specify.

216. Now, I will take paragraph 15. There you demand the maintenance by all constitutional means of the rights of the British community in India. Can you mention briefly a few of the important rights of the British community to which you refer ? —The principal one to which we attach importance is the maintenance of the right of trial by jury.

217. And would you give that to the other communities, also ?—They have it at present. That is laid down in the Criminal Procedure Code at present, and we desire to have that right maintained.

218. You want that extra right now ?—We have it at present, and we want to see it maintained. If you ask me how, I should like to say that it should be made one of the safeguards in the Act. We mention this briefly on page 145 in this Memorandum, but I would like to elaborate it and see it put in Section 65 of the Government of India Act.

219. *Sir Arthur Froom:* In any future Government of India Act ?—Yes. It applies now.

220. But it is not statutory at present ?—No.

Mr. Kikabhai Premchand : You ask for protection of British minorities against racial or other aggression. What aggression of any nature have you observed that has been directed against British citizens in India ?—We have had quite a number of cases recently.

221. Can you quote some ?—We had the Spence case in Bengal. In Calcutta there was another case.

222. Was it simply because he was a British citizen that he got into trouble ?—(*Colonel Crawford*) I will give you the details. There was a motor accident resulting in the death of an Indian coolie. The car was being driven by an Indian chauffeur ; yet the coroner's jury to whom the case was taken gave a verdict of an act of negligent driving against the lady who was sitting in the car. That is the type of thing which is very frequently coming up before our Association. I only quote it as one instance.

223. In sub-clause 3, paragraph 15, you refer to the political aspirations of Anglo-Indians and the domiciled community. Can you mention the aspirations of this community that you particularly have in mind ?—(*Mr. Chartres*) The extent to which we are prepared to support them is, I think, set out very fully in our Memorandum, page 146.

224. What have you to say to the popular impression that the Anglo-Indians and the Domiciled Community want all the privileges of the natives of India, and in addition want all the prestige, glory, and benefit of the British people ?

225. * * * *Mr. Chartres :* I think you will realise that their position as a community in this country is very very difficult.

The Chairman : I do not mind saying so now, publicly, because I feel extremely about it. I think you suggested that their difficulties are largely economic and social and not constitutional, but it is really quite manifest that these people through no fault of their own tend to be regarded on the one side as not Indian and on the other side as not British, and that is a very unhappy situation, if I may say so.

226. *Mr. Kikabhai Premchand :* In sub-clause (iv), paragraph 15, you say that there must be the assurance of a reasonable standard of efficiency in the Indian administration. May I ask whether you deem it necessary to debar Indians from their legitimate share in the administration on the ground of inefficiency ?

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227. *The Witness :* I think that unless Indians can give similar satisfaction as regards the same Services as Europeans there should be no discrimination made at all. (*Colonel Crawford*) In the districts the Indian member, though he is as good as the British member, does not get the same prestige from his own countrymen. The Indians themselves look upon the Indian members in that way. (*Mr. Gavin Jones*) I think it has a great deal to do with the European being impartial.

228. *The Chairman :* Neutral ?—Yes.

229. Neither of one community nor of the other ? —Yes.

230. *Mr. Kikabhai Premchand :* Do you know any other country wherein the sons of the soil are not allowed fully to participate in the administration of their own land ?—(*Mr. Chartres*) I believe it is so in the Philippines.

231. In sub-clause (viii), paragraph 15, you stress the importance of the preservation and increase of British prestige. Does it not occur to you that this same prestige may be in danger owing to the increasing resentment of the people suffering from deterioration of their economic development ?—This is an internal aim for the members of our own Association. It is the prestige of the British character and keeping up the level of the British character of all of our members. That was what was intended by this.

232. I will now take paragraph 18. You say that at the moment there is leniency towards inefficient and corrupt administration in local self-government. Can you tell us to what extent Government are responsible for these conditions since they possess adequate powers effectively to deal with defaulting local bodies ?—I am not quite sure that I agree with you that they do possess adequate powers. They possess the power of inspection of accounts and of dissolving and suspending local bodies, but they seem to have no intermediate power for driving the executive machinery. Also, I think, the whole attitude of Government ever since the Reforms were instituted has been one of rather letting things drift, waiting for public opinion.

233. *The Chairman :* Surely, the subject matter of this particular paragraph is a transferred subject, and the person who is responsible for its administration is an Indian minister ?—That is so.

Mr. Kikabhai Premchand : Even then Government has power.

The Chairman : But the minister is the person primarily responsible.

234. *Mr. Kikabhai Premchand :* Then, in paragraph 23 (page 139) you say that the " existing " system of communal electorates must continue." On this question are you prepared to allow the Commission to be guided by authoritative Indian opinion ?—(*Mr. Chartres*) What do you mean by " authoritative Indian opinion " ?

235. You may say, moderate Indian opinion ?—Of which class ?

236. The Commission has got to decide which class ?—Hindu or Muhammadan ?

237. Both ?—If the opinion is joint, yes.

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239. *Mr. Kikabhai Premchand :* * * * In paragraph 24 and succeeding paragraphs it would appear that you oppose responsible Government in the Central Legislature. Do you think it probable that the people of India as a whole will rest content by anything less than full power to direct their own affairs, and are you aware of the present agitation advocating independence as the ultimate goal, and does not your recommendation really try to estrange such extremists ?—We are quite prepared and do sympathise with Indian aspiration, but we consider that advance in the Central Legislature can only be made when the provincial legislatures have proved their ability to conduct the affairs of the provinces successfully. We do not believe that there is any desire for independence amongst the majority of Indians. It is the talk of a lot of rather extreme politicians who think that they can bring pressure to bear on the British Government to give way, but I do not think that they represent very many more than themselves, and I am quite sure that if there were anything like a genuine desire for independence in this country, we should not find a man like yourself on the Conference. (*Mr. Gavin Jones*) You said " people as a whole." The people as a whole do not know in fact about what is going on in the country. Only a small minority knows anything about it and very few of them understand it.

240. In your opinion, then, all this talk of independence is only an attempt at publicity ?—(*Mr. Chartres*) That is right.

241. In paragraph 30 you say that the insistence on joint electorates is not entirely disinterested. Do you think that the insistence on communal electorates is entirely disinterested ?—No ; I do not think it is. I think it is also based on self-interest.

242. *Sir Abdelkerim Ghuznavi :* There has been a good deal of talk about representative Government and responsible Government. Do you not think that communal representation does not militate against responsible government ? You can have responsible government and at the same time popular representation, can you not ?—Certainly.

243. Then we heard something about separate electorates being responsible for accentuating communal feeling. I want to put the other side of the shield before you. Do you think that separate

electorates would rather tend to lesson communal rivalry? In a general electorate it would be quite easy for people to appeal to communal passions? —Yes.

244. My next question is quite on a different point. In your summary of recommendations you say in sub-clause (*e*) at page 147: "That the financial "relations between the Central and Provincial "Governments be re-examined and adjusted to overcome the inequities of the Meston award." Do you really feel that the Meston award has made it difficult for the Reforms to be worked properly in Bengal, and that the Reforms could have been worked better but for the fact of the unfair distribution of funds between the Central and Provincial Governments?—I am not going to remark on the fairness of the distribution, but I may say that had financial resources been more plentiful, I think the Reforms would have worked better in Bengal.

245. And you certainly press that the financial relations between the provincial and Central Governments should be fairly and adequately revised? —I think the time has come for that.

246. You are in favour, I understand, of Indianisation of Services. Do you not think that it should be proportionate to the representatives of the different communities having regard, of course, to efficiency?—Having regard to efficiency, I would agree.

247. *Mr. Travers:* I have only two questions to ask, Mr. Chartres, and it is in reference, first of all, to this province. We have, of course, very great and serious communal discord in this province. Now, in regard to the transfer of Law and Order there are several of your deputation who, one might say, are in intimate touch with non-official opinion in this province. You, yourself, and Colonel Crawford and Mr. Thompson who is the Chairman of the Provincial Committee, are in a position to speak on the matter. May I ask you what proportion of the British community in this province are against the transfer of Law and Order? Can you give us any indication of that, or is it a very considerable majority?—I should think 99 per cent.

248. I would ask the same question to Mr. Gavin Jones about his province, where there is also communal tension. Is it a fact that in your province also, a very considerable majority of the British community are against the transfer of Law and Order?—(*Mr. Gavin Jones*) I should say the whole.

249. Then we may take it that in those provinces where there is this communal trouble the great majority of the British citizens desire that police, you may call it, and magistracy should be retained under the Governor and not be transferred?—(*Mr. Chartres*) Yes.

250. *Maharaja Shashi Kanta:* May I ask one or two questions? Do you advocate communal representation in the Councils always, or only for a certain number of years?—There, I think, we have to be guided again, just as in certain other matters, by the terms of the preamble of the Government of India Act.

251. You would not like to fix the time now?—No; I think the fixation of a date on a previous occasion has proved the undesirability of the method, and we should prefer the preamble of the Government of India Act to be adhered to.

252. *Maulvi Abul Kasem:* You have said in reply to a previous question that communal elections will be much improved by the spread of education in the people, and you say in your Memorandum that these communal strifes are not due so much to religious differences as to the scramble for power between the different communities?—I do not think we have said that. We have said that it has been enhanced by that.

253. And, therefore, this scramble for power, or this quarrel about power and political importance is confined to the educated community? In other words, this scramble for power by which you say these communal differences have been enhanced is confined to the educated community?—Yes.

254. Therefore, the spread of education has nothing to do with these communal differences, and do you not think that these communal differences will cease when the Hindus and the Muhammadans equally share power in the administration?—I am afraid that is a hypothetical question. I would not like to give a reply to that.

255. Well, then, I would refer you to page 141. In the very first paragraph therein you speak of the danger of building a superstructure before the foundations are secured, and you go on to illustrate it by saying that local self-government bodies, such as municipalities and district boards and panchayats have not been sufficiently developed and that they should be fostered and nursed to be more useful before you can have responsible government. May I suggest to you this. Will it not be desirable to have a system of local self-government boards to control and supervise and advise and direct these self-governing bodies and thus to improve them before you secure a responsible Government?—Without seeing actually what your Board is like, its constitution and so on, one cannot express an opinion upon it; but I think it most desirable to have some machinery for this purpose.

256. And will you entrust these local self-governing bodies with important duties about local administration as they grow up?—They have very important duties now.

257. Then you think that the Legislatures have been given powers and Reforms before the local self-governing bodies were fully developed?—There is no doubt about that. Yes.

258. Then you say that the franchise should not be lowered, but at the same time you say that a greater proportion of seats should be given to agriculture, and, as you have separately mentioned, landed and business interests. I take it that "agriculture" means the cultivating ryots?—Yes.

259. You would give them a larger share in the legislature than they have at present, but in order to give larger representation to agriculture it is necessary that franchise in the rural areas should be lowered?—I do not quite follow you, because there are a good number of rural workers who vote to-day, and they will have greater representation through their co-operative societies and bodies of that sort later.

Maulvi Abul Kasem: If you examine the franchise for rural areas you will find that it is so high at present, namely, two rupees union tax, or one rupee road cess, that it will not give votes to actual cultivators but direct tenure holders and people of that standard.

260. *Sir Abdelkerim Ghuznavi:* May I just make that point clear? You see, the qualifications for an elector to the local legislative council are either the payment of one rupee road cess or two rupees chaukidari tax, but for the union board you have got, again, the one rupee road cess, but only one rupee chaukidari tax. And what my friend asks you is whether you think that the two rupees chaukidari tax should be reduced to one rupee. The result would be that the voters in both the communities would be more or less in proportion to the state of the population, and the cultivators will have more votes. There I think you will, possibly, agree?—My point is that you are mixing up two things. You were talking about the franchise and then you go on to speak about the number of representatives. I do not think you can mix up the two together.

261. There is at present one common factor both for the union boards and legislative councils in regard to the payment of the road cess, that is one rupee, and supposing you reduce the chaukidari cess of two rupees to the legislative council by one rupee and thus make the qualification for election to the provincial council similar to what it is to the union boards, then, I think, it will confer votes on a larger number. Is that not so?—As a general principle we consider anything like adult franchise absolutely premature to-day.

262. We are not talking about adult franchise ?—I am not prepared to say anything about the difference in franchise in union boards and legislative councils. And as long as the electorate is not flooded with a large number of illiterate voters, we will agree.

Sir Abdelkerim Ghuznavi : It is only for making the number of voters proportional to the population strength of the various communities and at the same time giving more votes to the agricultural population about whom we are talking.

263. *Maulvi Abul Kasem :* By lowering the franchise your fear is that there will be an influx of illiterate voters ?—Yes.

264. And consequently there might be more corruption ?—We have not said that.

The Chairman : Corruption is not limited to voters ; I wish it were.

265. *Maulvi Abul Kasem :* One question about the Central Legislature. At present you do not want to make any changes in the Central Legislature, that is to say, you do not want to make the executive of the Central Government responsible to the Central Legislature ?—Yes, that is so.

266. In this connection I want to know if you would be able to tell from the experience of your representatives in the Central Legislature, whether it is not a fact that because the Central Legislature sits continuously for three or four months at Delhi, and for six or seven weeks at Simla, the Indians (business men and lawyers) cannot afford to leave their professions and go and work in the Central Legislature ?—There is difficulty, but I think Indians are not faced with greater difficulty than we are.

267. In your case the people who have retired from business are generally members ?—I think there is only one man who has retired from business who is there.

268. But the Indians find more difficulty because of the geographical position—I mean because of the distance of Delhi. It is not like the British Parliament, that sits in London ?—We realise that there is the difficulty of distance.

269. Unless the present situation is changed you are not prepared to give responsibility to the Central Legislature ?—As we have already said, we are not prepared to recommend giving responsibility at present.

* * * * * * * *

271. I wonder how you are going to get the various interests represented by election throughout India. Would you allow any provincial election if necessary ? For instance, is there an All-India organisation for landed interests ?—I think each province has an organisation in which the election could be carried out.

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APPENDIX.

FROM THE COUNCIL OF THE EUROPEAN ASSOCIATION TO THE SECRETARY, THE INDIAN STATUTORY COMMISSION.

SIR,

DISCRIMINATORY LEGISLATION.

As requested by the Chairman, we enclose a draft clause, which we hope may be of assistance as formulating the kind of statutory prohibition which was asked for under Paragraph 49 of the Memorandum in addition to the continuance of the Instructions to Governors as there set out, and the right of veto as set out in Paragraph 31 (c). Although we can only speak for the European minority, there are, of course, other minorities in India, and our view is, that in the interests of India as a whole, the temptation to pass discriminatory legislation is one which should be removed by some such clause as we suggest.

In this clause we have restricted ourselves to the matters in which the Association is particularly concerned. The Association would, however, in principle support any discriminatory legislation reasonably demanded by any minority in religious, educational or other matters. The Association set out their views on this point in Paragraph 49 of their Memorandum.

May we emphasise again that we put this clause forward at this stage at the request of the Commission, but that it should not be regarded as necessarily expressing our final view. When the question is before Parliament, it may be that other matters will have been raised which might lead us to press for somewhat different safeguards. Equally, of course, we should be willing to consider any modifications suggested. We have, as will be seen, drafted the clause so as to make legislation which contravenes it valid if the assent of the Governor-General is obtained. We felt is necessary to make such a provision, as it has been found necessary in the past to pass discriminatory legislation which we recognise as desirable, e.g. The Land Alienation Act in the Punjab. It may well be that in the future discriminatory legislation may be necessary to which no reasonable minority could object, and for that reason it seemed to us that the clause ought to provide for the possibility of passing such legislation.

Assuming that such a clause is enacted, the question of machinery of prohibition is a Constitutional one. Machinery by which, in the case of bills to be introduced in the Central Legislature, the Viceroy, or in the case of bills to be introduced in Provincial Legislatures, the Governor, either by himself or after reference to the Viceroy, could rule a discriminatory bill out of order on its introduction would, we think, not only avoid litigation, but also prevent ill feeling developing.

The question what judicial machinery will be suitable for deciding matters arising under the suggested clause is bound up with the wider question of the organisation of the Courts in India, and we have accordingly refrained from putting forward our suggestions upon this point in the form of a draft clause. It appears to us that as questions upon the validity of a statute can only arise in a limited class of cases, the risk that the suggested clause may give rise to frivolous claims or defences may easily be over estimated. We venture, however, to suggest for consideration the following scheme:—

1. Where in a Court subordinate to the High Court of a Province a point is raised in a claim or a defence as to the legality of any piece of legislation, the judge shall hear argument upon the question whether or not the point is a frivolous one, and from his decision upon that question either party may appeal to the High Court of the Province, whose decision shall be final.
2. If the High Court rules that the point is a frivolous one, it shall be struck out of the claim or defence as the case may be.
3. If the High Court rules that the point is not a frivolous one, it shall direct that the question as to the legality of the legislation in question shall be argued either before a Special Court or (if it is not thought desirable to set up a Special Court) before the High Court itself, and from the decision of the Special Court or High Court there shall be a right of appeal to the Privy Council. The Advocate General and any other parties, including associations who may satisfy the Court that they are interested in the question, and ought to be heard, shall be entitled to appear and argue as to the legality of the legislation.

FOR THE COUNCIL,
ARTHUR FROOM,
HUGH G. COCKE,
T. D. EDELSTON,
T. GAVIN JONES.

DRAFT CLAUSE.

Neither the Indian Legislature, nor any Provincial Legislature, Municipality or other Local Authority shall have power, without the consent of the Governor-General, to make or sanction any law, ordinance or other measure :—

(*a*) which expressly or impliedly discriminates as between the races, creeds, or communities comprising His Imperial Majesty's subjects, or between corporations incorporated in any part of the British Empire as being or not being incorporated in any part of the British Empire, or as being or not being wholly or in part composed of members or directed by officers who are members of any particular race, creed or community, in relation to the exercise in India by the members of any such race, creed, or community, being subjects of His Imperial Majesty, of any profession, calling or vocation, or the carrying on in India by them or by any such corporation as aforesaid, of any trade, industry or business upon equal terms in all respects with others of such subjects and corporations.

(*b*) which levies any taxation, cesses, duties or other imposts, of whatever nature or kind, upon any persons being subjects of His Imperial Majesty as being or not being the members of any particular race, creed or community, or upon any Corporations incorporated in any part of the British Empire as being or not being incorporated in any particular part of the British Empire, or as being or not being wholly or in part composed of members or directed by officers who are members of any particular race, creed or community.

Memorandum submitted by the Kanchrapara Railway Workmen's Union.

(REGISTERED UNDER THE INDIAN TRADE UNIONS ACT).

India's claim to be one of the leading industrial States in the world and the position of her working-classes and their problems.

India is generally believed to be only a supplier of raw materials for manufacture abroad. Our industries are described as hardly developed enough to make adequate use of our vast agricultural, mineral and animal resources. A few facts and figures taken from official reports would serve to dispose of this argument. Indian manufactures annually exported abroad are valued at £58,000,000. Indian railways have a larger mileage than in England. Jute industry, one of the largest in the East, comprising more than eighty factories capitalised at £12,000,000 or over 16 crores of rupees, employs over 300,000 men, women and children. They produce nearly 700,000,000 bags, 1,100,000,000 yards of hessian, valued at £28,000,000 (nearly 40 crores of rupees). The number of cotton mills, by far the largest industry in India, exceeds 270, and capital invested in them is about £16,000,000 sterling, or about 22 crores. More than 90 per cent. of shareholders of cotton mills and 50 per cent. of jute mills are Indians; about 4 lacs, including 50,000 women and 24,000 children, are employed in these cotton mills, and they produce about 700,000,000 pounds of cloth. Commercial agriculture or agricultural industry employs something like 71,000,000 persons, including smallholders, farm servants, field labourers, and workers in organised plantations, viz: tea, coffee, indigo, and cinchona. The tea industry, in which more than £12,000,000 sterling (about 16 crores of rupees) is invested is the most important in India from the workers' point of view, as it employs more than 1,000,000 persons, including a very large number of women and children. Railways, however, employ very large number of hands, viz: 800,000, as many as in Great Britain and Ireland. River, road, telegraph and telephone services employ 1,000,000 Indians and Anglo-Indians. There are about 200,000 miners employed in coal mines in Bengal, Behar and elsewhere, and they produce 21,000,000 tons of coal, as against Belgium's production of 22,750,000 and Japan's 28,000,000. An Indian collier's efficiency may be judged by the fact that he wins on an average 188 tons of coal a year, whereas a Japanese miner raises only 96 tons, a Belgian, noted for his mining skill, 130 tons, a British miner 196 tons a year. Coal is worked almost everywhere on piece rate. A comparison of wages in India and abroad would be interesting. An Indian collier is paid about 1 rupee (or about eighteen-pence per ton), calculated on ten annas or a little less than a shilling per tub of coal cut and raised above ground. A Belgian is paid at least eight times, a Japanese five times, and a British miner more than twelve times. Marine transport finds employment for 141,000 Lascars, whereas Japan, Germany, Italy and France employ 137,000, 11,000, 60,000 and 44,000 marine workers, respectively. India, therefore, ranks very high so far as shipping employment goes. Metal industries, including iron and steel works, arsenal, arms factories and engineering works, employ about 170,000 hands, besides a few hundred thousand employed in chemical products, food industries, leather, building, gas and electric works. At the lowest estimate, over 12,000,000 workers are employed in organised industries in India and support a non-agricultural population of 00,000,000.*

These 12,000,000 workers—Hindus, Moslems, Sikhs, Christians, Anglo-Indians, including a large number belonging to the backward and depressed classes—earn their bread by the sweat of their brow, and a large majority of them strained their last ounce of energy to produce arms, ammunitions and goods for the successful prosecution of the last war. They have their own peculiar problems, very different from those of their compatriots clamouring for political power. It is true that they are protected to some extent by industrial legislations, viz: the Indian Factories Act, Indian Mines Act, Assam Labour Act, Workmen's Compensation Act, the Indian Trade Unions Act; but these Statutes passed recently have only conceded them their elementary rights enjoyed by workers in other civilised countries for many many years.

A vast majority of our industrial workers have been kept ignorant of letters, and their moral and material progress has been indeed very slow, on this account alone, viz: illiteracy. This Union quotes from "India's Working Classes and their Problems," written by Mr. K. C. Roy Chowdhury, Labour Member, Bengal Legislative Council, and a delegate to the Fifth International Labour Conference, by far the greatest living authority on Indian labour. Speaking of the Sonthal and Baurie Coal Miners of Bengal and Behar, drawn from the most backward classes, amongst whom (unlike other industrial workers) not even 1 in 500 is primarily educated, Mr. Roy Chowdhury says: "It is a notorious fact in the coal industry that a Sonthal or a Baurie miner and his wife work rather leisurely to earn just enough to pay for their scanty food and clothes and their favourite intoxicant, *Pachwai*, a kind of spirit made from rice. The drink evil is playing havoc with the energy of one of the best sections of our industrial workers of India, namely, coal miners, and is not infrequently encouraged by the mine owners, who allege that drink is an incentive to work harder and earn more money. The depravity and economic subjection of the coal workers are without a parallel in any other industries in British India, and a good deal of their degradation is due to the indifference of the Indian and European industrialists. It is not merely the low wages paid to the miners nor their bad housing, but callousness on the part of a large section of coal owners towards the welfare of their employees that brought about the sad state of affairs in the coalfields. Can anybody imagine greater depravity of human mind than the refusal of the present-day coal miner to work more than three days a week when he knows quite well that he will earn twice as much if he worked the full week of six days?" Coal mining has paid colossal profits in the past to Indian as well as British owners, and the District Boards, as well as the Mines Boards, have raised handsome cess and taxes; but no serious thought was ever given to the introduction of primary education or the elimination of the drink evil, and no one ever raised his finger against the rapid deterioration (morally, physically, and mentally) of mining labour. Destruction of home and family life due to employment of miners' wives underground has proceeded for the last three or four decades. The Government has only very recently realised its responsibility to check this by a prohibitory order.

Industrial figures given above should impress on the Commission the importance of India's working classes, and the necessity of giving them a definite share in shaping of the future administration of the country. Apart from the question of illiteracy and intemperance, housing and sanitation are of the utmost importance. Mr. Thomas Johnston, Labour M.P. for Dundee, who visited our jute mill area, said in his report: "Two-thirds of the workers in this industry, which makes 90 per cent. dividends for the shareholders, are housed in vile, filthy, disease-ridden hovels, called bustees." Mr. Arthur Purcell, Labour M.P. for Forest of Dean, accepted the invitation of our Union and visited Kanchrapara in December, 1927, and has equally and strongly condemned bad

* Figures illegible.

housing, overcrowding and insanitation in industrial areas.

Still another millstone round the neck of mill hands and miners—in fact, each and every wage-earner, is the scourge of Usury. Industrial and mining settlements are infested with Afghan money-lenders, who exact a minimum interest of 150 per cent. on small loans, and squeeze the life's-blood of workers if they fail to repay. This Union knows of several cases where twenty to thirty rupees were realised on unpaid principal of ten rupees. At the lowest estimate, 300,000 jute mill operatives pay at least 5 lacs of rupees (about £40,000 sterling) in interest alone. It is perfectly true that we have a wonderful co-operative credit organisation in Bengal with over ten thousand societies and 500,000 members and six crores (about £4,000,000 sterling) as working capital. These are mostly agricultural societies and do not in the least benefit industrial workers. There is hardly a single co-operative society for distribution of foodstuffs or clothes in the industrial area of Bengal. Workers are fleeced right and left by grocers who supply bad foodstuffs, give short-weights and charge high prices. No serious thought was given, either by the Co-operative Department of the Government or the Employers or the Mill Municipalities or any public bodies to help the helpless workers who produce the wealth of the country, to start credit societies, co-operative stores or co-operative housing.

Industrial workers excepting on Government and Railway Services hardly participate in any provident or benefit funds, or insurance schemes. There is no such thing in this country as death or sick benefit and unemployment benefit or any kind of dividing funds. The result is that if a bread-winner of a family falls ill for a few weeks, the trinkets and pans and pots of that family go to the pawnshops and if he dies the widow and children swell the ranks of India's wonderful beggar battalions. These schemes of benefits and insurance are no doubt within the scope of labour unions, but unfortunately these unions are very slow in coming, and those that exist with some exceptions are more or less innocent of all constructive plans. The predominating idea among educated organisers of trade unions, with some honourable exceptions, is strife or fight with employers on any excuse and to disturb in the language of the Montagu Report "the placid contentment of workers." What has taken more than three-fourths of a century for the British trade unionists to achieve, namely political power, through the British Labour Party, our Indian Trade Union Congress, founded by prominent politicians in 1920 with not even fifty strong Unions at its back, and a membership of 100,000 out of several million workers, wants *ec dum* or at once. Destructive politics has become the cry of the bosses of these unions, and all sorts of people from an aristocrat to a school master are competing to capture this baby congress and to use it as a tool to grind political axes. Take, for example, the fantastic resolution passed at the Cawnpore sitting of the All-India Trade Union Congress in November, 1927, viz., Boycott of the Statutory Commission at the instance of prominent politicians having little or nothing to do with labour. This union assures every member of the Commission that not even one out of 100,000 industrial workers knows anything about this resolution or its purport. Royal Commission is absolutely Dutch to them. In fact when the vice-president of this union mentioned Simon Commission to members of Barabazar Labour Union, of which he is the secretary, a prominent worker stood up and inquired, "What summons is this?" He thought it was a summons from a court. He could not with best efforts explain to his comrades what this Simon Commission was, excepting to half a dozen semi-literate members. Such is the unfortunate ignorance of our workers in whose name and on whose behalf the mysterious resolution of the Labour Congress was passed. All over the world Trade Union Congress or Federation does not precede but follows growth of unions, but unfortunately in this country the cart was and is often placed before the horse, and the Congress was ushered in before the advent of many unions. The Congress, besides helping Labour M.P.'s and foreign communists to go about studying labour conditions in India and passing fancy resolutions, functions as a splendid agency for a trip or delegation of many of its patrons to Switzerland to attend Labour Conferences at Geneva. The Government of India, prior to 1924, ignored all recommendations of this body and chose best labour delegates for Geneva, e.g., Messrs. Joshi and Roy Chowdhury and others in agreement with most representative labour organisations, but found itself in a tight corner in 1924, and was obliged to recognise the agency and to accept its recommendations in selecting delegates and advisors, partly on political grounds. The result was that since 1924, political barristers and pleaders, including our late lamented leader Lala Lajpat Rai, were nominated delegates. This Union believes that if the Government withdraws its recognition of this agency the Congress will collapse.

The Trade Union Congress at a special sitting considered representation of labour in legislatures, and prepared a scheme that the Congress should be treated as a special constituency like the Chamber of Commerce and allowed to return 12 members to the Legislative Assembly, and its Provincial Committees, or Federations, should be likewise treated as special constituencies for Provincial Councils and return 12 members for Bengal, Bombay and Madras each, 8 for Behar and Orissa, United Provinces, the Punjab and Burma, and 6 for Central Provinces and Assam, and its claims are based on the ground that employers have 20 seats in the Central Legislatures and 15 seats in Bengal Council, viz., Bengal Chamber of Commerce 6, Indian Jute Mills Association 2, Indian Tea Association 1, Indian Mining Association 1, Calcutta Trades Association 1, Bengal National Chamber of Commerce 2, Bengal Marwari Association, Bengal Mahajan (Merchants) Sabha 1. The Union agrees with the principle that Labour should no longer be represented by nominated seats either at Delhi or in Provinces, although it is admitted on all hands that Government nominees, like Mr. K. C. Roy Chowdhury in the Bengal Legislative Council, have rendered unique services to the cause of labour; but times are fast changing and Government nominees in spite of their brilliant record of services inside the Council Chambers, as well as among workers, are looked upon with a certain amount of disfavour by political leaders, who use the procedure of appointment by Government as a handle to decry and disparage Government nominees on the belief that the nominees must always vote with the Government. This belief is ill-founded, for Mr. N. M. Joshi, the Government nominee, has voted against Government on a score of divisions, and Mr. K. C. Roy Chowdhury, in Bengal, defeated the Government on several occasions and carried his labour resolutions in the teeth of Government opposition.

Indian workers with their multifarious problems of education, housing, sanitation, cheap credit facilities, insurance, minimum wages, old age pension, training or apprenticeship, shorter working hours, and better wages are deeply interested in self-government, but the present political cry among educated classes who are far outnumbered by the working classes, viz., substitution of the white bureaucracy by the brown bureaucracy, does not appeal to them. We all know that protection of Indian masses is one of the main justifications of the British rule in India, and unless and until our political leaders, who often speak in the name of the common people, justify their claim to stand by the millions of workers, who are hitherto treated and described as *chotolokes* (humble folks), coolies (mean labourers) by members of middle and upper classes, we must demand and secure our own political protection. History often repeats itself. In 1931,

India is to have a revised constitution. In 1831, wealthy Whigs in Britain, who made money out of great industrial development, agitated for the Reform Bill, and workers were assured that the reform would ensure self-government for them. The Bill was passed with the help of common people, but the common people had to wait more than 50 years to get real self-government. We want to benefit by that experience, and avoid the mistake of trusting influential politicians. Nothing short of adult suffrage would really enfranchise the working classes, but, unfortunately, their illiteracy and hopeless economic position and indebtedness, as well as their subjection to landlords in their village homes and employers in towns and up country, will not afford them a fair chance to exercise their franchise freely in their own real interest. In short, employers, landlords and professional politicians and money-lenders will exploit them and for several years to come will dictate to them for whom to vote. Therefore, adult suffrage is unthinkable in face of widespread illiteracy and vastness of population (60,000,000 would be eligible to vote as against about 6,000,000 voters on the electoral roll.)

Recommendations. (*a*) Local self-governing bodies being the initial training ground for responsible government, and as these bodies are responsible for sanitation, housing and pure foodstuffs the Union strongly recommends that franchise be lowered to a minimum in municipalities, in mill and industrial areas, where elections are held, or in the alternative special electorates for representation of workers where there is no election and adequate number of seats be earmarked for labour representatives. It is perfectly scandalous that there is no such thing as election of Commissioners or Councillors in most of our jute mill municipalities, and they are appointed by the Government. Take, for example, the municipality of Bhatpara, 22 miles from Calcutta on the river recently visited by His Excellency Sir Stanley Jackson, on the invitation of Kankinara Labour Union—number of jute mills within the municipal area, 12; with 8,825 looms employing about 50,000 mill hands who receive about Rs. 10 lakhs as wages every month; total population about 67,000; income from taxes, etc., Rs. 1,25,000, of which Rs. 50,000 is paid by mill hands as house and latrine tax. There are 19 seats on the municipality. The Government have appointed 10 European mill managers, 8 educated Rai Bahadurs, doctors and landlords and only one Moslem connected with a jute mill, and have forgotten the claims of workers. Bhatpara, being the origin of the factory labour movement of Bengal, was visited by Socialist members of Parliament who came to India, including Messrs. (now Sir) Oswald Mosley, Pethick Lawrence, Right Hon. Thomas Shaw, T. Mardy Jones, Tom Johnston and Arthur Purcell. They have unanimously condemned the insanitary condition of the municipal area. Mr. Tom Johnston, M.P., who visited Bhatpara in November, 1925, described the workers' dwellings known as bustees as "vile, filthy, disease-ridden dung heaps" in his report to Dundee Textile Workers Union.

(*b*) As the growth of a sense of responsibility is dependent on the spread of primary education, the municipalities in industrial areas should be empowered to levy a special levy on employers for education of workers' children. The principle of taxing employers for the benefit of employees is justified in India on the ground that, with some honourable exceptions, industrialists reap rich harvests owing to cheap labour (the shareholders of jute mills have received on an average 80% dividends for the last 10 or 12 years) and are reluctant to spend any money in industrial welfare work as they do in America, Britain and elsewhere. Secondly, Indian industrialists often complain of want of efficiency on the part of workers, and do not realise that illiteracy is the main cause of inefficiency, and they must bear a portion of cost of education of their employees' children.

Provincial Legislatures. (*a*) The Union does not urge any extension of the present franchise, as a fair trial has not been given to many thousands of the existing illiterate and semi-literate voters to acquire political education or appraise the value of the vote.

(*b*) The Union is not convinced of the necessity of scrapping communal electorates, but recommends the formation of additional special constituencies for working and depressed classes, who are practically in the same boat as political privileges go. Protection of workers' interest in the present state of affairs will be secured if at least six seats are allotted to representatives of labour in Bengal Legislative Council, representing a special labour electorate to consist of members on the Register of Trade Unions registered in Bengal under the Indian Trade Unions Act passed in 1926, with almost unanimous approval of trade unions in India. The Trade Union Congress according to its resolutions wants to be recognised as a special constituency on the same ground as Bengal Chamber of Commerce is made a special electorate for Industry and Commerce. However, the history of the two different institutions differs. One is over 75 years old and is still going strong, and inspires the confidence of not only the mercantile community but the general public as well for straight dealings and strong fight on behalf of its constituents. This cannot be said of the new-born Trade Union Congress, which is financially very poor (Statement of Account for 1927 shows a receipt of Rs570, as affiliation fees, and a credit balance of Rs55/12/6). It handles Moscow money for legal defence of Communist agents in India. It directs political action (demand for release of political prisoners, boycott of Simon Commission, approval of the movement of workers and peasants of China for political emancipation, election of Pandit Jahwarlal Nehru, promoter of Independence League as President of the Trade Union Congress at Jheria sitting, affiliation of the Congress with the League against Imperialism, adoption of the resolution, viz., Socialistic Republic for India), without consulting constituents whose interest in high politics is very remote indeed. Mahatma Gandhi, who roused mass consciousness in India, is almost worshipped by workers throughout the country, withheld his permission to affiliate the Textile Workers' Unions of Ahmedabad (by far the best organised and most prosperous labour organisation in India) to the All-India Trade Union Congress. The Congress affiliates any union (real or nominal) on receipt of Rs10/-. Apart from its political aspects the constitution of this Congress is such that a few designing persons, creating a score of paper unions in the course of a day or a week, can capture the Congress lock, barrel and stock, and declare in the name of Labour that all Indian workers favour Communism and broadcast its declaration all over the world. Registered Trade Unions are normally treated as bona-fide unions, for the Act provides that no union shall be registered unless it has a written constitution in accordance with the provisions of the Act, viz., the objects of the union—purpose for which funds shall be applied—maintenance of a list of members and facilities for the inspection of books and registers, audit of accounts, and admission of ordinary members who shall be actual workers, plus a modicum of honorary members who may be outsiders, but the most wholesome section of the Act to avoid political exploitation of labour is section 22, viz., that no less than one half of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected. There is no such rule of the Trade Union Congress which has in its present Executive Committee a president, all the vice-presidents, the general secretary, and practically ninety per cent. of its members are outsiders and not connected with any industry.

Central Legislatures. The Union recommends the abolition of direct election to the Legislative Assembly, and favours indirect election by provincial Legisla-

tures and recognised public bodies representing land-holders, depressed classes, labour, capital and other interests. Labour in the opinion of this Union should continue to be a central subject, and all laws affecting it should be acts of the Central Legislature where labour should be adequately represented. The Union recommends that at least four seats to be alloted to representatives of Bengal Labour in the Assembly, and one in the Council of State. The electorate should be a special one and should consist of office bearers of all registered trade unions. Some device should be made so that each of these five representatives is associated with labour in the principal industries of Bengal, viz., jute, coal, shipping, railways, and tea.

Provincial Government. The Union favours grant of full responsible Government to the Provinces without any reservation of Law and Order. In fact past activities of police during many strikes and lockouts have created strong suspicions in workers' minds that the members of the police force took sides with employers and their actions were not often bona-fide. Hence the necessity of keeping police under the control of a responsible minister. The Union favours the establishment of Second Chambers in the Provinces.

Central Govcrnment. The Union does not favour any change. It urges, however, strengthening of Viceroy's Executive Council which should include at least three elected members of the Assembly. Grant of responsibility in the Central Government will not be conducive to the welfare of the labouring classes as long as the present system of social inequity continues. Men of leading and light are still very slow in appreciating dignity of manual labour which is not only treated as merchandise but considered as not worthy of its hire. Our social system is such that manual workers or producers of national wealth are ranked as members of lower order of human beings. Until and unless this old order changeth, the Indian workers feel very strongly that any large transfer of power from British bureaucracy to brown oligarchy will only strengthen the hold of classes over masses.

CALCUTTA.

24th January, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON), OF THE CENTRAL COMMITTEE (EXCEPT SARDAR SHIVDEV SINGH UBEROI) AND OF THE BENGAL PROVINCIAL COMMITTEE.

Deputation from the Kanchrapara Railway Workmen's Union.

The deputation consisted of :—

Mr. B. C. MANDAL (Vice-President).
Mr. LATAFAT HOSSAIN, M.L.C. (Vice-President).
Mr. SINGESWAR P. SHA, Member, Executive Committee.
Mr. P. B. SUR (Secretary).
Mr. G. N. KURMI (General Secretary).

105. *The Chairman* (*Lord Burnham*) : You represent the Kanchrapara Railway Workmen's Union, which is registered under the Trades Unions Act, and which was founded in 1927 ?—(*Mr. Mandal*) Yes.

106. And its object is the betterment of the conditions of the employees of the railway carriage and wagon shops at Kanchrapara ?—Yes.

* * * * * * * *

107. *Mr. Hartshorn* : I would like first of all to ascertain what is the membership of the organisation which you represent here to-day ?—It is 1,600. This is only the Kanchrapara Railway Workmen's Union.

108. That union has a membership of 1,600 ?—Yes.

109. Yes ?—But we have got members from other unions also.

110. I gather from your memorandum that you hold the view there are *bona fide* trade unions in India, and there are also bogus trade unions ?—Yes.

111. I should like to know whether there are other unions you can mention which you regard as *bona fide* ?—Yes. I can give you the names. There is the Bengal Mariners' Union——

112. And there is a union for the jute mills ?—Yes, and it is called Kankinara Labour Union.

113. What is the membership of that organisation ?—5,000.

114. Is there a Clerks' Union in Calcutta ?—Yes.

115. How many members have they ?—About 1,000. I am a member of that union also.

116. Is there a printing trade organisation ?—Yes.

117. It is called the Press Employees' Union, I think ?—Yes.

118. What is the membership of that ?—I have not the figure for that.

119. What about the Bengal Mariners' Union ?—Yes, that is a proper union.

120. What is the membership of that ?—About 2,000.

121. Have the Corporation workers a union ?—Yes. They have got about 1,500 members.

122. They have a union with a membership of about 1,500 ?—Yes.

123. What about the Calcutta Tramwaymen's Union ? What is the membership of that ?—That is also a good, registered union, but I cannot tell you the exact number of members. It may be about 1,000.

124. But you do not know ? Have the Registration Office employees got a union ?—Yes. That is also a good union.

125. Do you know the membership of that ?—Yes, about 500.

126. Have the scavengers got a union ?—Yes.

127. What is the membership of that organisation ?—That is a big union, with about 3,000 members.

128. Now, would you say of all these unions that they are *bona fide* trade unions ?—Yes.

129. The whole of those that have been mentioned ? —Yes.

130. *Sir Arthur Froom :* Are they all registered ? —All those are not registered ; only nine are registered.

131. *Mr. Hartshorn :* I will come to that in a minute or two, but first of all I should like to know whether the Memorandum which you have submitted to the Commission has been submitted to the membership of your union ?—It was explained to the members. The Memorandum was drafted beforehand, and at a meeting it was explained to the members in Hindi, Bengali and Urdu.

132. And they agreed that this Memorandum represented their views ?—Yes.

133. I should like to ask a few questions on the Memorandum. I notice in the first place you emphasise the importance of the great industries and public services in India ?—Yes.

134. You say the Indian railways have a larger mileage than the railways in England ?—Yes.

135. And that about 800,000 workpeople are employed on them ?—Yes.

136. You say the jute industry has about eighty factories with twelve millions of capital, and employs about 300,000 workpeople ?—Yes.

137. And that the cotton mills are more than 270 in number, that the capital invested in them is about sixteen millions, and that they employ, I think, about 400,000 people—4 lakhs ?—Yes.

138. Then you deal with the tea industry, and you say that in that industry about a million workpeople are employed ?—Yes.

139. You say about 200,000 are employed in the mines, about a million in river, road, telegraph and telephone services, about 141,000 in marine transport, and so on ?—Yes.

140. Having emphasised the importance and magnitude of these great undertakings, you say the millions of workers employed in these great undertakings have their own peculiar problems, very different from those of their compatriots who are clamouring for political power ?—Yes.

141. And you suggest that these workers, organised in their trade unions, should be treated separately and apart from such political organisations as have been built up in India ?—Yes.

142. That is your general contention, is not it ?—Yes.

143. I am very interested in what you say about the Trade Union Congress in India. I notice you say the Indian Trade Union Congress was founded by prominent politicians in 1920, with not even twenty strong unions at their back, with a membership of 100,000 of several million workers, and that they want the millennium *ek dum*, which, I think, means at once ?—Yes.

144. They want everything at once ?—Yes.

145. Then you go on to say that destructive politics has become the cry of the bosses of these unions, and all sorts of people, from an aristocrat to a schoolmaster, are competing to capture this baby congress to use it as a tool to grind their political axes. You give as an example the " fantastic resolution " passed at Cawnpore at the Indian Trade Union Congress in November, the resolution for the boycott of the Simon Commission. You say that this was passed at the instance of prominent politicians having little or nothing to do with labour, and that your union assures every member of the Commission that not even one out of the hundred thousand industrial workers knows anything about the resolution or its purport ?—Yes, that is quite true.

146. That is your idea of the contract of the political heads of the Trade Union Congress. Then you go on to point out that under the Trade Union Act, which was passed, I think, in 1926 and came into operation, I believe, in June, 1927, only *bona fide* trade unions which have submitted their rules to the registrar and which have been approved by the registrar can be registered at all ?—Yes.

147. And that the Act provides that all such *bona fide* registered trade unions shall set forth the objects for which they have been formed, the purpose for which they have collected funds and the purposes to which those funds are to be applied, and that the registrar is to have facilities for examining the books and accounts of the trade unions, and that in each case the union must render to the registrar a return of the membership and of the officials connected with the organisation ?—Yes.

148. The Trade Union Act, I think, lays it down, as you point out in your Memorandum, that the officials of a registered trade union must consist of at least fifty per cent. workers employed in the trade ?—Yes.

149. You say that in the Trade Union Congress no such rule or regulation applies ?—That is the fact.

150. That is what you say, and when you urge that the trade unions should be used as a separate electorate for the purposes of securing representation for organised workers, you say it is the registered trade unions which should be accepted as the unit ? —Yes.

151. And not the Trade Union Congress ?—That is so.

152. I notice you say on page 160 that a special sitting of the Trade Union Congress considered the representation of labour in the legislature and prepared a scheme by which the Congress would be treated as a special constituency ? —Yes.

153. Like the Chamber of Commerce ?—Yes.

154. And that they should elect 12 members to the Legislative Assembly, and that the provincial committees or federations should likewise be treated as special constituencies for the provincial councils, and should return 12 members in Bengal, Bombay and Madras, 8 in Bihar and Orissa, the United Provinces, the Punjab and Burma, and 6 in the Central Provinces and Assam, these claims being based on the fact that the employers have 20 seats in the Central Legislature and 15, for example, in the Bengal council ; and you enumerate the employers organisations which have those seats ?—Yes.

155. While you seem to agree it is right that labour should have representation as such, just as the employers through their organisations are directly represented, you think the proper way to get that representation is not through the Trade Union Congress, but in each of the provinces through the registered trade union organisations. I think that is the position you are putting up, is not it ?—Yes.

156. Coming to your recommendations, you deal first of all with local self-governing bodies ?—Yes.

157. You regard them as a training ground for responsible government ?—Yes.

158. You say they deal with sanitation, housing, pure foodstuffs, etc., and you say that for municipalities, you strongly urge that there should be a lowering of the franchise qualification ?—Yes.

159. Or if the franchise is not so lowered as to ensure the return of a number of labour members, then you say you ought to have some representation by nomination. I think that is what you are asking for in the case of municipalities, is it not ?—Yes, but we do not want nomination ; we say that the franchise should be lowered, and that in municipal areas where election is not practicable members of unions should be nominated if such union exists, or in any case representatives of labour should be appointed.

160. Let me just read it: " . . . the union " strongly recommends that franchise be lowered " to a minimum in municipalities, in mill and " industrial areas, where elections are held or in the " alternative special electorates for representation " of workers where there is no election and adequate " number of seats be earmarked for labour representa- " tives." Then you point out that on some of these municipal boards the whole of the seats are given to

the employers, and no consideration is given at all to the working classes and no representation is given to them and you think that is very unfair and ought to be altered ?—Yes.

161. When you come to the provincial legislature you suggest that at least six seats should be alloted to representatives of labour in the Bengal legislative council, and that those should be elected by a special electorate consisting of members on the register of trade unions registered in Bengal under the Indian Trade Unions Act. So that what you are asking in local self-government is that the franchise should be reduced substantially and such arrangements shall be made as will ensure labour representation on the municipal boards. In the provincial council you say that you should have the right to elect by a special electorate at least six members ?—Yes.

162. I would just like to ask you what you say about the Trade Union Congress. You say that "It handles Moscow money for legal defence of "Communist agents in India." What foundation have you in making that statement ?—Yes, it has been the fact. It was done in defending Mr. Spratt in Bombay Court. We have also seen, when there was a strike, some of the Communist strike leaders here asking the Moscow people to send money.

163. But have you seen in any official document emanating from the Trade Union Congress that they have received cash from Moscow ?—Yes, sir. It is published in their statement of accounts for 1927.

164. What documents have you seen that in ?—Will it be proper, sir, to mention the name of the gentlemen who received the money ?

145. No, I do not want you to mention the name. I only want to know whether this statement is well-founded ?—Yes. During the labour strike in the district of Howrah which continued for about six months or so, the strike leader asked the Moscow people to send money and the money was actually sent and received by him. The Government is aware of this fact, and also of course the bank which received instruction for the payment of money and paid the money.

166. You make some remarkable statements here about the manner in which some of these organisations have been built up within a few days; they get together people who have nothing at all to do with the working classes ?—Quite so, in some cases. People who have nothing to do with the working classes become leaders of labour movements in order to earn cheap notoriety. There are some lawyers and pleaders who actually do not get many clients and want to get their names advertised. It is very easy to catch hold of labourers and to foment strikes and thus get the fomenters' names advertised. There is another class of people in India who foment strikes for political purposes. In short, the labourers are being exploited here by three classes of people, namely, the politician, the lawyer and the Geneva-going class, by which I mean that some think that by associating with labour movements and Trade Union Congress they will have the chance of being recommended by the Congress and selected as a delegate for the International Labour Conference at Geneva. This means a trip to Europe at Government cost and excellent personal advertisement for the delegate. This, in my opinion, is the chief attraction of the Congress and objective of many who patronise the Congress.

167. You say somewhere in your Memorandum that some of these organisations spring up like mushrooms in the night, and having formed a nominal trade union they then affiliate to the Congress and apply to the Government through the Trade Union Congress to nominate a man to represent them at the Geneva Conference ?—Yes, sir. For instance when it was decided to start the Trade Union Congress, the organisers sent letters to different parts of India, asking their friends to start labour unions with different names. It is very easy to start these unions because they do not require any registration under the Trade Unions Act. In your tour throughout the length and breadth of the country you will find out that the labourers are quite ignorant people, they do not understand what politics is and they do not clamour for political power. What they want is good housing, good sanitation, better wages and death and other benefits.

168. That is to say the workers are less concerned about the questions of high politics than they are about their own social conditions ?—Yes.

169. And you say that the politicians who use the labour movement are not dealing with the social conditions of the workers as they should, and therefore you suggest in your Memorandum that there should be set up *bona fide* trade unions throughout the country, consisting of men drawn from the ranks of the workers themselves and registered on the basis of the Trade Unions Act, and that when you have such a genuine representation of labour those organisations ought to be used as an electorate for sending labour representatives to the provincial council and to the municipal boards ?—Yes. Exactly so.

170. When we come to the Central Legislature you suggest that these labour unions should be allowed to send four members to the Legislative Assembly and one to the Council of State ?—Yes.

171. I think the Act only came into operation about eighteen months ago and I think it is true—is it not ?—that a number of unions have applied for affiliation, but because their rules do not comply with the requirements of the Act time has been taken to bring them into harmony with those provisions ?—Yes.

172. And that a number of these unions that you have mentioned which have not yet become registered are taking the necessary steps to become registered organisations and comply with the requirements of the 1926 Act ?—Yes.

173. On the constitutional issue I notice you say that because you recommend the setting up of a special electorate for labour you do not suggest the lowering of the franchise for the purpose of election to the provincial council ?—Yes.

174. And in the case of the Central Government you suggest that things should be left as they are, except that the Viceroy's council should contain three members drawn from the elected members of the Assembly ?—Yes.

175. *Lord Strathcona:* In your Memorandum, under the subject of Law and Order, you say that you are against reservation of Law and Order and remark that the activities of the police "have "created strong suspicions in workers' minds that "the members of the police force took sides with "employers . . ." I wish you just to explain what you mean when you say that the police took sides with employers ?—For example, during the Lilloah strike and the Bowrea jute mill strike, it has been found that the police took sides with the capitalists and took instructions from them in shooting workers.

176. Why should the police take sides ? All they have to do is to ensure the proper keeping of law and order ?—It is the general conviction of the labourers as a whole that the police took sides with the capitalists and did injustice to the cause of the labourers by illegal arrest and harassing prosecution of strikers.

177. Can you give me an instance how they did injustice ? I do not see how the police can take sides ?—Instead of trying to restore peace and order they all of a sudden gave orders for firing in Bamangachi during the strike of railway workmen at Lilloah six months ago.

178. Presumably there was some reason for doing that. The job of the police is to keep law and order.—It is expected that the police should take such measures as would ensure peace during strikes and as would settle the disputes, but instead of doing so it is believed by labourers as a whole that the police took side with the capitalists and did such things which were not expected of them.

179. I do not like to press it. In England it is always assumed that the job of the police in labour disputes is merely to preserve law and order. If people are destroying houses or shops the police come forward; otherwise they have nothing to do with industrial disputes. What I want to know is how you think you can guard against this danger by keeping the police under the control of a responsible minister?—If the department of Law and Order were under a minister, we might easily approach him and tell him "Well, sir, if your police harass or "terrorise the labourers in their difficulty we will "pass a vote of censure against you."

180. *Major Atlee:* Are you workers very much in the hands of the moneylenders?—Yes, sir, we are. The ordinary rate of interest is as much as two annas per rupee per month. The Afghan moneylenders come here and exploit our labourers.

181. Have you tried to start co-operative societies at all among yourselves?—We are trying to organise a co-operative credit society within the area of our union.

182. Since when?—We do not get any backing from the Government.

183. Why do you want any backing from Government? It is a co-operative body and you yourselves can organise it. I do not quite see why your workers should be in the hands of the moneylenders?—Because they are not educated, and besides that they are getting small wages. The amount they get as their wages is very small and they can hardly afford to educate their children, and that is why they are compelled to live in a very bad condition. As regards labourers working in mines, they are very ignorant and the capitalists treat them in such a way that they are given to drinking.

184. There are jute workers there?—Yes.

185. They do as a matter of fact somehow save money and send the savings home. There must be some who save money. Why can you not manage to run a co-operative society?—These people are illiterate and the idea of co-operative society is not fully developed in India.

186. You are trying to get them?—We shall try to do it. Unless some education is given to the labourers, it is difficult to convince them of anything new.

187. But the farmers are managing it. Co-operative societies are spread very largely in the rural areas among the agriculturalists?—But the condition of agriculturalists is somewhat better than that of the labourers.

188. I should think that where you have got people in a mass you could get these things more easily than when you have got people spread in villages?

Sir Sankaran Nair: The agriculturalists are given greater facilities.

189. *Lord Burnham:* Do you know any industry except agriculture where there has been any co-operative society?—No, I am not aware of it excepting in isolated cases.

Sir Arthur Froom: There are some in the railway; for instance, the Great Indian Peninsula Railway.

190. *Lord Burnham:* In Bengal?—No, not in Bengal excepting perhaps a railway.

191. *Major Atlee:* How often does your union meet?—It meets almost every month.

192. You have discussions and so on?—Yes. We regularly convene meetings, where discussions take place and we also keep records of the proceedings.

193. Do your members take any intelligent interest in the affairs of the union?—Yes.

194. Do you think they will be intelligent enough to use the vote if they get it?—Under the present circumstances the union does not think it possible that, even if the franchise be extended, the members will be able to use their franchise properly and with caution in respect of the provincial council and the Central Legislature.

195. But you suggest the formation of special labour constituencies so that the labour representatives on the council should no longer be nominated to represent the trade unions. Do you not mean that the representative should be elected by the members of the union?—Yes.

196. Nominated by Government?—No. What we have suggested is that the representatives should be elected by the office bearers of the unions. The office bearers of all the unions registered under the Trades Union Act will form a constituency and they will elect the candidates for the Assembly.

197. That is a very restricted franchise?—Yes. The unions will elect members to the provincial council and members of the executive committee of the unions and those office bearers will in their turn elect four members to the Assembly and one to the Council of State. That is what we have stated.

198. How is the office bearer of the union chosen?—The office bearers are elected in the general annual meeting.

199. Where does it take place?—A public announcement is made one month before. Sometimes it is declared by notification and sometimes by beat of drums. The meeting is held and the president and other office bearers are elected.

200. How? It is by show of hands?—Yes.

201. Your suggestion is that there should be a primary election by show of hands of the office bearers of the union and these officers have to choose their representatives?—Yes.

202. You have only nine registered trade unions?—Yes.

203. How many office bearers are there in each union?—About ten.

204. That will give a constituency of 90. It is very small?—Yes.

205. It is putting very much power in the hands of these people, is it not?—I think there are at present nine unions. Later on if you say that all the registered trade unions will have right to vote and elect their own men to the council, then there will be 100 unions registered under the Act.

206. I want to know whether you are putting forward a sound proposition. A union with ten members will be in the same position as a union with 1,000 members with regard to the vote?—Yes. The ordinary members have got vague ideas of politics and things of that sort. The office bearers have got some sort of education. That is why we recommend that the office bearers should exercise the vote for election of members of Central Legislatures.

207. *Sir Arthur Froom:* How many members are there in your union?—1,600.

208. What is the subscription?—One rupee per annum per head.

209. Do they all pay?—Yes.

210. So your income is Rs1,600 a year?—Yes.

211. Supposing a member does not pay. Have you had any instance of your members not paying?—No. They never refuse to pay excepting in very special cases.

212. What position do you hold in the railway?—I work in a commercial body in Calcutta.

213. You are a clerk in Calcutta?—Yes. I am the vice-president of the union.

214. And the rest of the gentlemen?—Messrs. Sur and Kurmi are carpenters in the railway workshop. Mr. Sur is the secretary of the union. Mr. Latafat Hossain, M.L.C., is also a vice-president. He is a babu in a jute mill, that is the assistant in charge of the labourers.

215. Is there any other union in the Eastern Bengal Railway?—There is the Eastern Bengal Railway Employees' Association. Our union represents the workers in the workshop and the other represents the clerks of the Eastern Bengal Railway. In our union we have got two outsiders, namely myself and our president, Mr. Roy Chaudhuri. The others are all actual workers.

216. Do you know whether there is any union in the East Indian Railway?—No. I am not aware. I think there is a union at Lilloah.

217. Do you know the size of that union ?—No.

218. *Sir Abdelkerim Ghuznavi :* You referred to the Kabul and Afghan moneylenders. Are the local moneylenders so bad as the others ? Do they charge high interest ?—The Afghan moneylenders take more interest than the local moneylenders.

219. What is the rate of interest generally ?—Two annas per month per rupee.

220. *Mr. Travers :* Do the remarks of yours in this Memorandum refer to other workers besides your own union, the general remarks about the condition of workers ?—Yes.

221. You say in your Memorandum, " There is no " such thing in this country as death or sick benefit " ? —Yes, there is no such thing.

222. Would you be surprised to hear that all labourers of a tea garden get full pay when they are ill ?—I am not aware of it.

223. They do, and they also get free medical attendance and a paid attendant ?—I am not aware of it.

224. Do you know on a tea garden advances are made by the manager to the labourer for marriage, for purchase of cattle and so on, free of any interest ? You are not aware of this ?—We have not heard anything like that.

225. Therefore the statement that you say that no such thing exists in this country is not quite true ? On the tea garden it is so ; they get the sick pay ?—We do not know that. There is no labour union in the tea gardens to keep us informed about these benefits.

226. Now, one remark about your labour representative. Would you be prepared, where there are no labour unions, to accept nomination for labour representatives on the Bengal Legislative Council ? For instance, in the tea industry there are no labour unions and the only method of representing them would be by nomination. Are you prepared to accept that ?—No, sir.

Memorandum submitted by the Country League.

The Country League. The Country League was initiated eighteen months ago and formally issued its Manifesto (copy of which is attached*) in June, 1928. It consists of 100 members, drawn from the Landed Aristocracy, and prominent Industrialists. It is non-sectarian and non-racial, and is an All-India body with provincial branches. Its membership for the present is strictly limited. It has been formed with the object (1) of placing the views of these classes on the political development of India before your Commission and (2) of securing for these classes greater political representation. The complete objects of the League are below. There have been in existence for many years Provincial Associations representing the Landed Classes, but there has been no All-India connection between such Associations, nor have they been able to adjust themselves to changed political conditions.

* * * * * * * *

Objects :—

(1) To safeguard the interests of its members, in the betterment and protection of their Landed, Commercial, Industrial and Agricultural possessions.

(2) To ventilate and focus the opinion of the League :—
By representation to Government, both Central and Provincial,
By representation in the legislatures,
By propaganda in the press, and by other means,

(3) To assist the Political Progress of India, by working constitutionally for such changes as may be necessary, and for the advancement of India to the goal of self-government within the British Empire.

(4) To select, train and assist Political Candidates, and party Agents.

(5) To support approved Associations.

(6) To promote the formation of Rural and District Associations.

(7) In safeguarding Minorities and promoting the welfare of the People, to work for the replacement of communal mistrust—by mutual confidence and communal goodwill.

(8) To assist fulfilment of the need for a Common Language and Common Script for the whole of India—without which " A Nation " cannot be formed.

India's Final Goal. Our members are in complete accord that the final goal of Indian Political Development is the realisation of Self-Government as an integral part of the British Commonwealth of Nations. We can visualise no future for India that does not maintain a close connection with the British Empire, and that does not make provision for a Federation of Indian States and British India. In so far as British India is concerned we do not, however, commit ourselves at this stage to the definite assertion that Self-Government in India must necessarily be of the responsible type of the British Constitution, and it is more than probable that the eventual Constitution evolved for India will vary considerably from the British model. There is, however, no denying the fact that the past close relations between Great Britain and India has implanted in Indians a desire for a Constitution based on British traditions, and that this should be of a responsible character. That being the case, we agree that this form of Government should, in the first instance, be given the fullest possible trial.

Local Self-Government. The training ground for the electorates as well as for the individual is primarily to be found in the work of Local Self-Governing bodies. The liberal powers which have, under the Reforms, been granted to these bodies should be continued and extended, and the franchise for them should be enlarged. It will be necessary for some time to come that the activities and work of these bodies should be watched over and controlled by higher authorities, which might well take the form of Local Self-Government Boards. These boards should have adequate powers to take over these bodies, should maladministration necessitate such action. There will always be necessity for the careful auditing of funds in their charge, and steps should be taken to bring home to the members of such bodies their financial responsibilities, by the introduction of a system of surcharge based on the British model.

Provincial Legislatures. Subject to the views of our members in each province, who have a particular knowledge of the conditions peculiar to their province, and whose views will be put forward in oral evidence, we favour a grant of full responsible Government to the provinces. We are, however, anxious that the undoubted risks accompanying such transfer of power should be minimised in so far as is, in our opinion, practical, and consider that, for the present, it would be wise to place the vital portion of Law and Order, that is, the maintenance of Armed (or Military) Police, the Criminal Investigation Department, and Dacoity Department, under the Central Government. We also think it necessary to make such provisions as may be required to give contentment to the British element, which, we believe, must be maintained, under the changes in Government hereby proposed. We therefore propose, should the transfer of power herein recommended be agreed to, that it should be made subject to the following safeguards :

(1) The Establishment of Second Chambers ;

(2) All Bills passed by the Provincial Legislatures shall require the assent of the Governor-General in Council ;

(3) That existing instructions to the Governor-General and Governors regarding legislation discriminating against any particular section or interest should be continued, and supplemented by Statutory safeguards.

Ministry. The Executive Council should be abolished, and replaced by a Ministry chosen from elected representatives. The power which a Governor now has to administer Transferred Subjects in the event of failure to form a Ministry, would need to be retained.

Franchise. We do not at present recommend any widening of the franchise. The Education of the existing electorate in our opinion requires further time before any increase is justifiable. We, however, recommend a complete examination of the composition of Legislative Councils, and Council of State, with a view to ensuring adequate proportionate representation for the various interests in the province. We are strongly of the opinion that Landed Interests and Commerce and Industry should be given increased representation. To-day the representation of these Interests in the various Legislatures is :—

Council of State.		
Total Seats	..	60
Landholders	..	Nil
Commerce and Industry	..	3
Legislative Assembly.		
Total Seats	..	144
Landholders	..	7
Commerce and Industry	..	3
Madras.		
Total Seats	..	127
Landholders	..	6
Commerce and Industry 5 Planting 1	..	6

* Not printed.

THE COUNTRY LEAGUE. [*Continued.*

Bombay.			
Total Seats	.. .. ..		111
Landholders	.. .. ..		3
Commerce and Industry	..		8
Bengal.			
Total Seats	.. .. ..		140
Landholders	.. .. ..		5
Commerce and Industry	..		15
United Provinces.			
Total Seats	.. .. ..		123
Landholders	.. .. ..		6
Commerce and Industry	..		3
Punjab.			
Total Seats	.. .. ..		93
Landholders	.. .. ..		4
Commerce and Industry	..		2
Bihar and Orissa.			
Total Seats	.. .. ..		103
Landholders	.. .. ..		5
Commerce and Industry	1		
Planters	1	..	3
Mining	1		
Central Provinces.			
Total Seats	.. .. ..		70
Landholders	.. .. ..		2
Commerce and Industry	1		
Mining	1	..	2
Assam.			
Total Seats	.. .. ..		53
Landholders	.. .. ..		Nil
Commerce and Industry	1		
Planters	5	..	6
Burma.			
Total Seats	.. .. ..		103
Landholders	.. .. ..		Nil
Commerce and Industry	..		6
ALL-INDIA.			
Total Seats	.. .. ..		1067
Landholders	.. .. ..		38
Commerce and Industry	..		57

We further strongly recommend a larger proportionate representation for Agricultural, Ex-Military, and Labour interests, and the Depressed Classes.

Central Legislature. We are generally of opinion that it is difficult to make any great advance in the Central Government until we are assured that the further transfer of power in the provinces has justified itself. We are of opinion that the Legislative Assembly was wrongly constituted in the first instance, and that the existing system of direct election has not ensured that sense of responsibility between a member and his constituents. This is in the main due to physical difficulties which could not be overcome without unduly enlarging the membership of the Central Legislature, which we cannot recommend at the present stage of development. We therefore favour a system of indirect election by Provincial Legislatures, and duly formed and accredited Associations representing different sectional interests.

The Viceroy's Executive Council. We are of opinion that no change in the Viceroy's Executive Council is desirable at the moment, but it appears to us that the system of selecting the Indian members of the Council justifies examination. For instance, the existing members of the Viceroy's Council to-day does not include any member of the Indian Aristocracy, and we have known instances when of late certain individuals were quite unfit for such a responsible position. In all cases we contend that such appointments should be made from the best material available of any race or creed.

General Considerations. If India's political development is to progress along sound lines, without undue risk of breakdown, we are strongly of the opinion that whatever changes are made in the Indian Constitution, it is essential to provide for the continuity of tradition and authority. The old order and the new must be reasonably blended, and we particularly direct the attention of your Commission to this point. It must be remembered that a large number of those individuals who have been in the past natural leaders have, for reasons which we need not enter into here, failed to adjust themselves to the changed system of Government and they should be given every opportunity to take that share in Government which their contemporaries have in England.

Minorities. All those who desire to see and encourage India's political development must regret communal and sectarian dissensions which are such an obstacle to rapid progress. We are convinced that these dissensions are largely due to the fear of minorities that their interests will not be adequately safeguarded under a democratic form of Government. It is the primary duty of all Governments to see that the legitimate interests of minorities are not trampled underfoot, and we trust that a purely Indian Government would be no less careful of minority interests than any other national Government. As far as we are concerned, we strongly recommend the provision of Statutory safeguards for all such interests, and we have no objection to these taking such form as minorities themselves may desire, provided always that the interests of the majority are not impinged upon, and that the national interests are not unduly subordinated.

Control of the British Parliament. The Government of India Act already allows scope for the relaxation of the powers of the Secretary of State for India, and evidence of such relaxation is forthcoming in the convention which has been established regarding fiscal matters. Further conventions on similar lines might be built up, but otherwise we do not, for the moment, suggest any alterations to the existing Act, other than those necessitated by the grant of Responsible Government to the Provinces.

Education. In our opinion the immediate need of the moment is a progressive policy in the training of Indians to fit them for the public service of India, and for training for the defence forces of India. We consider immediate steps should be taken to improve and increase educational facilities for this purpose.

Further, we are of opinion that much greater attention must be paid to Commercial and Technical Training. At the moment the very fact that a University Degree is required before entrance into the Government service, has led to the University literary degree being considered as the goal of all education. This particular qualification for Government service should be done away with, and the Government Examination should be made a sufficiently high standard without this.

The obstacles which have to be surmounted in the introduction of a satisfactory system of primary education are considerable. The provision of teachers, even on the totally inadequate salary now paid, is beyond the resources of Provincial Revenues. Steps must, however, be taken to surmount this obstacle, even at the cost of increased taxation. Our experience leads us to believe that a more rapid growth of primary education can only be secured by compulsion, and this will have to be carried out area by area. We fully realise, however, that the conservative customs of the country will make the task of School Inspectors called upon to inquire about the absence of children one of extreme delicacy.

Finally, we think it is convenient to summarise our recommendations.

THE COUNTRY LEAGUE. [*Continued.*

SUMMARY.

1. Responsible Self-Government as an integral part of the British Commonwealth of Nations, should be given the fullest possible trial.

2. Powers already granted to Local Self-Governing Bodies should be continued and extended, and the franchise for them should be enlarged. Higher control by Local Self-Government Boards: and financial safeguards, e.g., a system of surcharge based on the British model should be introduced.

3. Full Responsible Government should be granted to the Provinces, except the vital portions of Law and Order, with these safeguards:—

(1) The Establishment of Second Chambers.
(2) Governor-General in Council's assent to all Bills passed by Provincial Legislatures.
(3) Existing safeguards against Legislation discriminating against any particular section or interest, should be supplemented by Statutory safeguards.

4. The Executive Council should be abolished, and should be replaced by a Ministry chosen from elected representatives. The existing power of a Governor to administer Transferred Subjects in the event of failure to form a Ministry should be retained.

5. A complete examination of the composition of Legislative Councils and Council of State should be made with the object of ensuring adequate representation for the various interests of the country, and the Landed Interests, Commerce and Industry, Agriculture, Ex-Military, Labour, and Depressed Classes should be given increased representation. In place of existing direct election of members to the Legislative Assembly, there should be a system of indirect election by Provincial Legislatures, and accredited Associations representing different sectional interests.

6. Appointments to the H.E. The Viceroy's Executive Council should be made from the best material available of any race or creed.

7. There should be a reasonable blending of the old order of Indian Ruling authority and tradition with the new order which has been brought into being by the changes in the political constitution.

8. It is the primary duty of all Governments to see that the legitimate interests of Minorities are not trampled under foot, and Statutory safeguards should be provided for the interests of Minorities, in such form as the Minorities themselves may desire, subject to the non-subordination of the majority and the national interests.

9. Further conventions on similar lines to the relaxation of the powers of the Secretary of State regarding fiscal matters, should be built up.

10. There should be no alterations to the Government of India Act, other than those necessitated by the grant of Responsible Government to the Provinces.

11. A progressive policy in the training of Indians to fit them for the public Service of India, should be carried out by means of improved and increased educational facilities for Technical and Commercial training.

12. In order to avoid the results of a University Degree being considered the goal of all education, this particular qualification for Government Service should be abolished, and the Government Entrance Examination of a sufficiently high standard should be maintained.

13. The obstacles in the way of the introduction of a satisfactory system of primary education must be surmounted, and rapid growth of primary education should be secured by compulsion, area by area.

Oral Evidence. The names of those Founders or Members who will be prepared to give oral Evidence on Provincial and All-India questions, on behalf of the League, will be notified on the arrival of the Commission at Bombay. We trust that as a result of the labours of the Commission, India will advance creditably and prosperously along the political highway towards the final goal of Self-Government within British Commonwealth of Nations.

Memorandum submitted by the Marwari Association.

The Marwari Association which is the oldest and the premier representative organisation of the Marwari community, representing all the various interests, political, commercial, economic, social, etc., of that community, and is recognised by Government as such, begs to submit the following memorandum for the consideration of the Indian Statutory Commission. The Association counts among its members almost all the leading mercantile firms of the Marwari community in Calcutta, and as these firms have branches in various parts of the country, the Association may be regarded as an All-India organisation. The Association is a special commerce and industry constituency of the Bengal Legislative Council and, as such, returns one member to that body. It also returns one member to the Legislative Assembly in rotation with two other Indian public bodies.

The Association has always held the view that the best form of Government for India from the point of view of her safety from external aggression as well as from that of her progress and development in all directions will be the form that obtains in the British Dominions and Dominion status ought therefore to be her final goal of constitutional development. The Association welcomed the Montagu-Chelmsford Reform Scheme as a step towards raising India to that status, and, having watched with care and interest the working of the scheme, has come to the conclusion that another step forward ought to be taken without delay. The Association does not think that India is in a position to undertake the duties and responsibilities of equal partnership in the British Commonwealth immediately. She must attain to that position by gradual stages of development. In dealing with the subjects mentioned in the note issued by the Secretaries to the Commission, the Association has endeavoured to keep this principle in view.

1. (*a*) *Basis of Franchise.*—Should remain as at present, but in view of the opinion expressed in answer to 1 (*b*) that communal electorates should be abolished, the difference in the qualifications of Hindu and Muhammadan voters, wherever it exists, should be done away with. The Association is also of the opinion that punishment for any offence not involving moral turpitude should not be a disqualification.

In this connection the Association also desires to state that greater care should be taken to prepare the electoral rolls to enable every person qualified to vote to exercise his franchise. So far as the Association is aware, rolls are at present prepared on the basis of official records showing the amount of taxes and cesses paid by each person in a constituency. But such records of the Income Tax Department being confidential and unavailable, income tax payers qualified to vote are expected to apply for the enrolment of their names with a certificate from the Income Tax authorities bearing testimony to their qualification. The general public has not yet learnt to take such keen interest in the elections as to take the trouble of going up to the Income Tax authorities for such a certificate. Moreover, there are many among the income tax payers who neither know English nor anything of the electoral rules and regulations, and even those among them who would fain have their names enrolled in the electoral rolls, cannot apply in consequence. The result is that the electoral rolls are always incomplete. In the opinion of the Association the Income Tax Department should be required to supply Government with separate lists of names of income tax payers qualified to vote at the elections of the Council of State, the Legislative Assembly and the provincial legislatures without mentioning the amount of tax paid by each individual, and the lists should be forwarded by Government to the officials charged with the duty of preparing the rolls with instructions to enrol the names as electors.

It should also be the duty of these officials to invite each joint Hindu family firm whose name appears in any list to nominate an elector on its behalf and on receipt of the nomination, to include the name in the roll, as is done by the Returning Officers of special commerce and industry constituencies when preparing their rolls. The Association believes it will serve as an encouragement to electors to take an increasing interest in the elections.

(*b*) *Methods of election.*—The existing method of direct election should be allowed to remain unaltered, but the class or communal electorates should be abolished in favour of mixed or joint electorates. The system of representation by class or community is bad in principle, and injurious to the best interests of the country, as it hinders the growth of the spirit of nationalism and leads to communal narrowness and troubles.

(*c*) *Methods whereby particular interests may obtain adequate representation.*—As regards the representation of *communal* interests, the Association is not aware that there are communities whose interests cannot be represented through the general mixed electorates and require or deserve representation through separate communal electorates. There are, however, important *minorities* which cannot be expected to obtain representation through the general constituencies and require therefore to be specially dealt with. In plural member constituencies seats should be earmarked for such minorities, and single member constituencies containing this element should be converted into plural member constituencies for the purpose. By way of instance, the case of the Marwari community may be cited. The Marwaris are a commercial people having a very large portion of the trade of the country, both inland and foreign, in their hands. They have also invested their capital very largely in industries and landed and house properties, and own jute mills, cotton mills, flour mills, oil mills, jute presses, cotton ginning factories, coal mines, mica mines, etc., in all parts of the country. They also hold a large percentage of the shares in industrial concerns both under European and Indian management. In short, they have very large stakes in the country, but being scattered all over the country, they are in a minority everywhere and, in the absence of any special provision, labour under the disadvantages of non-representation or inadequate representation on the legislatures and local self-governing bodies. Their traditions, their customs and their methods of business being not identical with those of the other communities, their interests and their needs and requirements cannot be understood, much less represented, by members of other communities and as a special provision to give them representation, seats should be earmarked for them both in the Central and Provincial legislatures and in other local self-governing and representative bodies. The Marwaris in Bengal should have at least two seats on the Legislative Assembly and four on the Legislative Council of Bengal.

The provision that has been made under the existing law for the representation of the *economic* interests of the country is extremely inadequate. The system of securing the representation of Indian commercial interests through some important public bodies representing such interests is undoubtedly good and should be allowed to continue, but the measure of representation which economic interests obtain thereby is meagre and far less than commensurate with their needs and importance. Under the existing system, this Association is allowed to return only one member to the Bengal Legislative Council and is bracketed together with two other public bodies to return one member to the Legislative Assembly in rotation. It is unnecessary to stress the fact that this representation is quite inadequate.

The Association ought to be allowed to elect at least two members to the Bengal Legislative Council and one to the Assembly at every general election.

As regards *social* interests, the Association is of opinion that instead of providing for the representation thereof, it should be expressly laid down that the legislatures shall not discuss, legislate upon or otherwise interfere with the social or religious customs, practices or rites of any community. Social interests should always be left to take care of themselves. The increasing tendency on the part of the Central legislature to undertake social legislation is unfortunate. Such legislation is often passed by means of the votes of men who belong to social groups of different types and whose votes are therefore not always prompted by a sympathetic understanding of the supposed abuses which the legislation is intended to correct. Besides, this inevitably results in the weakening of initiative in the social group concerned.

(*d*) *The relationship between the representatives and constituents* should be very close and friendly, but it is not so at present, because in the interior of the country, the constituencies are mostly very large in area which often makes it impossible for candidates or representatives to come in contact with the electors. In order that candidates may meet and address their constituents and the latter may exercise their votes intelligently, the constituencies should be reduced in size. There should also be a convention for representatives to meet and address their constituents after each session of the legislatures to render an account of their work and enlighten the electors on the future needs of the country. This will not only make the relationship between the representatives and electors as close and friendly as it ought to be, but will also help towards the growth of parties and informed public opinion. But it will necessarily result in an increase in the numerical strength of the legislatures and involve larger expenditure on account of payments made to members. But the Association is not in favour of increasing such expenditure and would suggest a reduction in the present scale of allowances.

(*e*) *The growth of parties.* Parties should grow on definite principles in the Central and Provincial legislative bodies. In local self-governing bodies on the other hand, formation of parties on political lines should be avoided. Rival plans of local improvement might provide opposed platforms.

(*f*) *The growth of informed public opinion.*—Informed public opinion does not exist except in isolated areas. The general condition is one of backwardness. The problem is bound up with the growth of literacy. Unless a higher percentage of literacy is achieved progress in this direction must be slow.

(*g*) *Nomination.*—Elected bodies should have a clear majority of elected members. The object of nomination of officials should be only to give the elected members the benefit of official experience and the number of nominated officials should therefore be as small as possible. As regards non-officials, the object of their nomination should only be to secure the representation of interests which may have failed to obtain representation by election. But in forming constituencies, care should be taken to avoid the possibility of any interest failing to obtain representation by election. This can be possible only if it is ascertained beforehand how many interests there are in the country that require representation and the numerical strength of the elected bodies is fixed accordingly.

2. (*a*) *and* (*b*) *Suitability of existing areas.*—The Association does not think that in size the existing areas are unsuitable for the growth of representative institutions, either local self-governing or provincial. Though it believes that smaller areas would be more suitable for legislative and administrative purposes and helpful to the growth of self-governing institutions and to the extension of education in citizenship, the Association fears that smaller areas for administrative purposes will involve large expenditure and does not therefore recommend any reduction in the size of the existing areas. As regards the division of the existing Provinces, the Association considers that for obvious reasons it should be made on linguistic basis.

3. (*a*) (*b*) (*c*) (*d*) *and* (*e*) *Local self-governing bodies.*—The constitution and functions of District Boards, Municipalities, Local Boards and Village Unions should remain as they are. They have elected majority and elected non-official Chairmen. Officials of the Provincial Government should not have any power of interference, but as a safeguard against mismanagement of affairs, there must be some power of control in the Ministry of Local Self-Government. As regards finance, the law should lay down a maximum rate of local rates and taxes, but the levying and altering thereof should not be subject to Government approval unless it is proposed to exceed the maximum. Within that limit the local bodies should have a free hand over their budgets, though indeed Government should have the right to interfere in cases of grave neglect of duty or mismanagement of affairs. In regard to the appointment of their officers, the local self-governing bodies should be wholly independent of the Government.

4. (*a*) *and* (*b*) *Provincial Governments.*—Dyarchy has failed partly because of the inherent defects of the system and partly because of the unfavourable atmosphere in which it had to be worked. The increased strength of the Governor's Cabinet has meant increased expenditure also. On the other hand, the two halves of the Cabinet have not in the various provinces worked with that amount of co-operation which would either justify the extra expenditure or secure public confidence in the constitution. Circumstances have often arisen which cast strong doubts on the reality of the status of Ministers as equals of Executive Councillors. The unsatisfactory allocation of funds to the transferred departments has been widely criticised. There is a deeply rooted belief that ministers have not received the proper amount of co-operation from their European subordinates.

The powers given to the Secretaries of departments are considered to be so large as to take away from the position and prestige of the Ministers. The practical obligation on the part of Ministers to support Government measures to which the elected members of the Council might be opposed adds to the unpopularity of the institution. The Minister's responsibility to the legislature is constantly overshadowed by his responsibility to the Government. Above all, the institution of the Reforms has not meant a visible rise in the happiness and welfare of the people. The first and strongest impression it leaves upon the public is that it has the disadvantages of an expensive machinery without any corresponding advantages. For these reasons the Association considers that dyarchy should be replaced by provincial autonomy. The Executive Councils should be abolished and all the departments of administration except Law and Order should be placed in charge of Ministers, the leader of the party in power in the Council being appointed by the Governor as Chief Minister with power to choose his colleagues from amongst the elected members and form the Ministry. The non-official Ministers should work on the principle of joint responsibility.

As regards Law and Order, the Association is of opinion that it should be placed in charge of an official to be nominated by the Governor as a Minister who will not be removable by the legislature. The Association considers that there should be a continuity of policy in the Administration of this department; but this will not be possible under a Minister removable by the legislature. The question of the desirability or otherwise of retaining the Governor's present powers of certification is also worthy of

serious consideration in this connection. In view of the suggestion made by it in answer to 4 (*i*) for the establishment of Second Chambers in the provinces, the Association thinks that the Governor's power of certification should be curtailed to the extent that he will only certify measures refused by the lower House after they have been carried in the upper House. He may also certify measures for introduction in the upper House in case their introduction is refused in the lower House. These changes in the constitution, the Association believes, will knock the bottom off the present policy of obstruction and will help forward the growth of a Party of Opposition on the lines of His Majesty's Opposition in the House of Commons ready to carry on the Government, if called upon to do so.

(*c*) (*d*) (*e*) Answer to 4 (*a*) and (*b*) covers these points.

(*f*) *Growth of party system in the Provincial Councils.* Party system should be encouraged in the Provincial Councils, but a distinction should always be made between a party and a group. The tendency to form loose groups should be discouraged.

(*h*) *Classification into reserved and transferred subjects.* Holding the view that dyarchy should be abolished, the Association does not think it necessary to deal with this question.

(*i*) *Desirability of Second Chambers.* If dyarchy is abolished and all the departments are placed in charge of Ministers, as suggested in answer to 4 (*a*) and (*b*), the Association would support the establishment of Second Chambers in the provinces to provide a safeguard against all possibilities of obstruction and a check over any hasty actions of the popular representatives in the Legislative Councils. The relationship between the two Chambers should be on lines similar to the relationship existing between the Council of State and the Assembly.

(*j*) *Provincial Autonomy.* The Association is of the opinion that the next step ought to be the grant of Provincial Autonomy to the extent suggested in answer to 4 (*a*) and (*b*).

(*k*) *Finances of Provincial Government and Financial Control.* The Association considers the principle of leaving certain sources of revenue to the Provincial Governments to be a sound one and a necessary step in the direction of giving the Provinces complete financial independence of the Government of India. But a great deal depends upon the proper division of resources between the Central and the Provincial Governments. Under the existing arrangement, the Provincial Governments, specially the Government of Bengal, find it difficult to undertake any new schemes of development. The Provincial Governments should have unfettered authority to borrow money on the security of their revenue. The previous permission of the Governor-General and Secretary of State should not be required in such transactions. The Provincial contributions to the Government of India should be permanently wiped out. The sources of Provincial revenue should be increased. The revenue accruing from jute export duty should be restored to Bengal. The Provincial share in the revenue from income tax should be more equitable.

(*l*) *Financial relation between reserved and transferred sides.* Having regard to answer to 4 (*a*) and (*b*), it is unnecessary to deal with this question.

5. (*a*) *The Central Government.* The constitution of the Central Government remains almost as it was in the pre-Reform days. The Reforms Act of 1919 has altered it only to the extent that the Indian element in the Viceroy's Executive Council has been increased, the old Legislative Council has been enlarged with a majority of elected members and a Second Chamber has been created with practically an official majority. In the opinion of the Association the time has come when some measure of responsibility ought to be introduced in the Central Government also in the same way as it has been introduced in the provinces. Among the Central subjects there are questions which concern the internal administration of India only, and these ought to be transferred to the charge of Ministers responsible to the legislature. As the provincial Governments are not entirely independent of the Government of India, responsible Government in the provinces cannot be real unless it is introduced in the Central Government also. Whatever justification there might have been for the non-introduction of such reform in the Central Government in the Act of 1919, it should not be deferred any longer, but a beginning should be made now for the progressive realisation of responsible Government. Although dyarchy has failed in the provinces, the Association suggests its introduction in the Central Government in the absence of a better alternative.

If the constitution of the Central Government is changed as suggested above to make it responsible to the legislature in some respects, then adequate financial provision should also be made to enable the Ministers to administer their departments satisfactorily. Experience of the working of dyarchy in the provinces has shown that Ministers cannot meet the requirements of the departments in their charge, much less undertake any new schemes of improvement for want of funds. Steps should be taken to guard against their being confronted with such difficulties in the Central Government.

6. *Relations between the Central Government and Provincial Government.* (*a*) The answer to this question would be partially found in 4 (*j*) and (*k*). So long as the provinces are not made autonomous, the Central Government should have some power of superintendence, direction and control over the Provincial Governments. The existing law fully provides for that and in many matters of legislation, the previous sanction or subsequent assent of the Governor-General is indispensably necessary. But consistently with the principle of helping forward the growth of responsible government in the provinces, the Government of India's power of superintendence, direction and control should be gradually relaxed, except in matters in which the Provincial Governments act only as the agents of the Government of India. The Provincial Governments should not be interfered with even in cases of mistakes, unless the mistakes are of a serious nature, but should be allowed to profit by their mistakes. Nor in cases of disputes arising between two or more provinces, should the Government of India interfere unless, failing to arrive at an amicable settlement, the Provincial Governments themselves approach the Government of India for a decision. The Central Government should, of course, keep a watch over the provinces and help them with advice, but should not interfere directly except in cases of utter mismanagement of affairs.

(*b*) *Classification of subjects.* The present classification of subjects as Central and Provincial is not unsatisfactory on the whole. But it should still be possible to add to the list of the Provincial subjects.

(*c*) *Financial relationship between the Central and Provincial Governments and Meston Settlement.* The answer to this question will be found in 4 (*k*). As regards the Meston Settlement, the Association has no hesitation in saying that great injustice has been done to Bengal. The Meston Committee failed to realise the peculiar difficulties of Bengal. Her sources of revenue are absolutely inelastic in nature. Her land is permanently settled. Her forests are undeveloped and irrigation, which is one of the most paying sources of revenue in other provinces, is a losing concern here. She has taxed herself to the utmost limit and the Government also has effected large retrenchments but still her finances are far from satisfactory and the transferred departments, on the satisfactory working of which the success of the Reforms primarily depended, have suffered badly.

In fact, compared to other Provinces, the position of Bengal is the worst in the transferred departments. She has not been able to spend enough either for health and sanitation or for education, and has been compelled to abandon projects for agricultural improvement for want of funds. The justice of her claim for readjustment of the financial relationship has been admitted on all hands, but nothing has yet been done. As has been stated in 4 (*k*), the revenue from the jute export duty should be restored to Bengal as jute is a monopoly of Bengal and she suffers not a little in matters of sanitation in raising it. There is no reason why she should be deprived of the benefit of this revenue. The provincial share in the revenue from income tax should also be made more equitable.

7. *Courts and the Judiciary.* Under the existing system both the Executive and Judicial functions are vested in one and the same officer. The necessity of separating the functions has long been felt by the people and admitted by Government, but it has not yet been effected. No further delay should be made in carrying out this reform to ensure the proper administration of justice. The judiciary should be wholly independent of Executive control. The practice of appointing members or ex-members of the judiciary to executive posts should be discontinued.

8. *The Constitutional problem in relation to* :—(*a*) *Law and Order.* Law and Order may perhaps without exaggeration be said to be the foundation stone on which the whole edifice of Government stands. Government is impossible in an atmosphere of lawlessness and disorder. It is therefore one of the first essential duties of every Government to maintain law and order, and it is for this reason that the constitution of every country provides its Government with authority to take even extraordinary powers to maintain law and order in cases of emergency. But the best means of maintaining law and order is to anticipate and prevent the causes likely to threaten law and order from arising and to remove them if and when they do actually arise. Governments generally pin their faith in suppression, which also is undoubtedly necessary for the immediate restoration of law and order, but history does not show that suppression has ever proved a sure or permanent remedy anywhere. It proves effective only for a short period, but at the same time it drives discontent underground, with the result that lawlessness and disorder appear again in a more virulent form than before. Eradication is therefore what ought to be aimed at and steps ought to be taken for the purpose in consultation with the people themselves. The Association believes that the present unrest in the country is due to a large extent to economic causes. Political privileges alone will not succeed in allaying this discontent. The remedy lies in the adoption of really effective measures for the amelioration of the economic condition of the people.

(*b*) *Justice in British India.* This, in the opinion of the Association, is a more important question than even the maintenance of law and order. The impartial administration of justice as between man and man, irrespective of race, creed or colour, should be the motto of every Government and political or other considerations should not be allowed to enter the administration of justice. But judges being human, they cannot be expected to be able to rise above such considerations if they have to work under the Executive Government, and this is what makes it essential that they should be placed under the High Courts. An important qualification which a judge should possess is a good knowledge of the language of the people over whom he sits in judgment and of their customs and habits of life to be able to understand and appreciate their feelings.

(*c*) *Defence of India.* The Association is of opinion that the army in India should be nationalised at a more rapid rate. Self-Government will not be attained merely by constitutional advancement; that advancement must be supported by the increased fitness of India to defend herself. The Association regrets that the steps so far taken towards Indianisation of the Army are disappointing. That Indians are not able to defend themselves is a source of weakness not only to India, but also to the British Empire. The military expenditure of India is 42 per cent. of the total revenue of the Government of India. It need hardly be mentioned that it is disproportionately high and no other country furnishes a parallel to it. The expenditure on such lines can never lead to India's development. Indianisation of the army will facilitate reduction of the military expenditure and make money available for other important purposes.

(*d*) *Social Progress.* It depends greatly upon political, economic and educational progress. But as has been stated elsewhere social questions of the Hindus are indissolubly linked up with their religion and should not, therefore, be allowed to form part of the business of the Legislatures, but should be left to the people themselves.

(*e*) *Federation.* India being a large country with a heterogeneous population of different races and creeds, who speak different languages, the question of the establishment of a federal system of Government on the lines of Canada and Australia is worthy of serious consideration. This, in the opinion of the Association, should be the ultimate goal.

(*f*) *The status and position of India in the British Empire.* The present status and position of India in the British Empire are those of a mere dependency of Britain. In the self-governing parts of the Empire, Indians are not, therefore, regarded as equal subjects, but as an inferior race of mankind in spite of their culture, education, business ability, etc., and labour under many disabilities which are galling to the national self respect of India. Britain herself is unable to prevent Indians being so treated in those countries. But in strange contrast to this it may be stated that the doors of India are wide open for the nationals of those countries, and they can come and hold any position under the Government and invest their capital in business and land without any restriction.

Considering the value of India in the Empire, this state of things should not be allowed to continue. The remedy lies in raising India to the status and position of a self-governing dominion.

9. *Relationship between the Central Government, the Secretary of State and the British Parliament.* The Secretary of State's control over the Central Government is still too extensive to be consistent with the ideal of a self-governing India. The financial powers of the Secretary of State are too many and too wide. India's fiscal autonomy granted in theory is hardly yet a fact on account of these powers. The Government of India must be made more and more the supreme authority in India, and the Secretary of State should be reduced to the position which the Secretary of State for the Colonies holds. The Council of the Secretary of State should be abolished.

10. *The Position of the Services.* (*a*) *Indian Civil Service.* Under the present system, recruitment for and appointment to the covenanted Services are made under rules laid down by the Secretary of State and, so far as the Association is aware, all matters concerning the pay, pension, allowances, etc., of members of these Services are also regulated by rules made by the Secretary of State. This state of things is not compatible with Responsible Government and all these functions of the Secretary of State should gradually be transferred to the Government of India.

(*c*) *Provincial Services.* As regards the Provincial Services, the Association considers that recruitment should be made by competitive examination, and merit should be the only test. There is an agitation

oing on for recruitment on communal basis. There ; no just reason behind it, as the Services are not ıtended to provide employment for any class of ıen, but to carry on the administration of the ountry. If appointments are made on the basis f the race or creed of the entrants, it will be impossible to maintain the purity of administration.

(*e*) *Indianisation.* The present rate of Indianisation in the Imperial Services is, in spite of recent improvements, still inadequate. The Association is of opinion that Indianisation of the Services has a great bearing upon constitutional advance.

A Statement for the Statutory Commission by Mr. W. L. TRAVERS, C.I.E., C.B.E., M.L.C. (Bengal), Leader of the British non-official Group in the Bengal Legislative Council, previously for many years a Member of the Jalpaiguri District Board, and Chairman of the Dooars Planters' Association. Member, Bengal Legislative Council, 1920 until now. Chairman, Dooars Branch, European Association.

Note.—The Dooars Tea Industry contains 148 tea estates, employing 250,000 labourers. A considerable majority of the estates are under British control, with British capital, with a rough valuation of six to seven million pounds. The Dooars is situated under the mountains, a long strip on the North of the Jalpaiguri District of North Bengal. The country was opened up and the industry was commenced almost entirely by British pioneers as in Assam. Of recent years Indians have entered into the industry, and there are now 47 Indian gardens, while this number is increasing every year.

The labourers are chiefly from the aboriginal races of Chota Nagpur and the Santhal Pargannas, brought here by the planter. Many thousands have settled upon the land outside the tea garden area. At present the tea garden labourer is content to live under the supervision of the tea estate manager, whose business it is to look well to the health and happiness of his labourers, who are free to go and come as they will.

It may be noted here that the British Member for this constituency is also in reality the Member for these labourers, who—at present at least—show no desire for the Labour Union, or Labour Member as such, being well paid and well looked after.

1. (*a*) As conditions are at present up country, the present franchise appears to be suitable, speaking both for the Indian and for the Britisher. Of the latter every man and woman who pays income tax has a vote. And every Indian ryot of any substance at all is qualified. There is no demand from the people themselves for an extension, though indeed the senior employees upon tea estates, both those from the Bhadra Bengalee race and the head men amongst the labourers, ought to have the vote. A ryot with a few acres of land has it, but a tea garden employee (Indian) with a pay of Rs100/- a month has not.

1. (*b*) An election to the Legislative Council strains the resources of the District Executive to the utmost to obtain the necessary supervision. It is a tribute to the District Magistrate that those elections have been run with so few scandals. If there were indeed any large extension of the franchise, it would be very difficult to arrange an election for a whole district on the same day in a district like this, where there are scarcely any large landowners or people of position outside the tea garden area and the district and the sub-divisional headquarters. Education is very backward, and the election supervision falls upon the subordinate officials almost entirely.

1. (*c*) This is a section of great importance for the British planter and resident up country.

For the Legislative Council there is a constituency for the whole of the Division, for the representation of the British resident. That is satisfactory enough, although if the Darjeeling District—at present a frontier district without representation on the Legislative Council—were brought under the jurisdiction of the Council another new constituency should be added to the two which the up country British residents now possess. But representation upon District and Local Boards is of great importance for the tea planter, whose industry is so dependent upon roads and other subjects which are administered by the District and Local Boards.

At the present time Local Self-Government is controlled by an Act, and Rules, which were in force before the Reforms commenced. A new Bill to modernize was placed before the Legislative Council and later in this statement I describe the real reasons which led the Council to reject it. But sooner or later, a new Bill will come forward, and the question of British representation upon a District Board like that of Jalpaiguri will arise. It is estimated that the British planting industry pays more than one third of the revenue of the district. In any "Popular Representation" Bill the industry would be swamped unless there be just and fair nomination membership. It must be remembered that such a Bill would pass through the Legislative Council. At the present time the British non-Official group is in such a position that by its influence and action it would probably obtain that nomination. But in another Council, under perhaps another constitution, at a time when racial feeling might dominate, that might not be the case.

It is therefore a matter of urgent importance for the future of British industry and British residents in this country that sufficient and just representation should be secured. The Southborough Committee, before which I gave evidence, gave us representation upon the Legislative Council—representation which, although not excessive, has sufficed for the safeguarding of the great British capital interests in the Province.

I do not know what procedure will be followed by this Commission, but I do urge most vehemently that in some way—preferably in the new Bill to come—British representation will be preserved and secured. And that not only upon the various legislative bodies, but upon those which appertain to Local Self-Government also.

If there are to be steps forward, towards responsible Self-Government, it is unlikely that those will satisfy the extreme Swarajist or Nationalist. If on the one hand he obtains more power, and on the other he is still dissatisfied, he would have an opportunity of venting his wrath upon the Britisher, if he be able to prevent or to decrease the latter's "say" upon local self-governing institutions. Suppose a Swarajist Ministry with a Local Self-Government Bill before the Council. It is extremely probable that that Ministry would insist upon treating the British resident in this district as an individual only, eliminating the fact that that resident stands for a large capital and thousands of workers who have no vote. It is for these reasons that I bring this point so strongly before the Commission.

Communal representation is, in my opinion, a necessity. In the present state of communal hatred in Bengal it is not practical politics at all to even consider any other method that may be suggested. And, in my opinion, that holds good throughout for local institutions as well as for the legislatures. Any measures or methods such as "joint electorates." which sound so well in theory as leading to the elimination of the communal electorate as such, would be futile. Either they would not operate at all or they would allow the Hindu, with his larger share of wealth, education and ability, to completely dominate the political situation. The Muhammadan knows that fact well, and the introduction of any such proposals would, I believe, bring revolution much nearer than it has been since the Mutiny.

1 (*d*) A number of members of the Legislative Councils go but little amongst their constituents, except when an election is drawing near. But those that do, either because their own residence is in the constituency or because they desire to know and to understand those who have elected them, retain their influence.

In other words, the education of the elector has commenced. He is beginning to learn what to expect from his member, and "personality" will, I think, count in India even more than in the West. That is

the great advantage of direct election, and I think that the relationship between a member and his constituents will expand in this way. In Bengal the ryot may be uneducated so far even as the three "R's" are concerned, but he is very shrewd in regard to his own personal local interests, and he will begin to insist upon some sort of acquaintance with his member.

1 (*e*)—See below 4 (*f*).

1. (*f*) There is a distinct and large growth of *interest* in public affairs, and a proportion can be called informed public opinion. A proof—to an old up country resident—is in the spread of the newspaper. Journeying in the early morning to the North from Calcutta one sees the rapid consumption of the papers at each stop—a new development in India.

There are some phases which may be of interest. The "follow-my-leader" movement is quicker than at home—*i.e.*, some one makes a statement or gives an opinion upon some affair of importance; it is accepted and repeated *ad. lib.* without examination, and becomes very quickly a stock phrase. Although Indian brains are quick and nimble, yet there is less independence of thought. Again, a popular leader is surrounded by a halo of adulation—for a time (it does not last, especially if he dares to take a responsible position)—and it is almost sacrilege to criticise him, even his politics. Even political opponents are afraid to do so.

There is another interesting aspect—in regard to events that excite the imagination of the Indian. Agitation begins, then it increases to a blaze and to its height far more quickly than in the West. Again the flame dies down fast in the same way. Suddenly, it seems, an agitation or a political wave has finished. It was so with non-Co-operation, and it seems as if the Commission may have an exhibit, in the agitation for boycott. The flame of that agitation is certainly lessening in this Province.

1. (*g*) I consider the nomination of officials to the Legislative Council essential for the conduct of business and it will remain so for long—until the Indian Leader and Minister learn far more of administration, and has real and lengthy experience. A Minister, too, has too many important departments and he cannot learn much of even outstanding detail, in this Province. The official should continue to have the vote too. With the want of responsibility which is so common in the Indian Leader, the Government block of officials—generally but not always added to by the non-official British group—is one of the few factors which lend some stability, even if there be a change of the Constitution. I believe in the nomination, with the vote, of the official.

The Government of Bengal continues to appoint its Secretaries entirely from the point of view of their administrative ability. The fact that an official has the gift of speech or the Parliamentary "sense" inherent is apparently no recommendation for appointment. Government may be right, but I doubt it—so often have we seen the failure to present a case in the best light. Secretaries should also be given more opportunity to learn to speak by being detailed to present subjects of less importance. That happens in the Assembly, but Provincial Governments have much to learn in this respect.

Non-official members are required by nomination to represent labour. I can see no method by which election would be possible as yet, at any rate in this Province. Although the Labour Unions and so on are in existence in the towns they are not yet organized on anything approaching the Home level. Few labourers can have the vote as yet. Even if they had, I think the bradra candidate would win; the labourers in any constituency would not combine to elect their own man.

I think, however, that the time has come to increase the nominated representatives of labour from two to (say) six. Some of these, too, should be mofussil representatives. The depressed classes and some other minorities and races should continue to have nominated members and there should be an extension of the number.

3 (*a*) I have already said that the whole machinery of Local Self-Government requires modernisation—to be brought into line with that of the Legislatures above. For education and experience of administration this is of vast importance. Some of the most valuable members of the Bengal Legislative Council are Chairman and Vice-Chairman of District Boards. They have *learnt* what is wanted for the improvement of health and so on, and concentrate on practical detail, instead of just indulging themselves in political matter. The Corporation of Calcutta has been remade by an Act (almost the only measure, of first-class legislation which the Bengal Council has made)—the work of Sir Surendra Nath Banerji and his secretariat. Now, in my opinion, many of the District Boards are doing very valuable work. Health, water supply and vital and essential needs of the people are progressing. But that progress is very slow. One reason is that the finance is entirely inadequate for further development. Under the present law the District Board has no power to increase taxation. With the power, I believe, that some would use it and use it wisely.

There are many men working on the executive of District Boards who are doing excellent work. I wish there were more of the class upon the Legislative Council. There are, as I have said, some. But professional or business reasons prevent others. Some of the most valuable too, refuse to take part in politics realizing that, as things are at present, they can do more real work for the people locally.

Speaking generally, I think that the District Board in Bengal achieves much more—that it is a much more useful institution than is the Municipality, in this Province. The members of the District Board drawn from a larger area, with a smaller proportion of the lawyer element (though some of these lawyers are most valuable workers) seem to have a broader outlook upon the affairs of their district. Then they are not responsible (as is the Member and Executive of the Municipality), for the collection of the taxes which compose the income of the Board. That work is done for the Board by Government. Members of the District Board are influenced to a less degree, again, by communal friction, and the nominated element of officials (very valuable in this way as professionally) help to smooth over such trouble. Where there is the non-official British Member, he too does good service in this way, by acting as a medium between the communities, and by lending the practical common-sense outlook of his race to public business.

In regard to the Municipalities, I refer the Commission to the last administrative report by the Local Self-Government Department of this Province. There are a few bright exceptions, but many or most of the smaller municipalities are stagnant, non-effective bodies, with apparently little ambition.

It would seem to me that the best line of improvement would be for the Minister to have a small local Government Board, with powers to insist on some measure of efficiency, and further powers to appoint a paid executive under the Board where efforts to obtain that efficiency are of no avail. The Minister, being a politician, would find the Board of much use as a buffer, so to speak, besides in the administration itself.

4. (*a*) Before drafting my remarks upon this section of the Appendix—a section upon which I can claim to have some experience, having been a member of the Legislative Councils since before the Reforms, and in active co-operation and consultation with Government upon many items of local and provincial importance—I read a little of the Act of 1919 and the Preamble. The sentences which occur to me as being of infinite importance are those which speak of "the progressive realization of responsible Government," "Progress by successive stages," "The Commission to be guided by the co-operation received from those on whom new opportunities for service

have been conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

The whole basis of the Act appears to be this *gradual progression* towards full responsible Self-Government, and an observer like myself, nearly thirty years in Bengal, cannot help wondering whether the Report of the Commission, and afterwards Parliament by the Act which it will enact, will, indeed, retain this basical idea, in spite of the great and rising tide of agitation and nationalism which must be so obvious to the members of the Commission itself.

I love this country and its people, and I desire to serve it and them, so long as health remains. But because of that, or in spite of that, I do see so clearly the mountain of danger which any advance, too hasty or too far, is bound to bring to India. The difficulties—and thereby the danger—which confront the path of Self-Government are so huge that they seem to be insurmountable. Leaving aside those two great difficulties—the position and status of the Great Native States, and the question of the Army and Defence, both externally and internally—what one sees in Bengal and in Assam, which I visit for some months in the year, are those two equally important difficulties—communal hatred first, and the situation in which the semi-civilised races and tribes will be, in any Government approaching full responsible Government—secondly.

For communal hatred—that huge chasm between the followers of the two great religions—is still there, and it is still bitter and as extensive as ever, although for the time being it seems to slumber. And supposing or presuming any great advance in this Province, such as autonomy or fully responsible Government, with the removal of the *ex parte*, so to speak, British Executive and of its long arm to stop riot and fight and the anarchy of a whole district which would follow, what will happen ?

And a similar question arises when one considers Assam, the province with so many hill districts, where a British Magistrate governs, in fact and in deed, thousands and thousands of people hardly semi-civilized. The British Sahib at the District Headquarters represents to those people, still fond of war and head-hunting (if they dared to try their ancestral amusement), all authority and law and order.

An Indian Magistrate at such a station, even though a picked and carefully chosen man, would be an experiment which would certainly lead to a wave of unrest, if nothing more. I have seen some of those districts and their peoples, and I know. So the question there is : In what relation will these districts stand to an Indian or Assamese Ministry ?

It is my profound conviction, based on long experience and upon very lengthy consideration of the subject that, at this stage, full responsible Government in Bengal or in Assam would be so very dangerous an experiment that it should not be made. The proposals have been made by Indians who, naturally enough, desire power and the government of their own country, and who either cannot see the dangers, or who refuse to do so. And they have been made by British residents, too ; men who have no real or inner knowledge of the people or of the countryside. They are people who live in Calcutta or in a city, under the immediate eye, so to speak, of the administration or of a District Magistrate.

Has, indeed, any real use been made of the opportunities which the Act speaks of ? And has there been any real co-operation in this Province since the Reforms began ? The answers are obvious. For if it had not been for the British element in the Bengal Council, Dyarchy would not have functioned at all ; and, as it is, even with that and since the Extremists entered the Council it has had but a very precarious existence.

The dangers which confront full responsible Government are in two directions. *First*, there is the danger to the people of the Province themselves, divided as they are by communal hatred. Imagine, an untried and inexperienced Ministry confronted by a communal outbreak—interference maybe with the action of the British Magistrate and the Police—perhaps even a Hindu or Moslem Magistrate, indeed, further to inflame, for at such a time a Hindu trusts no Muhammadan ; and the reverse. Another wholesale series of resignations of the British Officials would follow. In what position would be the Province within a few, a very few years ? I say that there must be, on these grounds alone, another go-between period of trial.

The other danger is to the British citizen and to the great British industries with their millions of capital. It must not be forgotten that the Extremist wing of the Left or Swarajist Party in Bengal hate the British people with a very bitter hatred. They hate the Government ; they hate the official, and they hate the business man. "The latter has exploited and is exploiting the country. The Indian should evict the British employer and business man, and take over the billets for the bhadra log of Bengal." Subash C. Bose and his brother Sarat make no secret at all of their feelings and of their intentions, if they have the power. Then it cannot be doubted that they, followed by so large a number of the educated and semi-educated of young Bengal, will try to do us active harm. Suppose that Parliament does give full responsible Government in the Province, but that there is but little change in the Central Government. That will not satisfy the Swarajist. He will be as full of hatred as before. And he may be in power in Bengal with the administration in his hands—the means to harm the British citizen and his capital. I have left out of my discussion the fight that there would be between the Hindu and the Muhammadan for the places in the Ministry. For it might be possible to overcome that difficulty, by defining the numbers, or in some other way.

I have many Indian friends, men of education and position, men whom I like and respect in every way. I am perfectly aware that taken individually many of these, in equipment and in ability, would be able to administer successfully as Ministers of the Crown in Bengal. But, unhappily, one has to take the problem as a whole, with consideration of the history of the past eight years and the refusal to co-operate by so large a slice of the intelligentsia. So many of the leaders appear to lack that responsibility to which the Act refers. Then there is the want of education, the education in democracy itself especially, and the want of that practical spirit of affairs, to make the best of the situation as it is, with hope and trial for further progress in the future.

My proposals for the next step are :—

(1) The elimination of the Executive Council as such.

(2) The transfer of more departments to an Indian Ministry.

(3) Two British nominated Ministers to administer the Departments of Police, Appointments, and Land Revenue, and to advise the Governor. They should have special powers in regard to the protection of British interests, and the Governor should have the power of vetoing any detrimental legislation, or even administrative action where proved to be racial.

(4) A Divided Revenue or Separate Purse. A fixed percentage to each side, and either a separate or semi-divided Financial Department.

I am in favour of more responsibility, but I am not in favour of full responsible Government. Dyarchy should be improved, and as many of its defects removed as is possible.

(4*b*) It is the fashion to say that Dyarchy has been a failure. Such a repetition is one of the stock phrases which I have mentioned above.

I do not agree. I think that, had there been a

reasonably sufficient amount of money for development of the transferred departments, had there been the will to work the system with Ministers in power with a stable majority, Dyarchy might have been very successful. At any rate, I have never been able to extract from any critic proposals defining any alternate form of Constitution which could have brought more success. Dyarchy does give Ministers the Power to achieve much for the progress of Social Reform.

During the first three years of the Reforms, the new Constitution—Dyarchy—functioned fairly well in this Province. Sir Surendra Banerji, Sir Provas Mitter and the Nawab Ali Choudhury, with the exception of the Act which brought into being the Calcutta Corporation, were able to do but little except administer their departments, because the Meston Settlement deprived Bengal of the means to progress at all. Every department had to be cut to the bone. The want of money killed Dyarchy's chance of success in Bengal. It has harmed Bengal much more than that. But had the Ministers been able to do something for the betterment of the people—and how urgent that is the Commission cannot comprehend, unless they visit the real mofussil—there would not have been the landslide with the Swarajist victory in 1924.

Dyarchy's defects are fairly obvious. The divided responsibility, each Minister directly appointed by the Governor, the verdict of the Council being given in the Budget vote or with a vote of no confidence. No Ministry as such, working together as a ministry with a policy. Whether it will even be possible to find such a Ministry, unless and until the communal difficulty be removed, is a moot question. Then, the period is too short, especially for a country where Democratic Government is new. A Minister only begins to learn his job and to get hold of the strings in three years. If it were *five* years, then there would be more hope of real achievement.

The Ministers are too few and each has too many departments, especially since the number has been only two. As soon as he takes office, he is overwhelmed with files and administrative detail. Heads of department ask for orders and instructions on this and that, and the Minister is involved in a perfect maze. He cannot find time to study the real problems of any department, and to evolve a real policy.

Again, he is badgered and worried by a host of applications from political supporters and others for jobs and billets for relations and friends. The communal question intensifies the difficulties here very much, and a Muhammadan suffers the most, because there are considerably fewer of his co-religionists in subordinate office, and the community thinks—and rightly thinks—that there should be a more just division. No Britisher from Home can possibly imagine the amount of worry—and work of a kind—that comes to a Minister in this way. And when that Minister is not sure of his majority, and does not want to lose one supporter in the Council, his difficulties are, indeed, very trying.

There has been considerable criticism of Dyarchy from ex-Ministers, and especially from those not long in office. The fact that it is so hard to rise above the maze of administrative detail to concentrate upon the real work of his office accounts for part of this criticism. But there is another reason for this criticism and this is the Indian uneducated idea of a Minister's position and powers. Many, apparently, think that a Minister should be in power like a small Mussolini, with unlimited money and vast power. As yet, the Indian—or so it seems to me—does not comprehend the fact that a Ministry must hammer out its general policy *as a Ministry*, with distribution of what funds there are, in accordance with that policy. Indians take but little account of the commitments of Government before their time for schemes and projects already under weigh.

Now, of these defects that I have mentioned, some are due to the non-experience of the Indian and to the fact that he has yet to learn not only to administer, but even the ordinary outline of democratic government itself. Some defects are due to the fact that a Minister, an untrained administrator usually, is treated by his Secretariat much as is the Member of Council. The British Member has twenty years of administrative training, while the Indian has not the political equation to bother them. Other defects are inherent in the present constitution.

But my point is that Dyarchy can be improved, and upon its basis a new constitution can be evolved, giving more responsibility and more of that experience and trial of the art of government which I believe to be essential before full responsibility be granted in the Provinces.

(4*f*) There is one most important point, which must be constantly remembered by every student of Indian affairs, when he attempts to grasp the position and growth of Parties, both in the Assembly or in the Bengal Council. A Member of the Council may have joined the Swarajist Party, or the Liberal or the Union—the name does not matter—but if and when certain questions arise all that fades like a cinema picture, and the Indian Member becomes at once just Hindu and Muhammadan. Constantly and frequently the communal question alters a situation, and asides of it, so to speak, crop up in the most unlikely places. I will give an instance, an illustration which may be more interesting than my personal observations.

In the 1924-6 Legislative Council the Government of Bengal brought forward a Bill for the Reform of Local Self-Government. The object of the Bill was to democratise the whole system, bringing it into line with the Constitution. Now, all parties and every member recognized that such a Bill was desirable, and, on the whole, the provisions and proposals in the Bill were approved. The Bill did not go far enough to satisfy the Swarajists and Radical Members. In spite of that, however, on the merits of the Bill itself, there would have been a majority in favour of about 20. Then there arose this curious situation. The Swaraj Party at that time contained 13 Muhammadan Members. Mr. C. R. Das was dead, and there were signs already of the decline of Swarajist influence. The one idea of the Swarajists, then, was to keep the Party together. But if this Bill was even presented for a first reading, at once the question of communal representation would arise in full cry. The Swarajist Muhammadans would vote solid Muhammadan, and the majority of the Swarajist Hindus would actively oppose—it might indeed break the Swarajist Party altogether. Its leaders took hurried counsel—they made the matter a Hindu question without informing the Swarajist Muhammadans, and by combining with the Moderate Liberal Hindus on the other side, the combined Hindus prevented the introduction of the Bill, on the grounds that it was a reactionary measure, much to the amusement of the Government Member in charge of the Bill, for he had heard nothing of the subterranean intrigue.

The Swarajist Party is the only one which is organized with any efficiency. It captured the Congress organization and used that. The victory that it won in 1924 was due partly to this organization, with no opposition of the same nature, with the younger vocal element to assist. The Swarajist victory left but the remnant of the Liberal Party, and with the Swarajists was a nearly allied group calling itself the Independents. Besides that the party actually attracted quite a number of Muhammadan Members—a remarkable achievement, for the Swaraj or Congress Party is in reality the Extreme Hindu Party.

The Party was organized and made by Mr. C. R. Das, a remarkable and talented individual whom Bengal could ill afford to lose, and who had the respect and regard, for his sincerity and patriotism, of his political opponents, who only regretted that his talents were not devoted to constructional work. Since Mr. Das's death the Party has been slowly

declining in numbers and influence, though it has retained its place as the main anti-Government Party by its appeal to the Nationalism of the Bengalee people, by specially identifying itself with the cause of the Political detenus, and by the sway that these have over the younger and more impressionable generation.

But leaving the Swaraj Party aside—and even there several times discipline has nearly broken—what has struck one most during the life of the last two Bengal Councils has been the influence of what one may call "personalities," Personal feeling, personal like and dislike, feuds or quarrels between leaders or would-be leaders—time and again these have prevailed over Party ties and election pledges. More than once ex-Ministers have been seen voting with the Swarajists in attempts to defeat other Ministers. In the second Bengal Legislative Council there was a small majority for Dyarchy—to give the Constitution a chance. But Mr. C. R. Das's influence together with, and taking advantage of, this tendency towards personalities was able just to defeat Government and the pro-Constitution groups.

The years 1924, 1925 and 1926 saw the gradual increase of the acute inter-communal hate and discord, and at the election at the end of 1926 only one Muhammadan was returned as a Swarajist. It seemed for a while as though a United Moslem Party might dominate the situation. But then again came into play this matter of personality, with a split into two of the Party. One group followed Mr. Ghuznavi and another Sir Abdur Rahim. To begin with there appeared to be no political differences between these leaders, but their differences were accentuated by the fact that Lord Lytton nominated Sir Abdur as a Minister, and he found it impossible, on account of his acutely pro-Muhammadan opinions as expressed in his famous Aligarh speech, to find a Hindu colleague to work with him. Many of us thought that it would have been wiser, and better for the Province, if Lord Lytton had offered a Ministership to both of the Muhammadan leaders, when probably at least one Hindu of influence could have been found to work with them. But the opportunity was lost, Mr. Ghuznavi succeeded where Sir Abdur failed, and Mr. Chakravarti joined the former as a Minister. Sir Abdur Rahim went into active opposition, and with the Swarajists and with deserters turned out that Ministry in August, 1927. Then after a period of investigation, Sir Stanley Jackson appointed Sir Provas Mitter and the Nawab Musharruf Hossain. They have survived, in spite of the intrigue of the defeated Ghuznavi Group, and more remarkable, in spite of the fact that Sir Abdur Rahim has again endeavoured to evict the Muhammadan Minister. The Nawab Musharruf Hossain was Sir Abdur's lieutenant and nominee. But later there was one of the quarrels which are so frequent, and they too are now at enmity.

I have given this account in the attempt to show the dominance of this feature—personal feeling—prevailing.

The tendency therefore is for the formation of small groups under leaders and would be-leaders.

Another feature of the situation is the very considerable number of members of the Council who are candidates for the office of Minister. It would astonish the Commission if they could actually see how many there are—gentlemen who cannot understand why they have not been selected. Often these would-be Ministers have no following, or hardly any followers, and they often also appear, at any rate, to have no outstanding ability or recommendation in themselves for office.

The whole position lacks stability. Groups and little parties shift and change like the sands, and it is difficult to foresee what will happen a month or two ahead.

The British Group of 16 members has, of course, since the initiation of the Reforms, fought consistently and steadfastly to give the Constitution and the Law the chance to function. The Group is organized and works as one, and it has been the one factor in aid of steadiness and stability. In the absence of outstanding speakers or debators on the Government benches, the British non-Official has generally led the debate pro Dyarchy. But there has been so much intrigue, and so much by-play, amongst the Muhammadan and Liberal Groups—during these past two years—that the British Group has been led to the determination, that, should the present Ministers be defeated, it will stand aside and support no more.

Since 1924 the Council has wasted its time in this constant intrigue and faction fight. The majority in favour of the Constitution, as voted in the last Budget motion of Ministers' salaries, was 80–40. And yet a stable Ministry cannot be formed. On the other hand, the condition of the people is one crying for amelioration. There is a huge field awaiting Reform—health and water supply, agriculture and education. There is now a little money—not much it is true—but sufficient for the commencement of progress. Nothing, or very little, is being done, because the representatives in the Council follow the example of their leaders, who quarrel amongst themselves as to who should be Ministers. They cannot sink their differences for the sake of their constituents, who need so much and receive so little of all that makes life worth living.

I say, therefore, that the proposals which I have made are the limit that can be safely given, until there has been more education—education in the duties of leaders, and of representatives to their constituents, with less thought of themselves, and what they personally hope to gain from their position as Members of the Council.

4. (*c*) (*d*) and (*e*) I have made my proposals, because I think that there must indeed be some attempt at the collective responsibility of a Ministry, and the elimination, if it can be done, of the individual Minister effect. It is the communal chasm, so I have said, which makes the solution so difficult. The Muhammadans although they have lately lent themselves to Hindu and Swarajist intrigue, for the special purpose of defeat of a Minister, yet do not trust the Hindu. They know that educationally they are backward *in re* the Hindu; they know that they have fewer leaders of ability—the numbers at the Bar and in the law and professions prove that—they know, moreover, that Hindu wealth dominates theirs; that there are five Hindu landowners to one Muhammadan. Hence they fear the rule of a Hindu oligarchy and they do not desire the departure of the British official and the British connection. They desire, of course, more power and position for themselves, and they will often speak in public of the Utopia with the Hindu and Muhammadan hand in hand governing their own country.

But they know that that cannot be yet, and I foresee, when the Constitution does permit a Ministry as such, a communal battle even *more bitter* than any yet.

A Governor's position in this Province is difficult indeed. And yet for the future, if there is to be safety, he must surely be provided with more veto and more power. There must be power to veto any unfair racial or communal treatment. There must be power to step in and govern if a Province reaches an absolute *cul-de-sac* in its Ministry Government, or in the Legislative Council. Even of more importance than the powers of a Governor is his personality and ability for the task—a Governor with no experience of administration, a man who believes that the people must govern themselves, leaving aside the conditions, might do infinite harm. It is to be hoped that the Commission will lay the greatest stress upon the importance of selection. Governors should surely be selected for their fitness for the task and ability alone, leaving aside all British political consideration.

4. (*i*) My opinion is that a Second Chamber is

not desirable, or advisable, unless and until there is full responsible Government in a Province. Then it will be one of the safeguards against rash or precipitate legislation, or against communal fight, always provided that the Second Chamber is elected upon so restricted a franchise that it does indeed represent those who have a real stake in the country. If it but delays it would be of value, for, as I have said, in the beginnings and rapid rise of a popular movement in India there is comparatively little real thought and consideration of the consequences.

5. I have attempted—though very inefficiently, I know—in this statement, to inform the Commission, and to make suggestions, upon aspects of their task with which I am really conversant. I know but little about the working and constitution and difficulties of the Central Government, and I shall not write platitudes drawn from one's study of the newspapers. All that I stress (and it is the hope and prayer of every British resident, and of every responsible Indian) is that the Central Government should remain strong and predominantly British, unless, and until at any rate, the three greatest difficulties which stand on the road to full responsible government are in way of settlement. They are, of course—(1) the Communal difficulty, (2) the question of the Army and its development towards Indianization, which surely to be safe, must be slow and gradual, and (3) the position and status of the great Native States.

6. The consideration of the Meston Settlement should not be limited to its influence upon Dyarchy, although indeed it has done much to destroy the chances which that had of success in Bengal. Far more important, in my opinion, is the standstill to which has been brought all efforts to improve the condition of the people: 10¾ crores of rupees for a population of 47½ millions—then the aftermath of the war, with the necessity of raising the pay of all the Services and of all the employees of Government. The result: hardly anything left even with the only increase in taxation that the Province would stand. The state of the water supply in many districts, the improvement of the health of the people—these two essentials cry for improvement, besides so many others. And nothing can be done.

I doubt even now if the Central Government, far away and out of touch with Bengal, conceives at all the harm that has been brought by this poverty of the Government of Bengal.

It is not a question of the success or failure of certain forms of Government, but rather of the hate that has been born, and the growth after birth of that hate, for the British Government. On the one hand you have a continuous campaign of vilification against the Government and everything that is British; agitation that goes on all the time, and that has gone on for a dozen years. On the other, scarcely any betterment for the millions of the poor who exist in the country side. Thousands of discontented educated young bhadra log out of a job, spread all over the country to tell the people what ought to be done; and nothing to counter. Communal agitation to some extent is a symptom, as is all the unrest and agitation which has plagued this Province for so many years. The problem is largely economic. The Central Government immersed in its own difficulties has had no time to spare for any consideration of what is the basis of the finance of all India. A finance member from Home, what can he know of the necessity for the aid of the poor in this Province, hit so hard by this iniquitous financial arrangement, with no expansion of revenue, no hope indeed of expansion, and yet crores and crores of rupees from the income tax of industrial Calcutta, and from the customs of that city, going to pay not only for the All-India administration of this Province, but of others as well. That is the way in which we who live in Bengal regard the Meston Settlement.

All that need be said now is that no future Constitution, or change in the form of Government, *can be successful* unless there is a revenue reasonably adequate for necessities and for some progress in Social Reform.

Of the remainder of the subjects mentioned in the Appendix, an individual who is a busy business man cannot write, important as they are.

I have written upon these of which I have real personal knowledge from my association in public life.

Memorandum on the Working of the Dyarchical System and Suggestions for further Reforms, prepared by ALHADJ SIR ABDELKERIM GHUZNAVI, Kt., M.L.C.

INTRODUCTION.

In accepting the invitation of the Indian Statutory Commission to submit to them a Memorandum on the subjects falling within the limits of the enquiry which they are about to undertake, I have deemed it desirable to record in the following pages the result of my personal experience of the working of the present system. I have been intimately associated with the working of the Reforms, beginning with the Minto-Morley Scheme down to the present times. In considering what our future constitution should be, I am inclined to think that it would be more helpful if I were to confine myself more or less to probing to the very depths the inner workings of the present dyarchical system, and pointing out the glaring defects, pitfalls, anomalies, the various shortcomings and so forth, which have made themselves manifest to all those who, like myself, have held under their charge important departments of Government during the course of the last eight or nine years, than if I were merely to give my own ideas as to what should be the next step in our political evolution.

Forewarned is forearmed, and unless these defects, that revealed themselves in the course of working the system, are taken note of, vividly visualised, and an exhaustive diagnosis made, it may not be possible for us to avoid those very pitfalls on this occasion too when we are embarking on a new constitution. It is with that object that I have gone into details in showing up the cankers that have been eating away the very vitals of our public life. I have, therefore, thought it desirable to deal exhaustively with these evils rather than merely record my suggestions and recommendations of what form the future constitution should take.

Nothing is easier than to write our suggestion for a new constitution for India from the various constitutional text-books of the West. If it desired merely to implant an orthodox democracy in this country on the European model, the same can be found in plenty in the text-books of constitutional history of the various modern democratic countries. Anyone who has had experience of European countries which have gone on flourishing under their particular democratic constitution, would be inclined to draw his ideas and ideals from the forms of the constitution in vogue there. But so far as India is concerned, a country which is peopled by hundreds of heterogeneous races, which is a conglomeration of communities, tribes and sects, anyone engaged in constitution making for India will have to place himself in the position of an Indian whose political outlook is more or less circumscribed by his inborn loyalty to his religion and his community. We must clearly realise that the political, economic, social and educational condition of India are fundamentally distinct from those of European countries and require special consideration other than those which merely point to an ideal democratic institution. I would even go further than that, and say that while the acquisition say of the moon may be a substantial gain, the cry for it would be a mere foolish ideal. Facts have got to be looked in the face. The difficulties and the dangers of the steep climb to the top of the hill of Swaraj or real self-government have got to be taken into consideration, and our pace must necessarily be regulated accordingly. If I were sure that at one stride we would get to the summit of that hill, I would fain join in the chorus of benediction that is being poured forth on the Nehru Report.

Since the compilation of the following pages, both the Draft Constitution as set out by the Associated British Chambers of Commerce as well as that produced by the Nehru Committee have been published. As regards the former, I must frankly express my surprise at the liberality of the recommendations that have been made. As regards the latter, I can only describe it for the present as an idealistic fantasy. It is an ill-disguised attempt to perpetuate the domination of the major community over all the minor communities in India. When one of the recommendations in the report is to do away with the fundamental safeguard, which the Moslems of India from the Himalayas to Cape Comorin are agreed in thinking should be embodied in the constitution itself, viz., our separate Communal Electorates, I have not the least hesitation in saying that proposals such as these can never be acceptable to the Moslem community at the present moment. The Moslems of the Punjab and Bengal particularly are not prepared to barter away their legitimate rights as was done at the time of the so-called Lucknow Pact, nor are they prepared to bow to the decision of the Standing Committee of the Jinnah Wing of the All-Indian Moslem League who, it is reported, have decided " to accept the Nehru Report with minor modifications." Neither are they likely to be cajoled into accepting the self-sufficient views of the Members of that Standing Committee even when that Committee glistens with the shining lights of the Congress. The Nehru Report has, on the Moslem side, been signed by Sir Ali Imam and Mr. S. Queraishi. We are all aware of the views that have been promulgated by Sir Ali Imam since the beginning of the imbroglio over the Simon Commission. But few, perhaps, now remember the views to which Sir Ali Imam gave utterance even in recent times. This is what he said :—

> " . . . But this I will say, that apart from ethical aspects of loyalty to the British Crown, the best sense of the country recognizes the fact that the progress of India rests on the maintenance of order and internal peace, and that order and internal peace in view of the conditions obtaining in our country at present, and for a very long time to come, an immeasurably long time to come, spell British occupation. British occupation not in the thin and diluted form in which Canada, Australia and South Africa stand in relation to England, but British occupation in the sense in which our country has enjoyed internal peace during the last fifty years. Believe me that as long as we have not learnt to overcome sectarian aggressiveness, to rise above prejudices based on diversity of races, religions and languages, and to alter the alarming conditions of violent intellectual disparity among the peoples of India, so long British occupation is the principal element in the progress of the country."

We shall, perhaps, be told that he has every right to alter his opinion, but I am afraid since the time when he uttered those words there has been no meteoric change in India's political outlook to warrant such a diametrically opposed change of front. As regards Mr. S. Queraishi most people are aware that he is a Liege-Lieutenant of the Ali Brothers. Thus neither the seal of approbation of these two gentlemen can be said to carry with it the tacit approval of the millions of Moslem population, nor is the camouflage of publishing to the world, that the Nehru draft constitution is the outcome of the deliberations of a conference of all the political parties in India, likely to mislead those who know the value that attaches to such a bombastic declaration. The conference is scarcely entitled to be called an All-Parties' Conference, considering that it was not at all representative, and was composed more or less of the same luminaries who were responsible for the " Independence Resolution " of the last Congress.

Dominion Status was laid down as India's ultimate goal in the memorable Montford announcement of August 1917, and it is the goal which we all desire to attain. The only question is whether Dominion Status should be the next immediate step or whether

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there should be another short intermediary stage between Dyarchy and full-fledged self-government. Full representative government can only be attained by a process of evolution and cannot be begotten in a day. If the Provinces are granted more or less autonomy and the proposals adumbrated by the Associated British Chambers of Commerce are given effect to, they will be as near full self-government in the Provinces as can be desirable in the interest of good and efficient government. But the all too sudden cataclysmic change in the system of the Central Government as advocated in the Nehru Report can scarcely be suited to the conditions still obtaining in India. The attempt to browbeat England, which is the fashion nowadays, by passing "Independence Resolutions" or by suggesting that there will be internal upheaval leading to revolution if the sum total of the demands made by the vociferous section of politically-minded India is not granted, need not be taken seriously. Let us be frank to ourselves and be frank to the world outside and say that, while our legitimate desire must be recognized as full self-government, we should so shape our pace that in the process of reaching it we may not trip and fall into pitfalls of chaos and anarchy.

In the following pages, while laying bare the glaring defects and shortcomings of the present contution, I have endeavoured to put forward suggestions for a short intermediary stage before we are fit for full Dominion Status.

I have also made it perfectly plain that the Moslems as a whole are not prepared to accept any further Reforms or even tolerate the present Reforms, unless essential and fundamental safeguards for the protection of the legitimate rights and privileges of the important Minorities are embodied by Statute in the Constitution itself.

There are certain other matters which strictly speaking do not perhaps come within the terms of reference under which the Commission is acting. One such is Usury which affects vastly the economic condition of the people and indirectly interferes with freedom of voting, inasmuch as the money-lending class can exercise undue influence over the indebted voters. For this reason I have deemed it necessary to deal with this as well as another matter, viz., the question of Public Holidays which will be found in the Appendix.

ABDELKERIM GHUZNAVI.

Calcutta, dated the 29th August, 1928.

PREAMBLE.

Since the announcement of the appointment of the Indian Statutory Commission, politically minded India has been split up into two camps, one for opposing and the other for assisting the Commission. Those who have settled down with the idea of co-operating with the Commission in order to assist in leading India onward in the path of ordered progress, have in view the goal of a self-governing India with Dominion Status conferred on her by the British Parliament. Those who, from honest convictions and not for the mere delight of causing obstruction, are out to oppose and non-co-operate must evidently be urged thereto by the same belief which animated their gifted leader, Pundit Motilal Nehru, when he bluntly said before the Assembly the other day that "it was puerile for anybody to think that the British Government seriously intends at any time either in the remote or in the near future really to give responsible Government to India."

It seems therefore that at the root of the present raging and tearing imbroglios, controversies, and maelstroms lies the question whether England is really honest and sincere in her intentions and professions of holding up the goal of Dominion Status before the gaze of India. If as is believed by that eminent leader, Mr. Nehru, and a large number of his following it is all bluff, pure and simple, on the part of British statesmen, then the ground under the feet of the co-operators will be at once cut away and they may as well cry halt and take fresh stock of the situation. If, on the other hand, the contrary were the case then there can be no *raison d'être* on the part of the non-co-operators to continue their obstruction.

The crux therefore of the whole position lies in frankly and fearlessly answering the straight question "Is England Honest?" It is no answer merely to say that those in authority from His Majesty the King-Emperor downwards to many eminent statesmen including past Viceroys and our present noble-minded and high-souled Viceroy, H. E. Lord Irwin, have taken every available opportunity of nailing the colours to the mast, nor would it be sufficiently convincing to add that the charge of insincerity levelled by the Pundits cannot stand because by implication it would fasten total incompetence and obtuseness on these stalwarts. The initial misconception of the Pundit seems to have been in thinking that Dominion Status involved the right of separation. To my mind therefore the only method of dispelling these clouds of doubts, misgivings and suspicions is, firstly, to consider whether (*a*) Dominion Status does or does not involve the right of separation, and (*b*) whether England can confer Dominion Status or in other words self-government to India purely in her own material interest.

Now Dominion Status *per se* is not any particular mode of government. It merely involves the relaxation by the British Parliament of the control which it directly exercises through the Secretary of State. A study of past history would at once reveal the fact that Dominion Status can never contemplate the right of separation. True, the United States of America tore herself away from the Empire, but she did so purely owing to the bungling and blundering of Lord North who paid no heed to the cry of "no taxation without representation," and seems to have been obsessed with the idea that America was colonised with all nondescripts, including gangs of criminals, who had to be coerced and tied to the apron strings of the Empire by chains of iron. If, however, on that memorable occasion, Pitt's liberal policy had only been followed and this very Dominion Status granted, America would still have remained, for all we know, within the British Commonwealth.

Next as to (*b*), the plain answer is that if it really were to the material interest and benefit of England to keep all her Dominions in direct possession, control and tutelage in the same manner as she is holding India to-day, then there could never have been any reason for her relaxing her control from any part of her Dominions and there would have been no cause for her bestowing self-government on any portion of her colonies and conquered territories. But he who runs can very well read that for a "nation of shop-keepers and traders" their material and genuine interest can only lie in their obtaining trade facilities and securing as much as possible the markets of the world. So long as these very material and fundamental objects are secured, no nation which has only these for its main aims would be inclined to shoulder the additional burden or incur the unnecessary worry of the governance of a country simply for the fun of governing it in the interest or otherwise of the governed. But England can never relieve herself from that worry or lay down that burden with respect to any part of her territories which cannot stand on its own legs and is not fit to govern itself. Thus it is opposed to all canons of commonsense and business instinct that she should saddle herself with the additional and thankless task of the direct governance of countries where her trade facilities are secured and where, at the same time, the people are fit to govern themselves. Is it, therefore, not reasonable to conclude that as soon as the people of this country are really fit for self-government England in her own interest would be only too glad to relieve herself of

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her thankless task of directly governing this country ? The United States of America are at present engaged in the very same problem with regard to the Philippine Islands where, though the Commission appointed by the States reported unfavourably, yet a further trial is being given. England would have long ago washed her hands of the direct governance of this country if India were really a nation. Unfortunately she is not so yet and not only does this sub-continent of ours contain millions of unlettered men, but it is composed of large assortments of races and creeds hereditarily antipathetic to one another, which so far have not been able, unaided, to form a joint government acceptable to all the different peoples that go to make India. With the march of time, conditions, however, have greatly improved and the course set by the Reforms was chosen in the confident hope that India could settle down as one great happy family, self-governing yet still remaining within the British Empire. We Indians also share that hope, and it is for that reason that patriotic men of all schools of thought are united in demanding a further stage in the onward march.

Future Constitution must contain Statutory Safeguards for Minorities. But here it is my duty as a Moslem and as one who has been in public life for over thirty years and studied the past and present conditions prevailing in his community, who feels their pulse, and who shares their aspirations and misgivings, to utter a word of caution.

Moslems of India, if anything, are more interested than other communities in the general question of the extension of the Reforms and the grant of larger and more fundamental and permanent powers of self-government. They are equally interested in the general political progress of this great country, to which they have given their own glorious traditions of organised government and of the generous treatment of minorities and even of aliens ; but whatever future constitution may be evolved, that Constitution must contain Statutory safeguards for the just and legitimate rights and privileges of the minor communities, particularly the most important minor community, viz., the Moslems of India. Without these safeguards embodied in the Constitution itself, Moslems of India are not only opposed to further extension of the Reforms, but even to their present continuance, as they fear that in such eventuality the net result would be the extinction of Moslem political existence and influence in India.

These fears are equally shared by the sixty millions of the Depressed Classes. Rao Bahadur M. C. Raja, M.L.A. representing the Depressed Classes emphatically stated that " they (the Depressed Classes) would tell the Commission that they could not but view with fear and anxiety the decreasing power of the British element and the increasing power of the caste-bound oligarchy and that the Commission should on no account sacrifice the interests of the Minority Communities out of deference to the wishes and sentiments of the Majority Community. He would tell them that the politically-minded class form but a microscopic minority who were now nervous of being exposed about their real attitude towards the Depressed Classes and were therefore afraid of facing the Commission."

Thus it is a *sine qua non* with the Moslems of India that adequate and indefeasible safeguards for the due maintenance of their just and legitimate rights and privileges should be made a part and parcel of the future Constitution itself.

As in all the Memoranda submitted by the various Moslem Associations throughout India including the Central National Muhammadan Association, of which I have the honour to be the President, as also by various prominent Moslem public men, these points have been stressed, I need only refer to them without enlarging upon them here myself. I shall briefly enumerate those safeguards later on in the course of this Memorandum and say no more about them here. I therefore assume that these safeguards shall be duly incorporated by statute in the new Constitution which will be the outcome of the labours of the Indian Statutory Commission.

INTERMEDIARY STAGE.

Assuming then that Statutory safeguards will be provided for the protection of minorities, the next question to consider will be whether we are fit at the present moment for receiving full power of self-government with Dominion Status straight away, without an intermediate period, however short. The Montagu-Chelmsford Reform Scheme contemplated gradual constitutional development in this country and, as a preliminary step, introduced Dyarchy for a period of ten years. Though Dyarchy has been tried and found wanting in its various aspects, yet having regard to hard and plain facts, which are stubborn things, it seems that there should be an intermediate stage, albeit with the grant of Provincial Autonomy, between Dyarchy and Dominion Status.

I realise that there is an intensive feeling among a section of our advanced politicians that full-fledged self-governing powers should be conferred on India to-morrow. If I sincerely felt that we were ready at the present moment to assimilate such powers, no one would have been more emphatic in his demand than myself for the immediate grant of the same. But looking calmly and soberly around us and realising that even jarring communal and racial interests yet remain unadjusted, that the political sense of our electors is not yet appreciably developed, that the question of illiteracy is not yet sufficiently tackled, nor the necessity for taking a dispassionate view of all conflicting questions, the supreme duty of placing nationhood above community or self yet fully understood, I for one think that it will be wiser in the best interests of our country itself not to rush headlong, but to accelerate the pace towards Dominion Status and go through a short intermediary stage.

Before indicating briefly how that intermediate stage should be shaped, having had the advantage of working the Reforms and Dyarchy throughout this period, during which twice I acted as a Minister, I should like first of all to point out some inherent and flagrant defects of the dyarchical system.

DYARCHY.

Those who have worked the Reforms, and even eminent English statesmen, are agreed that Dyarchy is not workable. Speaking in the House of Lords, some time back, the present Secretary of State for India is reported to have said, " I myself was always very distrustful of the dyarchical principles. It seems to me to savour of a kind of pedantic and hide-bound Constitution to which the Anglo-Saxon Communities have not generally responded, and which, in my anticipation, was unlikely to make a successful appeal to a community whose political ideals were so largely derived from Anglo-Saxon Models." The late Lord Curzon, too, expressed himself as follows in an earlier debate in the House of Lords :—" I abominate the system of Dyarchy, but when the Committee of your Lordships' House decided to recommend it, because they said they could not find another alternative, I bowed my head and acquiesced." Even Sir William Marris recorded his opinion as follows :—" Dyarchy is obviously a cumbrous, complex, confused system, having no logical basis, rooted in compromise, and defensible only as a transitional experiment." Lord Lytton, in his swan-song, gave expression to his views about the present Constitution in the following words :—" The existence of an Executive which cannot be removed by the Legislature and of a Legislature which cannot be removed by the Executive is not calculated to produce harmony between the two, and without harmony between the Legislature and the Executive, efficient government is impossible. To ensure harmony an elected Legislature requires an Executive responsible to it and removable by it, and an irremovable Executive requires a nominated Legislature."

The first and foremost reform that I am impelled

to press before the Members of the Commission is to remove the anomaly where half the Government have got to depend on the vote for their salary, nay, for their existence, whereas the other half have not. Independence of action must be restored to the entire Executive or the whole Executive must sail in the same boat. History teaches us that where the Executive has been strong, the State has been efficiently governed and, therefore, prosperous and powerful and *vice versa*. This has been true in autocracies and monarchies as well as in democracies.

The democratic system of government prevails in England where, however, it is the Executive that controls the Legislature, a fact not sufficiently realised in this country. In the United States of America and Switzerland, the Executive can always count on remaining in office for several years and thereby combines responsibility and power for its acts. Therefore, without an Executive irremovable for a certain period, no efficient government is at all possible. In England, as has been stated already, the Executive which controls the Legislature is, however, responsible to the Legislature. If there is an adverse vote it is the whole Executive that goes out of office and another Executive formed out of another party takes its place and likewise controls the Legislature. This is due to the admirable party system prevailing in England where the Executive is only formed from the party that is in a majority, or a coalition Executive is formed which also controls the majority. That feature being absent in this country, the Executive must be formed with members having absolutely equal status, equal powers, and equal independence of action, and they must be sure of a certain uninterrupted period of office if they are expected to do any substantial work, and not merely look to their own existence.

The evils of the dyarchical system of Executive are manifold. A single instance will suffice to prove its innate and inherent unsuitability. It is a matter of common knowledge in Bengal, as well as, outside, that the last Ministry which was composed of myself and Mr. B. C. Chakravarty, was wrecked by foul means; by intrigue and worse, or, putting it plainly, by bribery and corruption. As regards the latter evil, I intend to devote a whole section to it later on. Here I merely desire to point out that even the failure of the Bengal National Bank, with which the Hindu Minister was connected, together with bribery and corruption would not have wrecked the last Ministry. It was wrecked owing to the want of harmony between the Reserved half and the Transferred half of the Government. The difficulties of the Transferred half, particularly in Bengal, have been mainly due to financial stringency. If a Minister worth his salt desired to achieve some material good for his country and countrymen by carrying out policies which, again, depended on the amount of money he could secure from the Finance Member, it would be only natural that occasions might arise when for this very reason he would be constantly at loggerheads with the Finance Member. That is what actually happened during the last Ministry when the Finance Member also happened to be the Vice-President and Leader of the House. During a ministerial crisis, as well as on other occasions, the Government Whip was always made to consider it his business not only to whip up the official members, but also the nominated non-officials and approach even the elected members. When a ministerial crisis arose during the last ministry, the Leader of the House, who happened to be the Finance Member, without the knowledge and far less with the concurrence of the Governor, out of a dislike of the then Ministers, or at least one of them, who was constantly pestering him for money and often successfully getting it out of him is spite of his opposition, chiefly thanks to the absolutely fair-minded support of the Governor, deliberately instructed the then Government Whip (Mr. G. S. Dutt) to tell the nominated non-official members that they were free to vote as they liked. Mr. Dutt made this statement before me and he will, if necessary, verify it. The nominated members, who on every other previous occasion were accustomed to receive the mandate that they had to vote for the Ministers, on this occasion, receiving a different mandate, interpreted it to mean that the Government, or at least the Reserved side, as represented by the Leader of the House, did not look upon the Ministry with favour and as these nominated members depended for their seats in the Council on the favour of Government, they naturally knew how to trim their sails. Thus several of them abstained from voting and one actually voted against one of the Ministers. Hence, but for this contretemps the Ministry could not have been wrecked, with all the exertions on the part of the Constitution Wreckers even in unholy alliance with other mandate breakers.

Whatever may have been the practice in the Legislative Assembly with regard to the nominated members, in Bengal, at least, during the time of Lord Lytton if not before, there has always been an unwritten convention that the nominated members were always expected to vote with the Government.

For a further elucidation of the incidents narrated above I would respectfully invite the Members of the Commission to a perusal of my speech on that occasion and a subsequent speech shortly after, which will be found in the Appendix.

Thus if both the halves of the Executive Government had been sailing in the same boat, in other words, had been equally dependent on the vote for their existence, a contretemps of this description would never have taken place. To my mind this alone damns the dyarchical system. I therefore repeat with all the emphasis at my command that the first and foremost reform the Commission will have to recommend, so far as the Executives in the Provinces are concerned, is to remove this anomaly and in its place give us an Executive either of the type obtaining in England, Switzerland, the U.S.A. or Sweden; in other words there should be either all Members forming the Executive or all Ministers with an assured definite period of office. All knowledge and experience point conclusively to the fact that a Government worthy of the name, whether Autocratic, or Democratic and Responsible, must always be one Organic Entity.

TRANSFERRED DEPARTMENTS.

"The Transferred Departments are in the hands of the Ministers who are supposed to be responsible to the House, but while all the appearance of democracy is there, it is a shell without the kernel. The Minister has to run his departments, but he must have a permanent Secretary over whom he has no sufficient control. If the Minister wants anything to be done, the Secretary can go over his head to the Governor and the latter can overrule the Minister. The result is that although the Minister is said to be responsible to the House, he has to carry out the orders of the Governor."[1] Such are the words uttered by a late member of the Viceroy's Executive Council regarding his knowledge of the working of the Transferred Departments. Another member of a Provincial Executive Council who has many years' experience of the working of the Dyarchy said, "The Minister has no individuality of his own nor is he really responsible to the Legislature, he is really a mandatory of the Governor. The Ministers occupy in popular estimation a distinctly inferior status as members of the Government; they are not servants of the Crown like the members of the Executive Council, but are the nominees of the Governor. The members of the Executive Council take official precedence over the Ministers. The newest Executive Councillor is thus senior to the oldest Minister. The Ministers are precluded under the law from being nominated by the Governor as Vice-President and so are not qualified to succeed him as temporary Governor during the periods of vacancy arising suddenly or by the Governor's going on leave. . . . These restrictions and limitations have stamped the Ministry in the opinion of the general public of

India as the inferior half of the Provincial Government. . . ." I shall now quote from a despatch of the Government of Bombay who, writing in 1918, said, " Practically all proposals of importance put forward by the Minister in charge of any of the Departments will involve a reference to the authorities in charge of the Reserved Departments. There are few, if any, subjects on which functions of two sections of the Government would not overlap; secondly, it will be seldom possible in the case of a transferred subject for a Minister to dispense with reference to the departments concerned with the Reserved subjects." This, therefore, means that under the dyarchical arrangement Government comes to be split up vertically into so many parts, each part being responsible to a different sovereign authority.

Finance.—I shall now proceed to illustrate this point by showing the relation of the Transferred Subjects with the Finance Department, and in doing so I shall quote from my previous Memorandum on the working of the India Act of 1919 and the Rules thereunder in Bengal, dated 8th October, 1924.

" (*a*) Under Rule 37 (*g*) (3), it is the duty of the Finance Department in connection with the budget and supplementary estimates to examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimates, and they are authorised to decline to provide in the estimates for any schemes which have not been so examined. Presumably, the intention in framing this Rule was that waste of money through the adoption of immature and unsound schemes was to be avoided, and the Finance Department was considered to be in a position to guard against such waste through its power of examination and of declining to provide for any schemes for new expenditure not examined by them. On the other hand, the whole intention of the Government of India Act is that Ministers should be left free to pursue a definite policy of their own, for which they are to be responsible to the Legislative Council. In practice, it has been found that the Devolution Rule referred to above has had the effect of vesting excessive powers in the Finance Department. The financial examination of schemes is regarded as implying a minute and meticulous scrutiny by the Finance Department of the smallest technical details of each project which would be better left to the discretion of the administrative department. In fact, the Finance Department have practically placed themselves in the position of experts in every department, instead of confining themselves to the more general aspects of each scheme in its financial bearings, which appears to have been the intention of the framers of the Government of India Act. The result is that Ministers are only too often unable to carry through their schemes in the form approved by them and in which they are put by the heads of departments and other expert officers, who alone are in a position to judge as to the soundness or otherwise of such schemes. The rules should be changed so as to limit the powers of the Finance Department.

" Under the present procedure, which is explained in Section 294 of the Secretariat Instructions, even after a scheme has been sanctioned with the approval of the Finance Department and money provided in the budget, no expenditure of a recurring nature can be incurred without the consent of the Finance Department, which should have no power to interfere with the discretion of the administrative department to incur expenditure within the limit of the budget grant. The administrative department should also be given power to make re-appropriation within its budget allotment from one minor head to another without reference to the Finance Department. The absurd position at present is obvious from the fact that the Minister in charge of a department has not the power to transfer even one rupee from one minor head to another without submitting the case to the Finance Department for their approval.

" (*b*) In order to allow the Ministers the necessary discretion in the matter of formulating their policies and carrying them out, it must be ensured that sufficient funds are placed at their disposal. The practice at present in vogue is that the purse being common, both sides sit together and settle the budget. In this connection a reference is invited to the report of the Joint Select Committee on clause 1 of the Government of India Bill of 1919 where they recommended that the Governor should allocate a definite portion of revenue to the transferred subjects and also a definite portion of the balance. I am of opinion that Ministers should be given an adequate separate purse for the transferred subjects under their charge. Certain sources of revenue may be set apart for this purpose. A special Financial Secretary as provided by Devolution Rule 36 should be appointed to look after the finance of the transferred departments. If this were done, the friction which is found to exist between the Finance Department and the transferred departments in various provinces would tend to disappear, and the Ministers would have a fair chance of carrying out their responsibility to the Legislative Council by formulating their schemes and putting them into action."

The above is what I said in 1924. I adhere to it with the following necessary modifications, as the time has now come to proceed to a further stage in our political evolution. The classification of the Transferred and Reserved subjects should be revised and, since it has become necessary to have a homogeneous Executive, it has therefore become unnecessary to have any so-called Transferred Subjects. All subjects should be administered by the new Executive except Law and Order, which may be placed under the direct charge of the Governor.

If it is deemed desirable to transfer Law and Order also, I would then suggest an alternative proposal. The Minister holding the portfolio of Law and Order should have a Board to assist him in administering that department, consisting of three members, one Hindu, one Moslem, and one European, appointed by the Governor; the Governor retaining the power of vetoing any measure which he considered necessary in the interest of public safety and also initiating any measure, which he considered necessary for the maintenance of public safety.

POSITION OF MINISTERS IN RELATION TO THE GOVERNOR.

This to my mind has depended, during the present transition period, on the personality of the Ministers and the personality of the Governors. So far as Bengal is concerned, I conceive it to be my duty to testify publicly that my relations as Minister both with Lord Lytton and His Excellency Sir Stanley Jackson have always been most cordial. As I have said alsewhere, this matter solely depends not only on the personality of the Minister who must be worth his salt, but also on the personality of the Governor, who is there to listen to his advice, to give his advice, who is there to guide him and be guided by him. I have to acknowledge publicly my indebtedness to H. E. Sir Stanley Jackson, who always supported me in all the policies that it was my privilege to initiate, sometimes even in the face of opposition on the part of members on the Reserved side, and who never failed to give me the benefit of his advice nor was ever chary of accepting my advice.

All this has been more or less personal, but the inherent defects of the dyarchical system with respect to the relation between the Governor and his Minister, as revealed in other provinces, should be remedied and the position properly defined, so as to remove the possibility of any hitch or difficulty as pointed out in the extracts already quoted from the dicta of several distinguished persons, some of whom have held high position as members of the Executive Council of the Viceroy and others had personal experience in working the dyarchical system as members of the Provincial Executive Councils and also as Ministers. In this connection I would

recommend to the Members of the Commission a perusal of a book entitled "The Working of Dyarchy in India," published by Taraporevala Sons and Co., Bombay, particularly chap. IV, pp. 42—60 on Dyarchy in the Provinces.

CORRUPT PRACTICES UNDER DYARCHY.

(*a*) In the Council.
(*b*) In the Electorates.

With regard to this I shall confine my remarks to (*a*) only. I shall deal with (*b*) under Franchise and Electoral Rules. With the inauguration of Dyarchy in Bengal a formidable canker has been introduced into our public life, which is eating up its very vitals. I have no experience regarding this evil in other Provinces, so my remarks under this head will be confined to this Province only.

In the Electoral Rules provision that has been made is scarcely sufficient against corrupt practices during elections, but there seems to be no provision against such practices in the Councils. If there are representatives of the people who can stoop so low as to sacrifice their principles and convictions for a consideration, the Commission would be lacking in their duty if they did not recommend an adequate and effective provision being made against such delinquencies in the Councils.

It has been my privilege to act as Minister twice in two different terms of the Reformed Council, and I regret to have to say that on both occasions my ministry has suffered from these evil practices. I shall first take the case in 1924 when Mr. Fazl ul Huq was my colleague. At that time the late Mr. C. R. Das had ushered in his Swarajya Party, a well-trained, compact and disciplined body who were out to non-co-operate from within, with the avowed object of wrecking the Constitution by means fair or foul on the plausible adage proudly vaunted that "nothing was too mean to achieve the end." While I was in office in 1924 three successive onslaughts were made against us. The first was in February when a Motion of No Confidence was brought up only to be rejected by the House, proving that we did enjoy its confidence. On this the first occasion the sinister weapon was not yet employed. Thereafter in March our salaries were refused by a snap majority of one. I characterise it as a snap majority because though the evil practices were for the first time then started, there was also the accident of certain members amongst our supporters having been unavoidably absent at the time of the voting. Anyhow corruption in the Council began from this date, viz., March, 1924. On this particular occasion as far as is known only one or two members were bought over. Thereafter when the salaries were refused for the second time on the 26th August, 1924, a larger number of members succumbed to temptation. Threat, intimidation, pressure of an unwarranted kind were used with regard to some and the votes of certain others were actually purchased. Matters like these are almost always difficult to prove in a Court of Law, but all circumstantial evidence obtained at the time left no doubt that such was the case. Many members of Government, including the Governor himself, came to know of it at the time, and then the President of the Council would equally bear out what I have stated. Corruption anywhere is bad enough, but practised inside our Council can only tend to make our public life stink in the nostrils of all honest men. These evil practices, far from abating, have gone on increasing from that time onwards.

Later on in 1927 when another ministry came into being in Bengal, that ministry, too, was wrecked by methods such as these, but on that particular occasion there was an additional cause which has been already fully dealt with above.

During the General Elections in 1926 the Central Moslem Council Party under my lead set up a large number of candidates in the various Moslem constituencies. Out of a total number of 39 Moslem seats some 17 or 18 were captured by our party, 8 or 9 members came under the ægis of Sir Abdur Rahim and amongst the balance 2 were Swarajists and the rest, belonging to no party, were returned on no ticket except their own. In January 1927 the strength of the Central Moslem Council Party was amply demonstrated by the fact that amongst the candidates who stood for election to the Vice-Presidentship of the Council, the Central Moslem Council Party's candidate defeated the others by a fair majority and was duly elected. When forming his ministry, in spite of this fact, Lord Lytton, the then Governor, was persuaded to send for Sir Abdur Rahim and he asked him to form a ministry and secure a Hindu colleague. For reasons into which it is unnecessary to enter Sir Abdur Rahim had succeeded in making himself particularly odious to the Hindus, with the result that he could not find any Hindu co-operating member who would agree to be his colleague in the ministry. A few days thereafter Lord Lytton had to ask for his resignation and thereafter the ministry was simultaneously offered to Mr. B. C. Chakravarti and myself. The partisans of Sir Abdur Rahim forthwith launched an active propaganda against me, raising the obviously false plea that I had insulted the Moslem Community by agreeing to work with a Hindu and far more so with Mr. Chakravarti, who it was alleged had refused to work with Sir Abdur Rahim—a statement which had no foundation in fact. But for this *faux pas* that ministry could never have been wrecked. The failure of Sir Abdur Rahim generated personal hatred and jealousies with the result that the Swarajists, who during this term of the Council had not come in sufficient numbers, found ready allies in Sir Abdur Rahim and his following, and combined they decided to throw out the salaries of the Ministers in March 1927. On this occasion when a total refusal of the salaries would have meant a breakdown in the Constitution itself, men who had come with a mandate from their constituencies to work the Constitution, and who had hitherto supported the Constitution, were seen to go to the opposite lobby. Some were impelled thereto by personal feeling, but there were others whose voting power was actually purchased; but as the Moslem wing of the ministry had the support of a large following who, as already stated, were returned during the elections with the help of the Central Moslem Council Party and its funds, a few who seceded from the party owing to temptation did not make any appreciable difference, with the result that the motion for the refusal of the salaries was defeated by a majority of 13 or 14. Thereafter a fresh attempt was made in the following August when a vote of "No Confidence" was moved on flimsy or rather on no public ground whatsoever but merely with the deliberate object of wrecking the ministry. Advantage was taken of the failure at this juncture of the Bengal National Bank with which Mr. B. Chakravarti, one of the Ministers, was intimately connected, and a motion was tabled soon after the said financial crisis. On this occasion corruption played a very large part, and it was so flagrant and conducted in such a brazen manner that the incidents of that occasion were more or less known to most people who took interest in politics in Bengal. The exact incidents of that occasion were set out in a confidential Note prepared at the time, copy of which with enclosures will be found in the confidential Appendix. This Note will give all the available details, most of which were known at the time to the C.I. Department of the Government of Bengal. The evil practices were so flagrant and so shameless that I felt constrained to exclaim at the end of my speech opposing the motion in the parodied words of the poet :—

"Oh what a rarity
"Of honour and charity
"Under the Sun!"

vide Council Proceedings, Vol. xxvi, p. 252.

By a strange irony of Fate and for reasons into which I need not enter, Sir Abdur Rahim has now turned against the principal actor in that drama with the remnant of his following. He has again joined the Swarajists and a motion of "No Confidence" was brought up recently in March last against the present Ministers. On this occasion, so far as has been ascertained, corrupt practices were indulged in on both sides as confidential enquiries amongst members of the Council will easily show. Incidentally the ministry was not overthrown on this occasion. This was due, however, chiefly to the over-zealous support lent to it on the part of the then Leader of the House, a Member on the Reserved side, which was much talked about at that time and reports of which appeared in many of the dailies. This shows up the other side of the picture where a Member on the Reserved side, when it suits him, can take the Ministry under his fostering wing and overstep the bounds of legitimate assistance, which is expected from him by the Ministers, by even holding out threats to an elected Member of the Council within the Council Chamber itself. A copy of the report of the incident, as was published in one of the Journals, will be found in the Appendix.

It is nauseating to dilate on conditions such as these, and I take it that more than a sufficient case has been made out for the adoption of the most stringent measures against corrupt practices in our Councils. It will be one of the most serious problems which the Commission will have to solve in the interest of the purity of public life in Bengal.

FRANCHISE.

In the Montagu-Chelmsford report we read :—"The much larger electorates that will now be set up, though still a mere fraction of the population, will be devoid of political experience. The habit of considering political issues to be decided by a man's own judgment, or realising the value of the proper use of a vote and of judging candidates with regard to their fitness to represent the electors' views, have all to be acquired. These difficulties will be increased by the general lack of education." I have to confess with regret that the misgivings expressed by the framers of the Montford report have been more than fulfilled, and general education has not since spread at any appreciable rate to justify any further enlargement of the present franchise. General education of the masses still progresses at a snail's speed, and during these ten years, the value of the proper use of a vote has scarcely been realised by the ordinary elector.

I fear my views on franchise will scarcely coincide with the chorus of voices from this and other provinces demanding further enlargement. On the other hand I am constrained to say that those advocating further enlargement could not have given this matter their very serious and careful consideration. Nor have they frankly and fearlessly stated what has been or might have been their experience had they directly participated in any electioneering campaign. If they have, then I am all the more surprised that they could have at all urged further enlargement after the experience which they must have obtained.

Education has spread less among the Moslems than amongst the Hindus. Thus the political sense of the average Hindu voter is somewhat above that of his Moslem confrère. Further the Hindu elector possesses an innate collective sense, and whatever may be his own individual opinion he follows the lead of the majority of the Hindu intelligentsia who are responsible for forming majority Hindu opinion. The Hindu elector automatically takes his cue from the Congress-cum-Swarajist coterie. Thus more than 80 per cent. of the politically-minded Hindus and the Hindu voters are controlled by this coterie. A so-called Moderate or Liberal Hindu seeking election purely on such a ticket finds himself nowhere, unless he can supplement his efforts by the length of his purse or unless he has uncommon local influence. With the Moslem elector, the case is entirely otherwise. There are no well-organised Moslem parties nor a homogeneous Moslem intelligentsia to control the mass of Moslem electors. During the first General Election which took place immediately after the inauguration of the Reforms, a small percentage only of the electorate went to the polling booth, and they were swayed in their choice mainly by the personal influence which the several candidates could exercise. Thereafter corrupt practices in the Council began to filter down to the electorates, with the result that at every successive General Election corrupt practices have been increasing in geometrical progression. Hitherto in our rural areas we have had to contend with many evils, and there was a crying need for many a social reform. With the introduction of the Reforms, a greater evil has penetrated into our rural areas, simply because an edged toy has been placed in the hands of an infant, a seed has been sown in unprepared soil, an illiterate or half-literate elector has been given the power of voting, tantamount to placing the cart before the horse. Having realised vaguely that the franchise has conferred some sort of power on him, the elector, instead of using that power for the proper selection according to merit of a candidate seeking election, finds in it a ready instrument to turn to his profit. If only an authentic and real return of the election expenses of candidates could be obtained, it would be a staggering revelation as to what expenses a candidate had to incur by way of corruption. The electors being enriched in the process, and the successful candidate having secured his election by a heavy outlay, he is naturally prone to recoup himself from the well-filled purses of the popular Ministers who have to seek his vote, or from the Swarajist caucus who are out to destroy the Constitution by methods "however mean." Thus woe to the unfortunate Minister who, out of his sense of integrity and honour, refuses to unloosen his purse-strings and pander to the whims and caprices of the blacklegs, for he is foredoomed to fall ; and it matters not a scrap what ability he may possess or what past services he may have rendered to his country or how conscientiously he may have been discharging the onerous duties of his office. If he wishes to retain his seat on the ministerial guddee, he must have abundant patronage, by way of vendor's licenses or otherwise, to bestow and long purse-strings to unloosen, and bow down to the caprices and whims of all the blacklegs that have in their turn been fleeced in the process of their own election to the Council. Thus a merry-go-round of profit and loss and loss and profit has been installed, with the electors and their representatives moving in a vicious circle and whirling round the Ministers. Such is the sad and sickening picture of the inner workings of the present system. There is a silver lining to every cloud and, in the midst of this nauseating cesspool, be it said to the credit and glory of Bengal that there are many honourable exceptions, both amongst the electors and their representatives in the Council.

The body physical requires a true and faithful diagnosis to discover a cancer or a tumour for operation at the hands of the surgeon. The body politic likewise requires a truthful narration of the evils that beset it, if remedy is sought at the hands of the political surgeons, namely, the members of the Commission. This alone has impelled me to place the actual facts that have come under my observation, though I confess I had to do it with a pang of shame for my own countrymen. But the sting is taken away when I recollect that political life in England too, and in other democratic countries has had to emerge from such cesspools and quagmires. In their case it was possible to purge public life, only because there were men who did not shrink from probing the ills to their very depths, and we have to follow their example if we at all desire to see that our political life should be equally purged of such rank evils. Now with these hard facts before us, can we conscientiously advocate any further enlargement of the franchise

before a much greater advance has taken place in the general education and political sense of the masses of the electorates? If anything, one would be inclined rather to advocate that the franchise qualifications should be sufficiently raised in order to secure a better class of electors, and one would be more inclined to take this view, having regard to another important fact, namely, the poor percentage even of the present electors that has actually gone to the polls, though it is true that at successive elections the numbers have been increasing.

If however the present qualifications are retained then I would respectfully offer a few suggestions.

(*a*) That the Corrupt Practices Schedule be thoroughly revised and means adopted to ensure the reduction of corrupt practices to their lowest possible level. There are on the other hand matters which under the present Corrupt Practices Schedule should be removed from that category, as there is nothing wrong in them nor is any moral turpitude involved thereby. I shall illustrate my meaning by giving one instance. Rule 5 of Part II in Schedule V of the Bengal Electorate Rules forbids "The hiring, employment, borrowing or using for the purpose of the election any boat, vehicle, or animal usually kept for letting on hire or for the conveyance of passengers by hire." Now the conditions that prevail in our rural areas as regard communications, as also the habits, inclination and mode of life of the electors, are such that it is next to impossible to get them to go to the polling booths unless the terms of this rule are contravened. As a matter of fact, they are contravened, and honest men are compelled to use subterfuges to avoid the implications of this rule. I therefore suggest the enactment of a Corrupt Practices Act which would carefully go into all and sundry matters and be instrumental in eradicating the main evil, and at the same time not place undue hindrance before honest men.

(*b*) My next suggestion is the formation of electoral colleges for every sub-division, which will alone be competent to send an allotted number of representatives to the Council. These Colleges will be formed in the following manner :—

Each Union Board, where it exists and each Chowkidari Union where there is no Union Board, should be taken as the primary unit and one or more representatives from each Union Board, or from each Chowkidari Union should be elected as the Secondary Electors of the Electoral College. All Electoral Colleges will contain more or less an equal number of members. In Sub-divisional areas where Moslems predominate, each Union will return a certain number of members to the Electoral College, and the Members so elected will form the Electoral College of that particular Sub-division, for returning a Moslem Member to the Council; whereas in the case of a Hindu or non-Muhammadan Electoral College, the Union Boards of that Sub-division along with the Union Boards of the adjacent Sub-division combined, will elect more or less the same number of members to form the Non-Muhammadan or Hindu Electoral College. In other words, if the constituencies remain just as now, i.e. where Moslem population predominates, a single Sub-division returns a Moslem Member, but two adjacent Sub-divisions, together return a Hindu Member, then Electoral Colleges will also be composed of Members elected from each Union of a Sub-division where Moslem population predominates, but the Unions of two adjacent Sub-divisions will elect Members for a non-Moslem or Hindu Electoral College, and *vice versa*.

Each of such secondary electors forming the Electoral College is to be elected by all the adult males who pay the chowkidari tax. This system will thus confer practically Universal adult male suffrage, and will be the means of educating the masses in the rudiments of democracy. The elections will be at their doors, and the men so elected will be those who will have the greatest influence in the various Unions, and will command confidence.

The members of the Electoral Colleges so formed will be less liable to corruption and will be more likely eventually to cast their votes in favour of really suitable candidates. Inconveniences, dangers and difficulties that are now experienced owing to the immensely large number of voters, most of whom are illiterate, untrained, and without any political sense, will be considerably minimised. Candidates elected by the Electoral Colleges to the Councils will then have a fair chance of keeping themselves in touch with their constituencies through the members of the Electoral Colleges, who will be in this scheme the secondary electors to the Legislative Councils.

ELECTORAL RULES.

(*a*) In the present Electoral Rules it is laid down that an illiterate voter is to whisper to the polling officer the name of a particular candidate or candidates for whom he wishes to vote. Having regard to the large number of polling officers that have to be employed, it often becomes necessary to employ Sub-Registrars and even Marriage Registrars to perform the function of polling officers. It is common knowledge that in many instances in the last elections, some of these officers were guilty of improper conduct, inasmuch as they sided with one or other of the candidates, and put cross marks against the names of candidates other than those for whom the particular voters desired to vote. The balloting agency should be radically improved, and some other system of recording should be introduced which will render such malpractices difficult.

(*b*) In many instances, polling is timed to begin at 10 o'clock, and all voters are required to be within the polling enclosure by 3 p.m. The habit in the mofussil for villagers is to take their day meal at one o'clock, and in cases where voters have to come to the polling booths from a distance of 10 or 12 miles, they often reach there after 4 o'clock, with the result that their votes cannot be recorded. I would, therefore, suggest that the polling hours should be extended to at least 6 p.m.

(*c*) Moslem voters are particular in saying their Namaz. The Asr prayers have to be said between the hours of 3 to 5 p.m., and Maghrib (evening) prayers in winter at about 5 p.m., and in summer at about 7 p.m. Provision should be made in the case of those electors, who have once entered the polling station, that they may be allowed to say their prayers, and when they have finished they may again be allowed to enter the polling enclosure and record their votes. It has often been brought to my notice that for want of these facilities during the last elections, thousands of Moslem voters who had entered the polling enclosures, and had thereafter gone out to say their prayers, were not allowed to re-enter the enclosures, with the result that their votes were not recorded.

CONSTITUENCIES.

My remarks under this head will be more or less confined to Bengal. In the local Council, at present, there are 114 elected members of whom

(*a*) 39 are returned from Moslem Constituencies.
(*b*) 46 from non-Muhammadan or rather Hindu Constituencies.
(*c*) 5 from the landholders from the 5 divisions.
(*d*) 2 from the two Universities of Dacca and Calcutta.
(*e*) 4 from the Bengal National Chamber of Commerce, the Marwari Association, and the Bengal Mahajan Sabha.
(*f*) 16 non-official Europeans, and
(*g*) 2 Anglo-Indians.

There are besides 26 members consisting of officials and nominated non-officials. Now members from (*c*), (*d*) and (*e*) Constituencies are all Hindus, and have always been so with the exception of one term, when the Dacca University sent up a Moslem representative. The ratio of 46 Hindus to 39 Muhammadans was the outcome of the so-called Lucknow

Pact between the Congress and the Moslem League. whereby the Moslems of Bengal had 40 per cent. assigned to them of the seats and the Hindus 60 per cent., a proportion which in itself is so unjust that in addition to the protest of the representatives of the community, the Government of India themselves considered it unfair, and added their own protest to it. By this arrangement, a very great wrong was done to the Moslems of Bengal, who form 55 per cent. of the population of the Province, by assigning to them a position of minority, whereas they should have been in the majority in the Council. For the sake of fair dealing, and the British people's reputation for justice, if nothing else, this wrong should be righted, and the Moslems, who form the majority of the population should have assigned to them a majority of the elected Indian seats. This ratio of minority has been further enhanced by the fact that Moslems have never been returned, and can never hope to be returned from (*c*), (*d*) and (*e*) Constituencies. Thus, as things are at present, adding the number of seats from (*c*), (*d*) and (*e*) to the total number of Hindu seats, viz. 46, we get in all 57 Hindu members as against 39 Moslems which raises the disproportion to a much larger extent, and thus practically Moslem representation during all these nine years has been still more reduced.

There seems to be no reason to retain special Constituencies such as (*d*) and (*e*), viz., the University Constituencies of Calcutta and Dacca and Indian Commerce. Special representation for Indian Commerce was conceded on the ground that European Commerce was given special representation. If it were done away with in the latter case, the European element in this Province would have had no representation other than the five members from the five divisions. In order to give adequate representation to the European community as a whole, and at the same time to obtain men of a representative character in the community, it was deemed advisable to classify their representation as had been done. The case of Indian Commerce, however, is on an entirely different footing. Every Indian member, for all practical purposes, would always defend Indian commercial interests; particularly is this so in the case of Hindu members, because Indian Commerce is at the present moment largely, if not entirely, in the hands of non-Moslems. Members who desire to take a keen interest in questions affecting Indian Commerce can always come through the general electorate. In the the present Council, too, there are men who are deeply interested in Indian Commerce, such as Babu Nalini Ranjan Sarkar, Abdur Razzak Hadji Abdus Sattar, and others who were returned from the general Constituencies.

The Marwari community, however, stands in a different position, and one seat may be allotted to them as at present.

There are at present two representatives from the two University Constituencies in the Province. These men are in no way essentially connected with the Universities, one of them is a Zemindar and the other, though a graduate, has not maintained any intimate relation with his *alma mater* since his college days. Thus these representatives cannot be said to represent any special interest in their Constituencies, Therefore it is, if anything, an abuse of special. representation. This state of things is bound to continue so long as the electors of these Constituencies consist, in overwhelming numbers, of young, irresponsible graduates. In fact those who in the present and in the last Council most interested themselves in questions affecting the Universities have been men who were returned by the general Constituencies.

At this further stage of our constitutional progress, there seems to be no cause for retaining any nominated members, except when any special question of a technical nature may arise, one or two experts may be nominated as members. As Dyarchy must necessarily be scrapped, there will be no members of the Executive Council as *ex-officio* members of the Legislature. The Cabinet will consist only of Ministers appointed from the elected members of the Council and the Local Senate. The present size of the Constituencies may be reduced by half so that, roughly speaking, the total number of members will be double the present number forming the Council. The Council will thus consist of 280 members divided as follows :—

(*a*) Moslems.
(*b*) Hindus.
(*c*) Landholders.
(*d*) Europeans.
(*e*) Anglo-Indians.
(*f*) Depressed Class and Labour.
(*g*) Marwaris.

Now in fixing the proportionate representation of the above Constituencies, it will be helpful to consider the Census figures of Moslems, Hindus and the Depressed classes. I append below a table taken from the Census of 1921 :—

		In Round Figures.
Moslems		2,52,00,000
Caste Hindus :		
(*a*) Brahmin	13,00,000	
(*b*) Kayastha	13,00,000	
(*c*) Baidya	1,00,000	
(*d*) Rajput	1,25,000	
(*e*) Buddhist and Jain ..	2,80,000	
		31,05,000
Depressed and Untouchables :		
(*a*) Kaibatta	26,00,000	
(*b*) Namasudra	20,00,000	
(*c*) Rajbanshi	17,00,000	
(*d*) Bagdi	9,00,000	
(*e*) Santal	7,00,000	
(*f*) And other minor groups	95,00,000	
		1,74,00,000

Thus it will be seen that the caste Hindus, including the Buddhists and the Jains, come to thirty-one lakhs and five thousand, whereas the Depressed Classes come to one hundred and seventy-four lakhs. The total of these two come to two hundred five lakhs and five thousand, whereas the Moslem population is two hundred fifty-two lakhs. I have already stressed that representation should be mainly on the population basis as between Hindus and Moslems in Bengal and the Punjab. But as between caste Hindus and the Depressed Classes in Bengal, having regard to the disparity of the figures of their respective population, it will be perhaps necessary to give larger representation to caste Hindus beyond what is due to them, in view of their social standing and political importance.

It will be open to the Governor to appoint, in addition, one or two members as experts as occasion arises.

AUTONOMY.

Central.—The Government of India will have complete autonomy in all subjects classified as Central with the exception of Subjects 1–5 of that Classification, viz. :—

(1) Defence of India and all matters connected therewith.
(2) External relations, including naturalisation and aliens and pilgrimages beyond India.
(3) Relations with States in India.
(4) Political charges.
(5) Communications to the extent described as at present.

The Secretary of State under the Crown will retain control only over the subjects detailed above, and in all other respects the Central Government will be free from control and interference.

Provincial.—Provincial Governments will have complete autonomy in all subjects classified as " Provincial " at present.

The Classification of subjects into Central and Provincial as at present determined may perhaps stand with slight modifications as under :—

(*a*) The present Classifications apparently have

been made with considerable care, but one or two matters deserve consideration.

Meston Award.—I purposely refrain from dilating on the Meston Award, because it is a matter which has been pressed not only in all Memoranda from Bengal but also in the Government Memorandum as well. The Meston Award has been one of the main causes of crippling all activities in Bengal and of starving the Transferred Departments. It has been the one spectre that has been haunting like a bogy every Ministry that has come into existence. What I wish to point out is that, even with the revision of the Meston Award, the finances of Bengal compare very unfavourably with those of other provinces, whereas our needs and wants in the co-called Nation-building Departments are in certain respects even greater than elsewhere in India. Education is at a very low ebb. The most malignant epidemics such as Cholera, Kala Azar, and Malaria, are responsible for millions of deaths annually, whereas they are all more or less preventible diseases, but cannot be tackled for want of funds. The scarcity of pure drinking water in our rural areas is increasingly adding to the general death roll. In short the Department of Public Health is at present being more or less starved. On the other hand Bengal is the home of Jute. The revenue derived from Jute goes more or less wholly to the Central Government and Bengal scarcely gets anything in return for the same. I am therefore inclined to recommend that from subject 11 under the head of Central Subjects, the duties on Jute and the revenue from Income tax should be transferred to the Provinces. If both these items cannot be transferred we strongly press that at least the duties on Jute should be surrendered. It is the minimum reparation that is due to Bengal. Not only is Jute the peculiar product of Bengal, but revenue from it is derived from the sweat and toil of its teeming millions.

(*b*) Subject 20 of the List of Central Subjects relates to the development of Industries. In this connection I may say that Provincial Governments ought to have complete autonomy with regard to all Provincial Industries.

Provincial Councils and Composition of Cabinet. In the case of Provincial Legislatures the Governor will select his Ministers from among the members of the Provincial Council as well as the Senate and they will hold office with joint responsibility and will be responsible to the Council. There shall be at least two Ministers appointed from the Provincial Senate.

Number of Ministers. The number of Ministers should be seven, who will be selected from the important communities according to their representation in the Council.

There will be no Reserved Subjects. All subjects, other than those classified as "Central," will be distributed amongst the members of the Cabinet with the exception perhaps of Law and Order.

Term of the Council. The term of the Council will be five years.

Governor's Powers. The powers exercised by the Governor under the Act will be curtailed and will be defined.

The Permanent Officials, viz., the Secretaries, will have their powers equally defined.

Minister's Powers. Powers which Ministers possess under the present India Act will be enhanced and will likewise be defined.

Continuity of Policy. There should be some convention for the continuity of policy in the Departments, so that schemes and works of public utility started by one or one set of Minister may not be pigeonholed with the change of Minister or Ministry.

During the first three years of the Montford Reforms the Ministry remained in Office in Bengal without any change, with the result that some of the schemes initiated by that Ministry could be carried to fruition. During the next three years, however, when the Swarajya Party, led by the late Mr. C. R. Das, came into being, from the very beginning of the formation of the Ministry onslaughts were launched and there were constant changes, with the result that no work of any value could be turned out, and what schemes and policies were initiated were shelved one after the other.

Water Hyacinth Problem. During the third term the same story repeated itself. I might here quote my own experience. During my recent term of office, I had the privilege of initiating many schemes for the material welfare of my countrymen. Take for instance, the campaign against Water Hyacinth. For many years past this pest had been making woeful ravages in our countryside; the figures obtained in 1926 showed that in the case of one district alone, namely, Faridpur, the damage caused to agriculture amounted to over 40 lakhs of rupees. Faridpur has been very badly affected, but taking half of that figure, namely, 20 lakhs of rupees as the average amount of damage done to a district in Bengal and multiplying that figure by the number of districts, namely, 26, we get roughly over 4 crores of damage done annually to Agriculture alone, not to speak of the damage done to Commerce, Trade and our Waterway Communications. Since 1921, that is, from the commencement of the Montford Reforms, investigations have been made, experiments carried out, and schemes formulated as to how best to tackle this problem, namely, the eradication of of this pest. In 1924, certain chemical preparations, known as Griffiths Spray, were experimented upon, and after more than a year's labour they were found wanting. Thereafter a special Officer was deputed to carry on investigations of a different nature, and this Officer submitted a detailed report. This Report was considered, the file was noted upon, schemes were evolved, and finally in the beginning of 1927, when I was in Office, it was considered necessary to hold a Water Hyacinth Conference and to invite representative men from all sections of the House, as well as outside, in order once for all to devise means and start work. The then Collector of Faridpur, Mr. Burrows, who had spent a large amount of time and had devoted a considerable amount of labour to this question, submitted in all essentials a perfectly workable scheme which entailed the imposition of a Water Hyacinth Tax. It was therefore considered necessary to take the representatives of the people into confidence in order that they too might pronounce on the desirability or otherwise of the tax, so that eventually when the time came for the levying of the tax there might not be any opposition. The Conference was a great success and everything was made ready in order that a Bill might be introduced at the ensuing session of the Council, so that actual work towards fighting this pest might be begun from the cold weather of 1927–28, but Nemesis overtook the Ministry and the Ministry was hounded out of office in August 1927. Thereafter the scheme, which had the sanction of the people behind it, was shelved.

Similarly, the campaign against cholera, the scheme for the improvement of the cattle of this Province, and the throwing wide-open of the doors of the agricultural profession to the sons of the "Bhadra logs," the spreading of medical education by establishing medical schools and colleges in our district headquarters, and various other schemes initiated during my Ministry have been equally shelved. It will, therefore, I trust, be realised how essential it is in the interest not only of the efficiency of the departments, but also in the interest of the well-being of our country and our unfortunate countrymen that provision must be made for a continuity of policy, so that schemes prepared by a Minister or a Ministry may be carried on. It is true that the permanent Departments ensure a certain amount of continuity, but this is not enough.

Adverse Vote. It has been already stated in the Preamble that no efficient government is at all possible where the Executive is liable to removal every now and again, as has been the case in Bengal, where Ministers have been hounded out of office for no reason of policy or on no public grounds, but merely owing to personal jealousies and other causes outside the sphere of Constitutional Government. The Executive, that is the Cabinet, should always be able to count on the probability of remaining in office for some appreciable time; and although in my scheme as detailed herein I have advocated that the Cabinet should be responsible to the Council, it should not be made possible for the overthrow of the Cabinet on any flimsy ground, or on any snap vote, or by methods that have been in vogue here during these years. The adverse vote entailing the resignation of the Cabinet should also ordinarily entail the dissolution of the Council, followed by a General Election, unless there are very strong grounds to the contrary. It may also be laid down that the Executive shall be removable by a vote of no-confidence provided that such a motion is carried by two-thirds of the total strength of the Legislature.

The Provincial Government and desirability of a Second Chamber. The Provincial Legislature will be bi-cameral, consisting of :—

(*a*) The Provincial Senate.
(*b*) The Legislative Council.

Provincial Senate. The Indian Provinces forming the sub-continent of India are inhabited by heterogeneous races, peoples and communities with different traditions and culture. These various sections of the people differ from each other not only educationally, socially and economically, but in a hundred other ways. A long time must therefore, elapse before they could be moulded into a common nationhood or before their diverse interests could be reduced to one and the same level.

The Provincial Legislative Council, when further popularised, will be more or less ruled by the majority, and the result will be more than likely that irresponsible legislation may often be enacted which will encroach upon the rights of the minorities. This in its turn is likely to further augment communal strife. A situation of this kind can be controlled, if almost unlimited powers be assigned to the Governor for the purpose of vetoing or withholding his consent from any legislation or administrative measure which he has reason to believe to be contrary to the interests of the population as a whole. But by vesting in the Governor such extensive powers the relation between him and the popular Council will always be strained, which is highly undesirable. Therefore, as a check on the popular Council, the creation of a Second Chamber, i.e., a Provincial Senate, seems perfectly essential. Even in the highly advanced countries of Europe it has been found necessary to establish an Upper House as a safeguard against occasional irresponsible legislation in the Lower House. Much more will it, therefore, be necessary to provide for a check of a similar kind in our Provinces, which are politically so much behind other countries in the West. I, therefore, strongly recommend the creation of a Second Chamber which will be composed of representative men of outstanding merit, proportionately gathered from all communities. They will be drawn from the classes who have large stakes in the country, who are leaders of thought or who have had experience in administration as high officials, and generally from the clear-headed conservative element in the country who really count.

The Provincial Senate of Bengal will, therefore, consist of :—

(*i*) 20 Nominated Members.
(*ii*) 40 Elected Members.

The term of the Senate will be ten years.

The Governor will make the nominations as far as possible from men of outstanding merit and competence amongst the titled or the landed gentry, as well as ex-Ministers of Government and retired high officials, keeping in view as far as possible the proportionate representation of all communities.

The elected members will be elected six from each of the five divisions and ten from (*c*) and (*d*) below.

The constituencies to consist of :—

(*a*) Moslems.
(*b*) Non-Moslems.
(*c*) Landholders.
(*d*) Europeans.

Both the Legislative Council and the Provincial Senate shall have collateral powers. Any Bill may be introduced in either of the Houses, but will not be passed into an Act unless passed by both the Houses and until it has received the assent of the Governor. It will be competent to introduce any Bill at a joint-session of both the Houses.

Qualifications of a Minister. In the appointment of Members of the existing Executive Councils and of Ministers, experience ranging over a large number of years has shown that sufficient discrimination has not been exercised. It appears that proper care has not always been taken in selecting the personnel of the existing Executive Councils as well as of the different Ministries. The composition of the Executive Councils has been heterogeneous and the same may be said of the Ministers under Dyarchy. The Governor is supposed to select those who are fairly well-educated and who may be expected to enjoy the confidence not only of their fellow-Legislators, but also of the public generally, and who possess a fair measure of ability and also a reputation for character. In some cases, I regret to say, no such consideration has prevailed.

I shall first take the case of the Civilian Executive Councillors, the appointment of whom has here and there been open to grave objection. The objection was, that admitting that higher appointments need not necessarily go by seniority, civilians believed to be of liberal and progressive views, or who have not had the advantage of belonging to a special coterie inside the official hierarchy, have often been passed over in favour of men known to be diehards or reactionaries or even of mediocre attainments.

In the report on Indian Constitutional Reforms, under the ægis of Mr. Montagu and Lord Chelmsford, it will be found stated :—" We are aware that in the past the nominations made to the Executives have not always given satisfaction. There has been a disposition to regard the men appointed as chosen because they are ' safe ' and not likely to give the Government trouble, and if the Legislature and Executive are to work smoothly together it is, we agree, necessary to make appointments which command confidence and ensure efficiency and ability." Further, it is also stated :—" In making the nominations the Governor should be free to take into consideration the names of persons who had won distinction, whether in the Legislative Council or in other fields." From this it can leave no doubt that Members of the Cabinet should be chosen from men who, to quote the memorable words of the late Queen Empress Victoria's proclamation of 1858, " by their integrity, ability and character may be qualified to discharge their duties successfully as occupants of the exalted offices to which they are called." Failure in this respect has brought home the conviction amongst the Indian intelligentsia that appointments made particularly of Indians, either in the Executive Councils or the Ministries, have not unoften been made in contravention of this test. Cases can be quoted of men who have been appointed as Executive Councillors or Ministers simply because they were believed to be " safe " rather than qualified. The appointment of such persons has, naturally, brought into lurid light the working of Dyarchy to a much larger extent than would otherwise have been the case.

Even when making the appointment of a clerk in any private office the question of his ability and

character is taken into consideration. It seems short of a tragedy that, when making appointments to the highest offices under the Crown, such consideration should occasionally be left out of account. I am, therefore, impelled to make the suggestion that some sort of provision should be made whereby when making appointment to the highest offices in the land, questions of the suitability of the candidate as to his integrity, ability and character should be taken into consideration besides other factors.

Qualifications of a Member of Legislature. The above remarks apply also to those who aspire to be the Members of the Legislatures, perhaps, though, not to such an extent. The minimum of qualifications of candidates who stand for election to the various Legislatures should also be determined. As the rules are at present, it is provided that a person who is a minor, or insane, or who has served a criminal sentence on account of his moral turpitude, etc., would not be eligible to stand as a candidate for election; but nowhere is it laid down what his positive qualifications should be by way of ability, integrity and character. The result of this omission has been that in many cases men, who outside the Council would not be allowed to cross the threshold of an honest person, have got into the Council and have secured access to social intercourse on equal terms with those who would otherwise have shunned them. Here is a case in point. Moulvi Mahammad Sadique, an inhabitant of the Noakhali District, had, as Chairman or Vice-Chairman of a local Board, embezzled some public funds. He stood for election to the Council and was returned. Thereafter the case came to a head. There was a conviction in the Criminal Court, which was upheld by the High Court, and he served the sentence of eight months with hard labour on three counts concurrently. His seat thereafter was declared vacant, but, strangely enough, not because of his conviction, but simply because he was absent from the Council for two consecutive months.

It will, therefore, be seen that some provision by way of determination of minimum qualifications of candidates for election to the Legislatures should be provided for.

THE GROWTH OF PARTIES.

Since the inauguration of the Reforms, in 1921, no organised party other than the Swaraj party created by the late Mr. C. R. Das, has come into existence.

The Congress organisation was known in the eighties and the nineties as a Liberal party in India with Nationalistic aspirations endeavouring to obtain concessions from the British people and Parliament in order to liberalise the Indian Constitution as far as possible on the British model. In the old days the Congress counted amongst its stalwarts such men as Mr. Gopalkrishna Gokhale, Sir Ferozeshah Mehta, Sir Surendranath Banerjee, Sir Badaruddin Tyabji and others. They in a manner dominated the counsels of the Congress and were the pioneers of India's Constitutional progress. They confined their agitation within the four corners of the Constitution with the basic idea that India should always remain within the British Commonwealth. Then the younger generations gradually lifted up their heads, and under the lead of Mr. Balgangadhar Tilak the Congress was split into two wings known as Extremist and Liberal or Moderate. Within a short time the extreme wing usurped all powers within the Congress with the result that the Moderates or the so-called Liberals for a time seceded from the Congress. Although thereafter there was a reunion, the Congress remained generally under the extremist domination when the late Mr. C. R. Das, leaving aside his professional career, took solely to politics and became one of the leading lights. The Congress was once more destined to be swamped by another and more vigorous political party that rose under the leadership of Mr. Gandhi, who inaugurated his famous non-co-operation movement, which entirely dominated the Congress and captured all its executive functions. Under Mr. Gandhi's banner there foregathered various discontented and disappointed individuals such as the Ali Brothers, who became his staunch henchmen and started a vigorous propaganda in order to win over the Moslems, who had so far mostly kept themselves out of the Congress fold. The stars were propitious at that particular juncture. Turkey went against the Allies, and the Moslem lieutenants of Mr. Gandhi seized the opportunity of misleading the Moslems by the cry that religion and the Khelafat were in danger. Thus the Ali Brothers started another wing of the non-co-operation movement under the nomenclature of the "Khelafatist." During the first reformed Council of 1921–23, the non-co-operation movement at one time seemed to dominate the entire political situation, and with the boycott of the Council very few Congress Hindus came in. Those that came formed the opposition and their policy was merely anti-Government. Politically-minded Moslems, too, out of fear of the Khelafatists shunned the Councils and mostly mediocre men amongst them were returned. These had no programme of their own nor they found it necessary to form into parties. On one occasion, however, during the introduction of the Calcutta Municipal Corporation Bill when the Hindus objected to the facilities that were proposed to be given to the Moslems under the Bill as introduced by Sir Surendranath Banerjee, two sharply-defined parties came into existence in the Bengal Council, but that was entirely on the communal basis and their party activities ceased after the passing of the Bill. Soon after, Mr. C. R. Das conceived the plan of non-co-operating within the Council, i.e., of entering the Council with the avowed intention of obstructing the entire machinery of Government from within. With this object he added a rider to the Gandhi non-co-operation cult and along with other provincial leaders such as Pandit Motilal Nehru and others seceded from Mr. Gandhi and established the Swarajya Party. This came into being after the general election of 1923. Mr. C. R. Das himself led the movement in Bengal and left it to the Pandits to do likewise in the Central and other provincial Legislatures. In the second Reformed Council, therefore, of 1924, Mr. C. R. Das came in with a following of some fifty members of whom about half were Moslems. He drew to his side the major portion of the Moslem element in the Council with the help of his famous Bengal Deshbandhu Pact which purported to give to the Moslems 80 per cent. of State patronage and assured them their special electorates, as well as total non-interference in their religious pursuits including "No Music before Mosque." His avowed object was to hinder the working of the Reforms by means fair or foul. This policy, unfortunately, gave a fillip to undesirable practices in the Council, as has already been noticed.

Of the total of 39 Moslem members of the Council, 23 or 24 being Swarajists, the remaining 15 or 16 non-Swarajist Moslems, together with 10 or 12 Liberal Hindus formed the Ministerial Party in January, 1924, when myself and Messrs. Fuzl ul Huq and S. N. Mullick were appointed Ministers. A short while after, the Hindu Minister had to resign as he lost his seat owing to the dispute that was pending over his election which entailed a fresh election, when he was not returned. There remained thereafter only two Moslem Ministers. In the propaganda against the Ministry, though the Swarajist Party did not admit it, yet they took advantage of the communal bias engendered by the presence of only Moslem Ministers. It was openly said in certain quarters that owing to the presence of three Moslems in the Government, Bengal was practically under Muhammadan domination. Hence, the closing up of ranks and resolute determination to wreck the Moslem Ministry were demonstrated by some of the Hindu members of the Council. But

even from this demonstration the majority of Muhammadan members failed to grasp the necessary object lesson, and this Ministry was finally wrecked in August, 1924. In March, 1925, another Ministry consisting of Nawab Bahadur Syed Nawabali Choudhury and Raja M. N. Ray Choudhury was formed, but it only lasted for nine or ten days. Thereafter the Transferred Subjects were retransferred to the Reserved side and Dyarchy remained dead in Bengal till January, 1927. Thus, with the exception of the Swarajya Party the Hindu Liberals and the Moslems remained as disorganised as ever.

Central Moslem Council Party. During the general election at the end of 1926, the Central National Muhammadan Association first conceived the idea of organising a Central Moslem Council Party, and with this object they set up a large number of candidates for contesting the elections. As a result they managed to capture some nineteen or twenty seats with the help of their organisation and party funds. Overtures were made to Sir Abdur Rahim to bring about a consolidated Moslem Council Party. For reasons into which I do not desire to enter, Sir Abdur Rahim stood apart, and some eight or nine Moslems were returned under his banner. Of the remaining ten or eleven Moslem members, one came as a Swarajist and the rest without any party label. After the election was over, in December, 1926, a fresh attempt was made to bring together all the Moslem members into one party, but owing to personal animosities and jealousies among the leaders this failed. Thus during the beginning of the present Council, in January, 1927, there existed :—

(*a*) the well-organised Swarajya Party, led by Mr. J. M. Sen Gupta, consisting of some 44 members, of whom only one was a Moslem.
(*b*) the Central Moslem Council Party, led by me, consisting of 24 Moslems,
(*c*) Sir Abdur Rahim's party, consisting of 8 or 9 members,
(*d*) 6 or 7 individual no-party Moslems,
(*e*) 12 or 13 disorganised so-called Hindu Liberals or Moderates.

The action of Lord Lytton in appointing Sir Abdur Rahim as Minister and asking him to resign after four days owing to his failure in finding a Hindu colleague was the root cause of creating further jealousies and personal animosities, and when another ministry was formed with myself and Mr. Chakravarty, Sir Abdur Rahim with his following joined the Swarajists and that ministry was also wrecked.

With the exception of the Swarajya Party, this led to a complete disruption of all other Indian groups in the Council.

The Union Party. Immediately after this catastrophe it was felt extremely essential that a party should be formed of both Hindus and Moslems, not only to promote communal concord, but primarily to purge the public life of Bengal of undesirable practices and to raise its tone. With that object Hindu and Moslem Landholders and men who were considered above board grouped together and formed into what is known as the Union Party, with Sir P. C. Mitter and myself as Patrons.

The Non-Official European Group. Besides the above parties there has always been a compact non-official European and Anglo-Indian group. This *bloc* has almost always voted with the Government and has seldom exercised any discrimination.

Thus it will be seen that we are still infants in the art of party Government and political organisation.

SAFEGUARDS.

I have already stated that the Moslems of India are equally, if not more than other communities, interested in the general question of the extension of the Reforms, but they emphatically press that provision should be made by Statute for certain essential safeguards, without which they are not only opposed to any extension of the Reforms, but even to the continuance of what Reforms there are already. In all the Memoranda submitted by the various Moslem Associations throughout India a case has been made out in great detail for the following items, and I need only enumerate them here without entering into detail. These are classed below under heading "I." As regards those which concern conditions prevailing in Bengal, I have to enlarge upon them to some extent and they have been treated under heading "II."

I.

(1) *Separate electorates* in all the Provincial Legislatures according to the Congress-Moslem League Pact of 1916, where Moslems are in a minority but, in Bengal and Punjab, on the *basis of population.*
(2) *Separate communal electorates* for the Central Legislatures, as well as on all self-governing bodies in the country.
(3) Representation by statutory provision of a due proportion of Moslems in the *Cabinets.* In the case of Bengal I have recommended a Cabinet consisting of seven Ministers, who will be selected from the important communities according to their representation in the Council.
(4) *Moslem representation in the Assembly or the Council of State* to be 33 per cent. of all elected Indian seats.
(5) *Proportionate State Aid* for the furtherance of educational progress amongst the Moslems and where possible preferential treatment, having regard to the backwardness of education amongst them.
(6) Adequate representation on Universities and all local self-governing bodies.
(7) In the interests of all communities, Hindu or Moslem, provision should be made that no resolution should be proceeded with in the different Legislatures or in any of the different self-governing bodies affecting the religious, social or educational interest of any community whatsoever, if the same be opposed by at least two-thirds of the members of that community on those bodies.
(8) Commissions in the Army and Navy should be allotted in proportion to the strength of the respective communities, and arrangements for their military and naval training be duly made.
(9) *Indianisation* should not be proceeded with to the detriment of any particular community, but should be carried out gradually with due regard to the communal proportion and by securing the widest possible confidence in the administration and preventing a communal or class monopoly.
(10) The Reforms should be extended to the North-West Frontier Province.
(11) Sind should be raised to the status of a Province under the Reforms.

II.

Representation of different communities in all the Public Services should be in accordance with the proportion which a community bears to the population of the Province. The average representation of Moslems throughout India should not be less than one-third.

The Mussulman case in Bengal is based not on the dicta of any Moslem but on the findings of that great statistician, Sir William Hunter, of the Indian Civil Service. Before one can realise fully their claim to a just and legitimate share of State patronage by virtue of their preponderance in population, and their historic position, it is necessary to take an economic survey of their condition during the last

eighty or ninety years. For this I can do no better than quote from Sir William Hunter's "Indian Mussulman." Writing in 1871 this was what Sir William said: "The English obtained Bengal simply as the Chief Revenue Officer of the Delhi Emperor . . ." Our legal title was simply that of the Emperor's Dewan or Chief Revenue Officer. As such the Mussulmans hold that we were bound to carry out the Muhammadan system which we then undertook to administer. There can be little doubt, I think, that both parties to the Treaty at the time understood this. For some years the English maintained the Muhammadan Officers in their posts, and when they began to venture upon reforms, they did so with a caution bordering upon timidity. The greatest blow which we dealt to the old system was in one sense an underhanded one, for neither the English nor the Muhammadans foresaw its effects. This was the series of changes introduced by Lord Cornwallis and John Shore, ending in the Permanent Settlement of 1793. By it we usurped the functions of those higher Mussulman Officers who had formerly subsisted between the actual Collector and the Government, and whose dragoons were the recognised machinery for enforcing the Land-Tax. Instead of the Mussulman Revenue-farmers with their troopers and spearmen, we placed an English Collector in each District, with an unarmed fiscal police attached like common bailiffs to his Court. The Muhammadan nobility either lost their former connection with the Land-Tax or became mere landholders, with an inelastic title to a part of the profits of the soil.

"The Permanent Settlement, however, consummated rather than introduced this change. It was in another respect that it most seriously damaged the position of the great Muhammadan Houses. The officer who has studied the Permanent Settlement most minutely writes thus:—'It elevated the Hindu Collectors, who up to that time had held but unimportant posts, to the position of landholders, gave them a proprietary right in the soil, and allowed them to accumulate wealth which would have gone to the Mussulmans under their own Rule.

"This, then, is the first public wrong on which the Muhammadan aristocracy arraign the British Government. They assert that we obtained the Administration of Bengal from a Mussulman Emperor on the understanding that we would carry out the Mussulman system, and that as soon as we found ourselves strong enough we broke through this engagement. We shut the Mussulman aristocracy out of the Army, because we believed that their exclusion was necessary to our own safety. We deprived them of the monopoly of the most lucrative functions in the Administration, because their deprivation was essential to the welfare and just government of the people. But these grounds, however good in themselves, fail to convince an ancient nobility suffering under the blight of British Rule. Their exclusion from the Army seems to the Mussulmans a great public wrong; our departure from their ancient fiscal system, an absolute breach of faith.

"The third source of their greatness was their monopoly of Judicial, Political, or in brief, Civil Employ. It would be unfair to lay much stress on the circumstance, but it is nevertheless a significant fact, that none of the native gentlemen who have won their way into the Covenanted Civil Service, or up to the bench of the High Court, are Mussulmans. But for some time after the country passed under our care, the Mussulmans retained all the functions of Government in their own hands. Mussulman Collectors, as we have seen, gathered the Land-Tax; Mussulman Faujdars and Ghatwals officered the Police. A great Mussulman Department, with its headquarters in the Nizam's palace at Murshidabad, and a network of officials spreading over every District in the Province, administered the Criminal Law.

"For the first fifty years of the Company's Rule the Mussulmans had the lion's share of State patronage. During its second half century of power the tide turned, at first slowly, but with a constantly accelerating pace, as the imperative duty of conducting public business in the vernacular of the people, and not in the foreign patois of its former Muhammadan conquerors, became recognised. Then the Hindus poured into, and have since completely filled, every grade of official life. Even in the District Collectorates, where it is still possible to give appointments in the old-fashioned friendly way, there are very few young Mussulman officials. The Muhammadans who yet remain in them are white-bearded men, and have no successors. Even ten years ago, the Mussulmans invariably managed to transmit the post of Nazir, or Chief of the Revenue Bailiffs, to men of their own creed; but now one or two unpopular appointments about the jail are the most the former masters of India can hope for. The staff of clerks attached to the various offices, the responsible posts in the Courts, and even the higher offices in the Police, are now recruited from the pushing Hindu youth of the Government School. The net result has been that the Mussulman element in the Public Services has gone on growing weaker every year.

"This statement the following statistics will prove. In the highest grade in which the appointments dated from a previous generation, the Muhammadans did not have much to complain of, as in April, 1869, there was one Mussulman to two Hindus: there is now but one Mussulman to three Hindus. In the second grade there were then two Muhammadans to nine Hindus; there is now one Mussulman to ten Hindus. In the third grade there were then four Mussulmans to a total of twenty-seven Hindus and Englishmen; there are now three Mussulmans to a total of twenty-four Hindus and Englishmen. Passing down to the lower ranks, there were in 1869 four Mussulmans among a total of thirty of all creeds; there are now four among a total of thirty-nine. Among the probationers from whom the service is recruited, there were only two Mussulmans in a total of twenty-eight; there is now not a single Muhammadan in this rank.

"It is, however, in the less conspicuous Departments, in which the distribution of patronage is less keenly watched by the political parties in Bengal, that we may read the fate of the Mussulmans. In 1869 these Departments were filled thus:—In the three grades of Assistant Government Engineers there were fourteen Hindus and not one Mussulman; among the apprentices there were four Hindus and two Englishmen, and not one Mussulman. Among the sub-Engineers and Supervisors of the Public Works Department there were twenty-four Hindus to one Mussulman; among the Overseers, two Mussulmans to sixty-three Hindus. In the offices of Account there were fifty names of Hindus, and not one Mussulman; and in the Upper Subordinate Department there were twenty-two Hindus, and again not one Mussulman.

"But it is unnecessary to multiply instances of a fact that is patent in every page of the Civil List. I have made up a table of the gazetted appointments for which Englishmen, Muhammadans and Hindus are alike eligible:—

Distribution of State Patronage in Bengal, April, 1871.

	Europeans	Hindus	Mussulmans	Total
Covenanted Civil Service (appointed in England by the Crown) ..	260	0	0	260
Judicial Officers in the Non-Regulation Districts	47	0	0	47
Extra Assistant Commissioners	26	7	0	33
Deputy-Magistrates and Deputy-Collectors ..	53	113	30	196
Income-Tax Assessors ..	11	43	6	60
Registration Department ..	33	25	2	60
Judges of Small Cause Court and Subordinate Judges	14	25	8	47

	Europeans.	Hindus.	Mussulmans.	Total.
Munsifs	1	178	37	216
Police Department, Gazetted Officers of all grades ..	106	3	0	109
Public Works Department, Engineer Establishment	154	19	0	173
Public Works Department, Subordinate Establishment	72	125	4	201
Public Works Department, Account Establishment	22	54	0	76
Medical Department, Officers attached to Medical College, Jails, Charitable Dispensaries, Sanitation and Vaccination Establishments, and Medical Officers in charge of Districts, etc.	89	65	4	158
Department of Public Instruction	38	14	1	53
Other Departments, such as Customs, Marine, Survey, Opium, etc.	412	10	0	422
Total	1338	681	92	2111

"A hundred years ago, the Mussulmans monopolised all the important offices of State. The Hindus accepted with thanks such crumbs as their former conquerors dropped from their table, and the English were represented by a few factors and clerks. The proportion of Muhammadans to Hindus, as shown above, is now less than one-seventh. The proportion of Hindus to Europeans is more than one-half; the proportion of Mussulmans to Europeans is less than one-fourteenth. The proportion of the race which a century ago had the monopoly of Government, has now fallen to less than one twenty-third of the whole administrative body. This, too, is the gazetted appointments, where the distribution of patronage is closely watched. In the less conspicuous office establishments in the Presidency Town, the exclusion of Mussulmans is even more complete. In one extensive Department the other day it was discovered that there was not a single employee who could read the Mussulman dialect; and, in fact, there is now scarcely a Government office in Calcutta in which a Muhammadan can hope for any post above the rank of porter, messenger, filler of inkpots, and mender of pens.

"From the highest official to the lowest there was now a firm conviction that we have failed in our duty to the Muhammadan subjects of the Queen. A great section of the Indian population, some thirty million in number, finds itself decaying under British rule. They who but yesterday were the conquerors and governors of the land, can find no subsistence in it to-day. Before the country passed under our rule the Mussulmans professed the same faith, ate the same food and in all essentials led the same life as they do now. To this day they exhibit at intervals their old intense feeling of nationality and capability of warlike enterprise; but in all other respects they are a race ruined under British rule. It is not that they have ceased to retain the entire State patronage, but that they are gradually being excluded from it altogether. It is not that they must now take an equal chance with the Hindus in the race of life, but that, at least in Bengal, they have ceased to have a chance at all.

"The administration of the Imperial Taxes was the first great source of income in Bengal and the Mussulman aristocracy monopolised it. The Police was another great source of income and the Police was officered by Muhammadans. The Courts of Law were a third great source of income, and the Mussulman monopolised them. Above all, there was the Army, a great confederation of conquerors who enrolled their peasantry into troops and drew pay from the State for them as soldiers. A hundred and seventy years ago it was almost impossible for a well-born Mussulman in Bengal to become poor. At present it is almost impossible for him to continue rich.

"For some time after the country passed under our care, the Mussulmans retained all the functions of Government in their own hands. Then the Hindus poured into, and have since completely filled, every grade of official life. The truth is that when the country passed under our rule the Mussulmans were the superior race, and superior not only in stoutness of heart and strength of arm, but in power of political organisation and the science of practical Government. Yet the Muhammadans are now shut out equally from Government employ and from the higher occupation of non-official life. Before the country passed to us they were not only the political, but the intellectual power of India. They possessed a system of education, which, however inferior to that which we have established, was yet by no means to be despised and was capable of affording a high degree of intellectual training and polish, and which was infinitely superior to any system of education then existing in India.

"At an outlay of £800,000 upon Resumption proceedings, additional revenue of £300,000 a year was permanently gained by the State. A large part of this sum was derived from the lands held rent free by the Mussulmans or by Mussulman foundations. Hundreds of ancient families were ruined, and the educational system of the Mussulmans, which was almost entirely maintained by rent free grants, received its death blow. The justice of these proceedings may, however, be defended, but the absolute misappropriation of scholastic funds cannot. It is painful to dwell on this charge of misappropriation, because it is impossible to rebut it.

"The astute Hindu in this as in all other matters has been first in the field. He has covered the country with schools admirably adapted to the wants of his own community, but wholly unsuited to the requirements of the Muhammadans."

Such is the picture of Moslem decadence in Bengal as drawn by Sir William Hunter in 1871. I shall now quote from a speech that I delivered on the 13th June, 1926, when I presided over a gathering of more than 100,000 persons.

"Such has been the treatment meted out to the Moslems for generations together till the advent of one of the greatest of Viceroys, viz., Lord Curzon, who had the fairness and far-sightedness to see that some reparation was long overdue to them. It was thus with the Partition of Bengal, the province of Eastern Bengal and Assam came into being and was declared a settled fact under a pledge given to Moslems. But, alas! the settled fact was once more doomed to be unsettled, and the promise given was once more broken. And it broke too the stout heart of that great man, the late lamented Nawab Sir Salimullah Bahadur of Dacca, who was at once a tower of strength to the Government and a tower of strength to his people. The impetus, which the Moslem Community received at that epoch towards advancement and progress, received a rude set-back, and clouds again darkened the Moslem horizon. Soon after, there came the Great War and in its wake followed the non-co-operation movement started by Mr. Gandhi. After the previous repeated disappointments, Moslems in their thousands succumbed to its allurements, hoping that, by joining its ranks and throwing their political lot with the Hindus, they would be able to retrieve their past fortunes, but, alas, only to meet with further disappointment."

There can be no growth of nationhood, or for the matter of that real self-government in Bengal or in India unless the all-important factor, namely, real Hindu-Moslem Unity is present, but it is no use attempting to bring about Hindu-Moslem Unity without removing the root causes that underlie the strained relations between the two communities. For want of removal of these causes, jealousy and hatred seem to permeate through all the sub-strata of the lives of the two communities.

In the administration of the country we find a spirit of complete isolation pervading the members of both the communities in respect of one another. In an office filled by Hindus there is seldom a vacancy for a Moslem uuless the head of the department happens to be a European or an absolutely unbiassed Hindu officer. In a School Library controlled by a Hindu Headmaster there is hardly a book by a Moslem author which can get access there. This is the state of Hindu-Moslem feeling in the country, which is aggravated by the manner in which all Government patronage is enjoyed by one community as compared with the other.

Distribution of State Patronage in Bengal in 1923–1924. I have already quoted Sir William Hunter to show what the distribution of State patronage in Bengal was in 1871. I shall now give figures to show what it is in recent times. The figures below are taken from the statistics of 1923–24.

In the executive branch of the Provincial Service there are 75 per cent. Hindus and 4 per cent. Muhammadans, in the Excise Department 69 per cent. Hindus and 31 per cent. Muhammadans, in the Education Department 80 per cent. Hindus and 20 per cent. Muhammadans, in the Agricultural Department 95 per cent. Hindus and 5 per cent. Muhammadans, in the Medical Department 97½ per cent. Hindus and 2½ per cent. Muhammadans, in the Public Works Department out of a total of 41 Indian appointments there is only one Muhammadan, in the Forest, Marine, and Irrigation Departments, leaving out the non-Indian appointments there are 100 per cent. Hindus to 0 per cent. Muhammadans.

During the regime of Lord Carmichael, in 1913, Government laid down that 33 per cent. of appointments in the Public Services should go to Moslems. A decade afterwards it was found that not only was that percentage not reached but that in some departments the Moslem element was conspicuous by its absence altogether, and in other Departments the percentage reached was nowhere like the 33 per cent. contemplated and laid down in the Provincial Government Rules.

The question, therefore, in all its bearings, was reconsidered during the regime of Lord Lytton towards the end of 1925 and two formulæ were then laid down and accepted by the Government as a whole. They were :—

(*a*) *Proportion of Moslems in the Public Services not necessarily in accordance with but on the basis of population.* " That it is the duty of the Government to take measures to ensure that there shall be in the future a sufficient proportion of Muhammadans in certain of the higher services to ensure that the general interests of the community shall not suffer and that the activities of Government as a whole shall be for the benefit of the whole population ; that this proportion shall be fixed, not necessarily in accordance with, but on the basis of population ; that with regard to the subordinate appointments a sufficient share is allotted to the Muhammadans to encourage the education of that community and to prevent the monopoly of public employment by any one class or community."

(*b*) " That in the case of promotions within a service or from one service to another there can be no question of communal interests and promotions must be based on merit alone or on merit combined with seniority as the case may be."

It was also further laid down that " each department must be consulted as regards the percentage they will take as a working guide to carry out Government's policy. The Government of India must be addressed. We should tell them the general lines of the policy we propose to adopt and point out that it is essential for this policy that a larger number of Muhammadans should be obtained among the Indian portion of the recruitment for the Indian Civil Service. We may say the present rules do not seem to make this possible and should make suggestions as to how the rules should be altered. We should definitely take up the question of amending the Civil Courts Act so as to place the recruitment for munsifs in the hands of the Government. The High Court, of course, will strongly resent this, and we should have to address them in the first instance when we have framed a suitable amendment."

Commenting on the above an Indian member of the Government at the time noted as follows :—

" Taking into account the probable results of the competitive examination in England, even if 50 per cent. of the direct appointments in Bengal recruited for in India be filled by Muhammadans, the Hindus will still preponderate in the Indian Civil Service. And if in the Provincial and the Subordinate Civil Services the proportion of Muhammadans be reserved at less than 50 per cent. chances are that a smaller proportion of them will get into the Indian Civil Service by promotion and their total strength in the Indian Civil Service will be still less. On this as well as on general administrative grounds, I urge that so far as the Provincial and Subordinate Civil Services are concerned, the proportion as in the case of the Indian Civil Service should be 50 per cent, and not 45 per cent. as Chief Secretary proposes. Chief Secretary contends that the holding back of 5 per cent. of the appointments in these as well as in the other administrative services will serve to stimulate education in the community. Theoretically, there may be some force in his contention, but knowing as I do the history and the present conditions of my community, I feel sure that the more of these appointments are placed within their reach the greater will necessarily be the competition among the students of the community leading to a more rapid spread of education and enhancement of educational standard in the community. We had an absolutely unmistakable demonstration of this during the short-lived administration of Eastern Bengal. These considerations apply equally to the Imperial and Provincial Police, Excise, and other similar services." Finally, the following order was passed :—

" 1. That both formulæ be adopted.

" 2. That all departments be ordered simultaneously to examine the conditions of recruitment to the higher services under them, and adopt a percentage as an immediate guide in the working of the recruitment. This percentage can, of course, be altered from time to time within the limits of the formulæ.

" 3. That the appointment department prepare an answer to the Government of India's last letter on the subject of the Indian Civil Service and Indian Police making proposals on the basis of the formulæ.

" 4. That the judicial department prepare an amendment of the Civil Courts Act, which, under the rules, must be submitted to the Executive Council before any further action is taken on it. If desired, a draft to the High Court might be prepared for the information of the Executive Council at the same time as the amendment.

" 5. That the appointment department circularise Commissioners and Heads of departments insisting on the minimum of one-third in ministerial offices and giving the reasons ; where there is a sufficiency of really suitable Muhammadan candidates the proportion should be increased to comply with formulæ I."

It will thus be seen that Government have realised though tardily, the necessity for a full and complete revision as to how State patronage should be divided between the two communities. But to my mind they have not done what would be regarded as full justice to the claims of the Moslems of Bengal. The simplest course seems to me to go straight ahead and lay down that State patronage in Bengal should be distributed amongst the communities in proportion to

their numerical strength, provided a minimum standard of efficiency is satisfied. In any event this question should not be left to be determined by local governments, but it is urged that this should also be embodied by statute in the Constitution. The reason is that unless the same be embodied in the constitution real effect will not be given to it. Just the same as effect has not yet been given even to the 33 per cent. rule laid down by the Government during the regime of Lord Carmichael, so the present formulæ are also likely to remain a mere pious declaration on the part of Government.

In urging this point I wish it to be clearly understood that I am not impelled by any communal considerations whatsoever. India at the present time is at the threshold of a glorious opportunity. On the one hand it is the proud privilege of the Britisher to raise India towards that height of liberal government which they themselves enjoy, on the other hand it is up to the Indians to prepare themselves to be worthy of it. This consummation can only be brought about by one fact, and one fact alone and that is by a real and permanent *entente* between the two great communities that inhabit this land. It is the Englishmen's privilege to mould the present heterogeneous mass into a homogeneous whole, in other words a common nationhood, and it is up to us to put forward our best efforts towards that consummation. The promised land of Swaraj lies on the summit of yonder hill along the steep slopes of which upward mounts a chariot drawn by two horses, one is called Hindu and the other Moslem. If of the two steeds drawing the chariot up the hill one is well-fed, well-built, strong and hardy, and the other is lean, weak and halting, however much the British charioteer may urge the horses forward the chariot will not be in a position to negotiate the climb. It is, therefore, in the interest of the well-fed horse itself that the lean and the weak horse should be given not only its due share of fodder, but, if necessary, even an excess share so that both may be able to pull together. Be it said to the credit of that far-sighted statesman, the late Mr. C. R. Das, that it was he who saw that if the Hindus ever desired to reach the promised land it was to their interest to see that they pulled the Moslems along with them. Impelled by ideas such as these the late Mr. C. R. Das advocated that even an 80 per cent. of State patronage be given to the Moslems, a proposition which found, alas ! no favour with his short-sighted following. No one can condemn more than I do the excesses that are committed both by Hindus and Moslems towards one another, and I yield to none in my yearning for a day that may dawn when the members of both these communities will be so moulded together that they will realise that all their material interests under the sun are identical, but economic grievances are really at the root of these communal troubles. The present conditions had their counterpart in the days of Akbar when conditions were reversed, and it was left for that sagacious Prince, that great statesman, to throw wide open the gates of State patronage to the members of the Hindu Community, as he, too, dreamed that one day his empire may boast of a people with common interests and common aims. Alas ! the hand of Fate cut short that dream, and his successors went back on his policy. Let not that mistake be repeated. I appeal to members of both communities clearly to realise the issues which are at stake. It is for the members of the British race to act as physicians and prescribe the correct dose. In revising economic relations between the two communities the shortsighted amongst both may grumble, but if it were really desired that permanent amicable relations should begin to grow up between the two communities then it is for the British element to play their part as the discerning physician.

APPENDIX.

USURY LAWS.

In the interest of the masses generally, protection against the bone-racking usury system which is in vogue is essentially necessary. Seventy per cent. of the entire population of Bengal belongs to the agricultural class, and this is the class which is most hit by the want of Usury Laws. In East Bengal, in some districts, the Moslem population is almost over 85 per cent. and throughout the Eastern portion of the Province the average Moslem population would not be perhaps less than 70 per cent. It would hardly be an exaggeration to say that not 1 per cent. of this population is safe from the clutches of the usurer. Even those who belong to the middle class known as *Bhadralog*, are also in their clutches.

1,300 years ago the Prophet of Islam forbade usury. In the burning words of the Holy Koran it is clearly laid down that while trade for profit was allowed, usury was condemned. As charity is the broad basis of human sympathy, usury annihilates all sympathetic affection and leads to extreme miserliness. Usury refuses to allow the rich to grow richer by reducing the poor to still greater poverty, which is the real aim of usury. Usury moreover promotes habits of idleness by its worst effects as more or less it causes men to be obsessed by selfishness.

India's poverty is proverbial, but no means adopted to effect her economic salvation would ever be complete without providing against usury. The Royal Agricultural Commission has drawn attention to various problems, including the eradication of this pest. Whatever improvement may be carried out in the domain of agriculture, whatever efforts may be expended in the direction of raising agriculture from its primeval position in this country, however much agriculture is carried on by scientific methods as in other advanced countries, no headway will ever be made unless and until this problem is dealt with effectively and radically. The rate of interest in Bengal varies from As. 2 per rupee per month, i.e. 150 per cent. to 300 per cent. per annum, and sometimes the cupidity of the usurer knows no bounds. Recently a case was reported in the papers (*vide Statesman* of 20th June, 1928), with such startling headlines as these :—

"26 LAKHS FOR 22 RUPEES"

And it went on " The Munsiff of Chandpur has just decided a mortgage suit brought by a money-lender against a debtor, claiming Rs26,00,700 as principal and interest due on a sum of Rs22 advanced as a loan 13 years ago. The plaintiff in the suit is Adhar Chandra Saha, of village Barkul (Hajigunj) within Chandpur, and the defendant is a man named Nazaruddin. It was alleged in the plaint that the defendant obtained a loan of Rs22 in May, 1915, executing a mortgage bond repayable with interest at 10 per cent. per mensem with compound interest every half year. In January, 1928, the interest due was Rs26,00,048. The plaintiff agreed to relinquish his claim for the interest to the extent of Rs25,99,947 and asked for a decree for Rs600 only. The parties compromised the case, and a decree for Rs431 was passed in favour of the plaintiff." Even taking the figure of Rs600 or Rs431 which was finally decreed on compromise, it unfolds a terrible tale. The law gives the Court discretion not to pass a decree on a bond beyond a certain reasonable figure, but that discretion, it is to be regretted, is seldom exercised.

Generally speaking, 10, 20 and often 50 times the principal are decreed. If by the extension of the Reforms, it is also desired to look to the material well-being of the teeming millions of the population of this Province, then I must say, with all the emphasis at my command, that this subject too should be included in the scope of the Enquiry and necessary provision made. I realise that it is the primary business of the members of the Legislatures, Central or Provincial, to engage themselves in this

task, but having regard to the precarious condition of the masses prevailing for generation after generation, since the British occupation of this country, I cannot help thinking that if the British connection is to be in the interest of the masses, and if initiative is taken in many questions by other than the people themselves, the initiative in this matter, too, should be taken by the members of the Statutory Commission who are enquiring into questions affecting our Constitution. I must further point out that this question also affects our Constitution in this sense, viz., that the money-lending class, by its hold on the debtors, can influence freedom of voting, and it has done so in some instances most effectively.

HOLIDAYS UNDER THE NEGOTIABLE INSTRUMENTS ACT.

Public Holidays are of two kinds :—Those that are declared as such under the provision of Section 26 of the Indian Negotiable Instruments Act of 1881, and those which, in addition to the above, are gazetted as Government Holidays. During the former, not only Government offices, but Banks, Mercantile firms, Mills, Factories, Docks, and in short all places of public business are closed, whereas during the latter Government offices alone are closed.

It was a notable fact that before 1913 there was not a single Moslem day of religious festivals declared as a Public Holiday under the Negotiable Instruments Act in Bengal, whereas 16 days were declared as such for Hindu festivals, and some more days were so declared on account of Christian festivals. At that time in the Punjab, the United Provinces and Bombay, the Hindu Community had 8, 12 and 9 of such holidays respectively, and the Moslems there had from 6 to 7. This was naturally considered a great hardship for the Bengal Moslems, particularly having regard to the preponderance of their population. As in all things, the Bengal Moslems were gradually losing ground, such was their lot in this case, too. It was, however, my privilege to move a resolution in the old Imperial Legislative Council in 1913, as a result of which three days, viz. the 2 *Ids* and the *Mohurrum*, were declared holidays under the Negotiable Instruments Act. The disparity, however, is still so very great that it calls for urgent readjustment. The Bengal Moslems, therefore, urge that this disparity should be reasonably modified.

The Moslem religious festivals of the 2 *Ids* are reckoned not only according to the Moslem Lunar Calendar, but they depend on the fact whether the moon on the particular occasions is visible or not. As these public holidays are declared at the commencement of the year, it often transpires that the festivals of the 2 *Ids* actually take place on the days following the 2 days that are gazetted as Public Holidays under the Act. Thus the fact of declaring only 1 day for each of the 2 *Ids* as holiday under the Act has not sufficiently relieved the Moslem public of the hardships that they have to undergo while having dealings with Banks, Mercantile firms, Mills, Factories or Docks. It is, therefore, reasonable to demand that 4 days instead of 2 should be declared as Public Holidays under the Act on the occasion of the 2 *Ids*.

The *Bar-i-wafat*, or as it is called the *Fatiha-duaz-daham*, is also a sacred day to the Moslems. It is the day when the Great Prophet of Arabia was born, and owing to a curious coincidence it is also the day when he departed this mortal life. This falls on the 12th of Rabi-al-Awal of the Moslem Lunar month. Hence the Bengal Moslems claim that this day should also be declared a Public Holiday. They also claim that amongst the days that are gazetted as Government Holidays, some of their days of religious festivals, notably during the *Ramzan*, may be gazetted as Government Holidays.

NO-CONFIDENCE MOTION.

Full Text of Mr. Ghuznavi's Speech.

"The following is the full text of the speech delivered by Hadji Mr. A. K. Ghuznavi in reply to the vote of no-confidence at the meeting of the Bengal Council on the 25th of August, 1927 :—

It is only a short while ago that I had an occasion to say elsewhere that artificial clouds were beginning to gather on the political horizon of Bengal, and that a fresh attempt would again be made to stop the work of the Reforms and to arrest its further progress in Bengal. My predictions have come true. I would say at once that this vote of no-confidence is merely a manœuvring, a sordid political move—in order to gain cheap notoriety and to secure the halo of victory on the part of some, and to satisfy personal grudge and private spite on the part of others. But, sir, I ask, have they ever paused to consider what the effect of their favourite pastime is likely to be on the future of this province ? Have they ever paused to consider that at the expense of satisfying a personal grudge and securing the applause of the gallery they are really setting back the hands of the clock of progress so far as this province is concerned ? Have they considered what harm they have already done to the progress and well-being of the land they live in and the yet greater harm which they are likely to cause in view of the forthcoming advent of the Statutory Commission ? They have already succeeded in one, namely, to render Bengal a bye-word of ridicule. A time was when while Bengal led, the rest of India followed. Now it is Bengal that is doomed to lag behind other provinces as the result of the light-hearted pastimes in which they have been indulging for some years past.

ALONE AND ISOLATED.

Bengal now stands isolated and alone while the Reforms are working satisfactorily in all the other provinces. In spite of the rhetoric of my friend, Dr. Roy, and his disavowal of any personal motive in bringing this motion, I am afraid that a great deal of personal motives have entered into this motion. He has tried to explain the attitude of his party with regard to the question of Dyarchy and he has dilated on the provisions of the Act which give the Governor the power to administer the Transferred Department irrespective of the question of the Minister. He has told the House that the provisions of the Act do not confer any real responsibility on the people. He has told the House that the Governor can interfere in all matters and functions of the power of the Minister. This is far from the truth. May I tell him that it is the Minister who really makes out the policy ? May I tell him that the Governor is there to take and give advice to and to guide and be guided by the Minister. I say that it is possible for any Minister to do sufficient good to his country and the people if he really wishes to do so and if he is worth his salt. In all civilised countries where parliamentary institutions flourish, it is not possible to bring in a motion of no-confidence against any Minister on such flimsy pretext—nay, it would be unthinkable. There such a motion must be based on some constitutional issue or some particular question of policy or some matters connected with the public weal ; but here, in the speeches to which I have listened patiently, I have failed to find a single instance which they have been able to cite of any action on my part whereby I could have possibly forfeited the confidence of my countrymen.

WELFARE SCHEMES.

It was only in March last when a vigorous attempt was made to throw out the salary of the Ministers. At that time, I must say, so far as a large section of friends on the opposite is concerned, there was some plausible ground inasmuch as it could have been interpreted as an attempt to kill Dyarchy altogether. The deplorable Kulkati incident was there ; full advantage was taken of arousing communal passions

to the highest pitch ; but in spite of all such sinister endeavour their attempt was defeated, and the verdict was entirely in our favour. What has happened since then ? If anything, I have been in the meantime trying my humble best to do whatever I can in order to serve my God and my country. I consider it a sacred privilege to serve God by serving His creatures and that is what I have been doing. Ever since the assumption of office I have been untiring in my efforts to formulate and push through far-reaching schemes affecting the public welfare. I would briefly recapitulate a few items. Will it please my friend, Dr. Roy, if I tell him that I have initiated various schemes of public utility ? Shall I tell him, although he treated the subject in that light-hearted fashion whereas I did not for one moment treat them in the way he has done ? Shall I tell him that as regards the question of cholera—a disease which at at once rouses terror in the minds of the people—that it was I who initiated a vigorous campaign against it ? It was in Bengal that 30 years ago Dr. Hafkin invented that wonderful treatment. While other countries had taken advantage of this system of treatment and driven away cholera from their shores here in Bengal thousands were dying every month from cholera ; but since the introduction of the above treatment the death rate has fallen off considerably. Was it a crime for the Minister to do this ? Was it a crime to serve his countrymen, I ask ? If so, I plead guilty to the charge. Then as regard water hyacinth the House is perhaps aware that this question has been before them for a number of years and still nothing tangible had been done, I have given very careful attention to this question. Most of the members are perhaps not aware of the extent of the damage done alone to crops by this pest and they will perhaps be surprised if I say that in one district alone the loss to agriculture came to Rs47½ lakhs. May I ask if it is a crime to take all steps that were necessary in order to eradicate the pest ? If so, I plead guilty to the charge.

KULKATI INCIDENT.

Now, sir, I turn to the regrettable Kulkati incident which has been yoked to the cause of political vendetta and I will only say that they are worse than vultures who could take advantage of the bodies of those martyrs for their political propaganda. I have been told that I did not stir in the matter. I emphatically repudiate the charge. It was I who took a large number of the members of this House to wait upon the Hon'ble the Home Member and to represent Moslem feeling in this connection and press for necessary inquiry. Nor did I stop at that. I also interviewed His Excellency Lord Lytton, the then Governor, and did whatever was possible in the circumstances, and I only rested when I felt sure that necessary action would be taken.

What have the other gentlemen done ? I have been trying to raise funds for the relief of the people and they were trying to stop the collecting of those funds ? Those funds, God willing, will be distributed to the people affected in the fulness of time.

PERSONAL JEALOUSIES.

I have no hesitation in saying that this is no *bonâ fide* motion of no-confidence at all. It is merely an opposition arising from a curious amalgam of political irresponsibilities and personal jealousies and disappointed hopes on the part of disgruntled politicians. It is such an opposition which on the pretext of our having lost the confidence of this House seeks to hound us out of office before we have even had a fair chance and time to show what we can do. One can understand the attitude of the Congress Party in the Council which is avowedly out to oust Dyarchy and kill Dyarchy if that be possible. But I had hitherto thought that their opposition was against the principle and not against the personnel of the present ministry. But the opposition from their new found Moslem allies seems inexplicable as these gentlemen were sent to the Council with a distinct mandate to work the Reforms and not to destroy them. But their first act was to vote against the salaries of the Ministers. What lay behind their action then lies behind their action now and is quite patent to all.

RELEASE OF DETENUS.

I have also been charged with keeping silent at the time when there was a motion before the House with regard to the release of the detenus. I was told that I remained neutral. With your permission I will refer my friends to the Rules of Business on this subject. Speaking from memory I may say that the rules are that when a Minister does not happen to agree with anything that transpires in the work of his colleagues, he cannot possibly oppose them by speech or vote against them. There is only one course open to him and that is to remain neutral. I am sure that my friends on the other side cannot be possessed of the divine gift of reading other people's thoughts. They surely cannot pretend to tell me they knew what thoughts were in my mind when I sat silent and did not vote on that resolution. I ask them is it fair on their part to charge me with a thing to which they cannot ascribe any motive ?

STATUTORY COMMISSION.

I have also been charged with communalism and things of that kind. I beg to emphatically declare that everyone can have only approbation for a Muhammadan or a Hindu who safeguards the legitimate rights of his community without encroaching upon the rights of others. But we can have nothing but condemnation for that Hindu or that Muhammadan who tries to oust the other. In this land of ours it is the duty of the Hindus and Muhammadans to live side by side as brothers. As I have said on more than one occasion that if my Moslem brethren will only realise that it is their duty not only to help each other, but to live in amity with the members of all the sister communities, then nothing on earth could retard their progress. Such being the case I would appeal first of all to my Moslem brethren to assist me in the working of the Reforms. I would appeal to all in the name of everything that is holy to consider the effect of their action to-day. We have been told that the Statutory Commission is coming shortly. I want to ask them squarely and fairly what verdict can the Statutory Commission give other than that Bengal is unfit for any further political advance if we go on as we are doing ? I fully share the views of my friend, Sir Abdur Rahim, that Dyarchy is not a perfect constitution. Dyarchy has its faults, limitations and shortcomings. But is not our duty to work Dyarchy and work the Reforms for what they are worth ? It is our duty to show by our merit that we are worthy of further Reforms and further progress. It is not for us to say that because this constitution is not perfect we won't have it. It is for us to say that whatever be the limitations of the system we will work it and show by our merit that we deserve something better. I need not remind my friends of the proverb " First deserve and then desire." We have got to prove our merit before the bar of the English Parliament and before the bar of the British people, and we have to prove that we are fit for further Reforms before we can expect to get them.

If my friends on the other side would only recall the events in recent years that took place in Ireland and Italy, they would find that things there are different from what things are in this country. A lot of blood was spilt and machine-guns were fired there, but we have no such weapons to fight with, but we have the greatest of weapons, and that is to work the Reforms and show by our action that we deserve further Reforms and further progress, and responsibility.

TO SERVE MY COUNTRY

Here I stand and declare before God that I have been inspired all the time by one and one motive

alone, and that is to serve my country to the best of my ability. I do not claim to be infallible. I am imperfect and conscious of my limitations. But I recognise it to be my duty to do what I can in order to serve and further the progress of this country. I frankly confess that I have always been inspired by these ideals in spite of what my friends on the other side of the House may say.

In conclusion I can only deplore in the words of the poet :—

Oh ! what a rarity,
Of honour and charity
Under the Sun ! "

[" *The Bengalee,*" dated 31-8-27.]

FALL OF MINISTRY.

WRECKERS' INTRIGUES AND UNCLEAN METHODS.

Mr. Ghuznavi's Speech.

" At a gathering of officials at the Grand Hotel on the 29th August, 1927, the following amongst others were present :—Messrs. J. H. Lindsay, C.I.E., I.C.S., R. N. Reid, I.C.S., J. G. Drummond, I.C.S., Major-Gen. G. Tate, I.M.S., Dr. C. A. Bentley, M.B., D.P.H., Mr. A. T. Weston, Rai Bahadur J. M. Mitra, Rai Bahadur J. N. Roy, Messrs. R. T. Davis, A. D. MacGregor, F. C. Griffin, S. C. Mitter, G. C. Sen, B. B. Sarkar, J. C. Sen, Khan Bahadur Quamaruddin Ahmed, Mr. Susil Kumar Ganguli, Khan Sahib Kabiruddin and Khan Sahib A. Jalil.

Addressing them Mr. Ghuznavi said :—

GENTLEMEN,

At the outset, I desire to convey to you my deep appreciation of your loyal co-operation, unfailing courtesy, genuine assistance which you have rendered me, and your sincere devotion during the period in which I had been in office for the second time as a Minister of the Government of Bengal. We have been closely associated together in the various departments which it has pleased Providence to entrust to my care. During this brief period it was with your assistance that I was able to formulate many a scheme which, when matured, will be fraught with immense benefit to my unfortunate countrymen. There is the campaign against Cholera, the Rural Public Health Scheme which will dot the map of this province with Health Bureaus in every thana, the campaign against Water Hyacinth, the scheme for the improvement of the entire cattle of this province, the establishment of Veterinary Dispensaries with underground cells for the storage of free serum, the throwing wide open the doors of the agricultural profession to the sons of " bhadralogs," the development of our Home and Cottage industries, and the speeding up of the passage of the State Aid to Industries Bill through the Council, the spreading of medical education by, establishing medical schools in Barisal, Berhampore Chinsurah, Jalpaiguri and elsewhere, and the raising to an up-to-date standard the hospitals in the rural districts of Bengal, the drawing up of a more satisfactory scheme for rural water-supply, the amendment of the long obsolete Local Self-Government and the Bengal Municipal Acts, the initiating of proposal for the control of motor vehicles traffic in our rural areas, the instilling of the ideas of co-operation throughout rural Bengal, the popularising of Jute and other Sale Societies to the same extent as the credit side of the Co-operative movement, the formation of a close service in the Co-operative Department, which is most urgently needed in the interests of the efficiency of the department, the creation of some other agency than that existing at present for the recruitment of Muhammadan Marriage Registrars, the amelioration of the condition and emoluments of Sub-Registrars, Veterinary Surgeons and other underpaid subordinate officers in the public employ, and various other schemes of public benefit and utility in the nine departments out of twenty into which administration is divided in Bengal. These, gentlemen, are the principal items which have been engaging my earnest attention, and in which you all have been of the greatest assistance to me.

TWO MONTHS' WHIRLWIND TOUR.

Besides these, it has been my privilege to make what one might call a whirlwind tour during the last two months throughout the major portion of this province where I had gone to learn at first hand the needs and wants of my fellow-countrymen, so that I might be better able to minister to their necessities and afford any relief which it was possible for me to obtain from the well-guarded strong-rooms of the Bengal Treasury. This in a way completes the tale of the work begun, but left undone. I leave all this legacy to your care and to your charge.

WRECKERS' INTRIGUES.

Inscrutable are the ways of Providence : but it is for man to accept His decrees cheerfully and patiently in the hope that it is all for the best. When I read this morning's paper, I came across the following lines :—" There is no need to dwell upon the more than dubious methods by which the last Ministry was driven from office. These methods are, unfortunately, a commonplace of politics in Bengal, and there was last week manœuvring, intrigue, and worse, of a kind that would be considered a disgrace to any part of India except this Presidency." When talking about the qualifications of a Minister, they were summarised in that paper as ability, including of course educational qualifications, social standing, a real following and freedom from pecuniary worry ; in other words, plenty of cash. If a Minister is required to keep his seat in Bengal at the present moment intact, I could not agree to these being the requisite qualifications, except perhaps the last. From my experience of two Ministries, this is what I would say. If a Minister in Bengal wishes to make his Ministry stable, he must start in the first instance by leaving the Finance Department severely alone ; and he must be content to relegate his files and the work of the administration to his Secretaries and their subordinates. Thereafter, he must devote his entire time and energy in pandering to the whims, caprices and vagaries of the waverers and blacklegs amongst his Party and outside and their myriads of relations and connexions ; and their slightest wish must be a law unto him. He must renounce all his independence of thought and action, and subordinate even his physical necessities to their comforts—nay, even to their pastimes. He can only then hope to withstand any onslaught from the constitution-wreckers even in unholy alliance with the mandate-breakers.

TRIBUTE TO SECRETARIES.

Well, friends, your poor Minister sadly lacked in these qualifications : hence you must be content to part with him. But although he may not be there in the flesh with you in the Secretariat, his spirit will be there to cheer you on in the good work which he loved so well. When I laid down the reins of office once before in 1924, this was what I said :—" No Minister, as far as I knew, had the privilege of working simultaneously with three Secretaries and a large number of Heads of Departments who were uniformly and devotedly loyal to him, as they had been to me. I did not remember of even one solitary instance where the Secretaries did not faithfully co-operate and carry out my orders in the administration of the Transferred Departments." Once more I fully endorse every word I uttered then. I would like to refer to Lord Lytton's swan song in which he gave expression to his views about the present constitution, and said :—

" The existence of an Executive which cannot be removed by the Legislature and of a Legislature which cannot be removed by the Executive is not calculated to produce harmony between the two, and, without harmony between the Legislature and the Executive, efficient Government is impossible. To

ALHADJ SIR ABDELKERIM GHUZNAVI. [*Continued.*

ensure harmony an elected Legislature requires an Executive responsible to it and removable by it, and an irremovable Executive requires a nominated Legislature."

Well, gentlemen, how I feel about it is this. The first and foremost Reform that I would be inclined to press before the Statutory Commission would be to remove the anomaly in the spectacle of the present Government where half the Government has got to depend on the vote for its salary, and the other half has not. Either restore independence of action to the entire Executive or let the whole Executive sail in the same boat. An argument was whispered to me against the latter proposal, viz., that in that case there will be a chance of the entire Executive being turned out from time to time. Against this I would point out that if anything, it would tend to operate differently, as there would be more oarsmen to keep the boat of State afloat.

GOVERNOR AND MINISTERS.

Gentlemen, one word more, and I have done. A reference was made the other day to the Governor with regard to his relations to the Minister in charge of the Transferred Departments. I would say at once that the work in the Transferred Departments depends to a large extent not only on the personality of the Minister who, as I said, must be worth his salt, but also on the personality of the Governor who is there to listen to his advice, to give his advice, who is there to guide him and be guided by him. In His Excellency Sir Stanley Jackson, Bengal is fortunate in having one who has played the game all his life and is playing the game here as well. He did play the game with his Minister too. And I have to acknowledge publicly my indebtedness to Sir Stanley for his multitudinous acts of kindness, no less to the gracious lady who is by his side to cheer and comfort him in the midst of his tribulations and trials in steering clear of the shoals and the rocks in the waters of the Hooghly. I can say that during the brief period of our close association he never failed to give me the benefit of his advice: nor was he ever chary of accepting my advice.

"A BOND-SLAVE FREED FROM SHACKLES."

Well, gentlemen, I can only compare my feelings to-day to that of the bond-slave whose shackles have fallen off from him, and who feels that he is free once more. From my college days up till now, I have been accustomed to work more than ten to twelve hours a day, and I feel that work is my food, my raiment and the very breath of my nostrils. The sense of freedom that I derive is not from work, but from unnecessary worry. When I find public life in Bengal free from these shackles—free from the loss of one's independence of thought and action, I shall welcome it. Till then, friends, adieu."

["*The Bengalee*," dated 30-8-27.]

SCENE IN COUNCIL LOBBY.

Official Tactics.

"On Monday last in the Bengal Legislative Council Lobby, the Maharaja of Nadia, asked Mr. Faroqui, M.L.C., on which side the latter was going to vote on the no-confidence motion. Mr. Faroqui replied that he would be guided by what his party decided and he could not give any other reply. The Maharaja was insistent and in a somewhat haughty tone demanded a clear answer. On Mr. Faroqui's not acceding to the Maharaja's demand, the latter told Mr. Faroqui that he would have Mr. Faroqui removed from the common managership of his Joint Estate. It was obviously meant as a threat to Mr. Faroqui and the latter told the Maharaja that he could do whatever he liked. Thereafter Mr. Faroqui reported the matter to the Private Secretary to the Governor.

The over-zealousness of the Maharaja in the cause of the Ministers has attracted the attention of many and he has been heard by many in the lobby to say that 'the present Ministry is his creation' and he must do his best to keep it alive."

["*Forward*," dated 21-3-28.]

Memorandum submitted by the Hillmen's Association, Darjeeling (Bengal).

On behalf of the Darjeeling Hillmen's Association, I desire to submit the following Memorandum to the Royal Statutory Commission for its kind and sympathetic consideration :—

The Association consists of 500 members representing all the sections of the hill people—namely Nepalese (Gurkhas) Bhutias, Tibetans, Lepchas and Sikkimese living in the whole district of Darjeeling—and its object is to safeguard the interests of the entire hill people in the said district.

The Association desires to confine its remarks to item (c) of the Appendix to the " Invitation to submit Memoranda " issued by the office of the Indian Statutory Commission, viz., methods whereby particular interests—communal, local, social and economic—may obtain adequate representation on local Self-Governing Provincial and Central Representative Bodies.

The Association regards it as an axiomatic truth that in any scheme for constitutional development there must be adequate provision for the extension of franchise to all communities having stakes in the country.

The hillmen community in the district of Darjeeling at present occupies a very unique position in the country—their population has increased to a great extent, they have advanced in education and now are also engaged in every sort of avocation of life and all round progress is noticeable amongst them.

The Association submits that though the hill people in the district represents eighty per cent. of the population and are sufficiently advanced and are taking part in the Municipal and District Board administration, they have been excluded from the reforms, whereas such backward tribes as Santals of Santal Parganas and their own fellow-brethren in the other provinces, namely Shillong, Simla, etc., have already got the reforms.

The Association further submits that great injustice has been done to the hillmen community in the district of Darjeeling by treating the said district as " backward tracts " and excluding it from the scope of the reforms.

This Association submits also that having regard to the progress made by the hillmen in recent years towards education, administration and trade, steps should be taken to remove the Darjeeling District from the list of " backward tracts " and include it within the scope of reforms.

This Association finally begs to submit that in the event of the district being included within the scope of the reforms, at least three seats may be provided both in the Provincial and Central Legislatures for hillmen community in the district of Darjeeling.

At a time when the situation is fraught with the possibility of a new orientation of policy it is essential that the hillmen community representing eighty per cent. population in the district of Darjeeling should have a proper representation on the local Legislative body to look after their interest.

This Association therefore confidently expects that the Indian Statutory Commission will give this matter its sympathetic consideration, and will be pleased to include the district of Darjeeling within the scope of reforms by removing it from the list of " backward tracts " and to provide for adequate representation on behalf of the hillmen community.

Memorandum submitted by the Constitutionalists (Southern India Liberal Federation), Madras.

At the very outset we may submit that we accept that the ultimate determination of the time, the manner and the extent of the constitutional progress of India is entirely at the discretion of the British Parliament. But in the Bill that may hereafter be passed by the Parliament making constitutional changes in India, it should be recognised, that it is so passed out of deference to the wishes of the people of India. In making this proposal, we are not attempting to follow the example of the famous Declaration of the United States Constitution, which begins with, " We *the people* of the United States do ordain and establish." But we do wish to follow the precedent set up in the Preamble to the Commonwealth of Australia Constitution Act, wherein we find, " Whereas *the people* of New South Wales, etc., have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland and under the Constitution hereby established," so that the emphasis of *the people* might indicate the democratic origin of the Constitution, and foreshadow its nature. Thus, the Preamble to the Government of India Act 1929 may begin as, " Whereas *the people* of the various provinces in British India have agreed to give up the unitary government under which they are hitherto governed and to unite in one indissoluble Federal Commonwealth under the Crown of Great Britain and under the Constitution hereby established, etc."

We may also mention that our goal is full Dominion Status—leading up to absolute equality of status with Great Britain—with India, governed by her own people, under a system of complete responsible government, and as equal partner of the British Commonwealth of Nations, under the British Crown. We attach to the principle of equality of nationhood as much importance as the Dominions attach, and our aim to secure international recognition of such equality is not less earnest than that of the Dominions. The Dominions, no doubt, have stolen a march over us, but we are determined to overtake them. Separation, or " Independence " from Great Britain, is not by any means our desire. We consider that both India and Great Britain, in fact even the Dominions, have everything to gain by remaining parts of the same Commonwealth of Nations, while separation might mean weakness of the Empire and danger to India. We earnestly hope and trust that all the present constituent parts of the British Commonwealth of Nations might continue as equal partners for a long time to come, in the interests of all concerned and for the common good.

In order to enable India to attain the status indicated above, we wish to emphasise the necessity of the immediate introduction of four great reforms in the present Constitution. These may be stated as :—

I. Complete Provincial Autonomy.
II. Introduction of the principle of responsibility in the Central Government.
III. A Federal System of Government for India.
IV. A declaration of fundamental rights.

I

Provincial Autonomy.

It has been said that Provincial Autonomy has never been defined by Indians, and that politically-minded people in India have no clear conception of what that expression is intended to convey. But, for our present purpose, we may be permitted to adopt the definition quoted by Sir Frederic Whyte, in his monograph " India a Federation," from an unnamed authority, " Autonomy is defined as, in general, freedom from external restraint, Self-Government." By Provincial Autonomy, we only mean freedom for the Government of the Provinces from the restraints of the Government of India, or the Secretary of State or the British Parliament. We want Provinces in India to have governments of their own, uncontrolled and unrestricted from above in all provincial matters—in matters connected with administration, legislation and finance. We want Provincial Governments in India to enjoy the same freedom which the State Governments in the Commonwealth of Australia enjoy, subject of course, to this, namely, that Provincial Governments shall bear to the Central Government in India, the same relations which the said States' Governments bear towards their Federal Government.

At this stage of the progress of the country, it does not, perhaps, require any very elaborate argument to make out a case for the grant of complete Provincial Autonomy. The whole question has been threshed out by the Muddiman Committee. A volume of evidence has been collected, both oral and documentary, from all shades of political opinion in India, from Ministers, ex-Ministers, Executive Councillors, retired Executive Councillors, leaders of all parties in the country, and leaders of Opposition in the Legislative Councils, not to speak of representatives from various communal and political associations. If there is one subject on which there is an overwhelming consensus of opinion in favour of reform, it may be said that this demand for Provincial Autonomy is that one. We do not, therefore, propose to enter into an elaborate discussion or argumentation in support of it. We shall, however, mention the more important points below.

1. The authors of Dyarchy themselves called it a hybrid system and the sooner it is altered the better.

2. They meant it to be only a transitional measure —a halfway house. A decade is a sufficiently long period for change, and the halfway house has long been passed.

3. Dual control creates friction, and the smooth working of the governmental machinery is impaired.

4. The system was intended merely as an experimental measure. The experiment has been performed.

5. It was meant to give training to Indians in responsible government, and the training has given sufficient experience.

6. The principle of unity is a recognised fundamental essential in all modern and civilised good governments. Dyarchy is its antithesis.

7. Under the present system there need be no unity amongst the Ministers themselves, as distinguished from unity with the Executive Councillors. The removal from power of the Ministry as a whole is not only not insisted on, but the dismissal of individual Ministers is actively encouraged or insisted on—a proof of imperfect solidarity in Ministers. In December, 1923, immediately after the second General Election, a formal resignation of the three Ministers in Madras was obtained by the Governor, and a new Ministry was formed with two of the old Ministers and a new third Minister. The Minister who was dispensed with was not consulted, nor was he ever told why he was replaced by another. In March, 1928, two out of three Ministers in Madras had to resign, and their places entrusted to two others, and the new Ministry continued as of old. Joint responsibility of a Ministry is thus not recognised, while solidarity in a Ministry is neither encouraged nor expected. The Muddiman Committee, while observing that " the difficulties in the way of establishing joint responsibility in India are doubtless great," adds, " we are convinced that joint responsibility of the Ministers is the very essence of the present Constitution . . . the object (of the Reforms) was to introduce an approach to Cabinet Government for the Transferred Side of the administration; until this is accomplished

there will be, in our opinion, little training in responsible government." But, they admit that "there are, however, some provisions in the rules under the Act, and also in the Instrument of Instructions, which suggest that the Governor in relation to Transferred Subjects should be guided by the advice of the individual Minister."

8. Joint deliberation (recommended by the Joint Committee) between the members of the Executive Council and the Ministers has been found to be almost impossible, and consequently has not often been resorted to except in Madras and Bengal.

9. There is no need for joint deliberation amongst the Ministers themselves. Each Minister can have his own policy, and can go on with it, provided, of course, the Governor accepts it, and the Legislative Council does not object to it. In Madras, the fiction of a Chief Minister is in vogue. But he is a Chief Minister only in name. The other Ministers are not bound to follow his lead or accept his advice.

10. The Reforms of 1919 were intended to introduce responsible government in the provinces. But Clause 3 of Sec. 52 of the Act provides for action being taken by the Governor against the advice of the Ministers if he sees sufficient cause to dissent from their opinion. This is a negation of the principle of responsible government. In no civilised country, in which the system of responsible government obtains, is a Governor allowed to act *against* the advice of the Ministers, though it may be open to him not to act upon such advice.

The analogy, drawn from that fact under similar circumstances, the Governor can override his Executive Council, does not apply, for the simple reason that the Executive Council is not responsible to the Legislative Council, while the Ministers are.

In the Royal Instrument of Instructions to the Governor, we find, "in considering the Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people of the province as expressed by their representatives therein." These instructions could not be followed, no doubt, for very good reasons, by the Governor of Madras in March, 1928, and his dissent from the opinion of two of his Ministers resulted in the resignation of the latter, though the said Ministers' position was in consonance with the resolution passed by the Legislative Council on the 25th January, 1928.

11. Provision is made under the rules for the Governor to take charge of a Transferred Subject in cases of emergency where, owing to a vacancy, there is no Minister available. In such cases, the Governor is not responsible to the Legislative Council for the administration of such a subject. This again is a negation of the principle of responsible Government. What is more, in such cases, the Governor is not responsible even to the Secretary of State or the British Parliament. This is negation of all responsibility.

12. The Joint Committee recommended that "Members of the Executive Council and Ministers should not oppose each other by speech or vote; members of the Executive Council should not be required to support, either by speech or vote, proposals of Ministers which they do not approve; nor should Ministers be required to support by speech or vote proposals of the Executive Council of which they do not approve." This has resulted in some anomalies. The Ministers are expected to be loyal to their colleagues on the Reserved Side, and to assist them by defending their position in the Legislative Council. But if the Legislative Council disapproves of any proposals of the Reserved Side, then the Ministers must either be disloyal to their colleague or displease the Legislative Council and act against the wishes of that body. In Madras the spectacle was witnessed when the Ministers voted with the Executive Councillors while the Ministers' followers voted against them, as in the case of the resolution on the Permanent Revenue Settlement. In this the Ministers were defeated, but their party was victorious. Again, Ministerialists can be defeated, but the Ministers can be with the winners, as in the case of the debate on the Staff Selection Board. Under the above circumstances, the Executive Councillors naturally suspect the loyalty of the Ministers, while the latter feel helpless.

13. The Joint Committee recommended, under the circumstances referred to in the beginning of the last para., "all other official members of the Legislative Council should be free to speak and vote as they chose." The predicament, in which Mr. Samuel, Financial Secretary to the Treasury, was placed recently by accepting, on his own authority and in the absence of his chief, a budget amendment in the British House of Commons, need not arise in the provinces in India. Under the above rule, even a Secretary attached to a Minister can speak and vote against the latter. In 1922 the Secretary, Mr. G. B. F. Muir, I.C.S., moved an amendment to a provision in the District Boards Bill then under discussion in the U.P. Legislative Council. The Minister, Pundit Jagat Narayan, who was in charge of the Bill, knew nothing about the amendment, was never consulted by the Secretary and was opposed to it on the merits. It was with great difficulty that the Secretary was prevailed upon to withdraw the amendment.

14. Under Sec. 72 D (4) of the Government of India Act, the Governor of a province may certify that any Bill or any clause of a Bill affects the safety and tranquillity of the province, and on that account may direct that no proceedings or any further proceedings shall be taken by the Council in relation to that Bill or a clause thereof. This negatives the right of the people or their representatives in the Legislative Council to make laws which they consider necessary for the good of their province, and stifles legislation and public opinion at a very early stage.

15. Under Sec. 72 E (1) the Governor may certify that the passage of a Bill relating to a Reserved Subject which a Legislative Council has failed to pass or refused leave to introduce, is essential for the discharge of his responsibility, and thereupon the Bill will be deemed to have been passed and shall, on the signature by the Governor, become an Act. This is a negation of all principles of responsible government. This power of the Crown to make laws over the head of the people and of their representatives is foreign to all democratic, representative, and responsible systems of government.

16. Under Sec. 81 (3), the Governor may withhold his assent from a Bill passed by the Legislative Council. The grounds on which he may so refuse his assent are nowhere specified in the Government of India Act. This withholding of assent must be based on definite principles which should be specifically defined in the Act.

17. Under Sec. 81 (4) the Governor-General also may withhold his assent from any Act passed by a Local Legislature and assented to by the Governor. This double check is unknown to other constitutions enjoying responsible government. Even for this second assent, the principles are not defined.

18. Under Sec. 81 (1), the Governor may reserve a Bill for the consideration of the Governor-General. Under Sec. 81 A (3) the Governor-General may reserve any Act for the signification of His Majesty's pleasure thereon. Here again is a provision for double distillation. There can be no objection for a single reservation, but then it must be for the reasons, on the principles and on subjects, recognised in all countries where responsible government prevails.

19. Under Sec. 80 (A) the Local Legislature has power to make laws "for the peace and good government" of the province. The usual expression is "for the peace, *order* and good government." It is not clear why the word "order" is omitted. It is also not clear, therefore, how far the plenary powers of a Local Legislature are restricted by the omission.

The fact that the word "order" is omitted in giving power to the Governor-General in cases of

emergency to make Ordinances and Regulations for the peace and good Government of India in Secs. 71 and 72 of the Act does not seem enough to consider that the omission was intended merely to remove redundancy.

20. Sec. 80 A (3) prohibits a local legislature from making or taking into consideration any law regarding certain subjects without the previous sanction of the Governor-General. This requirement of previous sanction must be done away with, while the making of laws regarding the more important subjects mentioned in the section, such as, the discipline of the army can be made *ultra vires* of the Legislative Council.

21. Under Sec. 72 D (2) proviso (a) when any demand in the budget relating to a Reserved Subject has been refused by the Legislative Council, the Governor may certify that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject, and on that certicate the refused demand is deemed to have been granted. This is taking away the power of the purse from the people, the most essential and elementary right known to democracies and responsible governments. Under proviso (b) of the same section, the Governor can certify, " in cases of emergency," authorising such expenditure even in the case of Transferred Subjects, on the ground that it is necessary for the safety or tranquillity of the Province, or for the carrying on of any department, This ignores responsible government altogether.

22. Again, the sanction of the Legislative Council is unnecessary, under Clause (3) of the said section, for the expenditure on certain items. Some of these ought to be brought under the control of the people's representatives; that is, the number of non-votable items should be reduced to a minimum. The Legislature should have power to alter the Civil Lists, without affecting existing holders of office.

23. Under Devolution Rule No. 27, " the Local Government of a Governor's Province shall not, without the previous sanction of the Secretary of State in Council, or of the Governor-General in Council, as the case may be, include any proposal for expenditure on a Transferred Subject in a demand for grant, if such sanction is required by the provisions of Schedule III to the Devolution Rules." Schedule III gives a list of new posts which cannot be created and of existing posts which cannot be abolished or whose pay cannot be increased or reduced without the previous sanction. In some cases, even temporary appointments cannot be created, nor can any grant of an allowance, pension, or gratuity be made to any Government servant, except under certain circumstances, without such pervious sanction. These limitations to the powers of the Governor acting with his Ministers in Transferred Subjects, and in fact, of the Legislative Council itself, show how unreal responsible government is, and to what extent outside control is exercisable even when the Ministers, the Governor and the Legislative Council are agreed upon certain expenditure. It is submitted that the control of the Legislative Council ought to be deemed sufficient in such matters.

24. The power of making laws by Regulations and Ordinances under Secs. 71 and 72 of the Act must be limited to the cases in which His Majesty can pass Orders in Council or issue Proclamations. The Legislature in India, as in all other civilised countries, must have " the ultimate power to prevent legislation by the Crown " except, perhaps, in cases, if any, in which the Crown in England can legislate by Orders in Council or by Proclamations.

25. Under the existing system, Ministers are able to carry their proposals in the Legislative Council and to retain their offices as Ministers, not on the support of elected majorities, but with the help and co-operation of nominated members and government officials. It was noticed by the Muddiman Committee that out of 15 divisions that took place in the Punjab Legislative Council, the official vote determined the result in 8 instances. The principle of responsibility to the electorate is thus lost. Similar instances have occurred both in Madras and in other provinces. A more singular position had arisen in our province soon after the elections in 1926. The election disclosed that out of 98 elected members, about 48 happened to be Swarajists, 20 to be Justicites (Party in power from 1921 to 1926), 6 Europeans, 18 Independents, and 6 more of no denomination. The Swarajists refused office, and the Justicites, being in a minority, were unwilling to form a ministry, and the Governor called upon the Independents to form a ministry, and they did form one. They had no elected majority in the Council; and yet they carried on quite efficiently for more than a year. Thus, any three elected members of the Legislative Council, if made Ministers by the Governor, can carry on without fear of being defeated in the Legislative Council. The incentive to form and consolidate parties, and to increase the number of followers, based on a separate definite policy and programme, is lost. This is one of the reasons why party system, so very essential for the development of responsible government, has not been encouraged. The defect is inherent in the system of nomination to a popular house.

26. Under the system, now in force, the responsibilities of a Governor are, no doubt, heavy, but his powers also are really enlarged over his powers in the pre-Reform days :—

(*a*) Under the old system, as Governor-in-Council, he was ordinarily bound by the opinion of the majority of the Council, except in cases where a decision was left entirely to his discretion, under the then Act, and in rare cases where he was empowered to overrule his Council. This applied to all subjects, because then there were no Transferred Subjects. After the Reforms, the Governor exercises more power than before over what are now the Transferred Subjects. As pointed out already, he can override his Ministers. He can interfere not only with the policy of a Minister, but also with every detail of his administration. Executive Councillors are entitled to record their minutes of dissent and ask for their transmission to the Secretary of State. The Ministers have, evidently, not got this power.

(*b*) The Governor-in-Council is bound to call for meetings of the Council, and it is the will of the majority of that Council that prevails. In the case of Transferred Subjects, the decision of the Governor, acting with his individual Ministers, is final. A Minister cannot call in aid the votes of his co-Ministers to outvote the Governor, as the Executive Councillors can do. A Governor is not bound to consult all the Ministers together.

(*c*) Please mark the words " the Governor acting with his Ministers." The significance of this language is clear, and it has been used to ignore the basic principle of responsible government.

(*d*) The rules enabling Secretaries and heads of departments to have access to the Governor behind the back of the Ministers have worked to the disadvantage of the latter. These rules are defended on the ground that the Secretaries are Secretaries to the Government, and not to individual Ministers or members of Government, and on the ground that the system existed even in the pre-Reform days. That is, no doubt, true, but then there was neither Dyarchy nor any responsibility to the Legislative Council. Mr. D. N. Banerjee in his " Indian Constitution " (p. 420) observes that Governors in some pro-

vinces " have to control their Ministers to reduce them to the position of mere advisers and to concentrate power in themselves, even in respect of the administration of Transferred Subjects."

(*e*) The control over the Ministers is, for all practical purposes, twofold now. There is the control by the Governor, and there is the control by the Legislative Council. This double control is incompatible with Ministers' responsibility to the Legislative Council. And, when we remember that the Governor is not responsible to the Legislative Council, and, that under the Legislative Council Rules and Standing Orders, the conduct of a Governor cannot be questioned in the Legislative Council by interpellation or by moving any resolution, we can realise the condition of responsible government, as it exists at present in the Provinces.

27. Under the practice set up in Madras, it is not open to a Minister to see any file or Government Order passed in another department without the permission of the Member concerned. It is only after obtaining such permission, the file or Order will be supplied to him. But this disability does not attach to a permanent Secretary with a Minister, under the same practice or convention. The position of a Secretary is thus better than that of a Minister.

28. It is not open to a Minister to raise any question for discussion or start a file on any point affecting any Reserved Subject. The following case has once occurred in Madras. At the suggestion of the Governor, and in fact, on his command, the Minister of Industries prepared a note with a view to transfer certain powers of initiative, then enjoyed by the District Collectors and the Board of Revenue, to the Director of Industries, in the matter of mining consessions. The Finance Member (an Executive Councillor on the Reserved Side) objected to this, on the solitary ground that a Minister could not take the initiative in any matter touching or affecting a Reserved Subject. The note had to be dropped at once, the Governor, who ordered the Minister to prepare the note, having surrendered to the objection of his Executive Councillor.

29. The absence of any real control of a Minister over his own Secretary has already been referred to. Neither he nor the Legislative Council can effectively control members of All-India Services working under the Ministers. The salaries of the Services are non-votable, and sometimes occasions have arisen in many a Legislative Council in India when members had to move motions for cutting down the pay of the clerks and peons of an officer whose salary is non-votable and whose action on certain matters is objected to. Unable to vote down the salary of the officer, the Legislative Council resorts to the device of voting down the salary of a petty clerk to indicate its disapproval of the action of the officer. This may be perfectly legal, but does not add to the sense of responsibility or to the dignity of constitutionalism, or to the training of Indians in the direction intended.

30. The pay and prospects of the All-India Services are in the hands of the Secretary of State. These All-India officers have not much to induce them to be loyal to the Ministers or co-operate with them whole-heartedly save their own good nature, sense of duty and honour. In the evidence before the Muddiman Committee, several instances were disclosed that certain members of the permanent services did not wholeheartedly co-operate with the Ministers. There is, no doubt, much to be said on both sides. The Ministers thought the services should obey them. The members of the services thought that the Ministers were new to their work, and should be guided by the advice, which they are in a peculiar position to give, on account of their vast administrative experience. The Ministers were of opinion that they knew their country and the conditions therein better than British officials, whose knowledge in such matters, however long they may have stayed in India, cannot be complete. Given the goodwill and a desire on both sides to give and take, much of the friction might, no doubt, have been avoided. But assuming that the administration had to be carried on in the strict letter of the law, there can be no denying that the difficulties of a Minister in this connection were, to a large extent, real.

31. The appointment and posting of some of the more important officers is with the Governor, and sometimes with the Government of India. Occasions might arise, and did arise, when a Minister wanted to post a particular officer to a certain place, but he was defeated in his object. For instance, in Madras, when the post of the Surgeon-General fell vacant, the Minister for Local Self-Government, who held the Medical Portfolio, could not get his nominee appointed, but an I.M.S. officer from Northern India was sent down as Surgeon-General to the Madras Government. Now, the Minister is responsible to the Legislative Council for the administration of the Medical Department. The Surgeon-General is an I.M.S. officer, originally appointed by the Secretary of State for India, and ever afterwards under the control and direction of the Government of India. The Minister has a policy of his own in matters medical, and wants, let us assume, to introduce certain reforms, such as the development of indigenous medicine. The difficulties of a Minister, under the above circumstances, are easily realised. There is no guarantee that the Surgeon-General appointed by the Government of India will see eye to eye with him on such matters. The new Surgeon-General, too, may have to take some time to understand the policy of the Minister, and this might mean much loss of valuable time, which is so very precious when it is remembered that the term of office of a Minister is normally only three years, unless he is re-appointed Minister after the next General Election.

32. Next, if a Minister finds that there are several superfluous posts in Transferred Departments filled by members of All-India Services, or that the duties of a large number of them can be efficiently discharged by the less paid officers of the Provincial Services, the Minister or the Governor acting with the Ministers has no power to abolish any such post, or transfer it to the cadre of a Provincial Service.

33. The reservation of certain posts in the Transferred Department to the I.C.S. has also caused some inconvenience in some provinces, in that it did not leave enough scope for the Minister to make a choice that can be said to be satisfactory. Take for instance the Co-operative Department. The head of that department should be endowed with a large amount of missionary zeal, sufficient acquaintance with prominent men, and the conditions in the rural areas, and a knowledge of and ability to speak the vernacular of the locality. Some I.C.S. officers might be available to fulfil these requirements, but not many. The Minister is not empowered, under the constitution, to put in an Indian or even an European who does not belong to the I.C.S. when the post is " listed."

34. The Reforms of 1919 were inaugurated under trying circumstances. The stringency following the war necessitated increased taxation and drastic retrenchment. Four provinces had also to pay a heavy contribution (since discontinued) to the Indian Exchequer. Under these heavy handicaps, the Ministers, during the last eight years, could not give tangible proofs of the benefits of Reforms, by effecting improvements in sanitation, hospitals, education, roads and the like, which alone directly appeal to the people. If these were the only handicaps, nothing could be said against the Reforms themselves, so far as financial sharing between the two halves of the Government is concerned. But the system of joint purse brought about its own disadvantages to the Ministers. Public opinion in India was

largely in favour of a separate purse. As noticed by the Muddiman Committee " The Madras Government, a member of the Council and some ex-Ministers from Bengal, the President of the Legislative Council in Bihar and Orissa and a Minister in Assam, all suggest that a system of a separate purse should be established." But the Committee could not recommend its adoption.

35. Under the Devolution Rules, Finance is a Reserved Subject, and the member in charge of the Finance Department is to be an Executive Councillor on the Reserved Side. Now, every proposal for expenditure, from every department, must pass through the Finance Department. The Reserved Departments are thus placed in an advantageous position of knowing everything, through the Finance Department, about every measure and proposal of the Transferred Departments, while the latter have no means to obtain knowledge of what is passing in the Reserved Departments. The disadvantage to the Ministers is that the Reserved Half, taking advantage of this knowledge, applied early for and obtained large sums of money, by way of re-appropriation. Again, the Finance Member has other subjects to administer, which, as his own children, naturally claim larger sympathy and therefore larger expenditure on their behalf, and are satisfied. This also worked to the detriment of the Transferred Subjects.

36. Next, Devolution Rule 38 gives great powers to the Finance Department in the matter of re-appropriation. Whereas that department can sanction any re-appropriation within a grant from one "minor head" to another "minor head," a Minister can only re-appropriate from one sub-minor head to another sub-minor head within that minor head.

37. The Joint Financial Secretary contemplated by Devolution Rule 36 cl. (2) has never been appointed in any Province, and the advice and assistance of such an officer was not forthcoming to the Ministers. The Muddiman Committee had recommended the appointment of a Financial Adviser instead of a joint Financial Secretary, the idea being that he should advise the Ministers " in the preparation of their proposals for expenditure so as to secure that they are not likely to suffer from technical objections, which might be raised by the Finance Department." This ignores the main object of the appointment of the Joint Financial Secretary who shall have equal powers with the Finance Secretary and who is to be a watch-dog, as it were, of the interests of the Ministers.

38. The subjects chosen for transfer and those reserved tell their own tale and disclose the plausible difficulties of Dyarchy. All subjects have a bearing upon each other, and it is difficult to dissociate one from another in actual administration. In Madras, the Minister for Agriculture is a minister without Irrigation or Land Revenue, both of which are Reserved Subjects. He is also Minister of Industries without Labour, Factories, Boilers or Mines which are all Reserved Subjects. He is further a Minister for Development without Forests or Electricity, both of which are again Reserved Subjects. The Minister for Public Works has nothing to do with Irrigation, though the Department of Public Works includes Irrigation as well as Civil Works. The Chief Engineer, who is the head of the Public Works Department, is thus a subordinate of the Minister so far as the Civil Works (roads and buildings) are concerned, and is a subordinate of an Executive Councillor (Reserved Side) so far as Irrigation is concerned. The absurdity of such a scheme is apparent on the face of it. The truth is, you cannot, in this fashion, divide subjects for administration, which all interact upon one another. The unity of the Government, designed for other purposes, is equally necessary in the administration of the subjects, which so interact upon one another. The distribution of subjects, under various portfolios, is a matter of mere administrative convenience and disposal of business, and Dyarchy cannot be justified on the basis of that circumstance. The Government of a State is a single mechanism in which each subject has its own function to serve. You cannot dissociate some subjects from the rest without dislocating the entire mechanism. No doubt, in order to gain the more important advantage of training Indians in the art of responsible government, a certain amount of dislocation in the administrative machinery had to be resorted to, and put up with, in a transitional stage. But since the need no longer exists, and the training, already had, can be deemed to be sufficient, it will be cruel to persist in this makeshift device.

Sir John Marriot in his book, " The Mechanism of the Modern State " says " the Cabinet system as hitherto worked in England has involved the acceptance of five principles :—

1. Close correspondence between the Legislature and the Executive.
2. The political homogeneity of the Executive.
3. The collective responsibility of the members of the Cabinet.
4. The exclusion of the Sovereign from its meetings.
5. The common subordination of its members to the leadership of a First Minister."

Now, from what has been said above, it will be found that every one of these principles is violated in the Provincial Governments. We have seen how the Ministers voted against their own parties, and were defeated by their own followers when the latter did not approve of certain actions of the Reserved Half. We have also seen that Ministers were able to carry on certain measures only with the help of nominated and official members. Secondly, we have seen that Dyarchy is the very negation of homogeneity amongst the Ministers themselves. Thirdly, we have also seen one or two Ministers being dismissed or called upon to resign while others retained office. Fourthly, the presence of the Governor at the meetings of the Ministers, and in fact, the Governor himself being the actual head of the Ministers, violates the principle of the exclusion of the Sovereign from meetings. Lastly, we have also seen that there is nobody like a Prime Minister in any of the Provincial Ministries. The fiction of a First Minister in Madras was only one in name, and it never carried with it any of the characteristic features of Premiership. Thus has Dyarchy defeated the working of the Cabinet system, sought to be introduced in the Provincial Governments. But it cannot be denied that it has given sufficient experience to Ministers and members of the Legislative Council to understand the basic principles of responsible government. The time has come when Dyarchy has to be replaced by full responsible government.

Having given our reasons why Dyarchy in the Provinces should be changed into a form of full responsible government, we shall endeavour to give a few details concerning the constitution of Provincial Governments and Legislatures. Only a few details are given, because our submission is that the Australian model should be followed in preparing the constitution of the Provinces of India. As most of the provisions of the Constitutional Act concerning that country will have to be adopted, with such necessary alterations as the conditions in India might require, it will be unnecessary to repeat here the various provisions of that Act. We are aware that the Australian Constitution had not as any part of its object the framing of a government for the States. Autonomous States were in existence before the Federation was formed. It was not so in the case of the Canadian Constitution. We have to follow the latter in providing for the constitution of both the Federal and Provincial Governments. The following provisions are merely suggestive, and are by no means exhaustive :—

A. PROVINCIAL GOVERNMENTS.

1. There shall be no distinction between Reserved and Transferred Subjects. All shall be Provincial

subjects, and under the control and direction of the Ministers.

2. The Governor of every province, including provinces other than presidencies, should be appointed directly by the Crown without the intervention of the Governor-General, or Governor-General in Council Such a Governor should generally be chosen from well-known British politicians. Our Association does not think that the time has yet come when Provincial men could be appointed as Governors. The duties of a Governor are very delicate, and at times very onerous.

3. The Governor in a Province should occupy the same position, as nearly as possible, of a constitutional Governor in Australia. He should act entirely on the advice of his Ministers, except in matters which are expressly or by implication reserved for his sole discretion.

4. No instructions shall be sent to the Governor from the Secretary of State on any topic except the assent or reservation of Bills.

5. If a Governor does not conform to regular constitutional usage, he shall be liable to be removed from office by His Majesty, if two-thirds majorities of both Houses of the State Legislature decide that they will not work with him.

6. A Governor shall have power to dismiss a Ministry or to ask his Minister or Ministers to resign under circumstances similar to those under which a Governor of an Australian State can dismiss or call for resignation. But, before resigning or obeying the order of dismissal, the Ministry shall be entitled to make a reference to the Secretary of State who may revise the decision of the Governor.

7. The Ministry shall consist of the Prime Minister, and not less than five other Ministers. The Governor shall appoint the Prime Minister who shall choose his colleagues with the approval of the Governor.

8. The Ministers in the province shall occupy the same position, as far as may be and as nearly as possible, as the Ministry in Australia, the Governor occupying the position of a constitutional Governor in the States in that country.

9. There shall be no Executive Councillors in the sense in which they exist at present. But, there shall be two advisers to the Ministry generally chosen from the Civil Services. These two will have a seat in the Cabinet, and also in the Legislative bodies, without a vote in either. One of these is to be the Financial Adviser to the Ministers, and the other their Adviser on Law and Order. They will receive the same salary as the Ministers.

10. There shall be an Executive Council to advise the Governor in the government of the Province (State), and the members of the Council shall be chosen and summoned by the Governor and sworn as Executive Councillors and shall hold office during his pleasure. All the Ministers and their two Advisers shall be Executive Councillors. The other Executive Councillors shall be honorary and unpaid. When a Governor in Council is given power under the Constitution, he shall act, if not always on the advice of his Ministers, yet always in accordance with the doctrine of ministerial responsibility. He shall not act without advice, though he can refuse to act. He shall not undo any action taken legally by his Ministers, though he can obtain another Minister to cancel the act of his predecessor.

11. The Indian Government being made a Federal Government, and the autonomy of the Provinces being recognized, according to our proposals, the relations between the Federal and States' Governments shall be, as nearly as possible, those obtaining in Australia between the Federal Government and the States' Governments in that country, in matters executive, legislative and judicial, subject to the limitations mentioned in the above paragraphs.

12. We prefer the Australian System of Provincial Governments to the Canadian system. Our reasons are threefold.

(1) We want the residuary powers in the provinces.

(2) We do not want any control of the Federal Government over the Provincial Governments, except what might be involved in the statutory provisions concerning the relations between the two Governments.

(3) The Native States in India can fit in only with the Australian system, but not with Canadian system.

B. PROVINCIAL LEGISLATURES.

(*a*) CONSTITUTION.

1. There must be two Provincial Legislative bodies—a Legislative Council, and a Senate.

2. The Legislative Council shall be entirely elected.

3. The Senate shall be partly elected and partly nominated.

4. The relations between the two Houses shall be similar to those obtaining in Australia, as nearly as possible.

5. The number of members of the Legislative Council shall be nearly twice that of the existing numbers.

6. The number of the members of the Senate shall be about a third of the Legislative Council.

(*b*) LEGISLATIVE POWERS.

The Provincial Legislature shall have the following powers in particular, among those which their counterparts in Australia enjoy.

1. The legislative power of the Provincial Legislatures shall be plenary, defined and exclusive.

2. In cases where there are concurrent powers and there is a conflict between provincial laws and the Indian laws, the latter shall prevail.

3. Proposed Provincial laws shall not be subjected to double assent, nor disallowed, except when they are *ultra vires*, or unconstitutional.

4. The Governor may assent or refuse to assent to any Bill passed by the Legislative bodies, in the name of the King. No Act shall require the assent of the Governor-General. The Governor may reserve a Bill for the signification of His Majesty's pleasure.

5. The Governor shall have no power to make grants by certification. He shall have no power to make Regulations or Ordinances, except in so far as he may be authorised by any Act of the Legislature.

6. Provincial Legislatures shall have no power to pass any law inconsistent with any Indian or Parliamentary Act.

7. They shall not undertake any legislation affecting any Federal subject.

(*c*) FRANCHISE.

1. Separate electorates for minorities, such as, Moslems, Indian Christians and Europeans shall continue.

2. Separate electorates for Depressed Classes, with separate electoral qualifications, shall be established.

3. Single member constituencies, or, in the alternative, plural constituencies with proportional representation on the system of a single transferable vote, shall be formed.

4. We are not in favour of universal suffrage, for the present; but the property qualifications of voters may be reduced, and this is absolutely necessary in the case of the Depressed Classes, Indian Christians and the Moslems.

5. Reservation of seats now allowed to the Non-Brahmins in the Provinces of Madras and Bombay shall continue.

(*d*) RELATIONS BETWEEN THE TWO HOUSES.

1. The Budget and all Bills imposing new taxes shall originate in the Legislative Council only.

2. The Senate shall have no power to amend any taxation Bill or any item in the Budget.

3. The Senate shall have no power to amend any Bill so as to increase any proposed charge or burden on the people.

4. The Senate may, at any stage, return to the Legislative Council any Bill which the Senate may

not amend, requesting, by message, the omission or amendment of any items or provisions therein.

5. Except as provided above, the Senate shall have equal powers with the Legislative Council in respect of all Bills.

6. The Budget shall deal only with appropriations.

7. Bills proposing taxation shall only deal with taxation. No tacking shall be allowed.

8. Provision shall be made to avoid deadlocks. The Australian procedure in this connection is very complex. We prefer the English method regarding money Bills, and we suggest that provisions similar to those of the Parliament Act of 1911 might be adopted in the Constitution, subject to the above provisions. As regards other Bills, provision shall be made for dissolution consequent on a disagreement of the two Houses.

9. The Legislature shall have power to make constitutional changes in matters affecting franchise, electoral divisions and the like.

II.

RESPONSIBILITY IN THE CENTRAL GOVERNMENT.

The question of reforming the Government of India presents innumerable difficulties. If it is agreed that India is ripe for full responsible government, the solution would have been easy enough by granting it without reservations. But the existence of Native States, the absence of Indian naval, military and air defences, the Hindu-Moslem troubles, the Brahmin-Non-Brahmin dissensions, the disabilities of the Depressed Classes, and the want of experience in responsible government in the Central Government, and the non-realisation of responsibility by the electorate, which is mostly illiterate, make the British Parliament hesitate to agree to the immediate grant of complete responsible government to India. Yet, there seems to be no alternative. Sooner or later full responsible government must be established in this country. Representative government is a settled fact in this land. It is not a recent institution. It has been in existence for several years. It has grown up from time to time, and may now be said to be in full swing. There can be no going back on it. Mr. Gwynn's suggestion, of an Assembly to be filled by members nominated by the provincial Ministers, is therefore out of the question. As the Hon. Mr. R. H. Brand said, in his "The Union of South Africa," "Institutions, when once they have been brought into being, have a knack of refusing to disappear." Representative government cannot, therefore, be abolished without bringing about disaster. Now, the history of representative institutions in the Dominions shows that such institutions in the Dominions inevitably lead to only one consequence, namely, responsible government. You cannot long continue the former without granting the latter. They are bound to go together. One cannot exist without the other.

In the chapter on "Failure of Representative Government in the Canadas," Prof. Kennedy observes, "There were fundamental contradictions in being allowed a say in passing laws without controlling the judges who interpreted them; in being allowed to vote taxes without deciding the items of appropriation; in being a constitutional part of the Government without an effective voice in the administration. The French Canadian House of Assembly never saw these difficulties politically isolated or politically correlated. They attacked one and all, but always when they felt that their race and nationality were in danger. Law the French Canadian must obey; taxes the French Canadian must pay; judges the French Canadian must face; administration the French Canadian must experience; and the challenge given in turn to each was a challenge fundamentally inspired by racial homogeneity and kept alive by those fears, suspicions, arguments, and aggressions which are the peculiar weapons of nationalism when fettered and unfree in a servile state" (pages 158 and 159) . . . In another place, in the same chapter, he observes, "But perhaps the most serious cause of failure in the functioning of the constitution was the fact that the Crown had no constitutional responsibility to the Houses of Assembly, and yet there could be no legislation without them." . . . "The whole system was vitiated by possessing an executive authority which did not need to rely on public opinion." (p. 164) . . . Again, we find Kennedy thus describing the state of Canada. "The history is full of painful illustrations of the Crown's independence of grants and of its carrying on the administration of the provinces without monies voted by the legislatures. This was one of the broad issues. The protagonists of the popular Houses in this connection were often factious and recalcitrant demagogues, but behind their wearisome protests and endless reiteration of their claims, there lies a fact of experience in modern government, that there can be little hope of political stability as long as the executive is financially independent." (p. 163).

We feel we need not apologize for these somewhat lengthy quotations. All the above conditions obtain in India to-day. All the fundamental conditions referred to in the first paragraph quoted exist to-day in India. Substitute the word Indian for French Canadian, and read the paragraph, and you will find it is entirely true of India. The Indians as a nation feel a "racial homogeneity" as against the Britishers in India, and the Hindu-Moslem differences and the Brahmin-Non-Brahmin squabbles are either forgotten or ignored in the struggle for freedom against an irresponsible executive. "The fears, suspicions, arguments, and aggressions" are as much the peculiar weapons of our "nationalism" in 1928 as were those of French Canada in 1828. We, too, pass laws and have no control over the judges who interpret them. We, too, vote taxes without deciding a good many items of appropriation. Our legislative Assembly is a constitutional part of the Government without an effective voice in the administration; our Executive is, to a large extent, independent, financially, of our legislative bodies. More than half the central expenditure is not votable by the Assembly, and fresh taxation has been imposed in spite of the adverse vote of the Assembly. Expenditure voted down by the Assembly can be restored by certification of the Governor-General. A whole votable budget has been easily thrown out by the Assembly, and has been as easily restored by the Governor-General. It is a matter of almost annual occurrence, that some items of expenditure are voted down by the former, and are certified by the latter, as a matter of course. The Crown has no constitutional responsibility to the Assembly. The executive authority need not rely on public opinion in India. There are at least ten ways in which a proposed law can be guillotined if the executive is so minded.

1. If it is one whose introduction is prohibited by the Act, say, one touching the army or the public debt, it cannot be introduced at all.

2. If it requires previous sanction, and the Governor-General refuses such sanction, it can be thrown out at the first reading.

3. It may be rejected by the Assembly.

4. It may be rejected by the Council of State.

5. It may be rejected at joint sitting of the two Houses.

6. The Governor-General may refuse assent or may return it for reconsideration.

7. The Governor-General may veto it at any stage, on the ground that it affects the safety and tranquillity of India.

8. The Governor-General may reserve it for His Majesty's pleasure, and His Majesty may disallow it thereon.

9. His Majesty may disallow it after it received the assent of the Governor-General.

10. If passed and assented to by His Majesty, even then the British Parliament may repeal it.

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CONSTITUTIONALISTS (SOUTHERN INDIA LIBERAL FEDERATION). [*Continued.*

The Governor-General can make laws by Ordinance. He can get laws passed with the help of the largely nominated Council of State, and, in the last resort, can pass laws by Certification, as in the case of the Princes Protection Bill 1922. Even taxation laws are so passed. as in the case of the Financial Bills of 1923 and 1924.

The Indian Assembly has an elected majority and an Indian majority. In spite of the numerous disabilities already adverted to, it exercises wide powers, almost as wide powers as any legislative body in the world, save that of bending the executive to its will. As has already been pointed out, the members of the Assembly can not only discuss the entire budget, but also throw it out to a large extent. As the Hon. Mr. (now Sir Malcolm) Hailey said, in introducing the first budget (1921–22) under the the Reforms, " If we incur expenditure, it would be under their mandate. If we impose taxation, it will be by their vote. If the burden pressing on any class of the community has to be lightened ; if large concessions have to be given to any class of government employees ; if large schemes of development on any project of social or moral improvement have to be financed, the House will have to share with us the responsibility to the general taxpayer." The members of the Assembly have got the power of interpellation, and can heckle the executive with supplementary questions on a wide range of subjects. They can move resolutions on all matters of public interest. In cases of urgency, they can move the adjournment of the House, a powerful weapon in the hands of clever politicians, who wish to expose the vagaries of the executive. Their vote must be obtained for the passing of any proposed law in the ordinary course. Private members can introduce their own Bills on many matters that concern public interests. They serve on Committees, including the Finance Committee and the Public Accounts Committee. They thus wield enormous powers which are often used to the detriment of constituted authority, without fear of being called upon to undertake the responsibility of putting their theories into practice. They are denied the advantage of learning by experience. They become reckless and imprudent. Recent debates in the Assembly have disclosed that non-official members excel the Government in the power of debate. The bureaucratic instinct ingrained in the Executive Councillors makes them regardless of their duty to satisfy the non-official representatives of the people. The latter feel they are slighted. The former consider them as unreasonable and irresponsible. Bad blood is created. Discontent prevails. Suspicion is generated. The non-official members stump the country and represent the Government in the blackest colours ; and the Indian press backs them. The result is inconceivable—the deplorable result of constituted authority being brought into contempt.

How then can there be any hope of political stability ? Referring to the period immediately preceding Lord Durham's arrival in Canada, in 1838, Prof. Kennedy observes, " The hushed racial melancholy of one part of the country and the stifled political aspirations of the other bore witness to the fact that race could not be crushed or satisfied in its active life by inadequate constitutional recognition, and that a political people could not for ever sit down quietly under the domination of privilege." Conditions in India to-day are almost similar to those in Canada of 1838. It is, therefore, clear that full responsible government for this country cannot long be delayed. We have, ourselves, noted the difficulties in the way. But they are by no means insuperable. Steps should therefore be taken to pave the way. The whole question resolves itself into this, that a scheme should be devised which involves the introduction of responsibility into the Government of India. This may mean Dyarchy again. The condemnation of Dyarchy in Provincial Governments, and our proposals to end it by the grant of full responsible government in the provinces, is no argument against its introduction in the Central Government, if its only consequence, and that an immediate consequence, is the grant of complete responsibility in the near future. After all, all politics are a matter of compromise. Possibly, too, the scheme may be so framed as to reduce the drawbacks of Dyarchy to their minimum. Temporary inconveniences can well be endured while under the hope of obtaining full responsible government in the near future.

The alternative suggested by Mr. Gwynn, to abolish the present constitution of the Assembly, to fill up that body with members nominated by the Provincial Ministers, is unthinkable. It will, undoubtedly be a retrograde step and will cause immense dissatisfaction and disaffection, the consequence of which cannot be easily foreseen now. We have already drawn attention to the observation of Mr. Brand that political institutions, once brought into existence have a tendency to refuse to disappear. Mr. Gwynn's proposal will create, if pressed, a tremendous agitation in India. It involves the breach of a great constitutional principle. As pointed out by Mr. A. B. Keith, in his " Responsible Government in the Dominions," it was decided in the famous case of Campbell *vs.* Hall that if representative institutions were granted by the Crown to a conquered or ceded colony, the grant was irrevocable unless the right of revocation was expressly reserved in the instrument by which the grant was made. No doubt, the Indian constitution with its representative institutions was not granted by the Crown alone, but by the Parliament. But no distinction, in principle, can be made between the two kinds of grants. Representative institutions in India were established, not for the first time by the Government of India Act of 1919, but by very early Acts. Sec. 84-A of the 1919 Act providing for an inquiry into the working of the system of Government reserves no such right to revoke representative institutions in India, whereas some such power is reserved to restrict the degree of responsible Government, introduced by that Act into Provincial Governments. No doubt, the all-powerful sovereignty of the British Parliament to make and unmake anything is undoubted, but political consequences will not be overlooked in attempting to make any such catastrophic changes. An Act of 1774 revoked the representative system of Government granted to Quebec in 1763, and entrusted the legislative power to the Governor and a nominee council. Not only was this repealed in 1791, but also the representative institutions had to be perfected, and full responsible government had to be granted, as time went on. The whole history of His Majesty's Oversea Dominions is a history of Military or Executive Governments, developing into representative governments, and later on into responsible governments, and then into federal governments, and finally into practically autonomous governments.

THE INDIAN GOVERNMENT.

Assuming then that responsibility will be introduced into Central Government, we venture to place the following scheme of reforms in the Central Government for consideration of the Royal Commission, and in doing so, we may at once admit that we are not unaware of its defects ; nor are we unconscious of its incompleteness. It is a suggestion —a bare suggestion.

The system of the Indian Government shall be Federal.

All the subjects that are now Central Subjects shall remain as Federal Subjects, power being reserved for the Federal Legislature to effect any transfer, if found desirable, later on.

There are two alternatives for the introduction of responsible government. The first is, that responsiblity be almost fully introduced forthwith in the Federal Government, making a reservation so far as the first four Federal Subjects (mentioned in the Schedule I, attached to the Devolution Rules)

are concerned. The reservation shall be to the effect, that the Governor-General, as representing the Crown, shall determine the organization and administration of the said four subjects, and that the Legislature shall not interfere with the expenditure or policy regarding those subjects. This suggestion is based on the analogy of the Japanese Constitution, Article XII of which runs "The Emperor determines the organization and peace standing of the Army and Navy," while Art. LXVII runs "those already fixed expenditures based on the Constitution upon the powers appertaining to the Emperor, and such expenditure as may have arisen by the effect of law and that appertain to the legal obligation of the Government, shall neither be rejected, nor reduced by the Imperial Diet without the concurrence of the Government." The subjects of Defence, External Relations, Native States, and Political Charges being thus reserved, the objections ordinarily raised against the grant of responsible government are fairly removed, while the Indians can have no reasonable complaint, as they will not be much worse off than the Japanese nation. No doubt, in Japan only Defence is so reserved, but then there is no question of Native States in that country; and External Affairs and Political Charges are intimately connected with the subject of Defence. If it can be said that there is no Dyarchy in Japan, the exclusion of the above subjects from the control of the Indian Legislature cannot make our constitution Dyarchical.

If the above scheme be not acceptable, then the other alternative is practically Dyarchical. Federal subjects shall be divided into ministerial and non-ministerial subjects, and the following subjects shall be treated as non-ministerial subjects, that is, as matters of Imperial concern, and shall not, for the present, be entrusted to the Ministers.

1. (*a*) Defence of India and all matters connected with His Majesty's Naval, Military, and Air Forces in India, or with His Majesty's Indian Marine Service, with any other force raised in India, other than Military and armed police wholly maintained by Local Governments.

(*b*) Naval and Military works and cantonments.

2. External relations, including naturalisation and aliens, and pilgrimages beyond India.

3. Relation with States in India.

4. Political Charges.

5. Communications to the extent described under the following heads, namely :—

(*a*) railways and extra-municipal tramways, in so far as they are not classified as provincial subjects under entry 6 (d) of Part II of this Schedule ;

(*b*) aircraft and all matters connected therewith :

(*c*) inland waterways, to an extent to be declared by rule made by the Governor-General in Council or by or under legislation by the Indian Legislature.

6. Shipping and Navigation, including shipping and navigation on inland waterways in so far as declared to be a central subject in accordance with entry 5 (c).

7. Lighthouses (including their approaches), beacons, lightships, and buoys.

8. Port quarantine and marine hospitals.

9. Ports declared to be major ports by rule made by the Governor-General in Council or by or under legislation by the Indian Legislature.

10. (12) Currency and coinage.

11. (13) Public Debt of India.

12. (21) Control of cultivation and manufacture of opium, and sale of opium for export.

13. (30) Criminal law, including criminal procedure.

14. (31) Central police organization.

15. (32) Control of arms and ammunition.

16. (34) Ecclesiastical administration, including European cemeteries.

17. (40) All-India Services.

18. (43) Regulation of ceremonial titles, orders, precedence and civil uniform.

19. (45) The Public Service Commission.

All other Federal (Central) Subjects shall be Ministerial Subjects, subject to the control of the Ministry, just as Transferred Subjects are in the Provinces, under the present constitution. The above division of the subjects is by no means claimed to be the best. A better division can be obtained if a committee of officials and non-officials, presided over by one of the members of the Royal Commission, goes into the question and submits its recommendations to the Commission. Another committee, similarly constituted, shall go into the question of reducing the drawbacks of Dyarchy, in the light of experience gained in the provinces.

There shall be a Privy Council to advise the Governor-General in the Government of India, and the members of the Council shall be chosen, appointed, and summoned by the Governor-General and sworn as Privy Councillors, and shall hold office during his pleasure. The Executive Councillors and the Ministers shall be ex-officio members of the Privy Council. Besides these the Governor-General may choose and summon ex-Ministers, and other well-known men that have rendered public service, and swear them as Additional Privy Councillors. These also shall hold office during the Governor-General's pleasure, but shall receive no salary. When the Governor-General in Council is given powers under the Constitution, he shall act on the advice of the Council; he shall not override his Council and still claim to be acting as Governor-General in Council. He shall not act without advice, though he can always refuse to act. He shall not be bound always to summon the Ministers, and the Additional Privy Councillors for all meetings of the Privy Council. If he feels the need, he can, at any time, increase the strength of the Privy Council by adding Additional members to that body.

The portfolio system shall continue, and the portfolios of the subjects which are not entrusted to the Ministers shall be given to the Executive Councillors, half of whom shall be Indians and the other half Europeans.

No qualifications shall be fixed for the Executive Councillors.

The number of the Executive Councillors shall be such as the Governor-General thinks fit to appoint. The officer commanding, for the time being, His Majesty's Indian forces shall be an ex-officio Councillor.

The Governor-General alone shall not exercise any power conferred by the Constitution on the Governor-General in Council.

The Governor-General and the Executive Councillors shall be responsible to the Secretary of State and the British Parliament for the administration of the Subjects not entrusted to the Ministers. The Secretary of State may, subject to the provisions of the Indian Constitution, superintend, direct and control all acts, operations and concerns which relate to such Subjects. He shall have no such right in matters connected with the Subjects entrusted to the Ministers.

The Indian Ministry shall consist of a Prime Minister and not less than three other Ministers of State. The Prime Minister shall be appointed by the Governor-General and the other Ministers shall be chosen by the Prime Minister and approved by the Governor-General. In appointing Ministers, regard must be had, as far as possible, for the representation of the three Presidencies and Burma. No Minister shall hold office for a longer period than six months, unless he is an elected member of one of the Houses of the Indian Legislature.

All the Central Subjects scheduled as Ministerial Subjects shall be entrusted to the Ministers, and so far as the administration of those subjects is concerned, the Ministry shall have the same powers, and shall be bound by the same conventions, as are recognised, enjoined and followed in all countries where responsible government prevails.

The Ministers shall be responsible to the House of

Representatives, and such responsibility shall be collective. The Ministers shall not be controlled in any way by the Secretary of State for India. The Governor-General shall not undo any action taken legally by the Ministers, though he can obtain another Minister to cancel the act of his predecessor.

THE INDIAN LEGISLATURE.

The Constitution of India must follow the example of the Constitution of Canada and Australia, in adapting to its institutions the legal theory of the composition of Parliament. The Parliament of India shall consist of the King-Emperor, a Council of State, and a House of Representatives. The theory of Indian Government shall regard that government resides in the King, and that the Legislative and Executive Acts are Acts of the Crown. The form of enactment shall be, "Be it enacted by the King-Emperor's Most Excellent Majesty, the Council of State and the House of Representatives of India." In the exercise of his discretion as to assenting to or withholding his assent from Bills, the Governor-General shall regard his duty as an officer of the Imperial Government.

The Bicameral System shall continue.

The Indian Legislature should be given powers to alter the Indian Constitution, within certain limits, and subject to the requirements as to reservation and laying of Bills before Parliament. Measures which create or alter electoral divisions, franchise and similar questions shall be exempted from the requirement affecting the reservation of Bills.

An effort should be made to distinguish between classes of legislation as of Imperial or of Indian interests. The power of the Governor-General shall be limited in the latter class of measures. He will, of course, have the general power of withholding assent in all cases, but in Acts which concern Indian interests only, he should be guided by the advice of his Ministers and should rarely use his powers of veto. As regards measures of Imperial interests, he can exercise his powers to assent, to refuse to assent, or to reserve for the consideration of the Crown subject to the Royal Instructions. In these cases, even disallowance by the Crown after the Governor-General's assent may be provided for.

THE HOUSE OF REPRESENTATIVES.

1. The more populous House shall be called the House of Representatives.

2. It shall consist of twice its present number of members, and shall wholly be elected, suitable constituencies being found for minorities and Depressed Classes.

3. Universal suffrage is not advocated, for the present, but property qualifications of electors should be reduced, more especially for the Depressed Classes and some minority communities.

4. Separate electorates should continue so far as the European, Moslem, Sikh, Indian Christian, and Depressed Classes communities are concerned. Proportional Representation, on the system of single transferable vote, shall be established for the other constituencies. Reservation of seats should be provided for non-Brahmins of the province of Madras and for those of Maharashtra in the Bombay Presidency.

5. Illiteracy should not be a disqualification.

6. The present disqualifications may continue, but to them must be added, being President of a District Board or Government Contractor. But conviction for a political offence not involving moral turpitude or violence or disturbance of peace should not be a bar. The five-year rule should be abrogated.

7. Women's suffrage should be allowed on the same qualifications as required for men. But the minimum age should be 30 in the case of women, while men can vote at the age of 21.

8. All those whose wage-earning capacity is assessed at Rs30 per mensem shall be eligible to vote.

9. All military pensioners will be entitled to vote, in whatever rank they might have served.

THE COUNCIL OF STATES.

1. The Upper House may be called the *Council of States.*

2. All the nine provinces should have equal representation on the Council of States. The minor provinces will be entitled to representation proportionate to their population and their importance.

3. The Native States, if they are willing to join, should be represented in the Council of States by 16 members. The Native States may be divided into eight groups, each sending two representatives. One member from each group shall be nominated by the States forming that group, while the other member shall be elected by the people of the States forming that group, a property qualification determining the electorate.

The members of the Council of States representing the Native States shall have no vote except on matters affecting the Native States, but they shall be entitled to speak on any subject that may be brought forward before the Council of States. The travelling and other expenses of these members shall be borne by the States concerned.

4. The proportion between the elected and the nominated members may be the same as at present.

5. The total number of members shall be half that of the House of Representatives.

6. The franchise shall be the same as at present, as also the disqualifications.

7. The present system of proportional representation shall be retained.

8. The system of postal voting shall be abolished.

THE RELATIONS BETWEEN THE TWO HOUSES.

1. The distribution of powers between the two Houses should be clearly defined, and similar to that suggested by us for the Provinces.

2. The power of initiation of Money Bills shall, of course, lie solely in the House of Representatives, and the Council of States may not amend Bills imposing taxation or appropriating revenues or monies for the ordinary annual services of the Government. Nor shall it have any power to amend any Bill so as to increase any proposed charge or burden on the people. But, the Council of States shall be at liberty, at any stage, to return to the House of Representatives any Bill which it may not amend, requesting by message the omission or amendment of any items or provisions therein, and the House of Representatives may, if it thinks fit, make any such omissions or amendment with or without modifications. Except as limited above, the Council of States shall have equal power with the House of Representatives in respect of all Bills. Laws imposing taxation shall deal only with taxation, and any other provision contained therein shall be of no effect. Tacking should be prohibited.

3. Specific provisions should be contained in the constitution to prevent deadlocks especially in financial matters.

4. If the House of Representatives rejects, or amends unacceptably, any Finance Bill, which the Upper House is prepared to accept, the Lower House shall be dissolved, when the rejection or amendment is not made on the merits but on political grounds. But, if the new House of Representatives also rejects the Finance Bill, the Government must accept that decision, except where the money is required for the administration of the first four subjects in the list of Federal subjects.

POWERS OF THE GOVERNOR GENERAL.

1. The power of legislation by certification must go.

2. The power of granting demands for appropriation shall be limited to the expenditure needed for the administration of the first four subjects in the list of Federal subjects.

3. The power of ordinance-making shall be limited to cases in which His Majesty in Council can pass Ordinances in Great Britain.

4. Reservation and disallowance are, no doubt, legitimate, but such powers ought to be defined and confined to the narrowest limits. The grounds on which the disallowance can be made shall be defined, and the subjects which require reservation shall be specified. Generally, the power of disallowance, or reservation, should be confined to cases of *ultra vires* of the Indian or Provincial legislatures, and should not be allowed in cases where hardship, irregularity, injustice, or interference with the vested rights or contracts are brought forward. Where a proposed legislation is contrary to natural justice, or is confiscatory or *ex post-facto*, it may be reserved.

THE SERVICES.

The question of the security of the All-India Services will be sufficiently met by giving an appeal to the Secretary of State against dismissal, as was done in Natal in 1891. In other respects, the Services must be placed under the entire control and direction of the Central and Provincial Governments and Legislatures in India. Of course, provision will be made for pension, in the case of those who do not wish to serve India any longer owing to conscientious objections. If, however, the new constitution is confronted with more serious problems, concerning the Services, a Commission similar to the Lee Commission might be appointed, and decisions taken on the report of that Commission.

DEFENCE.

All the military, naval and air forces stationed in India, on her frontiers or in her waters, and paid for by India, shall be called His Majesty's Indian Forces. The Command-in-Chief of all these forces shall be vested in the Governor-General, as the King's representative, and he shall have control of all such forces. His Majesty's Indian forces shall not be liable for service outside India and her waters, except on the orders of the Governor-General in Council. In view of the peaceful times through which India is passing, and the international movement for reduction of armaments, the time has arrived when a serious attempt should be made to reduce expenditure on standing armies, whose purpose may be served by a National Militia, Territorial Forces, and Volunteer Corps. A system of compulsory training should be introduced to enable Indians to be prepared to defend their country in case of foreign aggression. The whole subject, however, is entirely technical, and laymen like ourselves can only throw out suggestions. But, from a political and constitutional aspect, we may be permitted to urge that the status of India, in controlling her own forces, and in rendering assistance to the other parts of the Empire, or in receiving help from them, shall be equal, as far as possible, to that of the self-governing Dominions. The history of the relations between the Home Government on the one hand and the Colonial Governments on the other, is replete with instances in which the Colonies were constantly urging on the Home Government to continue to undertake the responsibility of their Naval and Military Defences, to bear the cost thereof and to exercise the necessary control, while England was often urging upon the Colonies that the latter should undertake the responsibility of their own defence, bear the cost themselves and enjoy the right to control their own forces. India, having long borne the entire cost of her defence forces, naturally expects that the same generosity should be extended to her, in the matter of organizing and controlling her own forces.

III

A FEDERAL INDIA.

We are strongly in favour of a Federal system of Government for India. The question has been raised whether the seeds of federalism have not been sown already in the constitution of this country. We will revert to this question a little later. Meanwhile, there can be no doubt that the present constitution of India, as contained in the Government of India Act, is unitary. But, almost singularly, India has a Central Legislature consisting of two Houses—the Assembly and the Council of State—and it also has Local Legislative Councils in nine Provinces. This is a somewhat unique Constitution, not found in any Unitary State, except, perhaps, the South African Union. The Local Governments in India are subordinate to the Central Government. The Acts passed by Local Legislatures must receive the assent of the Governor-General to become law. The Indian Legislature can pass laws for the benefit of a single province, though this is rarely done. It can also pass laws for the provinces, in subjects which are, under the Act, Provincial Subjects, as distinguished from Central Subjects. The Mussulman Waqf Act, 1923, is an instance in point. It can also amend or repeal any Act that had been passed by a Local Legislature. It will thus be seen that, though there are two different Legislatures, one for All-India and another for each of the nine provinces, the Constitution of India is unitary. The complete subordination of the Provincial Governments to the Indian Government also negatives the theory of India being a Federation in embryo. The double Legislature is, no doubt, due to historical accident, and probably also due to considerations of convenience raised by the vastness of the country and the immensity of the population. But, it cannot be said with certainty that a federal conception, to be realised and matured, in the near or distant future, was altogether absent from the minds of British statesmen, who were responsible for the various constitutions that were given to India from time to time.

The federal idea was fostered in India by historical reasons. From the time British connection began with this country right up to the Regulating Act of 1773, the three Presidencies of Madras, Bombay and Bengal were independent of each other, and were in the same position as the Canadian Colonies, the Australian States, and the American States were before their federations were formed and before they had their Federal Governments. For a hundred and fifty years, no doubt, we have had a central and unitary Government, but we wish to get back to the old position of separate autonomous provinces subject, of course, to the condition of partnership in a Federation.

Again, independent powers of legislation or passing Regulations and Ordinances were originally enjoyed by the Governor-in-Council both in Bombay and in Madras, for nearly two centuries now (since the Letters Patent of 1726). This power was, no doubt, abolished in 1833 (by the Charter Act of that year), but was restored in 1861 by the Indian Councils Act of that year. Since then, the provinces were having their own Legislative Councils and passing their own laws. It will be almost impossible now to induce the provinces to agree to an abolition of their Councils, which abolition alone will be the logical position for a perfect Unitary State.

When the Government of India Bill, 1858, reached the stage of second reading, Bright made a speech which was significant. "I would propose," he said, "that instead of a Governor-General and an Indian Empire, we should have neither the one nor the other. I would propose that we should have Presidencies and not an Empire." "I would propose that the Government of every Presidency should correspond with the Secretary of State in England . . . I would have the army divided, each Presidency having its own army."

There is, perhaps, not much in the name "Council of State" given to the Upper House of the Indian Legislature. This body does not contain an equal number of elected members from each of the Provinces, a common and most necessary feature in Federal Constitutions. There are, however, passages in the Montford Report which clearly indicate the presence, in the minds of the famous authors, of a conception of a federal system of government for

India in the future. In Chapter X of the Report dealing with Native States, they observe in para. 300 " We know that the States cannot be unaffected by constitutional developments in adjoining provinces . . . We feel the need for caution in this matter . . . Looking ahead to the future, we can picture India to ourselves only as presenting the external semblance of some form of ' Federation.' The provinces will ultimately become self-governing units, held together by the Central Government which deals solely with matters of common concern to all of them. But the matters common to the British Provinces are also to a great extent those in which the Native States are interested—defence, tariffs, exchange, opium, salt, railways, and posts and telegraphs. The gradual concentration of the Government of India upon such matters will, therefore, make it easier for the States, while retaining the autonomy which they cherish in internal matters, to enter into closer association with the Central Government, if they wish to do so. But, though we have no hesitation in forecasting such a development as possible, the last thing that we desire is to attempt to force the pace. Influences are at work which need no artificial stimulation. All that we need or can do is to open the door to the natural developments of the future."

Even more important is the suggestion involved in para. of 5 of the Preamble to the Government of India Act, 1919, which runs, " Whereas concurrently with the gradual development of self-governing institutions in the provinces of India, it is expedient to give to those provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities." Sir Frederick Whyte, in his " India a Federation," considers that the above paragraph in the Preamble is an answer to those who say that India is not at present a Federal State. He does not say that it is a full answer, but he does say " the raw material for the creation of a Federal Constitution already exists and the first step towards it was taken by Parliament . . . in the fifth para. of the Preamble to the Government of India Act." He adds, " the next step in the solution of the Indian constitutional problem will bring us face to face with those very questions which the makers of Federal Constitutions in Germany, in Switzerland, in the British Dominions, and, above all, in the United States of America, had to answer." In another place he observes, " a country so variously composed as India, and already divided into provincial areas which it would be difficult, if not impossible, to abolish, is an appropriate region for a Federal Constitution, and, from whatever standpoint we approach it, requires a constitution expressly made in the form of a special Statute."

Provincial legislation in India has occasionally taken a turn which is singularly, if unintentionally, consistent with federal systems of government. In February, 1926, was passed in the Assembly a resolution " to move the Secretary of State to disallow the Burma Expulsion of Offenders Act or in the alternative to take immediate steps to introduce a Bill in the Indian Legislature to repeal the same." That Act was passed by the Burma Legislative Council in September, 1925, to enable the Government of the province to deport, from Burma, non-Burmans convicted in Burma of certain offences. The Act itself was similar to the Gondas Act of Calcutta. The argument against it was that one province should not undertake legislation harmful to another. It was likened to an anti-Asiatic legislation in South Africa. The resolution in the Assembly was carried by 69 votes to 38. But the Act itself is not yet repealed. It was passed after Burma was brought within the provisions of the Government of India Act of 1919. If, as was apprehended, the Act was designed to exclude a certain class of Madrasees, and if a province could exercise such a right, it looks as if Burma acted somewhat like a State in a Federal country. For instance, under the exception to Art. 45 of the Swiss Constitution, it is open to a canton to refuse admission to, or to expel any Swiss national who is not a native of that particular canton, and who, in consequence of a penal conviction, is not entitled to civil rights, or who permanently comes upon the charge of public charity. The question of expulsion on account of poverty is understandable, on the principle accepted in England by the Poor Relief Act, 1572 (14 Eliz. C. 5. Cl. 17). But the Burma Act does not refer to the question of poverty. Nor does it confine itself to penal convictions which disentitle the convict to civil rights. The Burma Law, therefore, seems to be even in excess of the Swiss Law. Such a law, passed by a provincial legislature, seems, theoretically speaking, to be *ultra vires* in a unitary constitution. The very fact that one province can legislate for itself, and that to the detriment of another is proof positive of the absence of the unitary system. It is admissible in the States of a Federal country, where the States retain a portion of the sovereign power. Mr. Jinnah and Pandit Motilal Nehru urged, in the discussion on the aforesaid motion in the Assembly, that one province cannot undertake legislation, if not harmful to, at least affecting another province. Lala Lajpat Rai pointed out that such a power in any province strikes at the very root of the principle of nationality. Sir A. Muddiman's reply relied on the Joint Parliamentary Committee, who said, " when the Provincial Government and the Provincial Legislature are in agreement, normally speaking, they should have their way." The recommendation of the Joint Committee is more in accord with the federal principle than with the unitary one.

It will, perhaps, be convenient in this connection to meet the theoretical objections sometimes raised in this country against Federation. The authority of Professor Dicey is often invoked. In the introduction to his " Law of the Constitution," he is decidedly in favour of a unitary type of government, as against a federal form. Amongst the evil consequences he mentions, " If one state of a federation greatly exceed in its numbers and in its resources the power of each of the other states, and still more if such dominant partner, to use a current expression, greatly exceed the whole of the other Confederated States in population and in wealth, the confederacy will be threatened with two dangers. The dominant partner may exercise an authority almost inconsistent with federal equality. But, on the other hand, the other States, if they should possess under the constitution rights equal to the rights or political power left to the dominant partner, may easily combine to increase unduly the burdens, in the way of taxation or otherwise, imposed upon the one most powerful state."

Dicey also thinks that " Federalism again would mean, in any country where English ideas prevail, the predominance of legalism or, in other words, a general willingness to yield to the authority of the law courts." He further observes, " Federation, lastly, creates divided allegiance. This is the most serious and the most inevitable of the weaknesses attaching to a form of government under which loyalty to a citizen's Native State may conflict with his loyalty to the whole Federated Nation." It may not be difficult to find effective answers to this criticism. Suffice it to say, however, Dicey's introduction to his " Law of the Constitution," from which the above quotations are extracted, was written in 1914, when the war clouds were gathering, and when a vigorous campaign for an Imperial Federation of Great Britain and her Dominions was in full swing. The issue between Imperial Federation and Imperial Co-operation was fought out even after his death. The " Round Table Magazine," and " The Problem of Commonwealth," by Mr. Lionel Curtis, promulgated the doctrine of an " Imperial Super-State," to achieve what is called an " organic union." Not until the Imperial Conference passed the famous constitution resolution of 1917 was the question of Imperial Federation set at rest. The share of Professor Dicey in achieving that result was by no

means insignificant, though his untimely death cut off one of the strongest exponents of Imperial Co-operation. His remarks, in the aforesaid introduction, underrating Federal Governments, though couched in very general language, were intended mainly to apply only to the proposed Imperial Federation or the Commonwealth of English-speaking nations under the British Crown. They can have no application to such Governments as those of the United States of America or of Canada, and it is respectfully submitted, to any future constitution of India.

One other objection raised by Professor Dicey is that a Federal Government is a weak form of Government. This may seem to be quite correct on first impressions. One, however, cannot be so sure. English writers are apt to believe that because their own Government is strong, and because their form of Government is unitary, therefore the strength must be due to the form of that government. One wonders whether the same thing can be said of France. For more than a century the history of France did not disclose the strength of her governmental institutions, despite her heroic fights for freedom and independence. The strength of the Italian government is sometimes mentioned as a proof of the unitary type of government. But, perhaps, Italy's strength to-day is not so much in her governmental institutions as in the one man she has produced, Signor Mussolini. The previous history of Italy does not impress one that there is anything in Italy's institutions that contribute to her strength. On the other hand, what about the United States of America ? To-day it must be acknowledged as the richest country in the world, and its government is one of the strongest governments in the world. It is true that Hamilton, also, thought that a Unitary Government would be stronger and more efficient than a Federal Government. That was a century and a half ago. What has experience shown ? Are the United States weak to-day ? Does any American dream of converting the government of the United States of America into a Unitary Government ?

In our own country, a much respected ex-President of the Indian National Congress laboured hard to convince that body, when it met at Madras in December last, that a Federal Constitution was undesirable and even dangerous for India. His arguments sum up the case for a Unitary Constitution for this country, and are consequently worth examining. He starts by saying that Federalism is a new device, and quotes Professor W. J. Ashley, who said that "No precedent existed for the type of Government which the United States Constitution set up." That is true so far as that type goes. But it is historically wrong to suggest that "Federation" itself is a new device. Federalism is at least as old as the Federal Unions that were formed among certain of the City States of ancient Greece.

Then we are told, a Federal Constitution admits of no conventions. That this is not correct can be asserted on the authority of Prof. Dicey, himself, who says, "The conventional element in the Constitution of the United States is far larger than most Englishmen suppose. See on this subject Wilson "Congressional Government" and Bryce, "American Commonwealth" Chs. 34 and 35. It may be asserted without much exaggeration that the conventional element in the constitution of the United States is now as large as in the English Constitution."

Another objection raised against Federal Constitutions is, that it is inconsistent with responsible government. Canada and Australia have answered this objection. It was raised in both those countries before Federations were formed there, and to-day they are not only working quite successfully, but have even worked their way to real autonomy.

Yet another objection put forward is that a Federal Government is more expensive than a unitary government. This is no doubt true, but cost does not really count in constitution-making. Nor will the cost be so unbearably heavy as it is feared.

We are also told that the vastness of our country is a point in favour of a Unitary Government, especially for the purpose of defence. But, perhaps, the very vastness of the country is one of the strongest reasons for a federation of the Provinces. So wide is the diversity and so deep is the cleavage between province and province, in religion, in language, in race and in social and economic conditions that it is impossible to conceive how any highly centralised Unitary Government can be efficiently carried on in this great country without breaking down. Such a government will not be able to serve the subjects of distant provinces, nor will the central legislative body be in a position to cope with the enormous legislative duties dealing with conflicting interests. By the mere weight of the immensity of its own work will the machinery of both the Executive and Legislature break down to pieces within a few years. No Central Government at Delhi under the Moghul Emperors was ever able to keep an effective control over all the provinces, and when the Moghul Power betrayed signs of weakness, the provincial Satraps lost no time in setting up independent or quasi-independent kingdoms. No prudent statesman or far-seeing constitution-maker should lose sight of this possible contingency. It happened before and it may happen at any time in future. History has a tendency to repeat itself. In a central Government, too, there is the danger of a reversion to autocracy, so much dreaded by the fathers of the American Constitution. A powerful Minister or Peshwa, or a Napoleon or a Sivaji might yet arise with ambitions for a throne and a Unitary Government will be an easier prey to him than a Federal Government. Such ambitions are not easy of realisation in a Federal country where also there is not much possibility for Provincial Satraps to make themselves masters and rulers of their States. Democracy is undoubtedly safer under a federal than under a unitary constitution.

There is yet another danger in a unitary form of government, so far as India is concerned. Those that are familiar with the working of the Indian National Congress will remember the apprehensions entertained by Madras, Central Provinces, the United Provinces, and the Punjab, at the beginning of this century regarding the autocratic control of that popular body, at one time by Bengal, and at another by Bombay. If the leading spirits of a particular province get the upper hand in a central unitary government, the desire of that ring of politicians to rule over the other provinces becomes almost irresistible. It will naturally cause irritation and suspicion in other provinces and the smooth working of the machinery of Government will be greatly impeded.

The objection, that the existence of a large number of Native States is a stumbling-block in the path of a Federation, is absolutely untenable. It has already been pointed out that, according to Mr. Montagu and Lord Chelmsford, the solution of the problem of the unification of India lies in the working out of a system in which the Native States can be brought into line with the provinces of this country. In fact, the strongest reason for a federal system of constitution for India lies in the existence of these Native States. It is no use telling the hereditary rulers of these States that they must be prepared to be content with occupying the position of Provincial Governors. They have rights of their own. You cannot take away those rights. They are created, sanctioned and recognised by treaties. You cannot treat these treaties as scraps of paper. They are solemn pledges of the Suzerain. The Princes will be justified in drawing the sword to protect them. Their consent is essential for any form of union that you may desire. They have fiscal rights. They are independent of British India. They owe no allegiance to you, the people of British India. They owe no allegiance to each other. They owe allegiance only to His Brittanic Majesty. They are exactly in the same position as the American States were before the Declaration of Independence. They are

exactly in the same condition as the Colonies, the Canadian Provinces, or Australian States were before federation. These Indian Native States, too, are in varying degrees of civilisation and culture. Their languages are different. Their religion is not the same. Their economic conditions vary. Even the personal law, under which their subjects are governed, is different in different states. Now it is impossible that in the midst of free India, there could be six hundred or more such Native States, scattered over the whole area, equally free and independent of each other and of British India, without danger of constant conflict. It is impossible to expect that the Indian States will acknowledge subordination to the Central Indian Government, and reduce themselves to the position of provinces. On the other hand, if a Federation can be formed, there will be a possibility of inducing the States to join the Federation, while retaining their autonomy for a long time to come. At first, they will be unwilling to join the Federation. But, as time goes on, and as they watch the working of the Federation, the States cannot remain unaffected by the constitutional developments rapidly progressing in the adjoining provinces. Democracy, too, will find its way into the States, however furtively and slowly it may be. Then will the States find it desirable, in their own interests, to make common cause with the adjoining provinces and acquire a longing for becoming real and effective partners in the great Commonwealth of India. But, as hinted in the above lines, it is clearly a matter for the States to choose. It is for them to decide whether they will join the federation or not. Unless and until the people and the rulers of the States desire to join the Federation, it is not for British India or for her politicians to ask the Native States to become her partners. But, as long as India remains a country with a highly centralized form of government, so long will the Native States find it impossible to seek union with her, for union then can only mean subordination. Only a federation and that the Australian type, not the Canadian, can solve the problem of the Native States. Otherwise, constant warfare and strife will be the only consequence.

The history of the financial relations between the Government of India and the Provinces affords another important reason why India needs Federation. The treatment which Madras and the United Provinces received for nearly a century, at the hands of the Government of India, in being made milch-cows of India, and the fact that Bengal, Bombay and Burma were fed at the expense of the other provinces are matters of history. The controversy, now happily no more, over what was known as "The Iniquitous Impost," that is, over the contributions which the provinces had to pay to the Central Government, during the first six or seven years of the introduction of the Reforms of 1919, furnishes another argument pointing to the necessity of complete Provincial Autonomy and of a Federal system of Government. After the Reforms have put an end to the system of divided heads, there is, no doubt, a sort of financial autonomy enjoyed by the provinces at present. To-day, it is true, the revenues of the province are kept separate and are not mixed up with the central revenues. But, the theory is still the old one. All revenues are Indian revenues and are vested in His Majesty. The Accountant General, in the Provincial headquarters, is an Officer of the Government of India, and the cash balances in one province are allowed to be utilised in accommodating another province. But, apart from theoretical considerations, practical difficulties will always be arising so long as Provincial Autonomy is not developed and provinces are subject to the control of a Central Government. In a highly centralised government, it is impossible for the provinces to refuse calls for payment from above, even in ordinary years. No province can be sure of its own resources nor can it expect the absolute use of its own revenues collected, perhaps with great difficulty, and used with the greatest economy. It cannot treat such revenues as its own and any inducement to economise will be taken away, if the province is constantly reminded that its revenues are not its own, but that the Central Government can take them away at any moment and under any pretext. It is unnecessary to dilate upon the disadvantages of such a system. If the provinces are to prosper, if they are to expand their revenues and utilise them for nation-building purposes, such as education, sanitation, public health, irrigation, and other works of public utility, they must be in a position to call their revenues their own, so that the economies effected in one branch may supply funds for the development of other branches and the surpluses at the end of each year might be brought over to be utilised in the following year or years. Such a position is possible in theory and in practice only under a federal system in which provinces enjoy complete Provincial Autonomy.

One other important circumstance, which makes the need for a federation of provinces absolutely inevitable in India may be mentioned here. There are provinces in which social tyranny, religious oppression and political dominance of a single community over majority communities are intolerably prevalent. Take, for instance, the case of Madras. Here the Non-Brahmins form 87 per cent. of the population, pay 85 per cent. of the taxes, and own the bulk of the property in the country. The Brahmin community, known as the "Monopolist Community," whose population is 3 per cent., whose taxpaying capacity is very little, and whose aggregate property is negligible, for all practical purposes, occupies a position in politics and in the public services which is unknown in the history of the world, save perhaps that of the Magyars in Hungary. The Non-Brahmins complain that they are subjected to a social tyranny, and wish to free themselves from it. The Depressed Classes and the Untouchables form nearly a fifth of the population. There are communities whose very sight is pollution, and in Malabar there is what is known as distance pollution, that is to say, the members of a particular community cannot approach the members of the higher castes and must always keep themselves beyond a certain prescribed distance. Then the influence which the priestcraft exerts over the ignorant masses, over women and over people prone to superstition, is infinitely more than what is said to have been exercised by the Jesuits over the Roman Catholics of the seventeenth century. Every social event is accompanied by a religious ceremony—from the time a soul enters its mother's womb till death takes place, and for three generations afterwards. Marriage and death alike come within the purview of this religious bondage. Even insignificant incidents, such as naming, ear-boring, initiation to the alphabet, and the like, are converted into religious ceremonies. The influence of the priestcraft over the people can be easily understood under such circumstances. These disabilities can be removed and grievances redressed only in an autonomous provincial government, and by a provincial legislature. In the Central Government and in the Central Legislature it is impossible for the representatives of a single province to convince the majority of those present there, who come from different provinces, who may not visualise the depth of the feeling for change or the enormity of the wrong suffered. Federation, and Federation alone, can solve these problems to any extent that may be deemed satisfactory. It is only in an autonomous province that independent action to remedy these evils can be undertaken. Each province will then be at liberty to effect such reforms as are essential for emancipation from social tyranny, religious bondage, and political domination, and for enhancing the happiness of its citizens. The power, control and influence, which a central government is apt to exercise over provincial governments in a unitary form of government, are certainly heavy blocks which bar independent action on the part of provinces.

Having given our reasons why a Federal system of

Government is needed for India, we may be permitted to mention a few salient features of the exact type we want. We have already pointed out that the partnership of the Native States in the Indian Federation is possible only if the Australian system is adopted. That system alone can guarantee the complete autonomy which the Native States would naturally demand. We do not propose to enumerate the details of the constitution of the States and of the Commonwealth and of the relations between the two. That will be the task of those entrusted with the onerous duty of drafting the Bill, and we are sure that they will keep the provisions of the Australian constitution constantly before them. We may, however, be permitted to mention a few important features to which we would like to give prominence.

1. The Federal Government and the States' (Native States as well as provinces) Governments shall in their relations be independent, and not hierarchical. That supervision, control and direction which the Dominion Government exercises over the Provinces in Canada shall not be allowed in India. The respective Governments may owe certain duties to each other, but that is different from subordination or dependence.

2. The State Legislation shall not be subject to the veto of the Federal Executive. The Provincial Governor will assent or refuse to assent, in the name of His Majesty, or reserve for the signification of His Majesty's pleasure, Bills passed by the Provincial Legislatures.

3. The legislative powers of the Federal Parliament shall be exclusive, as also those of the Provincial Legislatures. There may also be concurrent powers, but in case of conflict, the law of the Commonwealth shall prevail.

4. The legislatures of the States shall have the residuary powers.

5. The functions of the Commonwealth shall be separate from and independent of the functions of the State Governments, but the Commonwealth and the States system shall be regarded as one whole.

6. The subjects owe a double allegiance: the subjects are subjects of the State in whose territory they live and also the subjects of the Federal Government.

7. When any dispute arises as to where a certain power lies, whether in the Commonwealth Government or in the States Government, it shall be decided by the courts, which can determine the validity of the authority under which acts are done, save the authority of the Imperial Parliament.

THE JUDICATURE.

There shall be a Supreme Court for India, which shall exercise functions similar to those of the Federal Supreme Court of Australia (called "The High Court of Australia"). Its constitution and powers shall be, as nearly as possible, similar to those of the Federal Supreme Court in that country. All the courts, now existing in the provinces (States of India) whether they be High Courts, Chief Courts, or Judicial Commissioner's Courts, or the courts subordinate thereto, shall be deemed to be courts of the State in which they are located. The Indian Legislature may also establish, besides the Supreme Court of India, other Federal Courts anywhere in India, and it may also invest the existing courts, hereafter to be called the State Courts, with Federal jurisdiction. The right of appeal to the King in Council from Indian Courts shall be on the lines prescribed in the Australian Constitution, and also the right of appeal from the State Courts to the Supreme Court. The Judges of the Supreme Court shall be appointed by His Majesty and be liable to be removed by His Majesty on an address from both Houses of the Indian Legislature. The other Federal judges shall be appointed and be liable to be removed likewise by the Governor-General. The original jurisdiction of the Supreme Court shall be similar to that of the Supreme Court of Australia. The power to define the jurisdiction of the Supreme Court and the other Federal Courts shall rest with the Indian Legislature. The Indian Legislature may also make laws conferring rights to proceed against the Government of India or of a State (Province), in respect of matters within the limits of the judicial power.

IV

DECLARATION OF FUNDAMENTAL RIGHTS.

The following fundamental rights shall be embodied in the Constitution:—

1. Personal freedom is inviolable. No restraint or deprivation of personal liberty by the public power is admissible, unless authorised by law.

2. Persons in custody are to be informed, within twenty-four hours of their arrest, by what authority and upon what grounds they were ordered to be deprived of their liberty, and they must at once be given an opportunity to raise objections against such deprivation. A writ of Habeas Corpus shall be available for all such persons, every Sessions Judge (besides the High Courts) being invested with authority to issue such a writ.

3. The dwelling of each person is inviolable, and shall not be forcibly entered into or upon, except in accordance with law.

4. Freedom of conscience is guaranteed.

5. The free practice and profession of religion is guaranteed, subject to public order and morality.

6. The right of free expression of opinion is guaranteed, when not opposed to public morality.

7. The right to assemble peaceably is guaranteed.

8. The right to free elementary education is guaranteed. School attendance is compulsory for boys and girls till the age of 12.

9. All the citizens of India are equal before the law, and no penal law, substantive or procedural, shall be of a discriminating nature.

10. No one shall be tried save in due course of law, and extraordinary courts shall not be established, save only such military tribunals as may be authorised by law for dealing with military offenders against military law.

11. Save in time of war, or army rebellion, and for acts committed in such time, the jurisdiction of military tribunals shall not be extended to or exercised over the civil population.

12. No person shall be criminally charged without a jury, save for minor offences by summary courts, and for military offences by Military Courts.

13. The secrecy of correspondence, as well as the secrecy of postal, telegraphic and telephonic communication is inviolable. Exceptions may be admitted by federal law only.

14. Freedom to combine for the protection and betterment of their conditions of labour, and their economic position generally is guaranteed to workmen. All agreements and measures which tend to restrict or abrogate that freedom are contrary to law.

15. No State Legislature shall make any law taking or giving power to deport any subject of any other State in India, or to withhold admission into the State.

16. The union of the executive and the judicial functions is inadmissible.

17. Every citizen of India is guaranteed the free use of all public roads, public tanks, public wells, public schools, and other public resorts.

18. Free admission to every public Hindu temple is guaranteed to every Hindu.

19. Protection against untouchability is guaranteed. It is for the State Legislature to enact such provisions as may be necessary to give effect to this right.

20. Communal representation in Public Services is guaranteed, provided qualified applicants are available. No one community shall be allowed to monopolise any particular Service.

We do not think that we need assign any reasons for these fundamental rights being incorporated in the constitution that is to be given to India. As Mr. Moore observes in his "Commonwealth of Australia," a constitution or instrument of government in the modern sense, consists of, among others, "an enumeration of rights of the citizens or classes of citizens against the government, which may vary from the enunciation of a few general principles, which are rather counsels of perfection than practical restraints, to the most minute provisions on all sorts of matters rigorously binding the organs of government." The first sixteen of the fundamental rights, we have asked for above, are to be found in many, if not almost all, modern constitutions. It may, perhaps, be contended that the remaining four rights are not rights against the State, but only against certain communities, and that such rights cannot be treated as fundamental rights. Our answer is that fundamental right are not in recent times confied to rights against the State, but are extended to rights against sections of society. For this position we may be permitted to cite the authority of Mr. Oppenheimer who, in his book "The Constitution of the German Republic" observes, that "Whilst the fundamental rights of the traditional order are all individualistic in character, and are rights against the State, the Weimar Constitution had added an entirely new type, social in scope and availing not against the State, but against certain social groups. For, as was stated in the National Assembly, the citizen must be secured by protection, not only against the State, but also against other social powers, sometimes more formidable than the State itself." Most of the fundamental rights mentioned in Sch. V. of Part II of the Appendix attached to the Constitution of the German Federation of 1919 may be contended to have been directed against Capitalism, and for the protection of Labour. But a perusal of Art. 130 in the same Appendix will disclose that provision is made for protection against a bureaucracy which in pre-war Germany was feared as an *imperium in imperio*. If in modern Germany provision could be made in the Constitution itself for fundamental rights, for the protection of labourers against capitalists, and for the protection of citizens against the bureaucracy, as distinguished from the State, there can be no reasonable objection for provisions being made for safeguarding the natural rights of the Oppressed and Depressed Classes in India. We feel that a heavy setback is being wrought against the development of nationality in this great land of ours by the indignities to which a certain class of Indian nationals is being daily subjected, and by the selfishness and clannishness of a certain monopolist class, who wish to have all the power and influence in their own hands to the detriment of majorities, thus striking at the very root of democracy. If India is to be a real nation, and if that nation is to be a self-respecting nation with a certain amount of solidarity, so very essential for a self-supporting self-government, the last four fundamental rights, mentioned above, require recognition and enforcement. They are, no doubt, rights against a section of society, and are not rights against the State. But they are rights essential to the very existence of a stable democratic State.

MADRAS.

22nd February, 1929.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON), OF THE CENTRAL COMMITTEE AND OF THE MADRAS PROVINCIAL COMMITTEE.

(IN THE ABSENCE OF THE CHAIRMAN, LORD BURNHAM TOOK THE CHAIR).

Deputation from the Constitutionalists (Southern India Liberal Federation).

The deputation consisted of :—

Rao Bahadur Dr. C. NATESA MUDALIAR, L.M. and S.
Mr. P. N. MARTHANDAM PILLAI, B.A., B.L., Advocate.
Mr. A. SIVARAMA MENON, B.A., B.L., Advocate.
Mr. R. MADANAGOPAUL NAIDU, B.A., B.L., Advocate.
Mr. N. GOPALA MENON, B.A., B.L., Advocate.
Mr. V. SIVAPRAKASA MUDALIAR, B.A., B.L., Advocate.

1. *The Chairman :* You, Rao Bahadur, are acting as chief spokesman of the deputation ?—(*Dr. C. N. Mudaliar*) Yes.

2. We all have in our hands the able and explicit Memorandum which you have drawn up, and which was sent to us as long ago as June last. Perhaps, as it is so complete a document, the best thing will be for me to ask you, Rao Bahadur, whether you would draw our attention to the paragraphs and passages which you think are most important, and generally deal with it yourself ?—On page 203 of our Memorandum we have noted down the points : "I, Complete "Provincial Autonomy. II, Introduction of the "principle of responsibility in the Central Govern- "ment. III, A Federal system of Government for "India. IV, A declaration of fundamental rights."

3. May I ask on that, with regard to the definition of the words, "provincial autonomy," do you want it to be the correct definition, which is, of course, local independence, or do you want it to be what has become almost an Indian definition, that is to say, local self-government ?—Local independence. We do not want the Central Government to have any control over the Provincial Government.

4. It must be self-government, but it need not necessarily be what you may call popular—I can hardly say democratic government ?—We have got, on page 203 : "By Provincial Autonomy, we only "mean freedom for the Government of the provinces

" from the restraints of the Government of India, " or the Secretary of State or the British Parliament. " We want provinces in India to have governments " of their own, uncontrolled and unrestricted from " above in all provincial matters—in matters con- " nected with administration, legislation and finance. " We want provincial Government in India to " enjoy the same freedom which the State Govern- " ments in the Commonwealth of Australia enjoy, " subject, of course, to this, namely, that provincial " Governments shall bear to the Central Government " in India, the same relations which the said States' " Governments bear towards their Federal Govern- " ment."

5. Of course, in the case of Australia the different States surrendered their rights for the formation of a Federal Government or Commonwealth ?—The Central Government ought to have certain powers, but each province ought to be independent as regards provincial matters.

6. Well, Sir John Simon could deal with it much more effectively from the point of view of constitutional law, but that is not quite so. There are certain subjects on which both the States and the Commonwealth have power to legislate. Immigration is a matter for the Commonwealth, and land settlement is a matter for the States. That is only an example ; and it is the same thing to some extent in regard to other matters ?—Here, too, there may be some subjects in regard to which the Central Government can legislate and others in regard to which the Provincial Government can legislate.

7. You want the Government of India to be on the lines of the Australian Commonwealth and the Australian States ?—Yes.

8. Then will you pursue the matter just as you like ? You condemn Dyarchy. Do you wish to say anything on that ?—We condemn Dyarchy because it is not working well at all ; in fact, the ministers when appointed have practically no power. There is a Legislative Council to which the ministers are responsible ; there is the Governor on the other hand, who may disagree with the ministers, and all the ministers need not act collectively. Each minister is independent. The Governor may ask one minister to resign and keep others in office. Then, the Secretaries of the ministers are not under the control of the ministers ; they can act independently.

9. As a matter of fact, in Madras the Governor who was in office at the time of the Reforms decided to treat the Government as a unitary Government ?—He did his best, but subsequent events took a different course.

10. Has not the precedent set by Lord Willingdon been followed since in this Presidency ?—Recently, even when the Legislative Council agreed with the policy of two of the ministers they were made to resign their appointments, and the chief minister alone was kept in office ; and then, in 1923, when three ministers were asked to resign, after the lifetime of the Council one of them was kept out, and the two others along with another formed the ministry ; so there is no collective responsibility of the ministers. Practically, ministers have no independence. They are responsible to the Council, but they cannot act independently of the Governor, and sometimes they cannot act independently of even their own secretary. That is the condition of the ministers in Madras.

11. In the case you cited they did act independently ; that is to say they both resigned ? —No, two of them resigned. The chief minister and the other ministers should act collectively. Two ministers resigned and the chief minister remained.

12. Would you like the whole lot to go—to get rid of them in a batch ?—Yes. The ministers and the councillors should act together. There are cases in which the ministers succeed, voting with the reserved half and other members while their own party may be defeated.

13. And you think you have got the political situation sufficiently organised to make sure of one party taking the place of another ?—The parties in Madras did work well for at least six years. The party may vote against the ministers ; sometimes the party succeeds while the ministers are defeated ; sometimes the party is defeated while the ministers succeed ; so there is no responsibility here. The ministers, therefore, are not responsible to the Legislative Council.

14. But it is not only that. I understand you make a point that the ministers and the members are not on an equal footing ?—The Executive Council members ? No.

15. Will you pursue your theme ?—The Executive Council members have got more powers. The ministry cannot act independently of the Governor, while the members of the Legislative Council can.

16. Could you refer us to the page and paragraph of your Memorandum ?—Paragraphs 1 to 38 are about the same thing—the defects of Dyarchy as it is worked in the Madras Presidency.

17. Will you draw our attention to the special points ?—Page 203, paragraph 7 : " Under the present " system, there need be no unity amongst the " ministers themselves, as distinguished from unity " with the executive councillors."

18. Yes, I understand that. That is a question of joint responsibility ?—Yes. Then, No. 9 on page 204 : " There is no need for joint deliberation amongst " the ministers themselves. Each minister can have " his own policy, and can go on with it, provided, " of course, the Governor accepts it, and the Legisla- " tive Council does not object to it." Of course, as I say, we have a chief minister in name in Madras, but the ministers are not bound to follow his lead or accept his advice. Then, paragraph 12 : " Mem- " bers of the Executive Council and ministers should " not oppose each other by speech or vote ; members " of the Executive Council should not be required " to support, either by speech or vote, proposals of " ministers which they do not approve ; nor should " ministers be required to support by speech or vote " proposals of the Executive Council of which they " do not approve." There comes the difficulty of ministers voting with the Executive Council, not with the Legislative Council to which they are responsible. We emphasise that there should be joint responsibility, that the whole Cabinet should act as one body.

19. You want a Cabinet system of government in the English fashion ?—Yes.

20. You are not thinking of any foreign systems ? —No, we are thinking of the English fashion.

21. I see you are against the Governor having the power of certifying Bills ?—Yes.

22. That is opposed to the true spirit of democracy, I suppose ?—Yes.

23. But that applies equally whether the Government is democratic or not ; whether it is democratic or oligarchic ?—We want democratic government.

24. Universal franchise ?—Not universal franchise. We want the franchise as it is, or it may be widened a little.

25. But that is not democratic at all ; that is what I call oligarchic ; but I understand you think it should apply, just the same, whatever the basis of the Government ?—Yes. Then on page 205, paragraph (*d*) : " The rules enabling secretaries and " heads of departments to have access to the " Governor behind the back of the ministers have " worked to the disadvantage of the latter." The secretaries should be the secretaries of the ministry, of the whole Cabinet.

26. The Governor's position should be that of the Sovereign ; that is to say, not to have power, but to have dignity ?—Yes. Then, paragraph 27, on page 206 distinguishes between the ministers and the Executive Council members. Ministers are not allowed to have a look at the files of the whole Government, but the Executive Council members are. The minister's secretary can do it.

27. As a matter of practice they do see them, do they not ? I have been told so ?—With the permission of the members they can see them, but

the secretaries of the ministers can do it even without such permission.

28. I know the formal points involved, but I was told that in practice ministers did see these files. Ministers in other provinces told us that they did, as a matter of fact, see the files ?—It may be so in other provinces, but in paragraph 27 we say that " Under the practice set up in Madras, it is not open " to a minister to see any file or Government Order " passed in another department without the per- " mission of the member concerned."

The Chairman : Yes, I know that.

Sir A. P. Patro : The question is that both the minister and the executive councillor, if he wants to see the file, has simply to send a note to the secretary, and the secretary will, in the usual course, send the file to him. In the same way with the members. If they want to see a file in transferred matters, they send a note and the file is sent to the member.

The Chairman : It is the same practice as in England.

29. *Sir A. P. Patro :* That is not an important matter ?—We had our information from an ex-minister. Then, paragraph 29, page 206 : " The " absence of any real control of a minister over his " own secretary has already been referred to."

30 *The Chairman :* Could you tell us, have there been any large cases of friction between a minister and his secretary and the Governor of Madras : Is this imaginary, or is it real ?—It has been felt by the ministers themselves. As we say in paragraph 29 on page 206 : " Neither he nor the Legislative " Council can effectively control members of All- " India Services working under the ministers. The " salaries of the Services are non-votable, and " sometimes occasions have arisen in many a Legisla- " tive Council in India, when members had to move " motions for cutting down the pay of the clerks " and peons of an officer whose salary is non- " votable." Because the salaries are non-votable, the Legislative Council members have had to move as token motions the reduction of the salaries of their clerks and other subordinates.

31. Have those items been restored by the Governor ?—Yes.

32. The clerk has not lost his salary ?—No, it has been restored by the Governor.

33. Then, as they say in law, the clerk is not damnified ?—No.

34. *Sir A. P. Patro :* If I may explain, there have not been many instances where such action was taken by the Legislature. No doubt, criticism is faced by the fact that sometimes it is non-votable, but there have not been many cases where there has been unpleasantness of that sort ?—Is not there any instance of the Governor certifying demands refused by the Council ? There was a case where my friend, Sir. A. P. Patro, took a leading part, viz., the Russelkonda Saw Mills case.

Sir A. P. Patro : That does not relate, Rao Bahadur, to the matter of services. It was a matter of a new project put forward by the Government, and they thought that industrial enterprise would not be beneficial, and, therefore, the Council negatived the demand, and the Governor thought it would be in the interests of the country and of the people that the enterprise should be begun. Therefore, it is not a case of services.

35. *The Chairman :* Mr. Bhore has looked it out for me, and it refers to a case where the Governor certified expenditure in respect of the Forest Department. That is the case you are referring to ?—Yes. Many resolutions were tabled. After the assurances of the members of the Executive Council and the ministers, those resolutions were withdrawn. For instance, in Madras the pay of judges of the High Court is non-votable, and simply because the equal distribution of appointments to various communities was not given due recognition by the High Court of Madras, resolutions were tabled often to reduce by Rs100 the demand in the Budget for the salaries of the clerks of the High Court, and it was only after the member gave a satisfactory explanation and agreed to the principle enunciated the resolutions were withdrawn.

36. The reductions were not carried, I understand ? —No. They were not carried.

37. That happens in other legislative bodies, does it not ? That is a common feature of legislative bodies ?—(*Mr. Naidu*) The salaries of members of Council being non-votable, a reduction is proposed in the salary of a clerk. It is not pressed to a division, but it gives the opportunity for a discussion on the particular good behaviour or otherwise of the member.

38. These reductions of small amounts in the salaries of petty officials are moved in the Legislative Council because you cannot get at the person you want to get at ?—(*Dr. C. N. Mudaliar*) Yes, that is the point. Then, paragraph 33, on page 206 : " The " reservation of certain posts in the Transferred " Departments to the Indian Civil Service has also " caused some inconvenience in some provinces, in " that it did not leave enough scope for the minister " to make a choice that can be said to be satisfactory. " Take, for instance the Co-operative department. " The head of that department should be endowed " with a large amount of missionary zeal, sufficient " acquaintance with prominent men, and the con- " ditions in the rural areas, and a knowledge of and " ability to speak the vernacular of the locality. " Some I.C.S. officers might be available to fulfil " these requirements, but not many. The minister " is not empowered, under the constitution, to put " in an Indian or even a European who does not " belong to the Indian Civil Service when the post " is ' listed '."

39. You do not think the I.C.S. officers have been satisfactory in this capacity ?—No. Some I.C.S. officers may be satisfactory, but most of them are not. Ministers have not got the power to do as they like in such cases.

40. They are not allowed to go outside the regular Services, and take whom they like ?—No. (*Mr. Naidu*) There is no reflection on the I.C.S. officers. There are certain positions to which people of experience ought to be appointed, but the rules are such that only I.C.S. officers can be appointed to such offices and no power or discretion is given to the ministers.

41. Supposing you got a Public Service Commission at work here, then the minister would still be debarred from making the choice of anybody he might think fit ?—As far as we are concerned, we are not for allowing a Public Service Commission to supersede the powers of a minister under the new Reforms.

42. You think it would interfere with the liberty of the individual minister ?—Yes. (*Dr. C. N. Mudaliar*) The Government will dictate a policy to the Public Service Commission, and they will have to follow it. Of course, they are independent of the Government in selection, but the policy would come from the Government.

43. The Government would give directions to the Public Service Commission ?—Yes. Then, paragraph 38 on page 207 : " The subjects chosen for " transfer and those reserved tell their own tale and " disclose the plausible difficulties of Dyarchy. All " subjects have a bearing upon each other, and it is " difficult to dissociate one from another in actual " administration. In Madras, the Minister for " Agriculture is a minister without Irrigation or " Land Revenue, both of which are reserved subjects. " He is also Minister of Industries without Labour, " Factories, Boilers or Mines, which are all reserved " subjects. He is further a Minister for Development " without Forests or Electricity, both of which are " again reserved subjects. The Minister for Public " Works has nothing to do with Irrigation, though " the department of Public Works includes Irriga- " tion as well as Civil Works."

44. That is in favour of the transfer of the

departments which cover all these subjects ?—Yes. These are the points we want to emphasise.

45. *Sir A. P. Patro :* May I explain it ? The point raised by the Rao Bahadur is that the re-distribution of the portfolios would be conducive to more efficient work ?—No, no, no. All these subjects should become provincial ones. All these subjects should be transferred. Some subjects ought not to be transferred and others reserved. Every subject should be transferred.

46. Full responsible Government ?—Provincial autonomy.

47. *Major Attlee :* This document is an illustration of the confusion between provincial autonomy and responsible government in a province. The one relates to the position as between the province and any outside authority, and the other to the constitutional position within the province. I think we ought to get it clear, because a good deal of this, I think, is taken up in a confusion between two terms ? —There are two things now ; transferred and reserved subjects. We say all will be provincial subjects—no transferred subjects and no reserved subjects.

48. The point is, that is not provincial autonomy ; that is responsible government in the province. Provincial autonomy has relation to the position as between the Province and the Central Government ? —The Chairman asked us about the defects of Dyarchy. We have been telling that.

49. *The Chairman :* Will you go on ?—It is explained on page 207 : " There shall be no distinction " between reserved and transferred subjects. All " shall be provincial subjects, and under the control " and direction of the ministers."

50. You want the Governor to come out from Home, I see, and not to be a civil servant, in any case. That applies to other provinces. Here they are always drawn from Home, at least practically ?—Yes.

51. That is, you are legislating for other provinces. I mean, this provision about bringing Governors out from Home rather than from the Civil Service hardly applies to the Presidency of Madras ?—We want the continuation of the present system. (*Mr. Naidu*) We do not say it is a grievance we want redressed ; but we want the present system to continue.

52. But you are thinking of other provinces than your own ; you want to benefit other parts of India as well ?—Yes.

53. I see you say, on paragraph 3, on page 208, " The Governor . . . should occupy the same position, " as nearly as possible, of a constitutional Governor " in Australia."—(*Dr. C. N. Mudaliar*) Yes. Then paragraph 7, on page 208 : " The Ministry shall " consist of the Prime Minister, and not less than five " other Ministers. The Governor shall appoint the " Prime Minister who shall choose his colleagues with " the approval of the Governor." Then, paragraph 9 : " There shall be no executive councillors in the " sense in which they exist at present. But there " shall be two advisers to the Ministry generally " chosen from the Civil Service. These two will have " a seat in the Cabinet, and also in the legislative " bodies, without a vote in either. One of these is " to be the Financial Adviser to the Ministers, and " the other their Adviser on Law and Order. They " will receive the same salary as the Ministers."

54. Would they be able to speak ? I see they cannot vote ?—They can speak ; they can advise.

55. In the Legislative Council ?—Yes.

56. Will they have the right of speaking, or will they only speak when called upon ?—They will have the right of taking part in the discussion. Then on page 208 we deal with the franchise : " Separate " electorates for minorities, such as Moslems, Indian " Christians and Europeans shall continue."

57. The present number ?—Yes. (*Mr. Naidu*) We say, in paragraph 4 : " We are not in favour of " universal suffrage, for the present ; but the property " qualifications of voters may be reduced, and this is " absolutely necessary in the case of the Depressed " Classes, Indian Christians, and the Moslems." That necessarily means that there will be an increase in the number of voters, and we propose that members of the provincial council shall be more numerous than at present.

58. Can you tell us something of your scheme for the representation of the Depressed Classes, because we have heard a good deal of it here ?—(*Dr. C. N. Mudaliar*) We are proposing here, in paragraph 2 on page 208 : " Separate electorates for Depressed " Classes, with separate electoral qualifications, " shall be established." As there are not many Depressed Class people who are paying taxes, the franchise should be reduced as much as possible. It may be that voting capacity should be given to anybody who pays any tax.

59. There are ten seats filled by nomination now ? —Yes.

60. Do you want ten seats reserved for them ? Is it to be by election ?—By election. (*Mr. Naidu*) But they will be increased if our proposal about the increase of the number of members of the legislative council is accepted. In that case the number of members who represent the Depressed Classes should be increased to some higher number.

61. I am not quite clear as to the franchise for the Depressed Classes now ?—(*Dr. C. N. Mudaliar*) Now, anybody who pays Rs10 can vote, but there are not many Depressed Class people who are paying Rs10 tax ; in fact, there are not many of them who pay even Rs2 or Re1 tax. So our suggestion is that all those Depressed Class members who pay any tax should have a vote.

62. Does that cover the local cess for local bodies ? —Yes.

63. Have you made any calculation as to the number of Depressed Classes that will form this new electorate ?—No, we have not, but we know by experience what it is.

64. Not many ?—Not many.

65. But you prefer that system to nomination ?— When we want to have this extended legislative council we prefer it, but I would rather leave it to the members of the Depressed Classes to settle it for themselves.

66. Would they do that by a plebiscite or a referendum ? How would they settle it ?—The representatives of the Depressed Classes may meet and settle it.

67. But you have not got a register up to the present ?—I mean the members of the Legislative Council and the Legislative Assembly belonging to the Depressed Classes.

68. *Sir Hari Singh Gour :* But they are not elected by the Depressed Classes ?—But there is no other course now, as matters stand, but to take the people who are now on the Legislative Council and the Legislative Assembly and ask them to come to a conclusion ; and there are various Associations, and the presidents of those Associations might be called in to give their opinion.

69. *The Chairman :* Then I understand the body that would settle the electorate for the Depressed Classes are members of the Depressed Classes who are in the legislative bodies now, and presidents of Associations ?—Yes ; various recognised Associations.

70. Associations of any sort ?—Depressed Classes Associations.

71. And what about Indian Christians ? Would you do that in the same way ?—Yes.

72. And Moslems ?—Moslems, Indian Christians and Europeans.

73. They would all be on a common principle ? —Yes.

74. You want reservation of seats continued to the non-Brahmins—No. 5 on page 208 ?—Yes, we want that to continue.

75. Now you come to your interesting suggestions for the relations between the two Houses. Would you like to tell us something about your new Senate ?

—We do not want to press it so much ; it is only a safeguard.

76. But still, you are in favour, are you not, of a Senate ?—Yes, we are in favour of it. If provincial autonomy is given, we want that safeguard.

77. That is to say, if any form of dyarchy is continued, you do not want a Second Chamber ?—We want a Second Chamber, but we do not want dyarchy to continue as a mere safeguard.

78. Is there anything else to which you wish to draw attention ?—Here in our Presidency we want to draw attention to one thing, communal representation in the public services.

79. What page ?—Page 217, No. 20 : " Communal " representation in public services is guaranteed, " provided qualified applicants are available. No " one community shall be allowed to monopolise any " particular service." That is a most important thing for our province.

80. What proportions ?—According to the proportions of the population. Now the conditions existing are not at all desirable. This has been felt not by us only, the present politicians. Even at the time of the East India Company this was felt by the Government itself. Communal representation was embodied in a Standing Order in 1854.

81. That applies to Moslems, of course, as well as to the others ?—To everybody.

82. Everybody in proportion to their numbers in the population ?—Yes.

83. In the province, of course ?—Yes. Will you please refer to page 216 : " One other " important circumstance, which makes the need " for a federation of provinces absolutely inevitable " in India, may be mentioned here. There are " provinces in which social tyranny, religious oppres- " sion and political dominance of a single community " over majority communities are intolerably " prevalent."

84. I see you say ; " The Brahmin community, " known as the ' Monopolist Community,' whose " population is 8 per cent., whose tax paying capacity " is very little, and whose aggregate property is " negligible, for all practical purposes, occupies a " position in politics and in the public services, " which is unknown in the history of the world, save, " perhaps, that of the Magyars in Hungary." You also say that the influence of the priestcraft " is " infinitely more than what is said to have been " exercised by the Jesuits over the Roman Catholics " of the seventeenth century."—No one from outside can understand the difficulty about the caste system in India. Our people are so caste-tight and community-tight that there is nothing in common except that they are born in India. So if one community comes into power it is likely that that community will tyrannise over the other communities ; so to keep up equality among all the communities, even as long ago as 1854, when the East India Company was here, they passed a Standing Order that all the communities should be represented in the public services.

85. *Raja Nawab Ali Khan :* If these are your fears, why do you want provincial autonomy at all ? —No, no ; we want not only provincial autonomy, but Dominion Status for India, provided social and economic conditions are safeguarded. We want the highest status we can get under the British Empire, but with sufficient safeguards for things, social and economic.

86. *The Chairman :* Mr. Hartshorn wants to clear up one matter in this book on the services, where it is laid down in regard to the services in this Presidency that the proportions in communal terms are to be 40 per cent. non-Brahmins, 20 Muhammadans, 20 Brahmins, 10 Anglo-Indians and Indian Christians and 10 Depressed Classes and others. Mr. Hartshorn wants to know whether that is the proportion you were thinking of ?—That is the proportion we want now, but that is more broken than observed.

87. It is honoured more in the breach than in the observance ?—Yes. (*Mr. Naidu*) As an illustration of what the present position is I may state that amongst the gazetted officers, who are about 1,625 in number, 600 are Brahmins ; three per cent. of the population holding so many appointments ; so that you will be able to see the disparity of the proportion of appointments between these communities, and so it is that we say that communal representation should be so vouchsafed and so insisted upon that we shall be able to have the interests of the majority communities taken care of. (*Dr. C. N. Mudaliar*) May I say one word here. The Brahmins form three per cent. of the population, and they hold about thirty-six per cent. of the appointments of gazetted officials (that is, officials drawing salaries ranging from Rs250 to Rs750). Seventy per cent. of the population, non-Brahmins, have got only seventeen per cent. The Depressed Classes are 16 per cent. of the population, and they are nowhere in this grade ; and the Muhammadans get less than their proportion, and so with other communities. Even in appointments of Rs100 and above the Brahmins who are three per cent. have fifty per cent. ; the non-Brahmins, who form seventy per cent. of the population, have only twenty-eight per cent. of appointments. In the case of the Depressed Classes, it is 0.07 per cent. ; they are fifteen per cent. of the population ; and then in the lower-paid positions the Brahmins get forty-nine per cent. and the Depressed Classes are getting only 0.2 per cent. of the appointments.

88. *Lord Burnham :* I take it I may sum up the whole thing you put before us in your own words on page 216 that each province should be at liberty to effect such reforms as are essential for emancipation from social tyranny, religious bondage and political domination ?—Yes. I want also to add that we want reservation of seats in the Assembly. Now very few non-Brahmins are able to get elected to the Assembly. Another thing that I want to press upon the Commission is that District Board Presidents ought not to be members of the Legislative Council. That should be a disqualification. Now a Governor calls a chief minister and asks him to appoint other ministers. The minister who becomes the local self-government minister is generally the chief minister, and to him are attached all the District Board Presidents, who become members of the Legislative Council. So, of course, he is sure of seven or eight District Board Presidents who are in the Legislative Council. But then these people are quasi-officials. They are, in fact, executive officers as far as their districts are concerned, and they carry on propaganda work for the ministry. So the will of the people never prevails in the Legislative Council, but it is the will of the District Board Presidents that influences the people. So, among the disqualifications, being a District Board President should be one. If a man is a District Board President he ought not to be elected to the Legislative Council, rather he ought not to be allowed to stand for the Legislative Council. He should resign and get into the Council. That is a very strong point we want to urge. Another is the reservation of seats for the Assembly, and yet another is communal representation in Services according to population, as also reservation of seats in the Legislative Council. Those are the points which we want to impress.

89. *Major Attlee :* I should like to put a few questions mainly with regard to your idea of provincial autonomy. Just set aside for the moment the question of the constitution of the province. Let us assume that it is a representative unitary Government in the province, and I want to get exactly what your ideas are with regard to provincial autonomy, which I gather you want to be completely free from the control of the Central Government. You say on page 216, that, " there are provinces in which " social tyranny, religious oppression and political " dominance of a single community over majority " communities are intolerably prevalent." There might be equally provinces in which there might be a danger of a majority community tyrannising over

a minority ? It is quite possible, is it not, that you might have a majority community tyrannising over a minority ?—Quite possible.

90. And you say that if you have provincial autonomy each province will then be at liberty to effect such reforms as are essential for emancipation from social tyranny, religious bondage and political domination ?—Yes.

91. Then also equally a majority community might inflict on a minority social tyranny, religious oppression and political dominance ?—Yes.

92. It seems to me that these two points you make on page 216 in favour of provincial autonomy are all in favour of having some All-India control, which must be superior to a province to prevent any tyranny of a particular majority of the province ?—How would it be possible for All-India people to do it ? We want communal representation, but in the Assembly we are not able to put it forward, because other provinces are not able to understand our difficulties.

93. Suppose there are two provinces, A and B, and a particular community is in the majority in province A and a minority in B, and you give provincial autonomy. Suppose that the minority community in province B is being oppressed, as is possible under your provincial autonomy, and in province A you have a dominant majority of the same community. Then is there not the danger of retaliation if they have nothing above them and they are allowed to go their own sweet way for themselves ?—(*Mr. Naidu*) That is why we suggest reservation of seats.

94. But that would not get over the difficulty. If there is a majority you cannot make them a minority. Your whole point is that you want majority rule ?—(*Dr. C. N. Mudaliar*) The majority people will be represented in the Federal Government.

95. Yes, but the Federal Government have no power. You take away all power from the Federal Government. You leave everything to the province and restrict the power of the Central Government ?—But we are giving the Central Government power to make laws. At least there should be somebody to move for the minority interests.

96. You are very careful in demarcating the fields of power of the Central Government and the Provincial Government in order that the Central Government shall have no concern with Provincial affairs. That is the whole point. I call your attention to that danger. The next question is with regard to finance. You want the province to have control of its own finance ?—Yes.

97. You say nothing as to what power the Central Government is to have with regard to this money. Is it to have power of taxation in the province ?—No.

98. Then where does it get its money from ?—There are Central subjects, like Posts and Telegraphs, Salt and Railways. All these are Central subjects. They will get money from them.

99. Assuming everything as it is now and you are given complete control over the province, then do you exclude the right of the Central Government to raise any more revenue from the provinces ?—Yes.

100. Then where is the Central Government to get more money from if it wanted it ?—We will contribute.

101. On page 216 you are very strongly against that. You say : " In a highly centralised govern- " ment, it is impossible for the provinces to refuse " calls for payment from above, even in ordinary " years. No province can be sure of its own " resources," and so on.—Because we were made to feel it. According to the Meston Settlement our province had to pay Rs 348 lakhs every year to the Central Government.

102. Yes, I know you object to that. But you suggest that you are prepared to make contributions to the Central Government ?—Equal contributions. Let it be in proportion to the revenue or something like that. No one province should be unduly penalised, other provinces being allowed to go scot-free. (*Mr. Naidu*) We have stated on page 211 the number of subjects which we consider ought to be Central, and if the income from them is not sufficient I suppose every province will contribute.

103. I see on page 212 that you want your provincial legislature to have power to make constitutional changes in matters affecting franchise, electoral divisions and the like. If so, it is an illusory suggestion that your minority is going to be protected in your constitution ?—We are providing for the franchise of the minorities. We are asking them to have their own separate electorates.

104. But at the same time you are giving the provincial legislature the power to change it ?—We will make sufficient safeguards for them.

105. You not only want provincial autonomy, but you also give the province power to make organic changes ?—In the fundamental rights we are insisting on certain guarantees.

106. It seems to me that your fundamental guarantees are quite illusory.—(*Mr. Naidu*) With sufficient safeguards as in the case of the States Governments in Australia. That is our idea.

107. I think you are aware that the case of recent years in Australia has been a steady encroaching of the Central Government on the autonomy of the provinces because of the difficulty of extreme provincial autonomy. I think that has been the case of late years. Let me call your attention to one other point. I am not quite clear about your proposals on page 212. You suggest for the House of Representatives that " all those whose wage-earning capacity " is assessed at Rs 80 per mensem shall be eligible " to vote." How do you know that a person's earning capacity is so much ?—(*Dr. C. N. Mudaliar*) The local people will have to find it out. The revenue inspectors are there to find out the wage-earning capacity.

108. It is rather a hypothetical thing ?—(*Mr. Naidu*) At present, for example, in municipalities we have got what is called a profession tax, and the minimum income for a man to be assessed to profession tax is, I think. Rs100 a month. A list of persons liable to such tax is actually being prepared by certain Municipalities. Instead of the tax being Rs100 it should be say Rs30. And somebody will have to find out whether one has that Rs30 qualification.

109. *Mr. Hartshorn :* We were told yesterday that the income on which the professional tax was paid in the city was Rs30 per month. You now say it is Rs100.—It is Rs100.

110. *Major Attlee :* The professional tax is only in the town. How are you going to tell about the earning capacity of anybody else ? Are you going to have a poll tax ?—(*Dr. C. N. Mudaliar*) No. There are the revenue inspectors going about and they will find out the wage-earning capacity of various people.

111. You are dealing with a very big electorate in a population of 260 millions ?—It is the revenue inspectors who find out whether a man has to pay a tax of Rs10 or more or less.

112. I will leave that point. Just one point on reservation of seats. As a matter of practice in Madras non-Brahmins have their quota and more than their quota. So, why do you still want reservation of seats ?—We have got our own fears about it. We are in a majority, but yet we have got our fear. Generally the voters are influenced by the officials or by those that are in power. Before the Reforms out of ten legislative council members only one was a non-Brahmin and nine were Brahmins.

113. *Major Attlee :* That is an old story now.—How we are able to get a majority now is like this. At the time the non-Brahmins stood for the council just after the Montagu-Chelmsford Reforms there was non-co-operation in the country, and Brahmin gentlemen did not to a large extent stand as candidates. And when once the non-Brahmins came into the council and the non-Brahmin ministry was formed these non-Brahmins became powerful. In fact the party which fought for communal re-

presentation and reservation of seats became powerful, and when it became powerful it had the presidents of District Boards and the nomination on District Boards and everything in their hands. So they were able to keep up the majority.

114. I do not see how a Minister can secure that the Local Boards shall elect a non-Brahmin or Brahmin ?—The Local Self-Government Minister has got power over the District Board Members. He has power in the matter of nomination of District Board members. In fact, the party which fought for communal representation had nearly 60 members in the first Council; in the next Council it was reduced to, I believe, 40, although non-Brahmins came in large numbers. Now they have got only 20 members. That shows that in the reservation of seats the people that are of the persuasion of the party which wanted communal representation did not come in, but other non-Brahmins, who are in favour of the other party which opposes communal representation, came into the council.

115. Is your point in fact that the majority of the Members of the Council are returned owing to the influence of the Presidents of Local Boards ?—Yes. The Presidents are executive officers. If there is an executive officer separately appointed in the District Boards, then we have no quarrel with the District Board Presidents coming as members of the Legislative Council. As it is, he is the executive officer, and he commands influence.

116. You mean when a Minister comes from a certain party, he takes care to nominate members of his own party ?—Yes. Any Minister comes in and he gets the allegiance of the District Board members. The District Board members get attached to that Minister, and then that continues. So it is only the will of the Minister or of the District Board members that prevails, and not the will of the people.

117. *Lord Strathcona:* It seems to me running through your document that the point on which you lay stress is that Ministers and Members, and Ministers in particular, shall have the power of selection of people in the Services. Do you lay great stress on Ministers having that power ?—Yes. If subordinates do not obey, what is the use of Ministers existing ?

118. In Great Britain when a Minister takes over a department, he finds the Civil Service in being ?—I do not think there are Secretaries in Great Britain who go against the will of the Ministers, or who will go beyond the will of the Ministers. The Ministers there have got absolute power, and so they are obeyed. It is not so here.

119. On page 213 you say that "the question of "the security of the All-India Services will be "sufficiently met by giving an appeal to the Secretary "of State against dismissals," and so forth. Do you think the safeguards you hold out for the Services in that paragraph will be regarded as satisfactory by all the members of the All-India Services ?—Yes, we believe so.

120. You realise that the members of the All-India Services are both Indian and English, and that they feel they must have certain safeguards in the matter of security of tenure, etc. Do you think that the provisions given there are ample ?—I think so.

121. And then you read out from that paragraph :—"If, however, the new constitution is confronted "with more serious problems concerning the Services, "a Commission similar to the Lee Commission might "be appointed . . ." You think that the working of the Lee Commission Report is not satisfactory ?—There we are talking of the conditions that might be brought about under the new Reforms in future. Supposing Provincial Autonomy is given, and if the Lee Commission Report would not adjust itself with the new Reforms, then we say a fresh Commission might be appointed.

122. On pages 213 and 214 you point out very clearly that what you desire to have is a Federation, and then you say that the strongest reason for a Federal system of Constitution for India lies in the existence of Native States, and that the solution of the problem of the unification of India lies in the working out of a system in which the Native States can be brought into line with the provinces of this country; and then half-way down at page 216 you say: "Then will the States find it desirable in their "own interests to make common cause with the "adjoining provinces and acquire a longing for "becoming real and effective partners in the great "Commonwealth of India." Have you any reason to suppose, or do you know at all, that the Native States are prepared or are anxious to come under some Federation ?—Of course, if they are anxious, let them come in; it will only strengthen their position if they come into the Federation. The several States will then be brought together. But if they are not willing to come, we have no quarrel with them, but it is better that they come into the Federation, so that there will be one India.

123. On the very first page of your document, you point out that you do not want to make these proposals unless you have unanimity in the people of India, and then you go on to say: "We do wish "to follow the precedent set up in the Preamble to "the Commonwealth of Australia Constitution Act, "wherein we find 'Whereas the people of New "South Wales, etc., have agreed to unite' and so forth"; and then you say: "Thus, the Preamble "to the Government of India Act, 1929, may begin "as 'Whereas the people of the various provinces "in British India have agreed to give up the unitary "government under which they are hitherto governed "and to unite in one indissoluble Federal Common-"wealth'" and so forth. You have just been pointing out the great difficulty in India due to the necessity for communal representation in services, etc., which you say is demanded by a large section of the people in India. You have also stated that in your opinion the Native States also would be prepared to come into this Federation. But do you not think that it will be more important for India as a whole to try and get rid of these communal difficulties before you set up anything like the constitution you propose ?—These communal difficulties exist all over the world, though not to such an extent as we have. They are in England, and in Ireland (for example, the Ulster difficulty); and in Canada we have got difficulties of the various communities. So we say, with sufficient safeguards to the various communities, let us unite as Indians.

124. You have yourself admitted the existence of these communal difficulties in India, and it seems to me that the more statesmanlike course would be for you to try and get rid of the disruptive elements in India first, and then form a Federation ?—It is not possible for all the different elements in India to come together for centuries, because they were in existence for two thousand years and more. Now the only possibility is to have all the highest privileges which the British Empire can give us, and with sufficient safeguards for the various communities, bearing in mind the varied social and economic conditions of our place, we want to have a responsible Government, and we will not wait till these things disappear. The social conditions will never disappear for two hundred years and more, and we cannot wait for such a long time.

125. Then your argument is that it is possible under present conditions to work up to that indissoluble Federation which you want ?—It is possible. We are going on with the Government of Madras now. We are satisfying all the communities and we are getting on well. The sort of communal troubles which exists somewhere else in India do not exist in Madras now.

Lord Strathcona: It is a matter of argument, and I do not want to put any more questions about it.

126. *Sir Sakaran Nair:* I would like you to define yourself. There are no Brahmins amongst you belonging to your Association ?—No.

127. There are no Depressed Classes amongst you ?—There are.

128. You represent them also ?—Yes.

129. Amongst the non-Brahmins have they any other Association ? We have heard of another Association also ?—Yes.

130. What is the name of that Association ?—The South Indian Liberal Federation.

131. Is that distinct from you ?—We are one wing of the South Indian Liberal Federation ; they are the other wing.

132. What is the difference between the two politically ?—Politically this is the difference. The South Indian Liberal Federation is an institution whose creed was constitutional co-operation with the Government. In a confederation held in July, 1927, it passed a resolution of non-confidence in the Governor and passed another resolution of non-acceptance of office. We are for acceptance of office.

133. That is a great difference ?—That is the difference between us. And then, last time when this Commission came, they said they would not co-operate.

134. You are for co-operation, while they are not for co-operation ?—Now they are coming in for co-operation.

135. You are for acceptance of office ; they are not ?—Yes.

136. Which is the most numerous party, your wing or the other ?—My party was formed after the elections were over——.

137. That is another thing ?—We have the country with us. Although our party was formed after the elections ; the next elections will show what we are.

138. You are, then, more numerous ?—I think we are the more numerous. All the districts are with us.

139. What are the other chief political Associations in Madras ? One is the Non-co-operation Party ?—Yes.

140. That consists generally of Brahmins ?—Generally of Brahmins, I think.

141. You think ? You cannot speak definitely ?—Some non-Brahmins are also there.

142. Which is the other political Association ?—There is the Liberal League.

143. Who are the prominent members there ?—Sir C. P. Ramaswami Ayyar and the Honourable Mr. G. A. Natesan.

144. And they are non-co-operators, too ?—They are non-co-operators with this Commission.

145. They are more numerous, or you ?—In this Presidency we are certainly far more numerous.

146. *Sir Arthur Froom :* You feel confident that the system of self-government that you propose for the Madras Presidency would be an unqualified success ?—I think so.

147. Do you think that it will be equally successful in Bengal, for instance ?—We do not want to speak for that province, but I think circumstances will adjust themselves when provincial autonomy is given to them.

148. You do not care to speak about it ?—No.

149. In proposing a form of Government for Madras, are you making any recommendations with regard to the Central Government ?—To safeguard our own interests.

150. But then you are not quite sure that full self-government will work well or not in Bengal, or in Assam or in the Central Provinces ?—We are suggesting certain things and, if all those things are put together, our idea is it will work well.

151. My point is this, while you are proposing extension of Reforms to those in Madras, you leave the Central Government alone for the time being. Do you think that it will be a reasonable suggestion ?—Of course, in certain affairs we want our interests to be safeguarded in the Central Government also, and we are proposing certain things.

152. But your interest there is rather very small ?—There are certain things controlled by the Central Government, too, now ; for example, Defence, Stamps, Salt ; all those things are in the Central Government

153. Your opinion is that with these very radical changes you propose in Madras, it would not be at all a gamble which might change the Central Government ?—No. We propose only certain things which we think are necessary to safeguard our interest in the Central Government.

154. You do not think that you are making any undue distinction at the same time ?—I do not think so.

Sir Arthur Froom : You are putting all your eggs in one basket.

155. *Mr. Kikabhai Premchand :* On page 204, paragraph 10, you say : " In no civilised country in " which the system of responsible Government " obtains is a Governor allowed to act *against* the " advice of the Ministers. * * * " By this you want to remove the veto of the Governor ? Are you aware that the Canadian Governor has the right of veto ?—We say he may refuse to act, but he will not act against the advice of his ministers.

156. That means he will have no right of veto ?—Vetoing is quite different. He may refuse to act ; he may not oppose a minister ; the minister says something and the Governor does something else.

157. You will allow veto then.—No.

158. Supposing, as you say at page 206, the minister is given authority to select and appoint his own I.C.S. and I.M.S. officers, will you allow those Service men to appeal direct to the Governor in case of difference of opinion between them and the minister ?—No ; to the Secretary of State ; otherwise what is the use of the minister existing ?

159 *Lord Burnham :* You speak of the development of indigenous medicine. That is your school of medicine, is it not ?—There is a school opened now. The old system of medicine is being revived now by the Madras Government.

160. *Mr. Kikabhai Premchand :* On page 208, paragraph 9, you suggest that there should be two advisers to the ministry generally chosen from the Civil Service in regard to the two subjects of Finance and Law and Order ?—Yes, simply as advisers to the Government.

161. Do you think that the ministers themselves will not be able to carry on these subjects ?—If Law and Order and Finance were transferred to ministers, the experience gained by these officials will be useful to the ministers for some time.

162. Do you think that any self-respecting I.C.S. man will be prepared to work in the position you are assigning to him ?—If he is not willing to work, we do not want him.

163. You are not giving him any vote ?—But he is getting his pay for the position he occupies. The experience gained by the I.C.S. officers will be valuable to the ministry. They gain experience in this country and we do not want to let that experience go in vain.

164. What will be the position of those officers if their advice is disregarded by the minister ?—I do not think the advice of experienced people like that will be disregarded by the ministry, but they have got a right to do so.

165. On page 208, paragraph 5, you say : " Reserva- " tion of seats now allowed to the non-Brahmins " in the provinces of Madras and Bombay shall " continue." Are you speaking for Bombay also ?—No, mostly for Madras ; but similar conditions prevail in Bombay too, because in our Federation the Bombay people are also included.

166. Are you aware that a considerable portion of the non-Brahmins in Bombay do not welcome reservation of seats ?—Then we do not want to speak for Bombay ; let us confine ourselves to Madras.

167. *Sir Hari Singh Gour :* I wish to ask you a few questions, because there is a great deal more there that I have not been able to understand, and I shall concentrate upon points on which I have not been able to understand you. At page 208, paragraph 12, you say : " We want the residuary powers in the

"provinces." That is a very significant scheme. You want, therefore, a complete system of federation in which the provinces will be independent of the Central Government?—Yes.

168. If you have that system and you find that there is a conflict between the Governor and the members of your Cabinet, what will be the situation? Where is the general referee?—The Cabinet.

169. The Cabinet is the final authority?—Yes.

170. If there are inter-provincial questions, supposing you set up a tariff board against Bombay and Bombay sets up a tariff board against you?—In that case the Central Government.

171. But the residuary powers are in the Government of the province and not in the Central Government. The residuary powers must rest in the Central Government which can control the various Federal Governments. The Central Government will be the ultimate authority. Otherwise you will have independent States like Siam and Cochin-China and Japan. Therefore, would you have the residuary power vested in the Central Government?—Yes.

172. You agree with me there? I am going to the framework of your constitution?—Will you please look to page 217? There we have stated that: "The "respective governments may owe certain duties "to each other, but that is different from subordina- "tion or dependence."

173. That is a pious hope. I am not dealing with pious generalities. I am dealing with hard facts, namely, if there is a difference between a province and province, if there is a conflict between the Governor and Cabinet, if there is a question when the whole machinery of your provincial Government may tumble down, when there is such a serious disturbance as to call in the aid of the central army, or you may pass, for instance, a certain kind of legislation which may so upset the whole province that it may be necessary to maintain law and order by calling in the military; in all these cases you must give the power to the Central Government. The Central Government must be the fountain-head of all residuary power and without that residuary power vested in the Central Government, I cannot conceive of any organisation in the province?—We have stated in clause (3) at page 217; "The legislative "powers of the Federal Parliament shall be ex- "clusive, as also those of the provincial legislatures. "There may also be concurrent powers, but, in case of "conflict, the law of the Commonwealth shall "prevail."

174. These are quotations which I am familiar with. Some of them, I know, are from the Australian Commonwealth. Having made the statements as your own I want you to define your scheme *vis-à-vis* the Government of India. We are not concerned with Australia or Canada. We have got our own problems here which are acute. We are the people of India and we have to consider Indian problems?—What applies there may apply here also.

175. It does not?—Why not?

176. Australia has not got the frontier question; Australia has not got the communal question. Australia has not got the cataclysmic disturbances which occur in various parts of India for reasons best known to God. There are no Depressed Classes there; no Hindus, no Brahmins, no non-Brahmins and so on?—We can adopt that with some adjustments.

177. You start on the basis of residuary powers with the provincial Government?—On page 217, paragraph 3, we say that in case of conflict the law of the Commonwealth shall prevail.

178. There must be one supreme authority in all these cases. If you give the residuary powers to the Government of India I can understand your Constitution; otherwise I cannot?—We explain it in paragraph 3 on page 217.

179. You do not. Is it your statement that you would give the residuary powers to the Central Government?—In extraordinary cases, yes.

180. Residuary means that. You exercise them only after all the powers under the Statute have been exercised. The Central Government would, therefore, be the supreme authority in that sense?—Yes.

181. You agree with that, and your Federation agrees with that?—(*Mr. Pillai*) We do not. It is possible to define the powers of the Central Legislature and also the powers of the Provincial Legislature, and leave the residuary powers either with the Central Government or the Provincial Government, and we prefer to leave them with the Provincial Government. The supreme authority is one thing and the residuary powers are another. Whenever there is nothing defined you can have the Central Government to exercise its residuary powers. It is possible to define the residuary powers in the Provincial Government.

182. You are dealing with residuary powers in regard to provincial subjects. I am dealing with the residuary powers after you get your provincial autonomy, and I put to your chief spokesman the question dealing with the wider constitutional problem, namely, in all cases of federation there must be a central authority in whom are vested the final residuary powers?—In that we entirely agree. But the powers not defined in any Act will rest with the Provincial Government.

183. The next point is this. On page 217 you have the declaration of fundamental rights. Is it a fundamental right which is to endure for all time—remembering you are making this constitution for all time—that "communal representation in public "Services is guaranteed, provided qualified applicants "are available; no one community shall be allowed "to monopolise any particular Service"? How can you possibly build up a democratic form of Government—and you have stated more than once that your objective is to establish a form of democracy in your province—if you want to apportion the political and public services according to the claims of the communities? Is the communal claim and the enunciation of those things as a fundamental right consistent with the democratic form of government?—(*Dr. C. N. Mudaliar*) Yes. For instance, take the Depressed Classes. Six millions of them are in the worst condition possible. Unless we set apart certain appointments for them and give them encouragement, how is it possible for them to come up?

184. But those are only transitory provisions. They are palliatives for a disease which exists, and as soon as the disease ceases to exist, they should not be regarded as fundamental rights?—In our province it appears that they will never cease, or they may cease after fifty or one hundred years.

185. But, fundamental rights cannot be changed after fifty years?—Do you expect that communal differences will disappear in India or in Madras? We presume that communities will exist and these things will be there.

186. There is another thing that I have not been able to understand. You are dealing with franchise. You want to establish a democracy. Can you give me an example where the franchise you have mentioned on page 208 is consistent with the broad principle of democracy? You want separate electorates; you want apportionment of public services. You want the balance of power to be kept with this community and that community. You were speaking of the Australian Commonwealth, and other things. Do you know any country in the world where you have known of democracy consistently with the sort of franchise which you have stated here?—My conviction is that there is no country in the world with such compartments of castes and communities as in India, and especially our province.

187. Then the question comes to this: What you are really asking the Conference to give you is not a democratic form of government, but a representative government?—A democratic form of government with safeguards for the various communities.

188. So what you are asking this Conference to

give you is not a democratic form of government but a representative government ?—I do not think democracy will disappear by giving separate electorates.

189. I suppose I have made myself clear. There is a clear and radical distinction between a representative form of government and a democratic form of government, and you want that form of government to be adopted to a country where democratic form of government is an impossibility ?—We want modified democracy. I do not want to call it representative. It is modified democracy suited to our conditions here.

190. The whole book, almost *verbatim*, is from the constitution of the Australian Commonwealth, and you have contrasted the Australian Commonwealth with the Canadian constitution, and you have preferred the former. I am only pointing out that analogy does not apply at all here ?—We want the Australian constitution to be adopted here, with certain modifications to suit our local conditions here.

191. Another thing I would like to ask you is this. You said that you want two members of the Civil Service to help you in matters of Finance and Law and Order, and their salary will be equivalent to the salary of the ministers. Why should you not have the Finance Member an expert in finance and not necessarily a member of the Civil Service ? —The I.C.S. man comes with all the experience he gathers from the lowest to the highest.

192. He is not necessarily a financial expert ? —Many of the I.C.S. officers are financial experts.

193. Many of them are not ?—We will choose the best among them and we will have the advantage of their experience in India.

194. If you have provincial autonomy, the I.C.S. officers will disappear ?—No ; we are not interfering with I.C.S. officers at all.

195. It will be an expiring Service ?—We are not against their remaining. We are in favour of foreign labour coming to India and giving us their help and advice.

196. *Lord Burnham :* Borrowing foreigners where you can use them most advantageously ?—Yes.

197. *Sir Hari Singh Gour :* You have stated that you want the Governor to be drawn from the Public Services in England. You say at present you have got no man in your own province who will fill the post of Governor ?—We do not say there is no man. There may be men. But taking the present conconditions, communal, social and economic, into consideration, that is our suggestion ; not that we have no people here fit to govern us. But the present conditions are such that we will have to wait and see.

198. I want to see whether I have correctly understood your scheme, apart from the fact whether I have been able to see eye to eye with you or not. Your scheme seems to be this. You have first of all at the head of the administration, a Governor. That Governor is not to preside at the meeting of the Cabinet. The responsibility of the Government is to be joint, and the Cabinet must be responsible to the legislature. That is the framework of your local constitution. The question of foreign relations and other excepted subjects will be dealt with by the Central Government, and in all other matters your Government will be paramount within the limits fixed by the Statute ? That is your scheme ?—Yes.

199. As regards the public Services, you point out on page 206 that " the reservation of certain posts " in the transferred departments to the Indian Civil " Service has also caused some inconvenience." You want all members of the public Services to be appointed by the Provincial Government and be answerable to the Provincial Government ?—Yes.

200. As regards the High Court, do you want the High Court to remain under the Madras Government or to be centralised ?—It must be under the Madras Government.

201. Do you not think that in view of the communal claims and the fact that the High Court is more or less regarded as a representative institution, it is better that it should be centralised and removed from the stress and storm in the province and placed in a more placid atmosphere ?—I want that it should be under us. (*Mr. V. S. Mudaliar*) The subordinate judicial Service in this Presidency under the existing conditions is working satisfactorily, and I do not see why there should be any fear for making the High Court subordinate to the Provincial Government.

202. As regards the secretaries, you have pointed that there are three very serious defects. One is that the Secretary has access to the Governor (pages 205-6). You want to remove that ?—(*Dr. C. N. Mudaliar*) Yes.

203. Then you want to abolish certain superfluous posts (page 206, paragraph 32). Tell us what posts you have in mind that you would like to be abolished ? —The posts recommended by the Retrenchment Committee.

204. Specify them ?—(*Mr. V. S. Mudaliar*) For instance, we want the head of the Co-operative department to be a provincial man.

205. That is not the abolition of superfluous posts ; that is the appointment of low paid men ?—We simply say that if a Minister finds that there are superfluous posts he should have the power to abolish them.

206. *Sardar Shivdev Singh Uberoi :* I would like you to clear up one point. I would refer you to page 208, paragraph 9, wherein you say that there shall be no executive councillors in the sense in which they exist at present. Then in paragraph 10 you say : " There shall be an executive council to advise the " Governor in the government of the province, and " the members of the Council shall be chosen and " summoned by the Governor and sworn as executive " councillors, and shall hold office during his pleasure." In paragraph 3 you say that the Governor should act entirely on the advice of his Ministers. How are these two ideas compatible with each other ? —(*Dr. C. N. Mudaliar*) The executive councillors will be only advisers ; they will be honorary and unpaid.

207. These executive councillors will sit in the Cabinet ?—Yes.*

208. Will they have a vote in the Cabinet ?—Yes, they may have a vote.*

209. Would their number be equal to that of the Ministers, or more or less ?—That is a detail for the Governor to decide. The Governor may select any one whom he thinks would be of help to him.

210. So these executive councillors will have a right of vote, and will be appointed by the Governor ? —They will be appointed by the Governor, but will have no vote.

211. Supposing their number is more than that of the Ministers, it means that the whole power would go into the hands of the Governor and his honorary unpaid executive councillors ?—(*Mr. N. G. Menon*) They are purely advisory ; they will have no right of vote.

212. But the chief spokesman of the deputation said a little while ago that they will have a right of vote ?—(*Dr. C. N. Mudaliar*) They will be mere advisers.

213. Great stress has been laid on the fact that all the interests in the province should be represented in the Services. I would like to know your idea about the Ministry, whether all interests should be represented in the Ministry ?—As far as possible, if people are available.

214. The Chief Minister shall select the other Ministers from each community ?—Not necessarily ; if he likes he may.

215. *Rao Bahadur Rajah :* With reference to the declaration of fundamental rights you want communal representation in the public Services, and your theory is that the government of the province should be administered by all sections of the people of the

* The witness changed these answers to " No." See also Q. 212.

province, and not by one section only. Is not that so ?—Yes.

216. You are afraid that if this is not embodied in the Statute, one section of the people will monopolise, and there will be no chance for other communities ?—Yes.

217. You want a democratic form of administration, that is to say, all the communities joining together, and carrying on the administration of the country ?—Yes.

218. You are not for further extension of the franchise at present ?—No, except in the case of minority communities and the Depressed Classes.

219. So you are for lowering the franchise for Depressed Classes and for minority communities ?—Certainly.

220. You are also for giving separate electorates for the Depressed Classes ?—Yes.

221. From your experience can you kindly tell me whether the candidates who represent the Madras University in the Legislative Council have specialized themselves in university matters or educational matters ?—They have all been vakils.

222. May I ask you whether these Specialists who were supposed to represent the Madras University take part in politics ?—Yes.

223. As regards the landholders' constituency, the landholders are allowed to exercise their franchise both in the general constituency and in the special constituency ?—Yes.

224. What is your opinion ? Do you think that the present system should be continued ? That is, that the landholders should have two votes ?—They may have votes, but their representation should be confined to the landholders' constituency.

225. *Sir A. P. Patro :* Will you kindly tell me whether the Constitutionalist wing is also called the Justice Party ?—Yes. Until you rescind your resolution about non-acceptance of office we differ.

226. Non-acceptance of office was only conditional ; it was dependent on certain changes being made in the Government ?—Anyhow, the Federation has to rescind its resolution.

227. I will not press the point. You want to exclude the elected presidents of district boards from becoming eligible for membership to the Legislative Council. Would you extend that principle to municipal chairmen, taluk board presidents and union presidents ?—No. If in a district board there is an executive officer appointed who does the executive work, then the district board president may come in ; if in a municipality there is a president and an executive officer, the municipal president may come in. But if a district board president officiates as an executive officer, I think there is danger then.

228. May I remind you that in the district board the executive work of various departments is being carried on by heads of departments. The engineering work is carried on by the district board engineer, and public health work by the public health officer, the road works by the roads engineer and so on ? —Yes, but all these people are under the district board president, who is the executive head.

229. I shall have to correct your knowledge ?—I have got enough of knowledge.

230. The district board engineer is a person appointed by the Governor ; he is a Provincial Service man ?—But he works under the president of the district board.

231. I would leave the point at that. You have suggested a democratic constitution on the Australian basis. Will you explain what you exactly mean in paragraph 10 on page 208 ?—(*Mr. N. G. Menon*) : The executive council is purely advisory, something like the Privy Council. The executive councillors will have no right to vote. Whenever the Governor feels that the advice of ex-ministers and men who have held positions of responsibility in the government on any matter would be valuable he can always summon his executive council. This executive council is purely honorary and unpaid ; the ministers will be ex-officio executive council members. The executive councillors will not carry on the administration of the province ; they would merely offer advice to the Governor.

232. Am I correct in understanding you that if responsible government is introduced in the provinces such responsible government should be free to choose its own officers ?—Yes.

233. The door against Europeans will not be closed ?—Certainly not.

234. As regards reservation of seats in the legislative council, the South Indian Liberal Federation did not ask for reservation of seats before the Joint Parliamentary Committee. They wanted separate electorates and not reservation of seats ?—Yes. We wanted separate electorates ; in the alternative, reservation of seats.

235. Do the circumstances of this province now justify your asking for reservation of seats ?—Certainly.

236. Do you not think it is inconsistent with full responsible government to ask for reservation of seats ?—Do you not see the conditions of our province ? The conditions of our province were such that we had to send our representatives to England to present our case before the Joint Parliamentary Committee ; they fought for it and they got it.

237. With regard to the representation in the Assembly you said that the present system of election from the districts is unsatisfactory. Would you suggest any alternative proposal for proper and adequate representation of this province in the Assembly ?—Reservation of seats for non-Brahmins.

238. Supposing reservation is not granted ?—That is the best method ; in the alternative separate electorate.

239. Do you not think that indirect election can give better and effective representation ?—I do not think so.

240. *Khan Bahadur Khalif-ul-lah Sahib :* You just now said that you want reservation of seats for the non-Brahmins. What is it due to ? Is it your apprehension that you will not be returned in sufficient numbers ? —As it is we are not returned.

241. I am not talking of the Assembly ; I am talking of the Provincial Council. Does the experience of the past 10 years confirm the apprehension that you entertained before that period that you might not be returned in sufficient numbers ?—I have to repeat what I already said that when the new Legislative Council was formed many of the Brahmins did not stand for election, because they were all non-Co-operators, and so a number of non-Brahmins got in. A non-Brahmin Ministry was formed and the non-Brahmins became powerful. But now they are gradually being reduced. They were 60 in the first council ; they became 40, and they are now 20. We lost the Ministry. So we want non-Brahmins who will support communal representation. If reservation is taken away we fear that other communities will come in.

242. *Mr. Siva Rao :* Will you kindly turn to page 203 of your Memorandum wherein you have defined provincial autonomy as being freedom from external restraint. You are not merely advocating in that Memorandum freedom from external restraint, but also full responsiblity to the provinces, is it not ? —Yes.

243. May I ask you whether the non-Brahmin Federation represents Muhammadans, Christians, and the Depressed Classes ?—Yes.

244. Have they not got their own Associations ? —They have got, but they are merged in our Federation ; we have members of all communities.

245. With regard to the reservation of seats for non-Brahmins, both in the Provincial Legislature and in the Central Legislature, are you aware that the South Indian Liberal Federation have not asked for reservation of seats ?—I have not got a copy of their Memorandum.

246. So far as your information goes they have not asked for it ?—I do not know.

247. You said you ask for separate electorates or, in the alternative, for reservation of seats, because you apprehend that Brahmins would monopolise the whole lot of seats if there were no reservation ?—Of course, we say all these things not because we are against any community, but for the elevation of our country. In fact, Brahmins are one of us.

248. One of you, no doubt; but I want to ask you this. You know the results of the elections in 1920, 1923, and 1926, and that they brought in a sufficiently large number of non-Brahmins ?—Yes. Even the Brahmins put up non-Brahmins.

249. Much more than the proportion reserved for you. These elections have brought in a very large number of non-Brahmins ?—Yes. Those people that were opposed to our getting reservation, they did not come in themselves, but put in non-Brahmins in the field, and so in the Council we have not got non-Brahmins of the persuasion of those people who asked for communal representation, but other non-Brahmins.

250. But they have come in in larger numbers ?—Yes; but if this reservation is taken away we will be swamped.

251. I want to ask you whether in the general electorate, both for the provincial Legislative Council and for the Indian Legislative Council, there are about 95 per cent. non-Brahmins according to your calculation, and whether you feel still apprehensive that the non-Brahmins will not be able to get in ?—Look at the power the Brahmins hold. All the appointments are with them. If they take it into their heads to see that the electorate votes for them they will succeed.

252. Kindly turn to page 208 of your Memorandum. You want some executive government; the provincial government assisted by some advisory council. Is that your proposal ?—Yes.

253. You suggest two advisers to the ministry, generally chosen from the Civil Service ?—Yes.

254. Now we have got heads of departments who could be relied upon for giving experienced opinion. So why do you want these advisers, who have no vote ? You want to pay them amply, but not to give them a vote ?—We want I.C.S. officers of equal status to sit in the Cabinet and give advice.

255. If you want only advice, I am suggesting to you that you could have that advice from the heads of departments who represent the Services ?—Heads of departments cannot sit in the Cabinet and discuss questions with other people.

256. Even these honorary unpaid executive councillors will have no vote ?—No.

257. You say that communal representation should be reserved as a fundamental right provided qualified candidates are available and that no one community should be allowed to monopolise the Services. Will you be satisfied with a general declaration of policy that adequate representation of communities should be provided, or would you insist on a percentage of reservation; for instance, 20 per cent. to Muhammadans, 20 per cent. to others, and so on ? Would you fix a definite proportion ?—Yes, a definite proportion should be fixed. It is fixed in the Government Order.

258. You want the percentages fixed according to your population ?—Almost according to the population. The majority community does not get so much as it should have. The majority community sacrifices something of its privileges and gives to other communities, according to the Government Order.

259. You have been suggesting that one class of people, namely the Brahmins, has a monopoly of these posts in the several departments of Government. Have you taken care to consider whether that community, known as the monopolist community in Southern India, are educationally more advanced than the other Hindu communities ?—Educationally advanced. But where are the opportunities given to the other communities ? One community politically, socially and religiously is strong and was destroying the other communities, and so we are taking advantage of the British Government now to lift ourselves.

260. Could you suggest any reason whatever why the British Government should have overlooked so far the claims of these non-Brahmin Hindu communities if they were otherwise qualified ?—The British Government never overlooked. They have been trying their best from 1854 to enforce this. The Board's Order was passed in 1854.

261. Then what was the difficulty ?—The Government could not succeed. Now a movement has been formed and that movement is advocating the cause of the masses.

262. Is it not the reason that they could not have been educationally qualified persons ?—Now, there are non-Brahmin M.A., M.L.'s who have gone to Rangoon to get a Rs30 appointment.

263. With the introduction of provincial autonomy do you not expect that there will be a majority of non-Brahmins returned to the Council ?—We cannot be certain.

264. Would you not trust the new reformed Government with the discretion to hold the scales even between one community and another ?—What does anybody lose by having reservation ? Let there be reservation as a safeguard.

265. You want to introduce a bi-cameral system in the provinces. Do you not find that, as a matter of fact, in the provincial Council every interest almost is represented ?—Yes.

266. Then why do you want another Chamber ?—We thought it would be a safeguard.

267. You do not press it ?—(*Mr. N. G. Menon*) May I just say a word with regard to bi-cameral legislation. There is a danger sometimes of a majority community trying to trample down a minority community. So if that system is introduced into the province it will be a safeguard against any such legislation. We also say that the Upper Chamber should consist of fifty per cent. nominated members.

268. There is the constitutional veto of the Governor.—We do not want the Governor to exercise the constitutional veto as far as possible.

269. On page 213, Mr. Mudaliar, you recommend that the services should be placed under the entire control and direction of the Central and Provincial Governments and Legislatures in India. You do not want the Secretary of State to continue to recruit for the Provincial Services in India ?—(*Dr. C. N. Mudaliar*) No.

270. In other words you advocate provincialisation of all the Provincial Services ?—Yes. Provincialisation is better and more economical, but if experts are wanted we will have to recruit from Great Britain.

271. *Mr. Siva Raj:* Mr. Natesa Mudaliar, one finds now that there are certain non-official organisations which are working for the improvement of the Depressed Classes ?—Yes.

272. But I think it is still necessary that for a long time to come the Government must do a lot to provide social amenities for the Depressed Classes ?—Yes.

273. If that is so, would you be satisfied with the present number of their representatives in the Legislative Council ? Do you think their number is adequate ?—Their number must increase. That is what we said.

274. Now it is not adequate ?—No.

275. Would you secure that representation through separate electorates with separate electoral qualifications ?—Yes.

276. I find you were not able to give exactly the number of voters who would constitute the separate electorates ?—No.

277. I rather thought you suggested the idea of selecting these representatives from certain Associations ?—No. The members of the Legislative Council and the members of the Legislative Assembly from the Depressed Classes and the representatives of the various recognised Associations will settle the question among themselves, I said.

278. Suppose the future Provincial Government did not safeguard the interests of the Depressed Classes ? We have been finding that, in spite of the statutory provision, in the actual working of these provisions real benefit is not conferred on the Depressed Classes. You agree with me there ?—Yes.

279. As a matter of fact the machinery is worked by certain people who are affected by caste prejudices. For instance, it is just possible that a sub-assistant surgeon may have a caste prejudice. If he is in charge of a hospital, and there is a Depressed Class patient suffering, say from fever or anything of the kind, he may merely prescribe the medicine without actually touching the man. So you will find in such cases that even in spite of these statutory safeguards, in spite of these declarations, in practice they will not help the Depressed Classes.—If there are statutory safeguards, why not ?

280. In actual working ?—It may.

281. At some time of stress, supposing it happens that the Provincial Government, whatever its constitution, is against the interests of the Depressed Classes, supposing there is a reaction against social legislation, which authority would you trust for the improvement or safeguarding of the interests of the Depressed Classes ?—The Council is there. The Minister wants your vote. Without that he cannot get on. If 15 of you join together he will be defeated. There will be minority communities joining you.

282. I am only providing for certain contingencies which might happen in the future. In that case what safeguards would you provide ?—If you want a Depressed Classes Commissioner, let there be a Depressed Classes Commissioner, or somebody to take care of the Depressed Classes.

283. Not amenable to the Provincial Government ? —Under the Provincial Government.

284. Not responsible to the Provincial Government ?—Why not ?

285. You said that the Ministries that have been existing in Madras were supported by various District Board Presidents. Was that the case during the last Ministry of Dr. Subbarayan ?—I do not want to name any Ministry. Any Ministry will do that. On principle we do not want a District Board President to be in the Legislative Council.

286. The Opposition contained more District Board Presidents than the Government ?—Even a few District Board Presidents on the Government side will be bad.

287. I thought you said that the University representative takes part in party politics ?—Yes.

Mr. Siva Raj : I merely wanted to draw your attention to the fact that even representatives of the Cambridge and Oxford Universities take political sides.

288. *Kumara Raja of Venkatagiri :* You think it fit to advise the landholders to confine themselves to special electorates ?—I have got this difficulty. The Zamindars are very rich people, and with their influence they can alter any constituency. That is the fear we have.

289. What do you mean by saying that they can alter a constituency ?—They can influence.

290. Then you place a ban on wealth ?—The influence of the zamindars. We have no particular objection. In fact, we have in you an excellent zamindar representing the ratepayers. But we should have a safeguard.

291. Are you aware that in three cases zamindars have been defeated when they stood for election and in only four could they be returned in spite of their wealth and influence ? —But there was an attempt to have zamindars as candidates for almost all the districts in the last Ministry.

292. Did that fructify ?—No, it did not. But that is the fear we have.

293. *Mr. Thomas :* Would you agree that there should be separate representation by means of separate electorates for Christians ?—Certainly.

294. In the present Legislative Council whatever representation there may be for the minority communities, still the Mussulmans and Indian Christians in numbers are much smaller than the non-Brahmin communities ?—Yes.

295. In that case would you agree that the members of the Christian and Mussulman electorates may be allowed to vote in the non-Brahmin electorates without the right of contesting such elections ? —No.

296. You see that at present the non-Brahmin members are not in touch with the minority communities.—Yes ; they are.

297. What I suggest to you is that apart from the separate representation given to the Mussulmans and Indian Christians, would you have any objection to allow the voters of the Mussulman and Indian Christian communities merely to vote in the non-Brahmin elections ?—Yes ; I have.

298. The corresponding difficulty would be that whereas a minority community cannot influence the result of the election, to divert it from the general sense of the community, in the case of the other the non-communal voters will swamp the communal voters.—I am not for it now.

299. Do you not think there is a difference between Indian Christians and Mussulmans being allowed to vote in general constituencies ?—There is some meaning, but I am not prepared to accept it at present.

300. *Diwan Bahadur Reddiyar :* In your statement to the Chairman I understood you to say that district board presidents are likely to be the agents of the Local Self-Government Department ?—Yes.

301. Do you know how many District Board Presidents there are in the present Legislative Council ?—I do not know. Seven or eight.

302. About a dozen ?—Yes.

303. When this Ministry was formed do you know how many district board presidents sat with the Ministers as their party ?—About five or six.

304. One only sat with the Ministry. You may take it from me. If that was so would you still consider them as agents for canvassing for the Ministry ?—The present Ministry is quite different. Do you not think that the District Board Presidents will attach themselves to the Minister ?

305. You know that several motions of no-confidence were brought against the present Ministers ?—Yes.

306. And the first of them was moved by a district board president and supported by all the district board presidents except one ?—The conditions existing with the present Ministry are quite different, because the district board presidents were yet expecting the previous Ministry to come back into power.

307. They were expecting another Ministry ?—The previous Ministry to come into power once more.

308. Again in August, 1927, there was another motion against the Ministry. Even after the Coimbatore resolution almost all the district board presidents voted against the Ministers ?—Although the Justice Ministry was lost the, Justice leader was holding the whole power in the Legislative Council. So these presidents were following him.

309. Yours is a non-Brahmin organisation ?—Yes.

310. All the district board presidents at present are non-Brahmins ?—Yes.

311. Is there any district board president in your organisation at present ?—No.

Memorandum submitted by the United Planters' Association of Southern India.

(INCORPORATED).

I. Introduction.

In presenting our Memorandum to the Statutory Commission we have to explain that we are an homogeneous body existing under somewhat unusual circumstances, and we must emphasize that any alteration in our peculiar political position will disrupt our Association in such a manner that we shall not be able to watch and ward our combined interests in the way we have done for the past 36 years.

We are an Association of Planters and we represent Producers of Tea, Coffee, Rubber, Pepper, Cinchona and Cardamoms.

In our constitution we are not an association of Europeans, but practically in effect we are, for the simple reason that Indians in the same walk of life as ourselves have not felt themselves able to follow us in the self-taxation we have imposed in order to develop and protect our industry, though, incidentally, the Indians and the few Europeans who are aloof from our Association have reaped almost full benefits therefrom.

We work and have our domicile under five different Governments but, because we are a body incorporated in Madras, we have had for the past 34 years political representation in the Legislative Council of Fort St. George. The effect of this has been that our members living under the Governments of Their Highnesses of Mysore, Travancore and Cochin, as well as in the Province of Coorg, have all been represented in the Legislative Council of Madras. This anomaly cannot be overlooked by the Statutory Commission, but we ask for its continuance for the following reasons.

We have developed some 206, 670 acres of cultivation representing roughly £16,000,000 of Capital, mostly British, and we are steadily developing the 177,000 acres of reserve land that we own. We pay taxes, direct and indirect, to the Government, amounting to many lakhs annually derived from Land Tax, special Income Tax on Tea Companies, employees salaries and house Income Tax, Import Duties and in the case of many of our members a very heavy export tax on Tea. We draw attention to this as we believe that Tea is the most heavily taxed dry land product of India. We employ more than a quarter of a million Indian labourers and staff, practically all of them drawn from the Depressed Classes, and of whom 84 per cent. are recruited in British India. Our self-taxation amounts to about 5 lakhs per annum, exclusive of about 8 lakhs a year which we spend on the medical needs of our employees. If by any chance we became politically separated, the value of our Association as an element of progress both social and productive would be lost to the country. Individually our scattered members are not able to take a close interest in general politics, but from the nature of their work they are brought into the closest touch with that class of our fellow subjects which is completely inarticulate, and we consider that our care for them, our provision of hospitals, medical comforts, schools and creches, unaided by Government, entitle us to claim an insight into their needs better than any other save, perhaps, a district officer's.

II. General Principles.

We accept the declaration of the 20th August, 1917, as being an obligation binding on the British Government, and are in sympathy with Indian aspirations. Although the results of the opportunities for self-government given by the Government of India Act, 1919, have been disappointing to all parties and classes, we are of the opinion that the inherent defects of Dyarchy are largely the cause of this failure.

We believe that the only way to cure the irresponsibility that has been so marked in Indian Legislative Councils is by giving responsibility, and we are prepared to give Indian politicians an opportunity of exercising genuine control in the Government of India, if adequate safeguards are provided to protect British interests in India and to prevent chaos in the event of a breakdown in local Government. We therefore recommend the grant of full responsible autonomy to the Province of Madras provided :—

(*a*) that the position of the Government of India *vis-à-vis* the Legislative Assembly is strengthened ;

(*b*) that the Central Government is given powers of intervention in the event of a breakdown in Government in any Province;

(*c*) that Second Chambers are set up in the Provinces ;

(*d*) that a clause is inserted in the new Government of India Act forbidding discrimination against British industry and commerce in Central and Provincial legislation and taxation, and in the taxes and by-laws of the local self-governing bodies (Municipalities, District Boards, etc.), and providing for relief or appeal in the event of discriminatory legislation being passed.

We can make no suggestion as regards other Provinces as it may be held necessary to provide for Provisional constitutions with varying degrees of responsibility, and the recommendations we do make must be distinctly understood as having no special reference to provinces which do not come within the purview of our Association.

We wish to emphasise that the views expressed in this memorandum are particularly applicable to the Provinces of Madras, but, owing to the peculiar formation of the United Planters' Association of Southern India, they must to some extent apply to the Province of Coorg, as well as to the Indian States of Mysore, Travancore, and Cochin, so far as is consistent with the relations between these states and the Paramount Power and with their rights and obligations as fixed by treaty or usage.

III. Provincial Governments.

While we recognize the ingenuity of Dyarchy as a temporary expedient for training Indians in the task of self-government, it has now exhausted its possibilities, and has largely failed to achieve its intended purpose, so that, apart from its unpopularity in India, we consider it advisable to abolish it entirely when introducing the new constitution.

Owing to the persistent efforts of a large party in Council to make Dyarchy unworkable, the Governor has been to some extent compelled to adopt a policy of assisting the ministers for the moment in office against the efforts of other elected members of the council to eject them. It has therefore resulted that the Ministers have not been wholly responsible to the elected members of the Legislature, and consequently, in the eyes of many Indians, they have been regarded to some extent as a subsidiary branch of the Bureaucratic Government.

While fully alive to the risk involved in any such policy, we are prepared to recommend the abolition of the Executive Council and the transfer to a Ministry responsible to the Provincial Legislature of all subjects (except the control of the Special Police) now administered by either half of the Government. Official nominated members should be withdrawn, and should be returned to their natural role of Civil Servants. The Ministry should be wholly responsible for carrying on the Government and should neither receive the support nor incur the control of an Executive Council nominated from outside.

The Governor should continue to preside over the

Ministry, and should select his ministers from amongst those members of the Assembly who might be expected to control a majority. If and when the Ministry lost the confidence of the Legislature and was defeated, the Ministry would resign, and the Governor would form a new Ministry, presumably resting on the support of a somewhat different coalition of groups. We do not think that any definite rule can be laid down now as to joint responsibility owing to the existence of a number of small political groups, though it is desirable that a foundation should be laid for the growth of some convention of responsibility.

IV. LAW AND ORDER.

Although we sympathise with the apprehension of other European communities should the control of the Police be entrusted to a Minister responsible to the Legislature at the present juncture, and although we recognise that there are many difficulties on both sides of this question, we feel that we cannot be party to a proposal which pretends to give Provincial autonomy but yet would transfer the very basis of autonomy, Law and Order, entirely to the Central Government. Certain legislation conceivably might lead to breaches of the peace, and we consider that those responsible for the passing of such legislation should also be responsible for its ultimate outcome.

But we also hold the view that wherever a Special Police Force has been established for extra security or for a definite reason (for instance the Malabar Special Police because of the frequent armed rebellion of the Moplahs against His Majesty) such forces should be under the direct control and administration of the Central Government.

Should it be for any technical reason, of which we are ignorant, administratively impracticable to place such Special Police Forces under the Central Government, we suggest that their duties might be taken over by the Army.

We must, however, very strongly emphasise our objection to Special Police Forces being controlled by a minister of a Provincial Government.

V. PROVINCIAL LEGISLATION.

We do not recommend any drastic changes in the legal powers or composition of Provincial Councils, except the withdrawal of all nominated official members; nor are we prepared to express any opinion upon the franchise, but we object to any general lowering of the present qualifications, and we are very strongly opposed to any standard of education being accepted as a qualification, except in the case of a recognised University Constituency. Extremist views held by the half educated have done a deal of harm to sound progressive Government elsewhere, and without due caution the same fate will fall on India. Actually an illiterate voter with only a small property qualification is the better citizen.

We are, however, strongly in favour of Communal Representation both for minorities and for special constituencies such as our own. Further, though the qualification for the franchise is already too low, a large majority of the people still remain without the power to vote. In the past the interests of these depressed and backward classes may be said to have been represented, and ably represented by the official members of the Council. The proposed exclusion of all official nominees clearly necessitates the extension of the system of nomination in order that the depressed and backward millions may not lose the representation they have now, even though it be indirect. For this purpose we recommend nominations be made to represent these people by members of their own class; for men of good education and ability can be found in every community, and we believe that a man who has won a position in life in spite of the disabilities of birth, is likely to prove of value and a steadying influence in any Legislature.

In all nomination, the actual representative value of the nominee should be the chief aim in selection, and his nomination should not merely be a matter of expediency, as has been the tendency hitherto owing to the need for additional Government support. Our recommendations, if accepted, will alter this state of affairs, and the pressure of necessity being removed (except, perhaps, in the Central Government) there should be no inducements for nominations to be made from any other considerations than the representative value of the nominee. This will be the better ensured if the power of nomination to both houses of the Provincial Legislature resides in the Governor acting on his own initiative. The difficulties in the way of this procedure should not prove serious with the assistance of a Permanent Patronage Secretary to the Governor.

Although the legal powers of the Councils would not be altered, their political power will be immensely increased when the whole Government is made responsible to them. When the bureaucracy is no longer involved in trying to work the political machine, political feeling will no longer be roused against it, and Indian politics may be expected to take on the wholesome character of rivalry between Indian groups. For the first time members of the Provincial Councils will realise that the responsibility for maintaining Government in office will rest upon themselves alone. Therefore, we recommend that with the grant of full responsibility to the Legislature the powers of certification of the Governor be abolished. These have been inevitable so long as he had a special responsibility to discharge to the Secretary of State, but once the responsibility rests upon the Council we think he will be able to surrender the exceptional powers needed to enable him to discharge his responsibility.

VI. SECOND CHAMBERS.

If this very radical reform is carried out, we consider it essential for a Second Chamber of a conservative character to be created to act as a check on the popular House. We do not feel confident to make any detailed suggestions as to the exact powers or composition of this Second Chamber, but we recommend that its composition should be partly by election with substantial property-holding and other high qualifications somewhat on the lines defined for electors to the Council of State, and partly by the nomination of non-officials whose judgment, experience and social positions would make them valuable members of the Legislature.

VII. REPRESENTATION IN THE MADRAS LEGISLATURE.

The number of planting interests and individual planters represented by our Association is steadily increasing, largely owing to the yearly extension of further areas being planted up with Tea. Hence the necessity for a continuation of our representation as a minority community in the Madras Council is stronger now than ever before; and, with the possibility of the establishment of a Second Chamber, we feel that our just claim for representation in the Upper House as well should not be overlooked.

VIII. PUBLIC SERVICES COMMISSION.

Although we are not in favour of the introduction of Provincial Public Services Commissions, we do consider it necessary to relieve the Ministers of the onerous duty of being responsible for all appointments to and promotions in the Provincial Services. To meet this need we suggest that Provincial Committees be formed to deal with the recruitment and all disciplinary action in the provinces, to which Committee any aggrieved official may appeal. Only the Chairman of this Committee would have a full time appointment, and this post might with advantage be

combined with that of the Permanent Patronage Secretary to the Governor.

The existing Public Services Commission for all India should continue to function as now, at any rate as regards recruitments for the Superior or Imperial Services.

IX. INTERVENTION BY THE GOVERNOR-GENERAL.

While desirous of making recommendations of so liberal a character as to meet all legitimate Indian aspirations, we are not blind to the possibility of the new constitution being faced by deliberate opposition or obstruction on the part of some party or coalition in the Council. We therefore consider that provision must be made to meet the danger of a breakdown of Government in any Province, and recommend that the Governor-General-in-Council be given power to intervene in case of necessity and to suspend the constitution, so that the Governor may carry on a day to day administration on his own responsibility subject to the general supervision of the Governor-General-in-Council.

X. THE GOVERNORS.

With the abolition of the Provincial Executive Councils, the appointment of suitable Governors becomes a matter for serious consideration. We certainly consider that members of the Indian Civil Service should be eligible, but we would be loath to name one class only for such appointments. We agree that some first-hand knowledge of affairs in India is necessary for a Governor deprived of his official Executive. A man with exceptional qualifications may be found in any walk of life, official or otherwise, and we would like to see any young Briton of birth and education, with a political bent, win his spurs in Indian Politics, and then, perhaps after some useful years of Parliamentary work, find himself a Governor.

XI. THE CENTRAL GOVERNMENT.

We are only prepared to favour the grant of Provincial autonomy on condition that the Government of India remains unaltered in composition and that its position *vis-à-vis* the Legislative Assembly be strengthened. The Government of India is required to carry on the administration under difficulties which we believe no other Government in the world is called upon to face, as it has to work through an Assembly in which it is in a permanent minority. We therefore consider it essential that the Government should control an absolute majority in the Central Legislature.

As a further safeguard, we consider that the Viceroy's Executive Council should be predominantly British. We are of the opinion that the Commander-in-Chief's place on the Executive should be taken by a special Military Member, but that he should remain as an extraordinary member of that Council as was the custom in former years. The Commander-in-Chief should have no seat in either the Legislative Assembly or the Council of State.

XII. INDIRECT ELECTION.

We believe that the Legislative Assembly would be composed of more reasonable men and would be more truly representative of the country if they were elected by the Provincial Legislatures rather than by primary electors in the constituencies, and we consider that the election of provincial representatives to the Assembly should be made by the two Provincial Houses voting together.

XIII. LOCAL SELF-GOVERNING BODIES.

We recommend that the principles of nomination, set forth in Section V. above, be extended in Municipalities and Local Boards, etc., and believe that this would lead to such bodies becoming good schools for administrative and executive work, instead of the political debating societies so many of them are at present, to the detriment of progress and improvement in local needs. The fact that the Government of Madras is now contemplating the abolition of all Taluk Boards, and for District Boards to take over all the functions of the smaller bodies, proves that the latter have generally failed in administration and this, we contend, is mainly due to their constitution not being truly representative of the bulk of the population in rural areas.

XIV. STATUTORY SAFEGUARD AGAINST DISCRIMINATORY LEGISLATION.

We are greatly concerned at the tendency shown by the Government of India to introduce legislation discriminating against British producers established in India. For nearly a century planters in Southern India have been steadily bringing into cultivation large areas from undeveloped and unremunerative jungle, and in so doing have provided work and good wages to many thousands of the depressed classes in particular. The bulk of this has been achieved by the investment of British Capital, and by the industry and initiative of British pioneers. We ask for no special favours, but we do claim on grounds of justice and expediency that the Indian Legislatures shall not be in a position to discriminate against British planting and commercial interests so long as Britain does not in any way discriminate against India. Such provision is a familiar clause in commercial treaties between two fully sovereign countries.

We suggest that this safeguard should take the form of a clause inserted in the next Government of India Act which will be an integral part of the statute creating the Indian constitution, and which would compel the Courts to treat as *ultra vires* any measure of a Legislature or local governing body which has the effect of imposing discriminatory legislation or taxation.

We believe that the next step towards making India a Federation of autonomous Provinces and States must necessarily include a Supreme Court to interpret that constitution, and to adjudicate upon the reciprocal rights and obligations of the Central with Provincial Governments and Indian States, and of the Provincial Governments and States *inter se*. Thus the ultimate tribunal in India for interpreting this clause would be the Supreme Court, subject to an appeal lying as of right to H.M. the King in Council. This clause should extend to Acts passed by Central or Provincial Legislatures and to all bye-laws or regulations passed by Local Self-Governing bodies as well.

XV. FEDERATION OF INDIA.

We are of the opinion that the social and political developments in India are tending to compel a federation of the whole of India including Indian States, and are convinced that it would be to the advantage of the whole country if some constitution could be agreed upon which would at least make geographical India into one Fiscal Union. Any constitution for British India which from its inception does not take into account and at least provide for the inclusion of the Indian States, must necessarily prove a failure in the effort to lay the foundation of a complete and stable Federation.

22nd February, 1929 (*continued*).

Deputation from the United Planters' Association of Southern India.

312. *The Chairman* (*Lord Burnham*) : In this deputation we have (1) Mr. R. Lescher, O.B.E., Chairman, (Spokesman), (2) Mr. F. E. James, O.B.E., M.L.C., Planting Member, and (3) Mr. H. Waddington, Secretary. I have put into my hands a short statement in regard to your Association giving facts and figures forming the basis of your constitution. May I ask you whether the Association was founded as a result of the conference between the different Planters' Associations held at Bangalore in 1893 ?—(*Mr. Lescher*) : That is so.

313. As everybody has got the statement before them, I will ask you whether there are any particular clauses in it which you would like to emphasise ?—No, sir.

314. You think it speaks for itself ?—Yes.

315. Are you appearing here as the result of any special resolution passed by your body ?—No, except that we are appearing here to answer any questions put to us from our memorandum.

316. You represent both the European and the Indian planters ?—We have a few Indians as members.

317. I see that other Indians hold 101,020 acres, but I am not sure whether they form part of your Association ?—They are not included.

318. You speak for the European planters practically ?—Yes.

319. It is said that the European planters hold a total of 240,167 acres of tea, rubber or coffee, that is 74 per cent. Does that mean that they are all members of your Association ?—Yes, they are.

320. You have also stated that : " areas cultivated " by Indian proprietors include a very large pro- " portion of small gardens the areas of which vary " between a few cents. and an acre or two." Would you like to add anything to this statement ?—We have nothing to add, sir.

321. *Colonel Lane-Fox* : At page 231 of your memorandum you have agreed to grant full provincial autonomy to the province of Madras on certain conditions. The first is that the position of the Government of India *vis-à-vis* the Legislative Assembly is strengthened. Have you any definite suggestions to make how that is to be strengthened ?—I think that we can only suggest that the executive should be strengthened at the expense of the legislature. But exactly how that can be done we are not in a position to suggest in any detail. We have no definite proposals to make as to how it should be done.

322. Then in the same paragraph you say in clause (*b*) : " that the Central Government is given powers " of intervention in the event of a breakdown of " Government in any province." Again, have you any suggestions to make as to how that should be done assuming that the Governor is there ?—We think that the Governor should be given certain powers by the Central Government to enable him to overcome a deadlock and to carry on the administration.

323. You have no scheme by which he should do it ?—No.

324. On page 232 you agree to the transfer of Law and Order with the exception of the Special Police. What is your particular reason for that ?—The Special Police are practically regular troops to all intents and purposes. I think I am correct in saying that there is only one Special Police Force left in the Presidency and that is in Malabar, and they are primarily to look after the Moplahs and it would be extremely dangerous to remove them.

325. *The Chairman* (*Lord Burnham*) : Does that include the Criminal Intelligence Department ?—No. We do not want to alter their present powers. (*Mr. James*) : I do not think it was the intention of the Association when they drew up this memorandum that the Criminal Intelligence Department should be handed over. I think when they were considering the question of Police, they were not considering the question of the Criminal Intelligence Department at all. Their particular concern was about the Special Police in the Moplah part of the Presidency. But I think that if we were asked a definite question as to whether the Association would favour the handing over of the Criminal Intelligence Department, our answer would be in the negative. And as for the Special Police, they are police only in name ; they are practically regular troops.

326. Why should the Special Police be maintained in a district rather than for the province ?—(*Mr. Lescher*) : They do not do the usual police duties ; they are only maintained to prevent Moplah outbreaks. (*Mr. James*) : The fear behind this recommendation is possibly that the force as it exists at present is actually necessary for security and should not be cut down in any possible way, and therefore if they were to be handed over to the Provincial Government it might perhaps be reduced on political considerations.

327. You are not confident that the Provincial Government will maintain the force ?—(*Mr. James*) : That is the fear in regard to this particular branch of the force.

328. *Lord Strathcona* : At page 232 of your memorandum you have explained why you do not recommend powers of certification to the Governor. And then you go on to say : " If this very radical " reform is carried out, we consider it essential " for a Second Chamber * * *" These two things taken together, I gather what you mean is, that the power of certification goes provided there is really a satisfactory Second Chamber set up ?—(*Mr. Lescher*) : Yes.

329. On the same page lower down you say on the question of Public Services Commission : " Although we are not in favour of the introduction of Provincial Public Services Commissions * * *" And then you go on to say that you favour the formation of provincial committees to deal with recruitment and all disciplinary action in the provinces. I do not see what difference there is ?—Expense chiefly.

330. On page 233 you deal with the question of statutory safeguards against discriminatory legislation. Have you anything further to say about that ?—We have not.

331. *Sir A. P. Patro* : In regard to indirect election to the Legislative Assembly you say at page 5, paragraph XII : " We believe that the " Legislative Assembly would be composed of more " reasonable men and would be more truly represen- " tative of the country if they were elected by the " Provincial Legislatures rather than by primary " electors in the constituencies, and we consider that " the election of provincial representatives to the " Assembly should be made by the two Provincial " Houses voting together." Would that strengthen the Central Legislature instead of having direct election ?—We think it would.

332. But supposing in the Provincial Legislature they have got a definite section of a party ; then naturally men of that party will be elected to the Central Legislature, and that will not strengthen the Central Legislature at all ?—(*Mr. James*) : I think the view of the Association was that probably by the method of indirect election the Assembly would be more representative of the provinces than it is now, and the question of strengthening the Central Government is another question altogether.

333. But do you not think it would be more representative if there is direct election ? The present constituencies are very unwieldy, and supposing you reduce the size of these electorates for representation to the Legislative Assembly, that would be far more effective and it would bring in

better representatives of the agricultural classes to the Legislative Assembly than the system proposed, namely, election through legislative councils ?—That is an alternative I should think. The members of our Association did not, however, consider the question.

334. *Colonel Lane-Fox :* Sir A. P. Patro, how many representatives do you consider would be required for the Legislative Assembly ?

Sir A. P. Patro : I have suggested in the Memorandum of the Ganjam District People's Association that I do not want to make the whole thing unwieldly. I have suggested that in order to strengthen the Legislative Assembly and to have better form of representation of the real agricultural classes of people, there should be a revised system of election, and I have also suggested that some portion of it may be represented by the Legislative Councils. The other should be by direct election. I do not want to strengthen the Legislative Assembly very much, or make it more than double of what it is. If we have got, say, 200 or 250 members in the Legislative Assembly sent up in accordance with the population of the provinces, then Madras, or Bombay or Bengal will get according to their population a larger number of seats. Then we elect a portion through the Legislative Councils. It may be that the party in power in a Legislative Council may be the moderate party and they will be able to send in representatives who will be able to strengthen the hands of the Central Government in the Assembly. And again, if we have got a better class of representatives than we have now, that will also go to strengthen the hands of the Central Government. That is why I have proposed that there should be both direct and indirect election by reforming the electorates for the Assembly. I agree with this Memorandum that it is very necessary that the Central Legislature should be reformed and strengthened. How best it could be strengthened is a matter which we have been considering. I have given my own views in my Memorandum and we have to work out the details; namely, under the present system we are all agreed that the representatives from this province at least have not been really representing the interest of the people. There is absolutely no connection between what they are doing there and what the people think about it here. So, while you have suggested that there should be representation through the Legislative Council in order to get a better class of representatives who will be in touch with the people, do you not think that there should be direct election also to the Assembly ?

The Witness (Mr. James) : The Association is prepared to support any other method which is equally efficacious.

335. *Mr. Siva Raj :* At page 233, about discriminatory legislation, would you, for instance consider any legislation affecting the lot of your labouring class discriminatory ?—(*Mr. Lescher*) Not necessarily.

336. *Mr. Thomas :* May I know if there is any Association among the Indian planters corresponding to yours ?—(*Mr. Lescher*) No, not that I know of.

337. May I know if the interests of the Indian planters are identical with yours or is there any room for conflict between their interests and your interests ?—They are identical.

338. With reference to this question of discriminatory legislation, you know that under the Instrument of Instructions to the Provincial Governors there is a clause which enjoins on them the duty of safeguarding the interests of all communities and sections of the people. Do you think that is a sufficient safeguard for you ?—No, I do not.

339. Do you realise that the constitution of a Second Chamber might lead to conflicts and frictions between the two Chambers ?—That is quite likely.

340. You know that in the history of England there have been periods in which serious crises were apprehended consequent on friction and difference of opinion between the House of Commons and the House of Lords ?—Yes.

341. And it is on account of the good sense of Englishmen and the spirit of compromise that tragic conflicts were avoided ?—Yes.

342. *Lord Burnham (from the Chair) :* In your Memorandum in regard to the Governor's powers of certification, you wish them wholly to be abolished. He has got different powers with regard to expenditure and legislation ?—We have recommended that on condition there is a Second Chamber.

343. In the Second Chamber you should have equal powers in regard to the money Bills ; otherwise that would not cover the Governor's prerogative ? —We do contemplate that.

344. In case of emergency, say, at the time of a crisis in this province, do you wish the Governor to be deprived of his power of suspending the constitution ?—We suggest that the Governor-General in Council may be given that power.

345. " So that the Governor may carry on a day-" to-day administration on his own responsibility " subject to the general supervision of the Governor-" General in Council " ? You wish to transfer to the Governor-General the powers the Governor has now in that respect ?—That is so.

346. That, of course, militates against what is called autonomy ?—To that extent it does.

347. You say, lower down, that you wish to see the Viceroy's Executive Council predominantly British. Will you tell me exactly what you mean by that ?—In the proportion it is at present, four Europeans and three Indians.

348. I understand that you consider it essential that the Government should control an absolute majority in the Central Legislature ?—Yes.

349. And you have no fear for the future of this province under the scheme which you have set out ? —No.

350. Is there anything else which you would like to say ?—We have nothing more to add.

Memorandum submitted by the Madras Presidency Oriya Association, Berhampore (Ganjam).

Sir,

I have the honour to forward the Memorandum of Evidence hereto annexed, submitted by the Madras Presidency Oriya Association for favourable consideration of the Indian Statutory Commission.

2. In doing so, pursuant to the instructions issued, I have the honour to state that the Madras Presidency Oriya Association is the only institution of its kind among the Oriyas of the Madras Presidency —its creed being the promotion of the welfare of the Oriya community by strictly peaceful and constitutional means. Both by reason of the largeness of the area which it is intended to serve and the varied nature of the activities which it aims at, it is also the biggest socio-political organization of the Oriyas now extant in Southern India. It has now on its rolls about one thousand Oriyas representing all classes and ranks who have applied for its membership and signed its creed, and it is gaining ground rapidly especially among the people living in rural areas. The Association has also keenly interested itself in the question of constitutional Reforms for India and—I may be permitted to mention—had the privilege of being among the first to extend its greetings to the Indian Statutory Commission. It will be also within your easy recollection that the Association had the honour of receiving the distinguished President and the other members of the Commission at the railway station at Berhampore on 22nd February last on their way from Calcutta to Guntur.

3. I beg to add that owing to shortness of time and the delay that occurred in obtaining certain information and data, the Association could not incorporate in the Memorandum its considered opinion in regard to such vital questions as the functioning of the Local Self-Governing bodies, the growth of Education, Social Progress, the Services and the idea of Federation as applied to India. The Association, however, is applying itself to a consideration of these problems, and, ere long, will be in a position to formulate its views in regard to them. The Association will feel obliged if an opportunity is afforded to it to tender oral evidence in respect of the above questions as also in support of the several points raised in its Memorandum. The Association has elected the undersigned for the purpose, and any communication sent in that behalf may be addressed to Bhuvaneswar Ruth, B.A., B.L. Secretary, The Madras Presidency Oriya Association Berhampore (Ganjam Dt.).

4. Any other communications which may be desired to be sent may also kindly be forwarded to the above address.

I have the honour to be, Sir,
Your most obedient servant,

Berhampur, 30–5–1928. B. S. RUTH.

The Goal.

1. The goal enunciated in the Announcement of August 20, 1917, and subsequently embodied in the Preamble to the Government of India Act, is the only goal that can be aimed at for India's political advance, having regard to the past history of the country and the present day position of its peoples. The other two radically different ideals which have been proposed in regard to India's future polity, namely, a benevolent autocracy on the one hand, and complete self-government with power to break away from the Empire on the other, are equally impracticable, and are fraught with calamitous consequences to India's political future. The reactionary view which prescribes for India an absolute system of government is based on the argument that democracy is inherently unsuitable to a country like India—with its innumerable divisions and sub-divisions of community and caste. This theory is given the lie direct alike by India's history and actual present-day experience. Democratic ideas and forms of government had attained high degrees of perfection even in India's ancient past, and the abilities and aptitude exhibited by the people of India in carrying on the popular system of Government—so far as has been established under the Reforms—has won admiration and praise from the most competent quarters. Moreover, especially since the World War, there has come over India a tremendous desire for democratic government, and to ignore altogether out of account this Time-Spirit would prove perilous to the peaceful administration of the country and the contentment of the people. The proposal to frame India's constitution as a full-fledged Self-governing Dominion with the constituent power secured to the people in a Declaration of Rights so that they might sever the Imperial connection any day they might choose, is even far more dangerous. The argument that has been advanced in support of this extreme claim is the old sentimental sophistry, namely, that absolute independence is the natural condition of every people and that the effects of dependence, whether perceptible or not, are injurious to its ultimate interests, the fallacies of which reasoning have been long exposed. But the ideal of independence which is urged to be held in view in framing India's polity is not sought to be rejected on the ground of the fallacious logic on which it is based, but because of the dire disasters which would be in store for the country if it were to be adopted. India is a conglomeration of different nationalities with conflicting interests and aspirations which are now held together only because of the existence of the superior British Power which rigorously holds them under common sway and obedience, and which jealously guards and guarantees to each denomination and section its respective rights. The moment that super-imposed restriction is removed, India is sure to split up into petty principalities and tribal states levying war on one another, as was the state of the country on the eve of the British conquest. What is more portentous an evil, is the prospect of a fresh foreign domination of an intolerable type to which India may find herself subjected, if the rigour of the Imperial tie is relaxed as demanded by the radical idealists. The presence of seven hundred Native States scattered all over the country, the deep differences of ideals and aspirations that now divide the Hindus and Mussulmans, the existence of a long corridor of Mussulman States overlooking across the Frontier with pan-Islamic ambitions, the onslaught of the Bolshevik menace that is becoming so increasingly irresistible, the Yellow Peril which has always remained a source of anxiety to India's peace, are all dormant dangers that will burst forth any day and rob India of her honour and prosperity and place her under the thraldom of the foreign invader the moment the protecting arm of Britain is withdrawn. Responsible Government and British connection accordingly appear to be like two wheels to the coach of India's political progress, and the one is essential to the proper functioning of the other. This essential connection between the two must be firmly seized in mind, and every fresh provision made, and every amendment effected, in the existing constitution must be in strict relation to the goal in view. The powers and privileges enjoyed by the Self-Governing Dominions should be fully ensured to India, but if Dominion status has come to connote the liberty to pack out of the Empire component commonwealth at its sweet will and pleasure, such a mischievous possibility should be expressly precluded from the provisions of India's future constitution. Instead "Swaraj within the Empire" should be specifically postulated in the preamble to the Government of India Act which will set at rest vague, indefinite aspirations now entertained on the

one hand, and undue alarm and anxiety felt on the other, and pave the way for the sure and steady march of political progress.

A FEW MORE SUCCESSIVE STAGES.

2. If full Responsible Government within the British Empire is the ideal of India's political endeavour, its progressive realisation is the condition of its success. The task is so difficult of achievement and the consequences of any false step so disastrous that if success is to be permanent, the goal cannot be reached by one or two strides at a stretch, as has been often sought to be effected. The immense masses of three hundred and twenty millions of India's peoples are extremely poor who do not get even one square meal a day and a sufficient piece of cloth to cover their nakedness. They are scattered over five lakhs of villages and hamlets separated from one another by distances, thick woods and jungles and unbridged waterways. Being mostly agricultural in occupation they remain tied to the land all round the year, and have little leisure or opportunity to think of anything except the operations of their industry and their petty domestic concerns. About ninety per cent. of them are again illiterate and the vast bulk have no means of knowing anything about what is happening abroad. They are divided and subdivided into a veritable million of communities and castes, there being among them cleavages crosswise again of race, language and religion. They are extremely conservative and most of them possess peculiarly crude customs and manners. They have been accustomed to look up to the Government as the Mabab and generally accept with unquestioning obedience all administrative measures alike—whether good, bad or indifferent. Though during the Hindu period of their history, the people enjoyed democratic forms of Government, seven centuries of Mussulman autocracy has brought about wholly different ideas and associations in their minds and they have now come to regard the Government as something external to themselves, whose interests are opposed to theirs. The reformed mechanism of the Government has been to the vast bulk of them an unmeaning mystery and the vote and the ballot-box an unheard-of innovation. These ten years have been all too little to impress on the people the significance of the vote and its ultimate relation to their own wants and requirements. Owing to the novelty of the experiment and want of experience on the part of the people, elections are now being conducted amidst extremely crude conditions so much so that a deal is detracted from the seriousness of the business. The sacredness of the franchise is not at all realised, and the trust is openly encroached upon. Government officials, landlords, moneylenders, village and caste heads and even religious preceptors and preachers, in spite of election law, all expect that those who are subordinate to them or in any way under their authority or influence, owe it to them, as a matter of courtesy, to exercise their franchise in favour of persons of their nominee. The voters themselves regard this as nothing out of the way, and yield implicitly to the pressure of their respective superiors. They do not care whether they have to cast their vote for X or Y or whether the man for whom they vote succeeded at all, as often they have precious little personal knowledge and dealings with them. They are reluctantly driven to the polling booth—often fed and entertained on the way—and since most of them cannot read or write, or even if they are capable of that feat, cannot mark the vote correctly —they are made to blurt out the name which had been insistently instilled into them so that the polling officer marks for them on the ballot paper. Sometimes where superior influence does not come into play, voting is done as per factions, villages or mostly castes. If the people of one faction voted in favour of one particular candidate, those belonging to the opposite faction invariably vote for his rival. Similarly, with villages and castes are divided between the candidates. The merits of the respective candidates and the policies and principles, if any, which they represent come in nowhere in this operation. The candidates, who are generally men with English education, are not much above the game either. They stand for no particular set of principles or policy and carry on no propaganda. They hold no meetings, deliver no lectures, distribute no pamphlets, or make no addresses to the electorates through the press. They just tap the sources of influence, and the flow of votes becomes easy. The parties in the legislatures are also formed not on political principles, but on primitive distinctions of caste, community or religion. They have no organisations to speak of, and there are few rules of discipline obtaining among them for the regulation of conduct on the part of their members. Crossing the floor is one of the commonest of occurrences and admittance into a party is no difficult affair at all. Moreover, there is no such thing yet obtaining as a common political understanding among the parties in the country which constitutes the sheet anchor of Parliamentary Government. There is observed no connection between the member and the constituency after the election is once over. Neither the members ever write to or otherwise ascertain the wishes of the electorate on any of the burning questions of the day, nor does the constituency care to keep the member informed about its particular requirements and views. Inasmuch as the vast bulk of the voters are illiterate and ignorant, they are not in a position to know anything of the activities of their representatives in the legislatures. Election pledges—if they are ever made—are violated even the day after the poll is over, either because the member considers a change in the programme and policy necessary in his own individual interests, or out of deference to the command of any external political body—in either case without any reference to the constituency by which the member has been returned. The dismal state of conditions which these facts disclose and which is due largely to the poverty, paucity of education and want of previous training in democratic ways of conducting government on the part of the people cannot be improved all in a day, and the spread of education and political experience among the people and their economic upliftment are processes which require time and patient endeavour for accomplishment. Control from the above cannot, however, be relaxed until and unless there is the agency from below ready and fit to take charge of it, and this, as things are situate, means that progress towards full responsible government within the Empire, though sure, must necessarily be in a few more successive stages.

THE PRESENT POSITION.

3. The present constitutional position in India is very largely what was brought into being in the year 1921. No great advance has been made since then, and no important stage of development reached which calls for further Reforms of a radical character in the direction of responsibility. The operation of the Reforms Act of 1919 was inaugurated under the most unfavourable of auspices. Owing to the universal feelings of exasperation and resentment caused by the unfortunate happenings in the Punjab, and the ignominious way in which the atrocious conduct of certain officials had been whitewashed, the Reforms—which in a more normal state of things would have been hailed as a great concession—had failed actually to satisfy Indian Nationalist opinion. The Indian National Congress, which was then far more representative of the country than it is at present—though, even by then, the great Liberals, as a body, had seceded from its fold—had declared them at Amritsar, in 1919, as "inadequate, unsatisfactory and disappointing," but had pledged itself to work them for what they were worth. Subsequent events, however, upset expectations in this regard, and, at the special

session of the Congress in Calcutta in September, 1920, the Non-Co-operation Resolution of Mr. Gandhi was adopted which placed the Reforms under a ban. In the elections held for the Reformed Legislative Councils towards the end of the year, the Non-co-operators did not offer themselves as candidates, though they could not prevent the vast bulk of the voters from participating in the poll. The Liberals were the only organised political party who came returned to the legislatures and had to pilot the Reforms single-handed against heavy odds of popular opprobrium and ridicule. The Non-co-operation policy of the Congress politicians had placed a premium on communal politics and its unhealthy manifestations and effects operated as heavy handicaps for the Liberal Party in the country in the working of the Reforms in the spirit in which they had been intended. Financial disabilities also rendered the pace of progress necessarily slow. India had not yet recouped from the effects of the financial strain to which she had been subjected, in common with the other countries, during the war. The Meston award enjoining on the provinces to contribute to the Central Government a certain quota of their revenues in the shape of fixed sums was a new arrangement to which most Provincial Governments could not easily adjust, partly owing to inexperience and partly due to the increased expenditure which the upkeep of the new machinery necessarily entailed. There were hardly any funds to speak of forthcoming, in the circumstances, which could be released for developing the nation-building departments transferred to the charge of the Ministers. Further, the period between 1921 and 1923 witnessed the height of the Non-co-operation agitation when a general spirit of lawlessness pervaded the country and deliberate defiance of the legally constituted authority was the order of the day. This unprecedented political upheaval in the country necessitated all the resources and energy of the several Governments—both Central and Provincial—in order to discharge their primary obligations—namely the maintenance of law and the preservation of order. Very little attention, indeed, could be spared to be devoted to the political progress of the people amidst these pre-occupations. The second term of the decade which began with the year 1923, was not destined to be much more fruitful in gaining political education and experience on the part of the people. One gratifying feature of the period was that the Swarajists—abandoning the policy of nihilism came into the legislatures in large numbers. But this advantage was more than counterbalanced by the fact that the Liberals had been completely routed at the polls owing to the villifying propaganda which had been systematically carried on against them by their opponents on account of their acceptance of office and entry into the councils during the Non-co-operation Movement. The Swarajists, moreover, came with the policy of offering opposition to the Government from within the Councils, and wrecking the administrative machinery—if possible, by creating constitutional difficulties and deadlocks. It was hardly to be expected that any political education could be achieved under the circumstances. What little chance there might have been for co-operative endeavour in this direction was utterly blasted by the recrudescence of Hindu-Muhammadan squabbles which broke out all over Northern India during the period in thick succession, and engendered much suspicion and ill-feeling between Hindus and Mussulmans generally. In Southern India, where Hindu-Moslem frictions were, as is generally the case, few and far between, disintegration of national effort was effected by the communal rivalries between Brahmins and Non-Brahmins. The third term of the Reformed regime which is now progressing, began in 1927, but it has been fully pre-occupied with discussions about the Statutory Commission—though it has to be stated with satisfaction that a certain amount of peaceful progress in parliamentary government has been recorded in some of the Provinces. Extensive possibilities, however, lie unexplored within the scope of the Montagu-Chelmsford changes introduced into the Constitution which, if properly utilised, would have helped forward India a great distance on the road to responsible government. Ideas and practices of responsible government would have been widely and intensely diffused among the people and heaps of constitutional precedents piled up which would have justified the demand for a large stride of progress in the direction of responsibility. As it is, in point of political education and experience, India is not much farther than from where she started seven years ago when the Reforms were inaugurated.

CHANGES IN IMMEDIATE FUTURE.

4. It has been widely asserted that the conditions of co-operation and the growth of the sense of responsibility on the part of the people which are contemplated in the Preamble to the Government of India Act, have been completely fulfilled, and that the time is fully arrived when the final steps in the process of progressive realisation should be taken and that India should be granted at once the full self-governing status enjoyed by the other Dominions in the Empire. It has been very competently argued with a certain degree of subtleness, in this connection, " that the expression ' successive stages ' as used in the second clause of the Preamble, cannot possibly exclude the stages of progress already achieved by India up to the moment when the Act of 1919 was passed, and it would be wholly unwarranted to hold, that for purposes of the realisation of Responsible Government, the first stage must be deemed to have commenced with the passing of the Act of 1919." Whether the clause in question is legally capable of bearing this construction that is sought to be put upon it or not, it certainly seems a little too much to hold that that was what the Parliament had in mind when it laid it down the condition of progress therein embodied, and what is even of greater moment, that the stern political fact about India is that she is not yet in such a position as to render it safe to grant her full Responsible Government in the next instalment. There are among India's politicians men who would compare favourably with the very best in any country in the world, but the vast bulk of India's millions, on whom after all, the success or failure of democratic government must depend, are yet so ill-equipped for the task, that the day when India will have to be asked to take charge of her affairs entirely has to be put off a little yet. The analogy which is often instituted between the state of England when the First Reform Bill was passed and India's present day condition is false and misleading. Though in point of percentage of education the condition of the Indian people might compare favourably with the state of people in England in 1832, England had by then long centuries of Parliamentary Government behind which is wholly lacking in the case of India. The next immediate step in India's constitutional progress accordingly cannot consist in the establishment of the full responsible government in the country. Reform should proceed rather in the direction of relaxing control over certain departments of state activity in the centre and over further others in the Provinces, in removing the defects from the existing machinery as disclosed in its practical working in the past, and what is even of more immediate importance in remedying certain long-felt grievances mostly of an administrative character. With the necessary changes and improvements effected, the existing system will have to be further worked out, its possibilities fully explored, and the dangers that might lie ahead clearly discerned before the last forward move is undertaken.

RE-DISTRIBUTION OF PROVINCES ON LINGUISTIC BASIS.

5. One of the reforms immediately needed in the existing constitution is the re-distribution of the

provinces on linguistic basis. The nine major Provincial Governments, and the six minor Administrations into which British India—apart from British Burma—is at present divided, are in the nature of historical accidents, arising out of the exigencies of conquest and annexation rather than territorial divisions devised in pursuance of any plan or principle. The country came under British suzerainity piecemeal, and as each bit was acquired, it was tacked on to the adjacent tract which had already been under occupation and continued to be administered as a part and parcel of the old area by the existing Provincial Government. The sole idea which guided the administrators at that time was that the country was secured firmly under British supremacy and that the people settled down to peaceful avocations and pursuits admitting of the establishment of ordinary civil government. The grouping of the people into separate provincial governments in accordance with their linguistic and ethnological requirements was not part of the administrative policy. The same state of things has been allowed to continue down to this day with a few modifications here and there undertaken with a view to meet the exigencies of the moment. The lapse of time, however, has disclosed to view defects inherent in the present territorial arrangement. It has been found that the promiscuous herding together of peoples of different linguistic and racial denominations has resulted in innumerable administrative difficulties, and has hampered the healthy growth and progress of the people themselves by stifling the expression of the genius peculiar to each race and the development of its distinctive culture and civilisation. Moreover, the system has given rise to unhealthy racial rivalries and animosities among the several communities making up the population in each provincial area, the effect of which has been ultimately injurious to the interests of the body politic. The need for the re-organisation of the provinces as per one or the other of the recognised scientific principles has been accordingly felt and that principle, it is now universally agreed, should be the principle of language. The Indian National Congress has formally set the seal of its approval on this principle and its work is now organised on the basis of linguistic provincial units. The other political parties in the country also have accepted the linguistic principle as being at once scientific and practicable, and the desire to redistribute the provinces on linguistic basis is one of the few common planks on which all Indian politicians stand united at the present day. As regards the question whether the linguistic principle should be the sole and exclusive determining factor in carving out provincial areas for the future, there does not exist, however, such absolute unanimity of opinion. On a universal and even-handed application of the principle, there will spring into existence nineteen administrations in all—four more than the present number. These would be the administrations of (1) Bengal, (2) Bihar (including the Hindi-speaking area of the Central Provinces), (3) U.P., (4) The Punjab, (5) North-West Frontier Province, (6) British Baluchistan, (7) Ajmere-Merwara, (8) Delhi, (9) Assam, (10) Orissa, (11) Andhra, (12) Madras (comprising the Tamil-speaking Districts of the present Presidency), (13) Karnataka (consisting of North Canera Districts of Madras and South Canera District of Bombay), (14) Kerala (Malabar), (15) Coorg, (16) Andamans and Nicobars, (17) Bombay (consisting of the Marati-speaking tracts of Berar, Central Provinces and Bombay), (18) Gujerat and (19) Sindh. Of these, the immediate creation of the administrations of Orissa, Andhra and Karnataka, has now been agreed to on all hands, and definite schemes have been formulated in furtherance of the proposal. The application of the principle in the case of Malayalees, Marathi-speaking people of Bombay, Berar, and Central Provinces and the Gujeratis, though formally recognised by the Indian National Congress, no definite suggestions—so far as is known—yet been evolved in detail. The case of Sindh, however, has been the bone of contention between the Hindu Mahasabha and the Moslem League. The peculiar position of the people of Sindh had always elicited general public approval for their claim for a separate province. But the recrudescence of Hindu-Moslem dissensions in recent years and the Moslem demand for introduction of Reforms into the North West Frontier Province, and British Baluchistan simultaneously with the constitution of Sindh into a separate administrative unit as a condition precedent to the abolition of their separate electorates, has brought about a revulsion in Hindu opinion, and the Hindu Mahasabha has now definitely set its face against the proposal for separating Sindh from Bombay. The Mahasabha regards the creation of three new full-fledged self-governing Moslem provinces adjacent to India's Frontier, in addition to the two Moslem predominated provinces already existing, namely, The Punjab, and Bengal, as practically tantamount to surrendering India to Moslem supremacy and agreeing to the eternal subordination of the Hindus. The practical possibilities arising under the circumstances would accordingly appear to be that Orissa, Andhra and Karnataka should at once be created into three independent provinces. The claims of Malayalees, Gujeratis and the Marathi-speaking population now scattered over Berar, Central Provinces and Bombay should also be investigated and, if possible, separate provinces for them also should be established simultaneously with the creation of Orissa, Andhra and Karnataka provinces. The Hindi-speaking area of Central Provinces should be amalgamated with Bihar which, divested of its present alliance with Orissa, should be an independent provincial unit by itself. So far as Sindh is concerned, it should be constituted into a sub-province under Bombay so as to assuage Hindu opposition in the matter. If Provincial Governments are not to continue as the peculiar concern of nobody—which, indeed, they are at present—and, if an adequate sense of responsibility for the proper propelling and preservation of the state mechanism is to be developed among the people on whom fresh opportunities and power will be conferred increasingly in future, it is of the utmost importance that the re-grouping of the peoples, as above indicated, should be effected before fresh constitutional changes are undertaken in other directions.

THE SPECIAL CASE OF THE ORIYAS.

6. In connection with the question of the formation of linguistic provinces, the case of the Oriyas arises for special consideration. No other people in the whole of India have been subjected to such acute suffering, and in no other case, such complete rout of national prosperity has resulted, owing to the policy of indiscriminate enfoldment of the peoples as has occurred in the unfortunate instance of the Oriyas. If only a cursory comparison is instituted between the state of the people in the past before they were brought under British Rule and their present day condition, the truth of this assertion will be thrown into relief. The Oriyas are an ancient Aryan community and the record of their achievements—alike in arts of peace and of war—has been one of the richest in the annals of India. Beginning from a tiny strip of territory in the region north of the Chilka Lake they had, by their military strength and prowess, established at one time an empire extending from the Ganges in the north to the Godavary in the south. In the domain of architecture, which was the art that made particular appeal to their genius, their achievements as testified to by the temples of Jagannath and Bhuvaneswar and the magnificent ruins at Konark near Puri, have been the wonder of all the world. The Oriyas were one of the richest people of India and arts and industries freely flourished among them. On account of the advantage of a long line of sea coast which nature has conferred on their country, the Oriyas

had commercial connections extending far and wide across the seas and, besides raw minerals and agricultural produce, used to export abroad, every year, richly embroidered fine fabrics both of silk and cotton and highly ornamented silver and other metallic wares on quite a large scale. The agricultural prosperity of the country had been such that one of its districts—Ganjam—had been named " Granary of the North " by Dutch merchants who frequented its coasts in connection with commerce. The economic prosperity of the Oriya people found reflection in the affluence of its Ruling Princes, who, according to the historian, " derived such large revenues as to be able, besides meeting the normal expenditure of the civil government, to maintain a peasant militia of 300,000 men, and a regular army of 50,000 foot, 10,000 horse and 2,500 elephants. Thirty or forty thousand pounds, it would seem, were not considered by these monarchs an extravagant allowance for an ordinary temple, and it is stated of one monarch that his own individual accummulations amounted to £1,296,750–, out of which he set apart £406,250– for the holy edifice of Jagannath at Puri. In point of the spread of education and knowledge, Orissa had been one of the recognised shrines of Sanskrit culture, and the ancient vernacular literature of the country reveals the high degree of perfection and prosperity to which it had once attained. In the department of religion, Orissa had attained unexampled spiritual eminence, and Puri—where its Lord Jagannath is enshrined—has always remained the religious capital of Hindu India. Such a nation finds itself now sunk in the veritable bottoms of death and dilapidation. They are the poorest of peoples, famine and pestilence are chronic among them, and they are in so illiterate and ignorant a condition that they have been officially recognised as a " backward community " in some provinces of British India. It is not for a moment pretended that Orissa was in the ideal state of prosperity as indicated above by the time it came under the British Rule. But although the power of its Princes had greatly fallen, that the economic condition of the people and their general civilisation and culture had not far gone down is found to be borne out by its history. Indeed the process of decline through which the people have passed under the present system of administration is perceptible fairly distinctly. Orissa came under British sway long after most other provinces had been acquired, and the country was conquered piecemeal. In pursuance of the policy adverted to already, her territory was parcelled out among different Provincial Governments, everywhere forming a tiny tithe of the total area. This disadvantage combined with the circumstance that the Oriyas were in the nature of things absolutely behindhand in the matter of English education, relegated them altogether to the background, and imposed upon them a sort of subordinate supremacy on the part of the predominant people of each province. These " intermediary rulers " with a view to perpetuate their position, kept the Oriya tracts in an undeveloped and backward condition and sufficient facilities were not provided for the Oriya people to progress. Positioned as the Oriyas invariably have been, away from the Provincial headquarters, their difficulties and disadvantages could never come under the notice of the Government at the centre. The administrative inconveniences and handicaps to which the Oriyas have been subjected, under the circumstances are simply innumerable. Their educational needs and requirements have been administered to with a most niggardly hand, and the teaching of their language and literature has not been adequately provided for in the schools and colleges managed or aided by the Government. In prescribing the syllabus of studies in the schools in the Oriya areas no heed is ever paid to the peculiar needs and aptitudes of the Oriya pupils and they are being crammed according to a curriculum which has been devised as being suitable to the children belonging to the predominant community of the province. In the Courts and Government Offices, in spite of reiterated G.O.'s laid down by the Provincial Governments concerned, the Oriya language is not given the currency which is its due, and Oriya litigants and ryots are being placed at the mercy of middle men as the language of the predominant community which is prevalent is foreign to them. What with the paucity of qualified hands artificially brought about, and what with want of backing and support at the seats of authority, Oriyas have been most sparsely represented in the public services in every province in which they are situate, and their territories are being administered by officers of the predominant race who are, as a rule, unacquainted with their language, habits and customs and their particular needs and requirements. In the municipalities, local bodies and legislatures of the country—except now in Bihar and Orissa—nowhere do the Oriyas succeed in getting their due share of representation owing to the power and influence wielded adversely by the people of the predominant communities. The economic well-being of the Oriyas is altogether unattended to, and the abounding forest and mineral resources of the country lie unexplored which, if developed, would have greatly augmented the average income of the people. Their one-time agricultural prosperity has been utterly ruined owing to paucity of irrigational facilities in some parts of the country and the chronic inundation and floods caused by overflow of rainwater in other parts. The Provincial Governments concerned have not also paid any heed to the upkeep and encouragement of the indigenous arts and industries among the people which provided the means of sustenance to a large section of the population. The Oriyas in every province have been reduced to the utmost shifts of poverty, and, day by day, their country is being depopulated owing to emigration of its inhabitants in increasingly large numbers to distant Burma or Assam in search of labour and sustenance. What is by far the most menacing feature is that the fragmentation of the Oriyas over four different administrative areas—and amidst communities with whom they have nothing in common whether in race, language or culture—has very seriously affected the maintenance and preservation of their national integrity, and has exposed them to the hazard of being absorbed and assimilated by the predominant peoples of the provinces in which they live. It is these peculiar administrative evils by which they are being gradually ground down, and it is this peculiar risk of racial annihilation and absorbtion which they are running every day of their existence that constitute the case of the Oriyas in every sense unique and unparalleled. It is a mistake to regard the Oriya demand merely as one of the several claims for the formation of linguistic provinces such as that of the Andhras and dispose of the question in common with the rest. The Andhras have been grouped all under one Government, namely, Madras. They have not been the victim of any process of racial disintegration and dilapidation as has unfortunately happened in the case of the Oriyas. They are not ailing from any administrative evils of aggravated character. Of the twenty-six districts comprising the Madras Presidency they claim to their credit nearly thirteen. Madras, the capital of the Presidency, is also situated more centrally to them than in relation to the other communities. Owing to their numerical strength in the provincial population, they have always shared half the attention of the authorities, and the proximity of the capital has enabled them to avail themselves fully of the higher educational facilities and other amenities provided by the Government. If the Andhras want a province of their own under the circumstances, it is with a view to the fuller expression of their distinctive genius and culture, and not to escape the dire fate of racial annihilation. The other communities asking for independent provincial administrations are not as fortunately

positioned as the Andhras, but they are not in such dilapidated and disintegrated a condition as the Oriyas are at present. The Malayalees have been concentrated all within the bounds of the Madras Presidency. Sindh is exclusively under Bombay. Similarly circumstanced are the Gujeratis. The Canarese population is divided only between Bombay and Madras. The Marathi speaking population now in Bombay, Central Provinces and Berar are only under two Provincial Governments, and they are not insignificant minorities in their respective provinces as the Oriyas have been in Madras, Bengal, Bihar and Central Provinces. The problem of the Oriyas is surrounded by special aggravating circumstances and a separate province in their case is a peculiar necessity.

HISTORY AND DYNAMIC NATURE OF THE ORIYA DEMAND.

7. The demand for a separate province for the Oriyas is also, in its origin, a very old one, and there has developed behind it an immense volume of public opinion which invests it with an urgency all its own. The claim of the other communities for separate provinces are comparatively of a later date, and have been in pursuance of the ideal first perceived and proclaimed by the Oriyas. The Andhra demand was first formulated only in or about the year 1912, when the Andhra Conference came into existence. The other movements in the direction are even of later origin. The need for reform in the existing arrangement was in a sense forced upon the Oriyas early on account of the evils inherent in their peculiarly fragmented position. Ever since the seventies of the last century, the Oriyas have been pointing out the pernicious effects of the present system of administration on their national growth and development and agitating for their re-union. In 1903 a national organisation called the Utkal Union Conference was brought into being with a view to carry on continued agitation in this direction, and this body has been, ever since, urging on the authorities the necessity for the much needed reform. It is a significant circumstance to be mentioned in this connection that the name of the Utkal Union Conference, embodying as it does, the ideal which the people have so passionately at heart, evokes unique enthusiasm among the Oriyas, and its hold on them is universal and supreme, far surpassing that exercised by the Indian National Congress itself. In other Associations and Conferences of the people—periodical or permanent—resolutions have been always adopted advocating their amalgamation under a single government. In the vernacular press of the country reunion is the constant theme of discussion and quite a body of literature has grown around the subject. The evil effects of the present dis-membered state of the Oriyas could not long escape the attention of the Government and consequent on the failure on the part of the Bengal Government to grapple with the famine in Orissa in 1866, Sir Stafford Northcote, as early as 1886, appears to have made the suggestion to bring under one separate administration the country of Orissa. In 1895, Mr. Cooke, Commissioner of Orissa, in his Administration Report of the Orissa Division published in the Calcutta Gazette Supplement dated 23rd October, 1895, page 2357, after a detailed examination of the problem, made recommendations to the same effect. In 1903, again when Lord Curzon, the Viceroy, cast his reforming eye on the political map of India, the anomalous grouping of the Oriyas was the first to arrest his attention, and in the letter No. 3678, dated December 3, 1903, which Mr. H. H. Risley—Home Secretary to the Government of India—addressed to the Secretary to the Government of Bengal, the Government of India formulated proposals for bringing together all the Oriya-speaking tracts under the Government of Bengal, though the creation of a separate province for the Oriyas was not perhaps then considered feasible. Copies of the proposals were forwarded to the Provincial Governments concerned for opinion, and the Madras Government, at the instance of the predominant peoples of the Presidency, who stood immediately to lose, opposed the transfer of the Ganjam District and the Vizag Agency to Bengal. When the question came up for final decision by the Government of India, Lord Ampthill who, as Governor of Madras had opposed the proposals, happened to be acting as Governor-General and Viceroy in the temporary absence of Lord Curzon in England on leave. He knocked on the head the proposal to dislodge Ganjam and Vizagaptam Agency tracts from Madras, and the Government of India by Resolution No. 2491, dated 19th July, 1905, ordered only the transfer of the Sambalpur District from Central Provinces to Bengal. The Oriyas, however, continued the agitation with unabated enthusiasm, and, when by the Royal boon at the Delhi Durbar the formation of a new province for Behar was announced, the Oriyas put forth their demand asking that, at least, a Chief Commissionership should be given to them. They mooted the matter even in the British Parliament, and during the passage of the Government of India Bill, constituting the new province, in the House of Lords, Lord Curzon made a vigorous stand for the administrative union of the Oriya tracts declaring that "the interests of the Oriyas had been sacrificed without compunction" and that the callous indifference for Oriya interests had been due to the fact that the Oriyas are a non-agitating people." Lord Crewe, the then Secretary of State for India, expressed his appreciation of the desire on the part of the Oriyas for a separate administration of their own, but nothing beneficial resulted to the Oriyas; and the Oriya-speaking tracts under Bengal, except the portions in the Midnapur District, were bodily made over to Bihar avowedly with the object of presenting the new province with a seaboard. When the Montagu-Chelmsford inquiry was instituted during the winter 1917–1918, the Oriyas duly presented their demand for a separate province. The illustrious authors of the Reforms now in vogue, in their Report, recognised the force of the claim put forward by the Oriyas, but consistent with the policy of not embarking on the reorganisation of the provinces on linguistic basis simultaneously with the experimental innovations in the direction of responsibility, they refrained from effecting the reunion of Orissa. While reserving, however, the question of the formation of linguistic provinces to the reformed legislatures, they, in para. 246 of the Report, expressed the opinion that "In Orissa and Berar, at all events, it seemed to them that the possibilities of instituting sub-provinces need not be excluded from consideration at a very early date." The Oriyas sustained severe disappointment at this niggardly way of disposing of their national demand, but they remained undaunted. They took up the idea of a sub-province in earnest, and agitated for its early establishment in the old Imperial Legislative Council and the Legislative Council of Behar and Orissa. But the Government of India, putting a peculiar interpretation of their own upon the language of para. 246 of the Montford Report, refused to move in the matter before the Reforms were inaugurated. After the introduction of the Reforms, however, the Oriyas find that they have flown from the frying pan into the fire. They find that so far as the Provincial Governments are concerned, the solution of their problem has been placed largely in the hands of the predominant communities who have been all along opposed to their aspirations. In the Central Legislative, too, indifference and apathy towards matters relating to Orissa has characterised the attitude of the generality of members, and the disposition of some has been positively hostile. The Oriya representatives in the Assembly and in the Provincial Legislative Councils of Bihar and Orissa and Madras—who, all told, are less than a dozen in number—have been, however, up and doing, bringing home to the Government the urgency of the problem—but no progress to speak of, has

been made towards its solution. The Government of India in response to a resolution moved on the eve of the Reforms in the old Imperial Legislative Council by Mr. (then Hon'ble) Sachidanand Singh—lately of the Executive Council of Bihar and Orissa—had promised to consider the question of the early amalgamation of the Oriya-speaking areas of Ganjam and Vizagapatam in Madras with Bihar and Orissa. Doubts having been raised in the meantime in interested quarters that the desire for amalgamation was confined only to a few politically ambitious persons among the populace, the Government of India, in 1924, appointed the Phillip–Duff Committee to ascertain the exact extent of Oriya opinion in the Districts in question. The popular enthusiasm that was evoked among the Oriyas on the occasion of this inquiry is unsurpassed in the experience of communal agitations in India except perhaps in the instance of the Partition agitation in Bengal. Tens of thousands of Oriyas, with flags and trumpets, and to the accompaniment of their national songs and anthems, greeted the members of the Phillip–Duff Committee wherever they went, and memorials and addresses were presented to them on behalf of local bodies, associations and people of all classes and ranks advocating their immediate re-union with Orissa. The Phillip–Duff Committee made its Report recommending the speedy amalgamation of the Oriyas of Ganjam and Vizag with their Oriya brethren under Bihar, but no substantial steps have been taken by the Government of India in this direction, presumably in view of the present investigation. The Oriyas in the Midnapur District of Bengal and those under the Central Provinces as also the Oriyas in Singhbhum in Chota Nagpur being far more disorganised and backward than the Oriyas of Ganjam and Vizag, no similar agitation with a view to their amalgamation has been able to raise its head, though need for relief in their case is no whit less acute. The Oriyas have been looking forward to the inquiry now on hand as the occasion and opportunity for the final solution of their national problem, and unless their amalgamation under a separate Government is effected as a first preliminary, the grant of further Reforms in the direction of responsibility to India will, far from being beneficial, prove positively injurious to their individual interests as a community.

THE ORIYA PROVINCE OF THE FUTURE.

8. In inviting attention to the Oriya demand in the present connection, it does not appear to be necessary to delineate in detail the parts and functions of the Government mechanism of the future Province of Orissa. It is, however, proposed to piece together certain facts and touch in slight outlines certain features so that the same may prove helpful in visualising broadly the ideal in view. The nucleus of the physical basis of the proposed province will be furnished by the five districts—Puri, Cuttack, Balasore, Sambalpur and Angul—now all comprised in the Orissa Division of the Province of Bihar and Orissa. To this will have to be added the whole of Ganjam District except the Revenue Taluq of Chicacole and the entire agency area of the District of Vizagapatam—both now lying in the Madras Presidency. The Zamindars of Chandrapur, Padmapur, and Malkhorida in the Bilaspur District and those of Phuljhar and Khariar in the Raipur District will have to be taken away from the Central Provinces and tacked on to the aggregate area arrived at as per above. The Contai Subdivision, Dantan, Gopiballbhapur, Narayanaghar, Jharagaon and Biripur Thanas in the Midnapur District in Bengal and the Singhbhum District in the Chota Nagpur Division in the Bihar and Orissa, will have to be separated respectively from their present administrative connections and annexed to the Orissa Province under contemplation so as to complete the scheme of amalgamation of Oriya-speaking tracts. The twenty-four feudatory states of Orissa, the Saraikala and Kharsván States in Chota Nagpur as also the States of Bastar, Saranggarh, Raighar, Udaipur and Jhaspur in the Central Provinces should be placed under the Orissa Government of the future. It is recognised that grouping together of these independent States under Orissa will not in any way augment the material resources of the proposed provincial administration, but by far the vast majority of the population in these States is Oriya, and the relationship of the Oriyas of British India and their brethren in the States in question has been so intimate and vital that they have been both regarded as part and parcel of one whole. Most of these States, again, are petty principalities enjoying varying degrees of power and status, and they have been all along administered by the Commissioner of the Orissa Division acting through a Political Agent on behalf of the Governor-General and Viceroy. It is agreed more or less universally by all concerned namely—the Chiefs, their subjects and the Oriyas of British India proper alike—that the present arrangement should remain unaffected by the constitution of Orissa into an independent administration. The total area of the Oriya Province by piecing together the above territories would be over 89,000 square miles with a population of wellnigh 15,000,000. As regards the capital of the province, it should be located at Cuttack, with Puri or the Mahendra Hills of Ganjam as the summer seat of the Government. The government of the province should be vested in a Governor acting with two Ministers. It is suggested that there should be no Executive Council for the Province, and that the Reserved Subjects should be administered by the Governor himself through Secretaries. The Province should have a single-chambered legislature of thirty-five to forty members partly elected and partly nominated. For purposes of local administration, the province should be divided into ten districts, five more being carved out of the area newly added to the existing Orissa Division. The revenue work and the general administration of these districts should be co-ordinated by a Financial Commissioner whose function and powers should be analogous to those of the Board of Revenue obtaining in some of the bigger provinces. There should be a High Court of Judicature located at Cuttack, consisting of a Chief Justice and two to four puisne Judges. There should be created a University at Cuttack to which the other Colleges in the province will be affiliated. A permanent Public Service Commission should be constituted which shall recruit and regulate the services of the province. By an arrangement with the Government of India, the Feudatory States in the province should be administered through the Governor of Orissa and there should be no separate Political Agent.

THE FINANCIAL BOGEY.

9. Financial insufficiency is the red rag which is sometimes waved in the face of the proposal for a separate Oriya Province. It is alleged that the revenues arising out of the amalgamated Oriya-speaking tracts will not prove sufficient for running an independent Provincial Government. This mistake has proceeded from the fundamental misconception that all the Provincial Governments of India must be of one type and after a single pattern. Those who have raised the fear of this bogey in the way, have based their calculations on the features and paraphernalia prevailing in the existing Provincial Governments, and have judged the sufficiency of the finances of future Orissa in relation to those accidental attributes. No exact estimates of the revenues likely to accrue from the amalgamated Oriya-speaking tracts have been yet made, nor have any authentic figures been arrived at with regard to the expenditure which such an amalgamation under a separate Government will entail, on the lines of the simplified scheme suggested above. The initial outlay in setting up a separate Government for Orissa will not necessarily be overwhelming. If considerations of pomp and paraphernalia do not

prevail, the existing Government buildings at Cuttack with slight additions and alterations may prove sufficient for the location of the Provincial Government. Similarly, the existing Ravenshaw College will provide the nucleus for the Oriya University, and much saving of expenditure will be made in that direction. The present Officers of Government, both of the All-India and the Provincial Services, will continue to carry on the administration in the districts as now, and the expenditure incurred on their account and on account of their subordinate officials and establishments has been in no case suggested to exceed the revenues which the districts respectively yield. If the net revenues resulting from these districts is not sufficient for the upkeep of the Provincial Government at the centre, with a High Court and University these last two features of the administration may not be thought of for some time to come till the state of finances improves. By an arrangement come to with the Government of India, and with necessary legislation effected, the High Court of Judicature in Calcutta may be entrusted with the appellate and revisional jurisdiction and the general superintendence over the subordinate courts of the Oriya Province. Similarly, the Calcutta University may be approached to allow affiliation to itself of the Colleges of Orissa till a separate University is instituted for the Province. The development of the mineral and other resources of the country is sure to augment the revenues of the Government, and, if necessary, a pilgrim tax may be levied on the pilgrims of whom there is a heavy flow to Orissa all round the year from the several parts of India. If, in spite of all these measures, balancing of the budget is not found possible, then an all-round reduction in the pay and pensions of the officers and other servants of the Government may be effected to such extent as may be necessary. Temporary loans from the Government of India also may be taken to be liquidated after the province is financially self-sufficient. It is pertinent to mention in this connection that on the eve of the creation of the Province of Bihar and Orissa as well as of Assam, the same question of financial insufficiency had been raised, but after the actual constitution of the Provinces, the difficulty apprehended has been demonstrated to be largely imaginary. What has been the experience with regard to Bihar and Orissa and Assam, will, it is hoped, be found to be reiterated in the instance of Orissa.

SUB-PROVINCE AS A STEPPING STONE.

10. If for financial reasons or due to other causes, the creation of an independent Province for the Oriyas is not found practicable for the present the constitution of a sub-province for them under one or other of the existing Provinces will go a long way towards allaying the grievances of the people. Such a measure will do away with the administrative evils to which the Oriyas have been peculiarly exposed and will afford scope howsoever limited—for the expression of their distinctive civilisation and culture. The safeguard, however, should be guaranteed in the constitution that if in three consecutive terms of its session successively—once in each term—the legislative council of the sub-province passes a resolution demanding a separate province for Orissa the same shall be effected with the consent and approval of the Government of India—which shall always remain a central reserved subject. Other safeguards with regard to matters such as adequate representation of the Oriyas in the public services—if these services are organised on a Provincial basis—will have also to be provided so as to avoid difficulties and friction in the functioning of the constitution. As regards the Province under which the Oriyas should form a sub-provincial unit the claims of Bihar come for consideration first and foremost. The vast bulk of the Oriya people living in the Districts of Puri, Cuttack, Balasore, Sambalpur, Angul, and Singbhum in Chota Nagpur are now enfolded in the province of Bihar and Orissa where they have already formed some connections, and it would be desirable not to disturb them from there if it can be avoided. Bihar, moreover, is yet a "baby" province, and may not be able to sustain such a heavy operation in its parts as the severance of Orissa. Further, Bihar, in case Orissa is separated from it, will go without a seaboard, which consideration has weighed so heavily in the past with the Government in tacking on the Oriya-speaking tracts to its area. There will be again a healthy poise of power and influence maintained between the peoples of the Province, if Oriyas are enfolded in a sub-province along with Bihar. Next to Bihar comes Madras in point of convenience in this connection. In the first place Oriya tracts of Ganjam District and Vizagapatam agency have been under the Madras Government ever since they came under British sway. The Oriyas of these two tracts though they bear no affinity to the other people under the presidency—in race, language or civilisation—have developed a certain attachment for the presidency which they would like to continue if by some device their national integrity is secured safe and their neighbours prevented from committing pillage in their hearth and home. Secondly, the problem of slicing off nicely the Oriya areas from the Telugu populated portions in Ganjam and Vizag, which presents some difficulty, will at once disappear in the event of such a consummation. Thirdly, Madras being one of the most enlightened of provincial administrations in all India, the Oriyas now under Bihar, Bengal and Central Provinces will profit largely by the proposed connection. Fourthly, the Oriyas will find themselves in a richer home in Madras than in any other province. The large financial resources of the southern Presidency will succour several projects of common utility which may not be possible for the Government of future Orissa by itself to undertake. The difficulties of distance between the several parts of the proposed presidency will not seriously arise after the opening of the Waltair-Raipur Railway line, which project is now under accomplishment. But there is a difficulty in the way of Orissa forming a sub-province under Madras which is almost stupendous. The presidency is already unwieldy and the idea of adding to the existing area the entire Oriya-speaking tracts now under Bengal, Bihar and Central Provinces will hardly, as things stand, appear practicable. If, however, Madras is relieved of its burdens on the west coast by the formation of separate provinces for Karnataka (Canara) and Kerala (Malabar) or by the constitution of an amalgamated province of Karnataka and Kerala, the creation of Orissa into a sub-province under Madras would become fairly feasible. As regards Orissa being made a sub-province under Bengal the initial disadvantage is that only the Oriya-speaking tracts in the Midnapur District are now present under Bengal. Besides, the Bengal Government is one of the poorest among the provincial Governments in spite of the affluence and plenty enjoyed by its people. The yoking of Orissa to Bengal under the circumstances may not prove an advantageous alliance to either of the Governments. What is more formidable an objection to such an alliance is that there is so close an affinity in language and culture, habits and manners, between the Oriyas and the Bengalees that the integrity of the former may be injuriously affected in process of time. The risk is all the more great by reason of the circumstances that, compared to the population of Orissa, the population of Bengal is disproportionately larger and the people of Bengal are infinitely richer than the inhabitants of Orissa. The presence of a large sprinkling of Bengalee immigrants in the boundaries of Orissa itself who have been domiciled, also adds to the element of risk. The idea of Orissa being constituted a sub-province under Central Provinces is so far-fetched and unpopular that it does not at all arise for consideration as a practicable proposition. In considering the question of establishing a sub-

province of the Oriyas under one or other of the Provinces in the manner above indicated, it is essential to be borne in mind that it will never be acceptable to the Oriyas to have a sub-province in full settlement of their claims. A separate province is, and will ever remain, their ultimate ideal, and they will be content for some time with a sub-province only as a stepping-stone and a stage on the way to its achievement.

JUDICIARY AND ADMINISTRATION OF JUSTICE.

11. Next in importance to the redistribution of Provinces on linguistic basis comes the question of reforms in the system of Judiciary and Administration of Justice. The administration of Law and Justice in British India has been one of an ideal type, but the very perfection of the system has thrown into relief certain defects and anomalies, the existence of which has been long felt as a great hardship. One of these anomalies is the exercise of Magisterial powers by the subordinate officials of the Revenue Department. These officials are directly under the subordination of the District Collector on the revenue side and have to look up to him for their promotion and preferment. The District Collector is intimately connected with the administration of Salt Abkari and Forest Departments, and being also the administrative head of the district, the Police is closely connected with him. Many cases come before the subordinate Revenue officials sitting as Magistrates in which the District Collector happens to be indirectly interested in the prosecution. It often becomes a hard thing indeed, under the circumstances, for these officials to exercise absolute independence of judgment which is so essential to the satisfactory discharge of their duties. Again, the judgments of these subordinate Magistrates go in appeal to the District Collector in his capacity as the District Magistrate in many matters in which he himself—though indirectly—is a party to the prosecution. Though owing to the high integrity and honesty exhibited by the members of the Indian Civil Service in the past, there has not been much room for complaint of partiality, the existence of the anomaly has been always felt as a grievance—and Indian public opinion ever since the inception of the Indian National Congress, in the middle of the eighties, has been insistently demanding its removal. Another feature which has been responsible for much irritation and discontent is the racial discrimination that is made in the treatment of Indians and others of European extraction in the administration of the criminal law of the country. This discrimination, which was made in many matters of trial and sentence at one time, has been largely done away with by progressive legislation, but vestiges of preferential treatment still remain which it is essential to abolish without further dilatoriness. The appointment of members of the Indian Civil Service as District Judges has been objected to in certain quarters on the ground that they do not bring to the work any sound knowledge of the law and previous legal training. But civilian Judges in the District have been on the whole satisfactory, and the need that is felt for them during Hindu-Moslem riots by members of both the communities alike, points to the necessity of their continuance. In the High Courts, the invidious distinction that is made between Barristers, Advocates and Pleaders should be put an end to, and Pleaders also should be made eligible for appointment as Chief Justices. The proportion of appointments of High Court Judges as apportioned at present among members of the Civil Service, British Barristers and others, should be allowed to continue for at least some time to come. By far the most important Reform necessary in the system of the Judicial Administration is the creation of a Supreme Court for India. This need is felt both as a part of the equipment of the self-governing status which it is India's aspiration to achieve, and also on account of the many difficulties that are being experienced by the people for want of a higher appellate tribunal than the High Courts in India itself. The self-governing Dominions of Australia, South Africa and Canada have now each a Supreme Court of their own, and with the establishment of a federal system of government in the country, such an institution will be an absolute necessity. As regards the practical inconveniences arising out of the present arrangement due to the desire to cut short the number of appeals to the Privy Council as far as possible, several restrictions have been placed on the right to appeal to that tribunal. This has operated as denial of justice in certain cases. In cases where an appeal is specifically provided for, the people have been put to extraordinarily heavy expenditure in briefing counsel in England. Moreover, situated as they are, six thousand miles away across the seas, they seldom hope to come in personal contact with their solicitor or counsel, and have been put to extra expense and inconvenience on that score. It is recognised freely that the judgments of the Judicial Committee have been generally monuments of legal learning, but, of late, dissatisfaction has been felt in this country in regard to its handling of certain questions of personal law, and the proposal to appoint Indian Judges to remedy this defect is hardly likely to prove successful. All these inconveniences and handicaps to which Indians are being put can be put an end to at one stroke by the creation of a Supreme Court for India. The objections that are urged against the proposal are not of an insurmountable character. It is said that the Privy Council constitutes a link in the chain of Imperial connection and ought not to be interfered with. But the proposal is not to effect a severance of all connection between India and the Privy Council. The supreme prerogative of appeal now enjoyed by the King can never be affected even by the creation of a Supreme Court in India, and it is proposed to provide for a certain class of appeals from the judgments of the Supreme Court to the Privy Council. The other objection that a suitable central place with a bar of adequate standing and standard is not easily available is more in the nature of an exaggeration. If the proposed Supreme Court were to be located in Calcutta, this difficulty will be at once perceived to be imaginary. Lastly, the paucity of legal talent in India for the recruitment of Judges to the Supreme Court which is put forth as an argument against the proposal is a myth, as shown by the records of achievement of eminent Indian Judges and Lawyers. It is true that the Legislative Assembly has twice vetoed the proposal, but that was brought about by the mischievous policy and tactics pursued by the Swarajists which have been severely condemned in the country. Indeed, the constitution of a Supreme Court in India will bring home to the vast majority of the people some of the highest benefits of British Rule, and will knock away a deal from the bottom of the agitation for absolute independence. The proposed Supreme Court should consist of a Chief Justice and such number of other judges—not less than two—as the Indian Legislature may provide. These Justices should be appointed by the King, and shall not be removed from office except on a joint address of both Houses of the Indian Legislature praying for their removal on the ground of proved misbehaviour or incapacity. They shall receive such remuneration and pension as may be provided for by Parliament in the Government of India Act. Every person appointed Justice of the Supreme Court must have served by the date of his appointment as a Judge of any of the High Courts in British India or any other Court of similar grade and status in the United Kingdom or in any of His Majesty's other Dominions. It is proposed that the Supreme Court should be vested with no original jurisdiction so long as the Government of India remains unitary. Appeal should lie to it in civil matters both on questions of law and fact from the High Courts in all suits or proceedings of the value of Rs10,000 or upwards. There should be no further appeal to the Privy Council from the decisions of the Supreme

Court on facts. But in cases involving substantial questions of constitutional law or public interest. or in cases of value of one lakh of rupees or upwards, an appeal should lie to the Privy Council, provided the Supreme Court certifies that the particular case is a fit and proper one for the purpose. In criminal matters the Supreme Court should be invested with appellate jurisdiction in a certain class of cases involving extreme penalty of the law.

PROVINCIAL GOVERNMENTS.

12. As regards the Provincial Governments, dyarchy should be allowed to continue during the ensuing stage as being the only alternative to the grant of full responsible government, for which, as has already been stated, conditions are not yet fully ripe. Much undeserved opprobrium has been heaped upon this system of duality of responsibility and control, which has been due mostly to ignorance and prejudice. As has been already set out at length, dyarchy was ushered into existence, when the general aspect of things was most unfavourable, and had to pass through a most precarious infancy. It may be safely asserted that nowhere has the system been given the full and fair trial which is its due—though condemnation of it has proceeded from all points of the compass. In the Punjab and Madras, where some honest endeavour has been made at working the system in the spirit in which it had been intended, remarkable results have been attained to the lasting benefit of the people. In the Punjab it is stated that, within three years of its introduction, there has been an increase of forty-seven per cent. in the number of boys and girls attending schools. There is again nothing inherently unworkable about the system at all, as has been so generally the complaint. The two clogs in the way of its successful working have been want of funds and the difficulty in adjusting the relationships between the Ministers and their permanent subordinates of the Indian Civil Service. These obstacles are by no means insurmountable, and by providing adequate safeguards and checks they can be easily got round. Indeed, dyarchy seems to be the only device by which to tide over the period of transition in the evolution of India's polity. But dyarchy, in order that it might satisfy Indian aspirations and function without friction, must undergo radical alterations in its present form. This means, first and foremost, that control that is now exercised from above should be largely relaxed and several subjects, which are now classed as "reserved," should be made over to the "transferred" side. The portfolio of law, justice and police, must remain "reserved" till communal consciousness on the part of the people has completely spent itself, and till informed and organised public opinion has come definitely into existence so as to prevent any abuse of the large powers which this portfolio confers. Similarly must be kept "reserved" the revenue portfolio, which otherwise would lead to abuse of power and patronage in the hands of popularly elected Ministers who—till parties are formed on firmer foundations and party organisations consolidated—will continue to be largely amenable to the wire-pulling of the election agent in the district. Finance should be bodily made over to popular control, as also the other subjects now administered by the Home, Law and the Revenue Members. The expenditure required for the due administration of the subjects which will be "reserved" must, as at present, constitute the first charge on the revenues of the Provincial Government, and it will not depend on the vote of the Provincial Legislature. Fresh powers also must be vested in the Governor of the Province enabling him to sanction any extraordinary expenditure he might deem necessary for the due administration of the Reserved Departments. The subjects transferred to the popular control must be reshuffled and re-grouped on a more scientific principle and such anomalous combinations as education and excise, should not be permitted in the future. The relations between the Ministers and their permanent executive subordinates must be strictly defined—irrespective of the fact whether these subordinates happen to be of the Indian Civil Service or of any other Service—and subject to the limitations imposed by rules on either side, the Ministers should have complete control over the Departments under them. It should be made obligatory on the part of the Governors of the Provinces to hold generally consultations jointly with the Members of the Executive Council and the Ministers in relation to all matters concerning the Province that may come up for consideration by the Government, though, if the matter relates to Reserved subjects only, Executive Members of the Cabinet should have the right to vote and *vice versa*. Only in exceptional cases it should be open to the Governor to hold separate consultations, in which case he must have to record the special reasons in a minute-book separately maintained, a copy of which should be forwarded by him to the Secretary of State in Council. The Governor of the Province should appoint a Prime Minister, and the other Ministers shall be appointed by him on the advice of the Prime Minister. No person shall be eligible to hold office as Minister unless he is already an elected member of the Provincial Legislature or is elected as such within three months of the date of his appointment. The Ministers should be made to carry on their duties till their successors are appointed. Except for the above alterations proposed, the Provincial Executives must remain such as they are at present. As regards the Legislatures in the Provinces, their present constitution is satisfactory. The idea of establishing Second Chambers in the Provinces is not a happy one, having regard to the backward state of education and political experience among the people. Men of education and public spirit who can take an intelligent interest in the affairs of the country are now absorbed into the existing single-chambered legislature and the Legislative Assembly and the Council of State. There will be hardly available sufficient number of persons of light and learning in the districts—under the circumstances—who can constitute a second chamber consistent with the dignity and prestige of the institution. If, however, the idea would command general acceptance to have Second Chambers in the Provinces out of persons wholly nominated by the Governor among public men in the provinces, without necessarily having regard to the claims of each district to be represented, their creation would prove highly useful as providing a check on hasty action on the part of the popularly-elected Legislative Councils. There is a proposal in some quarters that the strength of the Provincial Legislative Councils should be increased. This does not appear to be at all necessary. On the other hand, the dangers of such an increase are likely to be that the body will become unwieldy for useful work, there will be a greater multiplicity of parties, and men of lesser calibre will come in and gain preponderance. The members of the Provincial Legislatures should continue to be partly elected and partly nominated in the present proportions. The proposal to do away with nomination is impracticable and unsound, as such a step will deprive backward communities and depressed classes in the Provinces altogether of their representation. Such a radical innovation will also deprive the members of the Reserved half of the minimum backing which is essential to them in the Legislatures. There should be no alterations in the powers and procedure in the Provincial Legislatures for the present except such as may be necessary in consequence of the proposed transfer of further subjects to popular control. The limitations to which the Acts of the Provincial Legislatures are subject at present should be maintained intact.

THE GOVERNMENT OF INDIA.

13. As regards the Government of India, considerable overhauling and reconstruction are necessary. The changes introduced into it by the Montagu-Chelmsford Reforms have been great, but those

changes have been defective in that they have afforded ample control over legislation and finance, and the fullest opportunities for criticising and acting as a check on the executive to the popular representatives, without making them realise the hard limitations imposed by actualities. Moreover, political aspirations of the educated and the intelligentsia has been raised to a high pitch, and these have got to be appeased. Inasmuch as, however, owing to the deplorable state of education and political experience among the people, grant of full responsible government at present is altogether out of the question, partial introduction of responsibility into the Government of India appears to be the only way out of the impasse. It is not intended to suggest any hard and fast division between the subjects that should be "reserved" and those that should be "transferred" to popular control. But the broad lines along which division should be effected may here be indicated. In the first place, Defence, External Relations, Relations with Native States, Political charges and Communications should remain unaffected. Similarly the subjects which might interfere with the maintenance by the Government of India of its external relations and relations with the Native States, such as Shipping, and Navigation, Commerce, Posts, Telegraphs, and Telephones, Customs, Cotton Excise duties, income tax, etc., should not be transferred. The subjects now constituting the portfolios of law and finance should also be reserved, as well as certain subjects whose administration by the Reserved half is desirable such as, All-India Services, Ecclesiastical Administration including Administration of European Cemeteries and Territorial changes, etc. The subjects that are proposed to be made over to popular control are only seventeen in number. They are:—(1) Development of Industries; (2) Trading companies and other associations; (3) Immovable property acquired by and maintained at the cost of the Governor-General; (4) Control of cultivation and manufacture of opium and sale of opium for export; (5) Stores and stationery, both imported and indigenous; (6) Control of mineral development; (7) Census and statistics; (8) Copyrights; (9) Inventions and designs; (10) Survey of India; (11) Geological survey; (12) Archeology; (13) Zoological survey; (14) Meteorology; (15) Botanical survey; (16) Mineral Development; (17) Central agencies and institutions for research (including observatories) and for professional or technical training or promotion of special studies. These subjects should be administered by the Governor-General acting on the advice of three Ministers. The Governor-General should appoint a Prime Minister and the other Ministers should be appointed by him on the advice of the Prime Minister. These Ministers should get the same pay and other remuneration as the Members of the Executive Council. No person shall hold office as Minister unless he is already a member of the Legislative Assembly, or is elected thereto within three months of the date of his appointment. The Ministers should be made responsible to the Legislative Assembly for the due administration of the subjects entrusted to their charge. In other respects, the same arrangements as have been made, or may be hereafter introduced, in regard to dyarchy in the Provinces, should be made to apply to the relationships between the Ministers, the Governor General and Members of the Executive Council respectively. This salutary change in the Government of India will wean away most of the All-India politicians from the fruitless path of irresponsible opposition and will have the effect of rendering them more sober and practical in their outlook and criticism as has been the case in the Provinces. It will also provide training to the people of the country in carrying on the administration of All-India matters which they will be one day be called upon to undertake. As regards the Legislative Assembly and the Council of State, there has been a proposal to effect an increase in their respective strengths. It is feared that the acceptance of this proposal will render these bodies unwieldy and will tend to impair its quality and efficiency. If, however, for any reason, any increase in the present strength of the Indian Legislature is deemed necessary, it should be done on the principle of one member for the Assembly for each District, and one representative to the Council of State for every two Districts. There should be, in such a case, a corresponding increase in the numbers of the nominated members, and members representing special interests respectively. Both the Council of State and the Legislative Assembly should consist of members partly elected and partly nominated. The powers and functions of both the chambers should remain the same as they are now except such increase in the power of the Legislative Assembly as may be necessary on account of a part of the executive being made responsible to its authority. As regards the election of the President of the Legislative Assembly, the amendment should be introduced that, if the Legislative Assembly presented an address to the Governor-General expressing its wish that a particular person should be its President after his election has been once disapproved of by the Governor-General, it shall be obligatory on the Governor-General to approve of the election of such person as the President of the Legislative Assembly. It should be provided with regard to the Council of State that its President should be elected by that House whose appointment should be subject to the approval of the Governor-General. The provision also may be made in the Act empowering the Governor-General to appoint from amongst the members of the Assembly, parliamentary secretaries who shall hold office during his pleasure, and discharge such duties in assisting the Ministers as may be assigned to them by the Governor-General, on the recommendations of the Prime Minister. These may be paid such salary or other remuneration as may be provided for them by the Legislative Assembly.

THE SECRETARY OF STATE AND THE COUNCIL OF INDIA.

14. The powers of the Secretary of State over the Provincial Governments and the Government of India should remain as they are, except such relaxation of control on his part as may be necessary consequent on the widening of popular control in the Provinces and the introduction of partial responsibility into the Government of India. It was at one time widely insisted on that the Council of India which has been attached to the Secretary of State should be abolished on the grounds that it was superfluous and often furnished perverse advice to him in important questions concerning India. Of late, however, the demand has not been so insistent. Apart from it, the retention of that body appears to be desirable in India's best interests —as it provides a Parliamentary Minister with informed opinion and advice without which he will have to depend more and more on the permanent officials of his department whose influence in the decisions of important questions concerning India cannot be expected to be, on the whole, wholesome. One minor improvement in this direction is necessary, and that is, the pay, other allowances and conditions of service in regard to the Indian Members should be made more satisfactory so that the appointments may prove more attractive in this country than at present.

ELECTORATES AND FRANCHISE.

15. There should be no separate electorates for Moslems, Sikhs, Parsis, Indian Christians, Anglo-Indians and Europeans or for any other community in future, and all communities must seek representation through a general electorate. But there should be provided reservation of seats for all these communities in the common electorate. Special electorates must continue as at present for the representation of particular interests, e.g., Land-

holders, Universities and the like. In the special constituencies the qualifications of the electors must be maintained as they are and no modification or enlargement in regard to them is necessary. In respect of the qualifications of the voters in the general electorate, for the Provincial Legislatures, several suggestions have been put forward. Universal adult suffrage is what should be kept in view, but the day when that goal will be attained is yet far off. It is proposed in certain quarters that literacy should be the sole qualification of the electors in the general electorate. This will confer franchise on 18.6 millions, that is, 11.2 millions more than the number now enjoying the privilege. But such a change in the present state of educational progress of the country will give undue preponderance to the people in Urban areas and will exclude from the electorate large classes of the population who have more substantial stake in the country, and otherwise quite competent to exercise the franchise. There has been a suggestion to reduce the property qualification for a voter, but that will bring into the electorate a large number of people who will be much more helpless in the hands of the landlord and the village moneylender. Till political experience has spread more widely and a regard created among the people for the responsibility and sacredness of the trust, the qualifications insisted on at present, on the whole, would appear to be satisfactory, and it is suggested that they should be retained. It has been proposed that the qualifications for being a voter for the Legislative Assembly and the Council of State elections should be the same as those obtaining in regard to the Provincial Legislatures. But, in view of the fact that the constituencies in the case of Legislative Assembly and the Council of State are necessarily much larger, it is submitted that higher qualifications should be insisted on, on the part of the electors for those bodies. There should, however, be effected a reduction in the amount of property qualification now required which will bring into the electorate a large number of persons without there resulting any corresponding disadvantage. As regards the qualifications of the candidates for the Provincial and Imperial Legislatures, no change in those now in vogue is necessary.

MADRAS.

23rd February, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE AND OF THE MADRAS PROVINCIAL COMMITTEE.

Deputation from the Madras Presidency Oriya Association, Berhampore (Ganjam).

The deputation consisted of :

Mr. BHUVANESWAR RUTH, B.A., B.L., Secretary.
Mr. BHAGIRATHI RATHO.

1. *Major Attlee :* How long has your Association been formed ?—(*Mr. Ruth*) : It was formed on the 15th May, 1927.

2. And what is its membership now ?—1,137.

3. Has it got branches ?—No.

4. I do not want to go in detail through the beginning of your Memorandum, which deals with general questions, nor do I want to go into the general questions of the Oriya-speaking people, because the Conference had a good deal about the general position in Bihar and Orissa. I want to deal with your special case in Ganjam. Will you please turn to page 240. Your general complaint is that whereas other linguistic groups have a majority, or a substantial minority, in at least one province, you are in a minority in all provinces ?—Yes. An insignificant minority in every province.

5. As regards this province, you state at the top of page 240 that "the Oriya language is not given "the currency which is its due, and Oriya litigants "and ryots are being placed at the mercy of middle-"men, as the language of the predominant community "which is prevalent is foreign to them." Is that so, because it has been pointed out by the Madras Government in 1904 that the 1901 census figures were unreliable because there were special privileges given to Oriyas, many Telegus declaring themselves to be Oriyas ?—That is not so. The fact is rather the other way. Owing to the manipulations, we might say, of the Telegu enumerators at the census in 1911, the Oriya population in the district was shown as having considerably decreased. That was also recognised in the census report of Madras, 1911.

6. It is claimed that one community manipulated the census in 1901 and the other community manipulated it in 1911 ?—It cannot be, because if the Commission will call for figures it will be seen that most of the enumerators in the district happened to be non-Oriyas both in the census operations of 1901 and 1911.

7. The other side state exactly the contrary. However, I turn to the next point. You say, a little lower down on page 240, "The economic well-"being of the Oriyas is altogether unattended to, "and the abounding forest and mineral resources "of the country lie unexplored." Is it not a fact that those mineral resources are mainly in the feudatory States of Orissa ?—Not exclusively.

8. Not exclusively, but mainly ?—It may be so, but also they are very largely in the Agency tracts of Ganjam and Vizagapatam which we claim as part of the Oriya country.

9. I want to call your attention to that. You say on the next page, page 241, "The Malayalees have "been concentrated all within the bounds of the "Madras Presidency. Sindh is exclusively under "Bombay. Similarly circumstanced are the Gujer-"atis. The Canarese population is divided only "between Bombay and Madras." As a matter of fact, they are divided between the Indian States and the provinces ?—We were not taking into consideration the Indian States. We had only in mind British India in making that statement.

10. But you are putting forward a claim on the basis of language. I am just pointing out to you the difficulty of a linguistic basis when the linguistic units are divided between Native States and British India ?—Yes, but if in British India any community is large enough to make a province, it should be given a province, apart from the question of some members of the community being within the Native States.

11. Then you trace the course of the Oriya movement, and then on page 242 you put forward proposals for the Oriya Province for the future, and you say that its nucleus would be formed by the five districts of Puri, Cuttack, Balasore, Sambalpore, and Angul, and then you add the whole of Ganjam district except the Revenue Taluq of Chicacole and the entire agency district of Vizagapatam. I will not deal with your other claims, because that is another matter we have to look into. If you include all the Ganjam country you are going to include a large number of Telugus, are you not ?—Yes, but in this connection we beg to point out to the Commission that the total population of Ganjam, including the Agency tracts of Ganjam, Vizagapatam and Godavari is 3,231,920 as per the 1921 census, of which the Telegu population is 1,132,140. The latter figure includes also the Telugu element in Chicacole Taluq in Ganjam, Gudam Taluq in Vizagapatam, and Godavari Agency area, which we do not claim.

12. We have the figures here for Ganjam (Vol. VI, page 7). It is 834,000 Telegu and 931,000 Oriya.—That classification does not take into account the Oriya and the Telugu elements in the Agency tracts. We wish to submit that no such differentiation can be made between the Agency portions and the other portions of the district.

13. It does not make much difference to the Oriyas, because that is the figure of the total Oriyas in Ganjam and the Agency tracts. In the Agency the Oriyas are 600,000, the Khonds 300,000, the Telugus nearly 300,000, and there are various other details. The broad fact is that you are not much more than half in the whole of that area ?—It is not so. Though the census figures show Oriyas proper as six lakhs and odd, the Khonds and Savaras are Oriya-assimilating, and most of them speak Oriya.

14. I know some Telugus speak Oriya, and some Oriyas speak Telugu, but you cannot claim them in exactly the same position as your Oriyas proper, can you ?—But that does not apply to the case of Oriyas (?Savaras) and Khonds, because they have no separate written language, and they have no distinct culture and civilisation of their own. They are assimilating not only to the Oriya language, but also the Oriya civilisation and culture.

15. You mean that they have a culture, but it is passing away in favour of Oriya ?—They have no culture at all.

16. They have got a language, have they not ? —They have got a language, but it is not sufficiently developed and useful, as will be seen from the fact that in all the Government schools in the Ganjam Agency and in the Vizagapatam Agency instruction is given to the aborigines only in Oriya.

17. It is rather a dangerous argument to use, is it not, because I notice you say that in the Bengal area Oriya is so near Bengali that the Oriyas are gradually being absorbed into Bengal. However, I will leave that point. You propose a Governor's Province ?—Yes, we claim a separate province.

18. I do not want to go into financial details, but the broad point is that, put at its best, there is not much balance in Orissa and Ganjam between revenue and expenditure ?—No, that is not so. In this connection I wish to take the Commission into a few details.

19. I do not think it is any good going into details here.—We wish respectfully to contradict that position, when it is said that the Oriya Province in the future will be a deficit province. We emphatically claim that it will be a surplus province.

20. *Major Attlee :* If you have to have a Governor, a council, a university and a High Court, you agree that the financial position will be difficult ? I think you admit that.

The Chairman : What is the page ?

21. *Major Attlee :* Page 242. That will be a very heavy burden, will it not ? I do not want to go into the detail of the financial position. You suggest that you might have an arrangement with the High Court of Judicature at Calcutta ?—Yes, for a time. If the finances of the province would not justify us in having a separate High Court of our own, we might be under the jurisdiction of the Calcutta High Court, till we are better off.

22. The difficulty there is that in Ganjam you have a different land tenure, different customs ; and different laws have grown up there ?—That is not a difficulty at all. As it is, in the Madras Presidency we have so many systems of land tenure.

23. I do not think you have quite got my point. The High Court in Madras has to know all these systems, but if you suggest that you go on to the Bengal High Court, you are having people who are totally unaccustomed to those systems altogether ? —Orissa proper was for a long time under Bengal, and so as far as the main portion of the province is concerned there will be no difficulty at all. The only difficulty that can arise is in connection with the Madras parts. The Madras Estates Land Act is very largely modelled on the Bengal Tenancy Act, and we do not think there will be any great difficulty in that way.

24. Supposing you do not even get that, and you suggest a sub-province, can you give me your idea of what a sub-province would be ?—But before we venture to do so we may submit to the Commission that the idea of a sub-province, though it had not been discussed in detail in Orissa proper when we presented our Memorandum, has been subsequently discussed at very great length in the Oriya press and on the platform, and the evidence of the witnesses who appeared before the Commission at Patna, advocating the formation of a sub-province for the Oriyas, has not been generally approved of by the Oriya people, and the sub-province idea is now very unpopular. But if the choice is between half a loaf and no bread, we would rather prefer to have half the loaf than go without any bread at all.

25. I want to go into the composition of the half loaf. What is your conception of a sub-province ? —Our conception is very similar to that pointed out by Mr. Lionel Curtis in the scheme suggested by him on the eve of the Montford Reforms.

26. Could you state it, because we have not got it before us. Are you going to have a Lieutenant-Governor, or what ?—Our proposal is that the Oriya-speaking tracts under Madras, Bihar, Central Provinces and Bengal should be amalgamated, and out of these areas a sub-province should be constituted under one or other of the four provincial governments. For the other areas in the province we may have a sub-provincial-government, and over these two governments there will be a provincial government. We would propose that the reserved subjects, which cannot be transferred to the popular control, may be entrusted to the provincial government, but subjects which should be transferred to popular control be entrusted to the government of the Orissa sub-province and the other sub-provincial government respectively.

27. I want to know, what is the Orissa sub-province government ? What would it consist of ? —There should be a Governor with two or three ministers, and a legislative council.

28. Where is the saving as compared with a full province ?—It is generally put forward on the financial ground. The difference is that in certain matters of common interest, they will be administered by the government of the province as a whole, and only certain matters of local concern will be administered by the sub-provincial governments.

29. But from the point of view of expense, what would you say on that ?—From the point of view of

expense the large schemes of development, which are of a provincial character, would be undertaken by the central provincial government, and minor schemes pertaining to the particular areas of the sub-province would be under the sub-provincial governments——

30. You have not quite got the point. I was pointing out the difficulty of having a Governor and sub-provincial legislatures in the province. You suggest that it should be much the same in a sub-province as in a province; but with regard to the cost of setting up this government, you do not seem to save anything by setting up a sub-province? —No exact estimation of income and expenditure of an Oriya Province out of the Oriya-speaking tracts has yet been arrived at, but we have been told that the Bihar Government has estimated the expenditure——

31. *Sir Hari Singh Gour:* That is not the question. The question is, what is the difference between the expenditure of a sub-province and that of an independent province?—The difference would be the cost of administering all the provincial subjects, minus the cost of administering the sub-provincial subjects.

32. No separate secretariat?—Yes, there would be a separate secretariat.

33. No separate governor, no separate ministers, no separate courts?—There would be a separate Deputy-Governor and ministers and separate secretaries, but they would be on a smaller scale.

34. *Major Attlee:* A cheaper Governor, and so on? —Yes, if we cannot afford the expense, the whole thing should be on a cheaper scale.

35. I do not think there are any other points in this that are not general questions. I would only ask you one other point. In uniting yourself to Orissa, you realise that Orissa is subject to very great dangers by flooding, and consequent famine after flood. Is not that so?—But I do not think you would make out of that an agreement against our amalgamation under a separate administration.

36. But is it so? Is Orissa subject to flood?— I think every province is subject to natural catastrophes. Even the other day down here we had one district subject to such floods.

37. Your answer is Yes, is it not? It is very subject to floods. Is it not proposed that you should have a rather large expenditure in order to save Orissa from flood?—Yes, there is now a scheme under consideration.

38. Would you suggest that that should be done by the Government of India, or that Orissa should do it under its own finances?—We think it should be done by the Government of India or by the Provincial Government, or that a temporary loan should be taken for that purpose.

39. You think you could pay for that temporary loan, pay interest on it?—We have to when we borrow money from others.

40. The point is as to whether Orissa as a financial unit is sufficient to stand by itself?—It can.

41. *The Chairman:* Supposing your idea of a sub-province, at any rate as a temporary measure, seemed the best idea, with what major province do you wish the sub-province to be associated?—The order of choice, we may respectfully point out, we have indicated in our Memorandum.

42. I see the arguments, and I have read the Memorandum, but I want to know what is the conclusion?—First and foremost we wish to be placed under Bihar and Orissa.

43. *Mr. Cadogan:* I want to refer to the section in your Memorandum headed "The special case of "the Oriyas" on page 239, in which you set out the poor condition of your peoples in various provinces. You will, I am sure, agree with me that you would only be able to justify amalgamation in the provinces in the sight of your peoples if it brought with it an improved material condition. What you are suggesting, as far as I can see, is the amalgamation, to use your own words, of "the poorest of peoples" among whom "famine and pestilence are chronic," and who are "in so illiterate and ignorant a condition "that they have been officially recognised as a "'backward community'". Well, what would the process be of amalgamating these things? To improve the lot of your peoples, your new government would be up against two very formidable problems, health and education. Then you refer a bit later to the financial side of the question as a "bogey." Taking into consideration the present condition of the Oriya-speaking peoples and what would have to be done in order that their lot should be improved, surely you could hardly refer to the financial question as a bogey? You cannot brush the whole financial question aside: you must agree it is a very serious problem indeed?—It is a very important consideration, though not the primary consideration in the matter.

44. This section on page 240 rather seems to infer that your people are not getting a fair deal. Take this sentence, for instance: "Their educational "needs and requirements have been administered to "with a most niggardly hand"; and then * * * * "Oriyas have been most sparsely "represented in the public services in every province". Are you suggesting that there is some prejudice against your people in this respect?—Not exactly prejudice. The people in whose hands the making of appointments lies belong to communities other than Oriyas, and it is very natural for them that they should fill in those vacancies by choosing men of their own communities, and not us.

45. *Sir A. P. Patro:* The Oriyas do not want a sub-province, do they?—I would not put it exactly like that. I would prefer to say that we want a separate province of our own, but if for financial reasons or other causes such a course is not feasible just at present, we would prefer a sub-province rather than be in the present position.

46. That is to say, the Oriyas want a separate province to be formed out of all the different parts that are scattered under various governments?— Yes.

47. And in your Memorandum you say that you prefer to have the sub-province tacked on to Madras, because it is a rich province, and you will be able to carry on the administration satisfactorily if the sub-province is to be formed?—Yes, that would be one very important consideration in our being tacked on to Madras, but we would prefer to be tacked on to Bihar and Orissa. Failing that, we should be tacked on to Madras.

48. *Sir Hari Singh Gour:* Has your Memorandum been presented to the Oriya Association?—Yes, it was submitted to a session of the Association.

49. And how many people were present there?— About 200 odd.

50. And they approved of it?—Yes.

51. As regards the constitution of a sub-province or of an independent province, you have looked at the question from the theoretical point of view, the point of view of sentiment of Oriya-speaking peoples, as is very natural indeed; but take the practical side of it. If your province costs something like 4 crores of rupees, and you make only in the neighbourhood of 2 crores of rupees, you go begging for the other 2 crores?—We would not say so. We would rather prefer to live within means than go begging of others.

52. But you cannot do that; that is exactly your trouble. You are too proud to beg, and too poor to exist?—The first part of your assumption may be true, but the second part is surely not.

53. That is the position?—No, it is not so.

54. In Madras they say, "We have our own commitments." They do not want to adopt you You go and beg next door. Bihar and Orissa will say, "It is a deficit province. It has a very inelastic income."—Yes. At present it has.

55. And a proportion of the elasticity is shared by your province?—Yes.

56. And there is the splitting up of your province

into various tributary and feudatory states?—Yes.

57. Now you have an inelastic income, and Bihar and Orissa says, "We are poor people; we cannot afford to keep another poor kinsman of ours"; so Bihar and Orissa will not take you?—I beg your pardon. I cannot understand how Bihar can say that they cannot keep Orissa. It must be Bihar that must say so. Bihar and Orissa cannot say that.

58. Supposing Bihar says, "We are quite ready to get rid of you, but we are by no means prepared to receive you with all your encumbrances, and you are loading yourself and your incumbrances by taking odds and ends from the Central Provinces and Madras." That is what the Bihar and Orissa people say: "We are a deficit province; we just manage to exist, but we cannot have you with all your impediments, with all your belongings and additions." What have you got to say to Bihar?—Bihar has not said so.

59. I speak for Bihar and say so?—That impression seems to be, I would submit, not correct, for one reason, that in a debate held in the Legislative Assembly on 8th February, 1927, on a motion made by Mr. Nilakantha Das, the Bihar representative, Mr. Gayaprasad Singh, fought the whole battle with the Oriya member to have all the Oriya-speaking tracts under Bihar.

60. We always do that. We have done that consistently for nine years, so long that we have no responsibility.—Again, in 1921, a resolution was adopted in the Bihar Legislative Council agreeing to the adoption of all the Oriya-speaking peoples.

61. I agree with you on sentiment that you should be united under one province. The question on the theoretical ground we all admit. I want you to convince the Conference that you have got the ways and means, that it is a practical proposition?—Yes, that it is.

62. You must establish to the satisfaction of the Conference that it is a practical proposition within the next five or six years, or ten years, and I am simply drawing your attention to that.—What we wish to submit is that *prima facie* the burden of proving that we should be a deficit province should be on those who make that allegation against us. Our contention is that no figures of revenue and expenditure of the Oriya-speaking tracts have been arrived at, yet it is said we are a deficit province. We have enough evidence to show that we should not be a deficit province though we have not definite figures calculated in rupees, annas and pies.

63. You say on page 242 that "No exact estimates "of the revenues likely to accrue from the amal- "gamated Oriya-speaking tracts have been yet "made, nor have any authentic figures been arrived "at with regard to the expenditure which such an "amalgamation under a separate Government "will entail, on the lines of the simplified scheme "suggested above." Apart from the question whether your simplified scheme will work, as we will assume, will your province have the same administrative organisation as the neighbouring province?—Yes.

64. On that basis you have yourself admitted that you have not gone into the rough figures.—We have got rough figures. Subsequently we have worked them out.

65. You might get your representatives to interrogate the Government, and ask what would be the situation if the Oriya-speaking tracts were placed under one government, whether as a separate province or as a sub-province. That you have not done?—I cannot agree exactly that we have not done that, because only the other day we had elicited some figures about the revenue and expenditure of Ganjam from the Government of Madras, and more or less we have done so elsewhere also. But other means are available to us of estimating the revenue and expenditure of the future province.

66. As regards the formation of a sub-province, the Oriya people who came before the Bihar conference said they would consider the question and would submit a supplementary Memorandum. The suggestion given to them was that an Oriya Minister should be in charge of the Oriya tracts for the Oriya-speaking peoples. The Orissa representatives in the Legislative Council would form an Orissa Legislative Committee, who would deal with Orissa on the basis that it is a sub-province. In that way there would be administrative saving in the cost of the Legislative Council, the cost of the secretariat, the cost of the High Court and the cost of a separate establishment, like ministers and members, and so on. That was the suggestion made. What you have worked out here does not answer that suggestion at all?—That may be, but we consider that such an idea as you suggest is an unpractical idea.

67. Then there are two pages in your Memorandum which have greatly fascinated me, and that is in regard to the establishment of a Supreme Court in India?—Yes.

68. Has the establishment of the Supreme Court in India, which you mention on pages 244 the consensus of opinion of your Association?—Yes.

Memorandum submitted by Rao Sahib N. RAMAMURTI, Rtd. Deputy Collector and President, Ganjam Defence League, Berhampur, Ganjam Dt.

As it is stated in the *Statesman* of Calcutta that the report of Messrs. C. L. Philip and A. C. Duff on the proposed Excision of the Ganjam District from the Madras Presidency has been referred to the Government of Madras for opinion, I send herewith a copy of the Memorandum prepared by the Executive Committee of the Ganjam Defence League for consideration in arriving at the opinion called for by the Government of India. This Memorandum was prepared before the publication of the report of Messrs. C. L. Philip and A. C. Duff. The remarks made in the report in dealing with the tracts where the Telugus preponderate will strike every impartial reader as extraordinary. While the authors of the report admit the artificial nature of the Oriya movement so far as the masses are concerned, they apply different principles to the tracts where the Oriyas and Telugus are respectively in majority. Their statements that "comparatively few Oriyas (in the Parlakimedi Taluk) know Telugu, the language difficulty for them is, therefore, real. But very many of the Telugus know Oriya" are quite incorrect. In fact, they are the reverse of the truth. On the other hand, in the southern part of the District including the Parlakimedi taluk, the Oriyas, as a rule, know Telugu, while the Telugus, as a rule do not know Oriya. I request that the correctness of this statement may be verified by a reference to the District authorities. The Collector of Ganjam reported to the Government in his letter, R. Dis., No. 9112/21, dated 15/11/21, that "the Oriyas in these Estates "(Parlakimedi, Tekkali, Tarla, Mandasa, Jalantra "and Budarasingi), practically all know Telugu well." Messrs. C. L. Philip and A. C. Duff, while stating in paragraph 11 of their report that they have "consistently avoided the expression of any opinion "regarding the feasibility or desirability of amal- "gamation," go out of their way and state as follows in paragraph 6 of their report and support the statement by most astounding assertations: "In "fine, if the major portion of Ganjam including most "of the Zamindary areas is taken from Madras it is "only natural that the Parlakimedi Estate should "go with the majority, and we cannot find that "the Telugu inhabitants anticipate much in[illegible] "venience from the possible change." The T[illegible] of this District protest against this vie[illegible] far as the masses are concerned, the Tel[illegible] Ganjam are not "more intelligent, more pu[illegible] "and better cultivators, more capable of adapting "themselves to possible changes" than the Oriyas.

N. RAMAMURTI.

Berhampur,
May 29th, 1925.

MEMORANDUM.

RE-BIFURCATION OF GANJAM DISTRICT.

I. HISTORY OF THE ORIYA MOVEMENT.

It is not due to any instance of administrative ineptitude or inefficiency, any miscarriage of justice, any social or economic disaster or hardship, or any kind of failure under the Madras Government that the Oriya leaders of Ganjam are agitating for its excision from the Madras Presidency. The idea is foreign in its inception. In the old days the Lieutenant-Governor of Bengal governed not only the whole of Bengal but also Assam, Bihar, Chota Nagpur and Orissa. Owing to its enormous charge, the Bengal Government could not cope efficiently with the great famine in Orissa in 1866 when half a million of people perished. Then the Secretary of State suggested the advisability of relieving the Bengal Government by separating Assam and Orissa. Ten years later, the idea of uniting all the Oriya tracts under one administration struck the leaders of Orissa. It took 25 years longer before this idea penetrated into Ganjam. It was there engineered by persons who came from Cuttack. One Mr. Nalamoni Vidya Ratno of Cuttack, started an Oriya weekly at Rambha and propagated the idea. The incorrect language census statistics of 1901 which will be discussed presently, gave impetus to the movement and a petition was presented to the Government of India in 1903. It was on the strength of the incorrect statistics of 1901 that the Government of India made a reference to the Government of Madras in December, 1903. In 1904 the Government of Madras strongly protested against the proposal which was dropped by the Government of India. On 30th December, 1903, the Congress also passed a resolution deprecating the separation of the District of Ganjam and the Agency Tracts of Ganjam and Vizagapatam from the Madras Presidency on the ground that long standing territorial divisions which were closely united by ethnological, legislative, social and administrative relations should not be broken up. In 1912 the Oriya leaders renewed the agitation after the annulment of the partition of Bengal and the creation of the province of Bihar and Orissa. Lord Hardinge declared that the proposed union of Ganjam with Orissa was "unnecessary and undesirable." The Oriyas approached Sir Arthur Lawley and Lords Carmichael and Pentland and were informed that the question would not be re-opened. When Mr. Montagu visited India, in 1918, they presented a memorial quoting the statistics of 1901 census and ignoring those of 1911. It is said that the report of Mr. Montagu and Lord Chelmsford on the Indian Constitutional Reforms favours the redistribution of Provinces on a linguistic basis, but we find nothing in it in support of this view. In paragraphs 245 and 246, the distinguished authors discuss the proposal that *existing* Provinces should be sub-divided into a limited number of smaller areas on a linguistic or racial basis. Even with regard to this limited proposal, they state as follows:—"In [illegible]f the evidence which has [illegible]stence in parts of India of [illegible]nities which are anxious [illegible]r administrative units of [illegible], we feel sure that any [illegible]hical partition would [illegible]n as would be fatal [illegible]cally speaking, we may "describe provincial patriotism as sensitively zealous "of its territorial integrity. Divisions of territory "which are not made in response to a popular demand "are apt to provoke wide and deep-seated dis- "satisfaction." Even their expression as to the consideration of the possibility of instituting sub-provinces in Orissa and Bihar relates to the existing province as it is. The authors have not at all taken into consideration the position of a District like Ganjam in relation to the constitution of a sub-province. Even for the constitution of sub-provinces there must be a popular demand. It must be by a process of consent necessarily by all classes of people affected and must not be imposed on the people by official action. If a considerable proportion or even a strong minority is against the proposal, it cannot be said that there is a popular demand.

2. SCOPE OF THE PRESENT ENQUIRY OF MESSRS. PHILIP & DUFF.

Though the proposal to separate Ganjam from the Madras Presidency was discussed and negatived on several occasions, it was apparently re-opened in the latter part of the last year and a committee consisting of Messrs. Philip and Duff was appointed to ascertain the genuine desire of the Oriyas of the District on the subject. The enquiry was limited and one-sided in its scope. From the communiques issued on the subject we were given to understand

that the Telugus and other communities had no part or lot in the enquiry. Consequently, the Andhras avoided any counter deputations and demonstrations which might embarrass the committee and might strain the cordial relations existing between the two communities. The Ganjam Defence League, an association working with the avowed object of opposing the transfer of Ganjam from the Madras Presidency, thought it advisable not to present any considered memorandum on its behalf. The Oriya leaders organised meetings, processions and other demonstrations and tried to show to the Committee as if they emanated from the people, while the real truth is that the masses are either indifferent or averse to the proposed transfer. In any case, no action can be taken on the report of the Committee without giving the Telugus and other communities an opportunity to state their case.

III. CENSUS STATISTICS.

Whenever the Oriya leaders speak or write about this subject, they ignore the available Census Statistics of population by race and caste and even with regard to language, they quote the Census figures of 1901 ignoring those of the later Censuses of 1911 and 1921 ; and by their speeches and writings, they try to mislead the authorities and the general public who have no time to study the census reports into the erroneous belief that Ganjam, with the exception of the southernmost Taluk of Chicacole, is Oriya country. A careful enquiry will, however, show that Telugus who live in all parts of the District, far exceed the Oriyas. The following statement shows the total population and the number of Oriya speaking people of the Ganjam District (plains) according to the last five censuses :—

Year	Total population	Number of Oriya speaking people.	Percentage of Oriyas to the total population
1881	1,503,301	748,9	
1891	1,589,477	797	
1901	1,689,142	1,27	
1911	1,870,823	9	
1921	1,835,562		

A glance at the above figures will at once show that the number of Oriya-speaking people returned in 1901 is extraordinary as compared with the figures returned at the two earlier and at the two later censuses ; and it was on the strength of this extraordinary figure that the Government of India started their enquiry, in 1903. Commenting on the incorrectness of the "language" figures of 1901 census, the Government of Madras reported in 1904 as follows :—"The first cause of the inaccuracy of the Census Statistics is the desire of the Telugus to share in the special advantages accorded by Government to Oriyas. The school fees charged for the education of the children of the Oriyas are half of those paid by Telugus and others. As the Government desire to employ Oriyas in the public offices to a greater extent than at present, it is thus believed to be easier for an Oriya than for a Telugu to enter the services of the Government. The second cause is that, as most of the enumerators in 1901 were Oriyas, it is probable that they entered as "Oriya-speaking" all persons who answered their questions in Oriya. This error would have a great effect, as, in tracts where there are both Oriyas and Telugus, a large proportion of the population can speak both languages. Thirdly, several Telugu castes, such as kapus, komatis, kalingis, reddikis, etc., who live in tracts where Oriya is the prevailing language, and speak Oriya as well as their mother tongue Telugu, were probably entered as speaking the Oriya language, the enumerators making no enquiries as to the language spoken by them at home. An example of this was noticed before the Census report was published. The Deputy Superintendent of Census Operations, Berhampore, states that at the time of tabulation he found that a large number of Reddikas (a Telugu caste which finds no place in Table XIII Castes) had been returned by the enumerators as speaking Oriya. As, to his own knowledge, this was contrary to the facts, he made a reference to the Provincial Census Superintendent, who issued orders for the tabulation to proceed in accordance with the Schedules. The Collector of Ganjam reports that there is reason to believe that the movement in favour of the proposed transfer was on foot in a quiet way before the last census, and thus may have influenced some of the Oriya enumerators in entering in the returns particulars of the parent tongue. In a tract where Oriya and Telugu are widely spoken, it is natural to expect that the mother tongue of the Oriya castes will be Oriya, and that of Telugu castes will be Telugu. The statistics showing the distribution of the population by castes should, therefore, furnish some indication of the prevalence of the two languages. On examining these statistics, it is found that 63,034 Pallis, who speak Telugu and reside on the coast, have been treated as Tamils by caste. Adding these to the recorded population of Telugu caste we find that the number of Telugus by race in 1901, including the Telugu-speaking Pallis was 818,417, and the number of Oriyas was 766,712. The inference from these figures is that Telugu should be more prevailing in the Ganjam District as a parent tongue than Oriya." The Census reports of 1881 and 1891 do not show the population of the District according to race and caste. They were shown for the first time in the Census report of 1901. According to this report, the actual figures are noted below :—

Year.	No. of persons according to race and caste.	
	Telugus.	Oriyas.
.. .. ..	755,383	766,712

Census figures of 1911 and 1921 do not include castes which contribute less than one per cent. of the population. They are, however, approximate enough for purposes of comparison. These figures are quoted below :—

Year.	No. of persons according to race and caste.	
	Telugus.	Oriyas.
1911	842,415	475,729
1921	844,620	405,996

From the above figures it is clear that the Telugus in the District number about double the Oriyas. It is further believed that, in the northern parts of the District, Kalingas, Komatis, Velamas, Kapus, Kalingis, Reddikis, etc., who are really Telugus have been returned as Oriyas. In his report on the Census of 1901, Mr. Stuart states as follows :—"In the matter of affording information as to the nationality of the people, the language returns are as a rule inferior to the caste and birthplace statistics, for a man drops the language of his mother country more easily than he loses his nationality." We beg to submit that in deciding the proper *locale* of a people, the race they belong to is more important than the language they talk. The latter is an

accident; it may change under changed circumstances. The former is a vital and essential matter of blood, tradition, and custom, and cannot be adopted or discarded at will. One may repudiate his language, but not his birth. Hence the argument in favour of race should prevail over that of language.

4. HISTORICAL CONSIDERATIONS.

The Northern Circars came under the British rule in 1766, while Orissa was under the Mahratta rule and did not come under the British sway until 1803. The Ganjam District was a part of the Northern Circars throughout the British rule and prior to 1766, under the short-lived French rule as well as under the Muhammadan rule. Ganjam was a part of the Chicacole Circars and was controlled by Mussulman authority from Hyderabad for about one hundred and eighty years, from about 1571 to 1753, when the Chicacole Circar, with the other districts of the Northern Circars, were granted to the French by Salabut Jang, the same Nizam who ceded this country to the English six years later, though they did not take actual possession of it for seven years longer. It will thus be seen that Ganjam has for at least three centuries and a half been an organic or integral part of the Northern Circars. Any disturbance of the prescription of such a long period will be keenly felt by us. Even under the Hindu rule, Orissa and Ganjam appear to have been separate entities, though the demarcation of provinces was not then so distinct as it was since the advent of the Muhammadan rule. Orissa and Ganjam formed parts of the ancient kingdom of Kalinga and subsequently of the dominions of the Kesari and Gajapati lines of Kings as they do now of British India. The mountain spurs which run down to the sea on the south of the Chilka lake have always formed a well-defined natural boundary between Orissa and Ganjam. Hunter states on page 172 of his Orissa, Vol. I :—" The native Government of Orissa practically acknowledged the natural boundary as the political one, treating as foreigners all devotees who came from the southern side of the Ganjam river, levying a ten per cent. higher tax from them. This distinction found legislative recognition in our earliest Pilgrim Law, three years after the country had passed under British rule." It will also be seen from pages 317–319 of Hunter's Orissa, Vol. I, that under the Gajapati Dynasty (1132 to 1532 A.D.) the country south of Chilka formed a separate division distinct from Orissa and that this southern division refused to pay tribute and that the administration of the Ganjetic line continued to be merely nominal over it. The following reference also appears on page 997 of Maltby's District Manual of Ganjam :—" The wild nature of the country in Ganjam rendered their administration however merely nominal, and they were probably induced by these considerations to establish their own servants as Rajas or Lords of the Marches to keep the wild aboriginal tribes of Khonds and Savaras in check." In the above circumstances, expressions such as " Dismemberment of Orissa," " A limb separated from the body," " Re-union of Ganjam with Orissa," and the assertion that Ganjam is the native home of Oriyas and Telugus are domiciled settlers, are opposed to historical facts. No Oriya has been able to state when, how and by whom Ganjam was separated from Orissa.

5. ADMINISTRATIVE AND LEGAL DIFFICULTIES.

If the suggested change be carried out the law of personal rights, the common law of land tenures the enactments relating to the rights of Zamindars, Jaghirdars, Shrotriemdars, Proprietors, Ryotwari pattadars, Inamdars and Tenants, the laws relating to rent and revenue, all other special and local laws enacted by the Madras Government with special reference to local conditions and habits of the people living in this Presidency, including Ganjam, the methods of administration to some extent and many other matters specially suited to the localities, will have to be dislocated. Again, the common and cutomary law of land tenures obtaining in Orissa differs from that obtaining in Ganjam. The Ryotwari system of Ganjam requires a special knowledge of the regulations relating to remission, irrigation, the village system, and other matters closely touching the daily life of the ryot. If the system is to be administered to the contentment of the people, it must be by officers imbued with its principles and trained throughout their service in its methods. The form of temporary settlements prevailing in Orissa is unknown in Madras. The Revenue and Rent Recovery Acts of Orissa and Madras vary. Acts relating to the administration of Municipalities and District Boards are different, as also those relating to hereditary village servants, the land cess and water cess, etc. What is more, Ganjam with its peculiar laws and customs would form but a small proportion of the Province of Bihar and Orissa, and for the administration of this small area the officers of that Province would have to acquire a special knowledge of the laws and customs and would, in any case, lack that practical experience which is required for their proper administration. Further, there is the danger of the laws, etc., becoming stereotyped unless the modifications introduced from time to time by the Madras Legislature, as also the bye-laws, circular orders, etc., be also extended to Ganjam as they are made. This would in effect mean administration of Ganjam by Bihar and Orissa second-hand through Madras. If, again, such new measures or modifications do not commend themselves to the Government of Bihar and Orissa, they will have to enact such modifications as in their opinion are necessary in the interests of Ganjam for the efficient administration of which they will be responsible, and this would again add to the labours of the Government of Bihar and Orissa. The large number of Telugus throughout the tract and the fact that the bulk of the Government records have been kept in Telugu will render it essential for the officers employed to acquire a knowledge of Telugu, which is far more difficult to learn than Oriya.

6. IMPRACTICABILITY OF AMALGAMATION.

Some of us do not know how the redistribution of India into Provinces on a linguistic basis would help to unify India or to consolidate its people into one great nation. Assuming, for the sake of argument, that such a redistribution will bring about the prosperity, contentment, and happiness of the people, no case can be made out for the proposed transfer of the Ganjam District to an Oriya Province. It is said that overwhelming majorities shall be the chief criterion, but bare majorities should yield to administrative convenience. So far as Ganjam District is concerned, the Telugus are in a majority. With regard to the occupation of territory, the whole length of the 100 miles of the sea coast is inhabited by the Telugus, and the hills and slopes are occupied by Khonds and Savaras, who, in common with the Telugus, are of the Dravidian (Turanian) stock. The tract of the country between is Oriya to the extreme north, mixed at the middle, and Telugu to the south. As for the languages, the Oriyas residing in parts of the District like Parlakimedi, Tekkali and Sompeta Taluks, speak both Oriya and Telugu, while the Telugus that live in parts of the District like Goomsur, Purushottapur, Aska and Surada, speak both the languages. In fact, the intermingling of the races has advanced so far that one not only has been speaking the language of the other but has also adopted the habits, customs, and manners of the other. Thus, the division of Ganjam on the basis of race or language presents insurmountable difficulties. Again, if Taluks are taken into consideration, the Telugus are in a great majority in the Taluks of Parlakimedi, Tekkali and Sompeta, while it is understood that many Zamindars and other Oriyas have consented to the proposed transfer under the in-

fluence of the Raja of Kanika and other leaders of Orissa on the assumption that the whole of the District, with the single exception of Chicacole Taluk, will be transferred to Orissa. Again, between the Rushikulya and Bahuda rivers, Telugus are in a majority in the towns of Berhampur, Ichchhapuram, Chatrapur and Gopalpur. The Telugus have developed these four towns to their present importance, have sunk much capital, and have the largest stake in them. If a referendum be made to the residents of these four towns to ascertain their wishes, it is certain that the residents will, by an overwhelming majority, vote against amalgamation with Orissa. Again, more than half the estates owned by the Oriya Zamindars and Proprietors are mostly peopled by the Telugus. The Maharajahs of Vizianagaram and Bobbili, and the Rani of Wadhwan of the Vizagapatam District possess large landed estates in this district. Besides, there are other Telugu landed proprietors even in the northern part of the district. In this part of the district, which lies to the north of the Rushikulya, Telugu communities, like the military class of Telagas, the mercantile class of Kalinga, Komatis, etc., have large vested interests. In these parts there are a large number of villages containing a fairly good proportion of Telugus. The Government of Madras spent about 50 lakhs of rupees on the Rushikulya project. The project has not hitherto been a paying concern, and it would be a calamity to allow it to pass to another Government when several improvements are contemplated and it is likely to prove remunerative on the completion of these improvements. If the proposed change be carried into effect, Ganjam will have to be split up into two portions, one under the Madras Government and the other under the Government of Bihar and Orissa and the effect of this will be to efface altogether memories and even the name of a district which was lovingly cherished by the people for a long time. Such a transfer will entail a charge in the *locales* of official and business centres of the district causing immense loss in a variety of ways.

7. TRANSFER NOT BENEFICIAL TO ORIYAS.

Orissa is, admittedly, a very poor country. It is subject to frequent visitations of famines and floods. Union of Ganjam with such a poor country is not likely to prove beneficial to the Oriyas or other communities inhabiting the district. The contemplated improvements to the Rushikulya project may not be executed for a long time. The Government of Madras have always evinced special interest in the solution of the Oriya problem by the adoption of liberal measures, such as charging only half fees in schools and colleges, instituting scholarships for the special benefit of the Oriyas, and preferring the Oriyas in the distribution of official patronage. In the last generation they have made rapid strides in their education in English and vernacular and in their representation in public services and local boards and councils. The fact that Oriya language was recognised by the University of Madras as long ago as 1873, while the University of Calcutta ignored it until 1903, shows the interest taken by the Madras authorities in the progress of Oriyas. Between the year 1906–07 and 1922–23 the number of schoolboys reading Oriya in the Madras Presidency rose from 32,715 in 1906–07, to 66,714 in 1922–23. In 1890, there were only two Oriya officials, the Oriya Translator and the Khond Interpreter. Now, nearly half of the office staff is manned by Oriyas. Within the last decade they have risen to the posts of Deputy Collector, District Munsiff, District Educational Officer, District Health Officer and other positions of trust and responsibility. Two of the three elected members from the district in the Provincial Legislative Council are Oriyas. If the district be transferred to Orissa, the Oriyas of the district will lose the special concessions they now enjoy under the Madras Government, as their distinction would be lost among the rest of the Oriya population and they would not have that incentive and facilities for availing themselves of the higher education which they now have. The ryots of all communities are likely to lose in course of time the occupancy rights which have been secured to them by the Madras Estates Land Act 1, of 1908.

8. TRANSFER HIGHLY INJURIOUS TO OTHER COMMUNITIES.

For the proper administration of a country, the Government should possess a special knowledge of its people; their language, customs and manners. Whereas the Madras Government has grown used to the administration of the Oriyas, the Government of Bihar and Orissa possess no knowledge of the Telugus who will be completely out of their element in that Province, and it is not likely that their language will be recognised by that Government. The Lieutenant-Governor of Bengal opposed the transfer of Ganjam, in 1904, on the ground that the necessity of administering to the interests of the large population of Telugus in the district would give rise to immense difficulties under a new Government. The Oriyas number 15,73,942 in the Madras Presidency. Their language is recognised in courts and other public offices and in the daily traffic of social and commercial life. They, their rulers, and their neighbours have known one another for centuries. If in these circumstances the Oriyas consider themselves to be a foreign unit and a neglected body, it is not difficult to forecast the fate of the little less than one million of Telegus of Ganjam and the Vizagapatam agency if they be transferred to Bihar and Orissa, where they will, in point of numbers, be scarcely appreciable amongst the millions of the Bihar and Orissa population. We beg to submit that it could never be the wish or intention of the Government of India to inflict such a serious injury on their Telugu subjects, who have as counsellors, as Civil Servants, and as soldiers rendered loyal and conspicuous service to Government in this very district, and have helped not a little in the arduous labours by which the Madras Government have evolved order and law out of the state of lawless disorder in which Ganjam was handed to the British Power. Telugu is universally spoken along the littoral, and the chief trade and commerce of the district is carried on by Telugu-speaking people. The traders and merchants who visit the hill tracts are mostly Telugus by caste. Most of the trade from Aska and Goomsur side is to Vizianagram, Vizagapatam and other places in the Northern Circars; and in view of the opening of the Vizagapatam harbour, the transfer of any portion of the district will seriously jeopardise the commercial and industrial interests of the district as a whole. The important silk cloth industry of the district is in the hands of the Telugu weavers. A Medical College and an Engineering College have been established at Vizagapatam. An Andhra University, also, will be established soon. The Telugus of the district cannot take advantage of these institutions if the district be transferred. If the district be tacked on to a poor province, it will suffer much by way of paucity of funds for the improvement of the communications in the district, for the spread of education amongst the masses, for improving the sanitation in rural areas and for providing more irrigational facilities.

9. CONCLUSION.

We have not touched the question of the Agency, as the Government of Madras gave several weighty reasons in their report of 1904 as to why the Agency should not be transferred, and it is difficult to add to them. Oriyas and Telugus have been living together amicably for centuries, maintaining most cordial relations, and a bifurcation of the district will intensify the dissensions, disputes, and bickerings

which the present agitation has introduced, and will stimulate similar agitations in several parts of India. We humbly submit that no disturbance of the *status quo* is warranted by historical, administrative and other considerations and that any change in the existing order of things is fraught with serious difficulties for the administrators and is disadvantageous to the people, and that it will provoke wide and deep-seated dissatisfaction and discontent leading to prolonged, continuous and much stronger agitation from the other communities, who are considerable in numbers, who have large and varied vested interests and who have greatly helped in the all-sided development of the district.

Deputation from the Ganjam Defence League.

The deputation consisted of :—

Rao Sahib N. RAMAMURTI NAYUDU, B.A., Retired Deputy Collector and Landholder.
Rao Sahib M. V. APPARAO PANTULU, Retired Extra Assistant Registrar, Co-operative Credit Societies and Landholder.
Mr. G. V. KRISHNAMURTI PANTULU, B.A., M.L., High Court Vakil and Landholder.

The Chairman : We understand you represent the Ganjam Defence League. * * * I am going to ask my colleague, Major Attlee, to put a few questions to you.

69. *Major Attlee :* When was the Ganjam Defence League started ?—(*Rao Sahib Ramamurti Nayudu*) About 1903 or 1904.

70. When first you thought there was an agitation for the Oriya movement ?—Yes.

71. Can you tell me how many members you have ?—About three or four hundred members. It has branches throughout the district.

72. Are they drawn mainly from the northern area of Ganjam ? Where are your branches, for instance ? Your headquarters are at Berhampore ? —Yes.

73. Where are the branches ?—(1) Sompeta, (2) Baruva, (3) Ichchhapuram, (4) Chakapur, (5) Aska, (6) Russellkonda. And after the recent Duff agitation, even (7) Parlakimedi and (8) Tekkali have joined. They never expected that their case would come under review.

74. You make the point first of all, I think, that the Philip-Duff Report was one to consider the views of the Oriyas, and that the views of the Telugus did not come before them ?—The Philip-Duff Committee was appointed in order to find out whether the Oriyas had a genuine desire for the amalgamation of Ganjam with Orissa. The Telugus were not heard, and Messrs. Philip and Duff said they were not going to hear the Telugus, though, afterwards, it seems that they did hear some Telugus. The Ganjam Defence League did not appear before the Philip and Duff Committee. They state in their Report : " We have ourselves consistently avoided " the expression of any opinion regarding the feasi- " bility or desirability of amalgamation of Ganjam " with Orissa." However, they made some side remarks about the Telugu tracts which were quite unwarranted and extraordinary.

75. We have got that further on ?—I base myself on the census figures. If you will allow me to speak I will do so.

76. I was going to take you shortly through these points. I will take the first point first, if I may. There is a question which you raise with regard to how far the people are bi-lingual. You say in the southern part of the district the Oriyas do know Telugu ?—Yes. In the northern part, the Telugus do know Oriya for the most part.

77. And the Oriyas know Telugu ?—In the northern part the Telugus know Oriya for the most part, and in the southern part the Oriyas know Telugu well.

78. You have a statement at page 251, I see, in which it is said that the Parlakimedi Estate should go with the majority ?—Certainly. Its Oriya population is only 18 per cent. My contention is that race and caste form a more important factor than language. A person may discard his language, but he cannot discard his race and caste, and I am going to show from census statistics that the Telugus are about double the Oriyas in the Ganjam district.

79. We have got that figure. I am coming to that point.—I have got extra figures than those given in the Memorandum. That was prepared long ago.

80. I am taking the language question first. On that question of language, you say that the census statistics of 1901 were incorrect ?—Incorrect ; that is clear.

81. The Oriyas say that the later statistics were incorrect ?—I will give my reasons for that.

82. What are the reasons ?—Of course, the census statistics of 1901 showed that 75 per cent. of the population were Oriya-speaking. The previous two censuses of 1881 and 1891 showed about 50 per cent. Oriyas and 50 per cent. Telugus. Even the census figures of 1901 showed that the Telugus and Oriyas were about half and half, but there is one mistake. 63,034 Telugu Pallis were returned wrongly as Tamils. If you add these 63,034, the Telugus numbered 818,417, as against 766,712 Oriyas. I have a statement showing the figures of Telugu and Oriya population according to the last five census returns——

83. I do not think it is any good our trying to thrash out detailed figures here. We have got the general picture. It does not matter whether it sways a little one way or the other, but in the whole of Ganjam you might say that they vary round half and half. One side says it is more the one way, and the other side says it is more the other way.—I say that the Telugus number double the Oriyas in 1911 and 1921.

84. That is not the figure we have got here ?—I have got the figure.

85. We have a census figure here which shows the total population 1,835,000 ; number of Oriya-speaking people, 931,000 ; and you say Telugus 834,000 odd, Oriyas 405,000 odd. That adds up to 1,200,000. What has become of the odd 600,000 that disappears ?—That is the population of castes, which are less than one per cent of the population. For the purposes of comparison there are excluded, both from Telugus and Oriyas, castes of persons who number less than one per mille. Even Mr. Molony in his census report says that Telugu castes in 1911 were 473 per 1,000 of the population, and Oriya castes 262 per 1,000.

86. The question I am asking you is this. The two figures you have given me amount to just over 1,200,000. The total population is, you say, rather over 1,800,000. What has become of the 600,000 ? —They are Mussulmans and Tamils, and castes which number less than one per mille of the population excluded from these figures.

87. The census figure is 931,000 Oriya speakers for 1921 ?—Yes.

88. You say there are only 405,000 Oriyas ?—That is language. This is on account of race or caste.

89. Is your point that there are 500,000 Oriya-

speaking people who, although they speak Oriya, are not Oriyas by caste ?—Yes. They include also castes which are less than one per mille of the population, besides Tamils, Mussulmans and Animists who live in the plains.

90. You want to make caste the distinction and not language ?—Yes. Mr. Stuart says, on page 97 of his Report, paragraph 22 : "In the matter of "affording information as to the nationality of the "people, the language returns are, as a rule, inferior "to the caste and birth-place statistics, for a man "drops the language of his mother country more "easily than he loses his nationality." Race and caste are more important than language in determining a question of this nature.

91. You have given me Telugu castes 840,000 ; Oriya castes 405,000. What castes are the odd 500,000, these elusive people ?—I have already answered this question.

92. But who are they ? They are not Telugu castes ; they are not Oriya castes ?—As I have already told you, they may be Moslems, Tamils, Animists, and also Telugu and Oriya castes who number less than one per mille of the population.

93. Of course, if you admit that, it rather knocks it on the head. There may be a couple of hundred, or a very small number ?—My figure is corroborated by Mr. Malony, who gives as Telugu castes 473 per thousand population, and Oriya castes 262 per thousand. That is a quotation from the census report.

94. Let us take that point on your caste position. Do you say that there are may people who are Oriya-speaking who belong to Telegu castes ?—Yes, they are enumerated as speaking mostly Oriya.

Sir A. P. Patro : I think in the case of Reddikis, especially of Telugu castes, they are put down as Oriya-speaking peoples.

95. *Major Attlee :* The trouble is that the other people say just exactly the opposite.—This is not a figure of mine. All this is based on Government reports.

96. We will leave that point for the moment. You deal with the historical position, and you say that for three centuries and a half Ganjam "has been "an organic or integral part of the Northern Circars."—Yes, and it was so from time immemorial. The Government of India state in one place that it is difficult to break with the prescription of one century. What do you think of breaking with the prescription of several centuries ?

97. In a country like India, with a very long history, any party goes back as far as it wants to. Some go back 1,000 years, and some 300 years.—We go upon history, that is all ; we go upon facts. Not one of these figures is mine. They are all from the official statistics.

98. You point out on page 253 a number of difficulties ?—It is all taken from the Madras Government Report of 1904.

99. I am only just bringing out your points.—I will enumerate the difficulties, if you like. I have merely summarised them in the Memorandum.

100. We do not want to overload the thing with detail ; we want to get out the main points you have made. The main point you have made here is that there are a large number of different customs, and so on, that are quite different from those of Orissa, and in your view that makes a very great difficulty in amalgamating these tracts. Is that so ?—Yes.

101. As a rule the people would like to go, if there was to be any change, with their zamindars. For instance, you have a big zamindari in Parlakimedi, have you not ? Would you like the people to go with that ?—Certainly not. As soon as the Philip-Duff report was published, the people of Parlakimedi organised a big meeting in which they passed a number of resolutions, and they have even asked the Raja of Parlakimedi to change his opinion. I can give you the resolutions passed at the Parlakimedi meeting. Nobody ever thinks that the British Government would ever remove Parlakimedi, Tekkali and Sompeta, where there are so few Oriyas, from the Madras Presidency. I do not think they will inflict such a gross injury upon the Telugu people.

102. You think the people's views should prevail and not necessarily the zamindars' ?—The views of the people should prevail ; certainly not that of the zamindars.

103. Do you apply the same reasoning to Parlakimedi and Jeypore ?—But there are other difficulties. I think the administration of the Madras Government is the best ever known.

104. On page 254 you say that the transfer would not be beneficial to Oriyas, and finally you say that as Madras is a better Government than Bihar and Orissa, you would rather stay in Madras ?—That is my opinion.

105. From your knowledge of the district in what direction does the trade run ? Does it run towards the north ?—It runs towards the south, and it will run more so when the Vizagapatam harbour is fully developed.

106. Taking the agency tracts they have not got much communication with the rest of the country ?—They have.

107. *Mr. Cadogan :* On page 254 you speak of the sympathy which the Madras Government evince in the welfare of the Oriya people. You say "the "Government of Madras have always evinced special "interest in the solution of the Oriya problem by the "adoption of liberal measures, such as charging "only half fees in schools and colleges, instituting "scholarships for the special benefit of the Oriyas "and preferring the Oriyas in the distribution of "official patronage." You have just now said that the Oriya people are the best judges in the matter. May I read to you what they say ? They say: "Their educational needs and requirements "have been administered to with a most niggardly "hand ?"—Certainly not. If you compare the statistics of a decade or two, you will find the progress made by the Oriyas in education.

108. You do not agree with that ?—No, I do not agree.

109. Do you mean they prefer to remain as they are ?—Yes, they prefer up to this day.

110. I will again read to you what the Oriyas say : "Nowhere do the Oriyas succeed in getting "their due share of representation owing to the "power and influence wielded adversely by the "people of the predominant communities." You do not agree with that ?—I do not agree. Influence, wealth and sympathy are on their side. The zamindars are the richest persons, and they have advantages over the Telugus. Take the statistics for the last 20 years, and see what progress they have made under the Madras Government, in the matter of appointments in the public service, in their educational qualifications, and so on. They were backward in education in the beginning ; but now they have progressed very much. There are three deputy collectors among them, and two or three district munsifs. I can give their names, if necessary. I do not think there are equal numbers of Telugus from the Ganjam district holding similar appointments.

111. They have no just grievance ?—No.

112. *Sir A. P. Patro :* You have no objection to the formation of an Oriya province ?—No ; I have nothing to do with that.

113. As representing the Ganjam Defence League and the Telugu people of the Ganjam district, you raise no objection to the formation of an Oriya province and bringing the Oriya-speaking people under one administration ?—I have no definite ideas on that point.

114. The Telugu people of the Ganjam district and the Ganjam Defence League have no objection to the formation of an Oriya province, that is, all the Oriya speaking tracts being brought under one separate administration ?—That is the general opinion. I have got my own individual opinion.

115. *Lord Burnham :* That is only so long as you do not bring in the Telugu-speaking districts, is that so ?—Where it is a mixed population, they do not want to be brought into the Oriya province.

Sir A. P. Patro : Is that your view ?

The Witness : That is the view of the people.

116. Your opinion is that the purely Telugu portion should be excluded from the Oriya province if there is one formed ?—Yes. I say it is impossible to divide Ganjam into such areas. All along the coast there are the Telugus.

117. The majority of the people beyond Rushikulya, say the Chatrapur, Gussur and Balligoda divisions, are mostly Oriyas ?—The Ganjam Defence League objects to their transfer.

118. When they are predominantly Oriyas, what objection could there be for their being annexed to the Oriya province ?—I have given the administrative difficulties. There are also the legal difficulties. For instance, we have got the *Mitakshara* law here, while they have the *Dayabhaga* law in Orissa. Again, even in cases where the *Mitakshara* law is applied, its application there is quite different from its application in this Presidency.

119. Do you not think that the Oriyas will be in a more prosperous condition and their culture will be improved if they are brought together under one administration ?—No, I do not think so. I think the Oriyas of the Ganjam district will be in a better condition if they remain in the Ganjam district.

120. But the Oriya people think that their condition will be improved by being in a separate province ?—That is on account of the influence of the Oriyas of Orissa. The movement originated in Orissa. The Madras Government dealt with that question, and the Government of India also said that they were convinced of the arguments advanced by the Madras Government for not taking away any portion of the Ganjam district to Orissa.

121. *Khan Bahadur Khalif-ul-lah Sahib :* How many municipalities are there in your district ?—Three.

122. How many Oriya chairmen are there in these three municipalities ?—One, Parlakimedi. The other two are Telugus.

123. So far as the District Board is concerned, who is its president ?—An Oriya.

124. How many members represent Ganjam in the Legislative Council ?—Three.

125. Of these, how many are Oriyas ?—One. There were two previously. Further, the zamindar of Kallikota and Atugara represents the landholders' constituency.

126. *Mr. Siva Rao :* Some time before you were laying stress on the fact that all those who are classed as speaking Oriya do not necessarily belong to the same caste or race or community ?—Yes, that is my point.

127. You also tried to make out that they are classed for census purposes as Oriya-speaking people. They are ethnologically different ?—Yes.

128. For instance the Kalinga Komatis and Reddis are Telugus as a race, but they are classed as Oriya-speaking people ?—Yes.

129. So in taking the census of the Oriyas and in deciding which people should be tacked on to the Oriya province, you suggest that caste or community should also be taken into account ?—Yes.

130. Your objection, so far as I understand from this Memorandum, is to the dismemberment of the Ganjam district. You do not want that any portion of the Ganjam district, even the predominantly Oirya-speaking portion, should be tacked on to any other province ?—Yes, that is my point.

131. What is your reason ?—As I have already said, they are administrative and legal difficulties.

132. What are the legal difficulties ?—There is the *Mitakshara* law here and *Dayabhaga* law in Orissa.

133. *Sir Hari Singh Gour :* What do you mean by administrative difficulties ? You speak of the *Dayabhaga* law being a law of Orissa ?—Yes.

134. I never heard that ?—It is in Bengal. Orissa was a part of Bengal.

135. There are portions of Bengal which are subject to the *Mitakshara* law ?—*Mitakshara* law as administered by the Calcutta High Court is different from the *Mitakshara* law as administered by the Madras High Court.

136. What are the other difficulties that you see ?—The revenue administration is quite different. The *ryotwari* system is peculiar to Madras. Here there are village officers dealing with the Collector. There are no such village officers dealing with the Collector in Orissa except in a few Government estates. Again the Bengal Tenancy law is extended to Orissa and the Madras Tenancy law is quite different. Our *ryots* have got occupancy rights.

137. On these very grounds the Oriyas want to get away from you ?—At the expense of the *ryots*.

138. While you, as a representative of the Telugu-speaking people, do not want to allow the Oriyas to separate from the Madras Presidency, they urge the very same reasons, the difference in the *Mitakshara* law, the difference in the revenue administration, and so on, for separation from the Madras Presidency ?—I do not know how it is beneficial to the Oriyas.

139. That question was put to them, and they say that their separation from the Madras Presidency is beneficial to them, and they say they do not see why the Telugu people should object to that ?—I beg to state that it is a question of the educated classes trying to aspire for the loaves and fishes of the office. It is they that say so. The masses do not say so.

140. You do not speak for the Oriyas ?—I speak for the *ryots*.

141. As you have got a right to speak, you will agree that the Oriyas also have an equal right to speak for themselves, do you not ?—It is prejudicial to the interests of the Oriya *ryots*, who form the bulk of the Oriya population.

142. You claim a right for yourself to speak. You must give equal right to the Oriya people to speak for themselves, and, if they ask for separation, separation must follow ?—That will affect also the Telugu *ryots* who are intermingled with the Oriyas.

143. We leave out this intermingling. But where the Oriya population is in a majority, say more than 50 per cent—and there are tracts in the Ganjam district where such is the case—the Oriyas have an indisputable right to separate from you if they so wish ?—I doubt it. The prescriptive right is with us.

144. Now you have come down to the prescriptive right. What is a prescriptive right ?—It is the right to enjoy long established privileges. The Government themselves say that it is difficult to break with the prescription of one century. The Telugus have been enjoying certain rights as *ryots*, and they will be put into difficulties if any portion of the district is transferred.

145. *Lord Burnham :* I have got only two questions to put to you in order to clear up your views to the Conference. Do I understand you to say in the first place that in the division of districts where the race and language may differ, your opinion is that race ought to count, and not language ?—Yes, exactly.

146. Speaking for the Telegu-speaking community, you are of the opinion that the administration in the Presidency of Madras is better than that in the Province of Bihar and Orissa ?—I do not make any comparison. I only say that the administration of the Government of Madras is very good. I do not know anything of the administration of other provinces.

147. Have you anything to add to what you have already stated ?—I wanted to discuss the census statistics. I want to say that the Government of India have already decided this question once in 1904, and their opinions are recorded.

Memorandum submitted by the Madras Presidency Moslem League.

To The Rt. Hon'ble SIR JOHN SIMON, M.P., President of the Indian Statutory Commission.

Dear Sir,

You may have realised by this time that most of the vital problems of India's future turn on the hinges of Hindu-Moslem relations. Therefore no constitution proposed from a Moslem standpoint can be complete, unless it takes into account the Hindu standpoint also. The political differences among the Hindus, resulting from their division into Sikh and Jain, Brahmin and Non-Brahmin, touchable and untouchable, had made it difficult for the Madras Presidency Moslem League to understand the general standpoint of the Hindus as such, when the passing of the Nehru Report by the All-Parties Conference and its subsequent ratification by the All-India Congress Committee furnished the League with the desired basis. The Special Committee appointed by the League has drafted the Memorandum on that basis, and this fact and the time required for getting the draft approved by the Council of the League explain the delay in submitting the Memorandum for the consideration of the Joint Free Conference.

(By Order)
Yours sincerely,

(Sd.) MD. MUAZZAM, B.A., B.L.,
Advocate, Madras High Court,
General Secretary.

INTRODUCTORY.

India's unique Problems. The most suitable constitution for a country is the one which takes into consideration all the general and special conditions of that country. What with the different communities and castes inhabiting this country, what with the multiplicity of languages spoken here, and what with the divergent civilisations and cultures existing in this extensive land, India's constitutional problem is not that of a country, but pre-eminently that of a continent. There are at least two dominating cultures in this country, viz., the one represented by the Hindus of the Aryan Stock, and the other by the Muhammadan conquerors of India—not to speak of the ancient Dravidian or Non-Brahmin culture and the modern European culture, popular with the younger generation. Another problem taxing the brain of the Indian constitution-maker is the existence of autonomous Indian States with hereditary sovereigns, the venerable representatives of ancient Indian civilisation, culture and constitution, occupying a peculiar position as "the faithful allies" of His Majesty the King-Emperor of India. The problem of a future Indian Constitution becomes all the more complex by the very reasonable contention of the Indian princes that in view of the treaty obligations, the British Government is not entitled to compel them to transfer their allegiance to an autonomous Indian Government, and that in case that Government be made responsible to the people of British India, the princes should be placed directly under the control of His Majesty.

The League on the Nehru Report. It is a tragic irony that the democratic authors of the Nehru Report, who demand the application of the principle of self-determination to British India, have not deemed it necessary to apply that principle to the Indian rulers by suggesting constructive proposals for safeguarding their privileges in the proposed "Commonwealth of India"; but have cleverly contented themselves with a criticism of the arguments of Sir Leslie Scott and the vague and the empty declaration that "the Commonwealth shall exercise the same rights in relation to and discharge the same obligations towards the Indian States as the Government of India exercised and discharged previous to the passing of this Act."

Under these circumstances, the *Madras Presidency Moslem League* believes that the recommendations of the Nehru Report as accepted by the so-called All-Parties Conference, held at Lucknow, and in fact, though not formally, submitted to the Statutory Commission as the unanimous demands of the Indian people—though at best they be the demands of a large section of the Hindu community—are at least in certain respects one-sided and defective.

Plan of the Memorandum. As it is desirable to represent to the Statutory Commission the Moslem demands in their exact relation to the recommendations contained in Chapter VII of the Nehru Report, and as the League has reason to believe that the British Commissioners as well as their Indian Colleagues are fully conversant with the Nehru recommendations, it craves their indulgence to submit its proposals, for the sake of convenience and brevity, in the form of comments on the recommendations.

COMMENTS ON THE NEHRU REPORT.

CONSTITUTIONAL STATUS OF INDIA, ETC.

Recommendations 1 and 2.—In the beginning of both these recommendations the words "Subject to the limitations imposed hereinafter" shall be added. As the problems of the Indian States and the divergent communities do not exist in the other dominions, no provision has been made for the solution of the problems in the respective constitutions of the dominions. In India, however, limitations have to be imposed on the constitution.

DEFINITION OF CITIZEN.

Recommendation 3.—The League is in agreement with this recommendation.

FUNDAMENTAL RIGHTS.

Recommendation 4.—The following shall be added after the word "unemployment" in clause xvii:—

"The parliament shall also make effective laws to "develop indigenous industries by establishing "industrial schools and by other means, to prevent "the export of grain, especially rice and wheat, from "India and to provide employment for the poor "citizens."

The League considers this addition indispensable, so that the starving masses of this country may get enough bread to eat and a piece of cloth to cover their shame. As members of the different legislatures will be people belonging generally either to the rich or the middle class, they may not think it worth their while to undertake legislation for the sole benefit of the masses, unless there is a statutory provision compelling them to do so.

The following shall be added as clauses (xx) and (xxi) in recommendation 4:—

(xx) *Constitutional safeguard for religious neutrality.* "No legislation affecting the religion or any "religious or important social custom of "any community shall be undertaken "within the limits of the Commonwealth."

(xxi) *Safeguard for the autonomy of the Indian States.* "No legislation affecting the re-"lations of the Commonwealth and any "Indian State or any State and a province "or any Indian State with another shall be "undertaken except in the manner here-"inafter provided."

Clause (xx) is necessary with a view to preventing the majority communities from tyrannizing over a minor community by interfering with the latter's religious and social customs.

Clause (xxi) is necessary to safeguard the position of the Indian States and save them from possible attacks from interested parties and statesmen in British India.

PARLIAMENT.

Recommendation 5.—Addition to Chamber of Princes. After the word "Representatives" the words

" and a Chamber of Princes " shall be added and the word " and " shall be omitted.

It is not fair to subject the Indian States to the Commonwealth, without giving them representation in its Parliament. As there are practical difficulties in giving them representation in either of the proposed bicameral chambers, the League considers it but just that there should be a legislature to represent the states and their governments.

Recommendations **6** *to* **8**.—The League is in general agreement with the recommendations.

Recommendation **9**.—*Franchise too wide.* The franchise proposed for the House of Representatives is too wide and, if adopted, will result in a quite unwieldy number of voters. Such a franchise will prove disastrous to the Moslem community, in which owing to the purdah system many of the female voters will not be able to exercise their franchise. The League proposes that the present franchise may be widened by giving the right of vote to any citizen paying Rs3 annually in the form of any tax, to all Indians graduated abroad, to all graduates of Indian Universities and Oriental academies and to all teachers in recognised public institutions.

Recommendations **10** *and* **11**.—The League is in general agreement with recommendation **10** and endorses recommendation **11** subject to the following proviso :—

" Provided that the presidentship of the Houses of " Parliament shall go to a Hindu, a Muhammadan " and a Christian by rotation."

Recommendation **12**.—To this the League has no objection.

Recommendation **13**.—The following proviso shall be added at the end of the recommendation :—

Limitations on the discussion of religious subjects. " Provided that, notwithstanding any provision in " this Act or in any British or Indian Law for the " time being in force, the Parliament shall not, with- " out the previous sanction of the Governor-General, " discuss any bill, resolution or motion, affecting the " religion or religious or social customs having the " force of religion of any community whatsoever and " no such bill, resolution or motion shall have legal " effect unless three-fourths of the members, " representing such community in the Parliament and " present at the session, vote in favour of the bill, " resolution or motion. The Governor-General shall " decide whether a bill, resolution or motion affects " such religion or custom and may, if satisfied that " the religion or custom is so affected, accord the " necessary sanction for the discussion on the bill, " resolution or motion, or otherwise refuse such sanc- " tion. An appeal against such sanction by the " Governor-General may be preferred to the King " in Council by any member belonging to the " community affected."

Recommendations **14** *and* **15**.—The League accepts the recommendations subject to the deletion of the phrase " not including the Indian States " in recommendation **14**.

Recommendations **16** *to* **21**.—The League is in general agreement with the recommendations subject to the following proviso :—

" Provided that nothing in recommendations **16** " to **21** shall apply to bills, resolutions or motions, " relating to Indian States mentioned herein under " **21**-A and **21**-B."

The following shall be added as new recommendations **21**-A and **21**-B after the above proviso :—

Recommendation **21**-*A*.—*Reference of Bills, etc., on certain subjects to the Chamber of Princes.* No bill, resolution or motion or any provision or section thereof on any one or more of the following matters, passed by the House of Representatives and Senate shall be presented to the Governor-General for his assent or otherwise come into force until the bill, resolution, or motion has also been passed by the Chamber of Princes, namely :—

(*i*) Any matter arising out of treaties, engagements, sanads or any other document or documents between the British Government and the Indian States or princes or between the Commonwealth Government and the Indian States or princes.

(*ii*) Any matter relating to the contribution by any State or States towards the expenses of the maintenance of the Army, Navy, Air Forces, or generally towards the defence of India as a whole or relating to the participation otherwise of any State or States in such defence.

(*iii*) Any matter connected with the share to be allotted to a State or States in any custom or other duties or pilgrimage or any other taxes collected within the territories of the Commonwealth or any provincial Government and *vice versa*.

(*iv*) Any dispute between the Commonwealth or any province and a state regarding land boundaries, water supplies, irrigation canals, drainage, embankments, water storage, water power, etc.

(*v*) Any dispute between two or more states about matters mentioned in sub-clause (iv) *supra* or

(*vi*) Any other matters prescribed by law.

Recommendation **21**-*B* (*a*).—*Constitution of the Chamber of Princes.* The Chamber of Princes shall consist of 300 members, who shall be composed of (1) such number of members representing each Indian State or group of States as may be compatible with its population and political importance, such members to be elected by constituencies established by law in Indian States, and (2) an equal number of members from each State or group of States, nominated by the State Governments to represent them.

(*b*) There shall be a President and a Deputy President for the Chamber of Princes. The Governor-General shall nominate an official representative of the biggest Indian State in the Chamber as its President. The Deputy President shall be elected by the Chamber from among its members.

(*c*) The period for the continuance of the Chamber, the privileges, immunities and powers to be held, enjoyed and exercised by it, and the manner of holding sessions, the dissolution, and the other necessary procedure shall be such as may be prescribed by His Majesty the King in Council.

(*d*) *Functions of the Chamber of Princes.* The Chamber of Princes may, on its own initiative, introduce and pass any bill or resolution, or motion on matters specified in recommendation 21-A. Any bill, resolution, or motion, when passed by the Chamber, shall be sent to the House of Representatives for confirmation. If the bill, resolution, or motion be passed by the House of Representatives and the Senate, without any alterations or amendments, or with alterations or amendments, acceptable to the Chamber, the resolution or motion shall become law and in the case of a bill subject to the assent of of the Governor-General.

If the bill be rejected by both or either of the Houses, the Governor-General may certify the bill, if he so thinks fit. Against such certification by the Governor-General, an appeal shall lie by any House of Parliament to the King in Council,whose decision shall be final. The resolution or motion so rejected shall lapse if not passed by the House or Houses within a period of one year from the date of such rejection.

(*e*) (*i*) The Chamber of Princes shall take into consideration any bill, resolution, or motion sent to it by the other two Houses of Parliament under recommendation 21-A, and may pass the bill, resolution or motion with or without any alteration or amendment or may reject the same.

(*ii*) If such bill, resolution or motion is passed by the Chamber without alterations or amendments or with alterations or amend-

ments, acceptable to the other Houses of Parliament, the resolution or motion shall become law and in the case of a bill subject to the assent of the Governor-General.

(*iii*) If such bill be rejected by the Chamber or passed with alterations and amendments, unacceptable to both the Houses, the Governor-General may certify the bill, if he so thinks fit. Against such a certification an appeal by the Chamber shall lie to the King in Council, whose decision shall be final. Any resolution or motion so rejected by the Chamber shall lapse, if it is not passed by the Chamber within a year from the date of the rejection.

THE COMMONWEALTH EXECUTIVE.

Recommendations 22, 23, 24 *and* 25.—The League generally endorses the recommendations subject to the following proviso to be inserted at the end of recommendation 23 (*b*) :—

" Provided that the Prime Minister shall select " at least two of his ministers from the elected " Moslem Members of Parliament."

HIGH COMMISSIONER, ETC., AND FINANCIAL CONTROL.

Recommendations 26 *and* 27.—The League accepts the recommendations.

THE PROVINCIAL LEGISLATURE.

Recommendations 28, 29, 30 *and* 31.—The League endorses the recommendations save the one about franchise as explained in the comment on recommendation 9.

Recommendations 32 *and* 33. The League accepts the recommendations subject to the following proviso :—

" Provided that the legislatures of the provinces, " where Moslems are in a majority, shall elect an " elected Moslem member of the legislature as its " President and that the legislatures of other pro- " vinces shall elect an elected Moslem member of " the legislature as its Deputy President."

Recommendations 34, 35 *and* 36.—The League agrees to these recommendations subject to the addition of the following new recommendation :—

Recommendation 36-*A*.—*Limitation on the discussion of religious subjects.* Notwithstanding anything contained in this Act or in any provison of any British, Indian or local law for the time being in force, no provincial legislature or any local body established under any law of the Commonwealth or any Provincial Government shall, without the previous sanction of the Governor, discuss any bill, resolution or motion affecting the religion or religious or social customs having the force of religion of any community whatsoever, and no such bill, resolution or motion shall have legal effect, unless three-fourths of the members representing such community in the legislature or local body and present at the session or the meeting vote in favour of the bill, resolution or motion. The Governor shall decide whether a bill, resolution or motion affects such a religion or custom and may, if satisfied that the religion or custom is not so affected, accord the necessary sanction for the discussion on the bill, resolution or motion or otherwise refuse such sanction. An appeal against such sanction may be preferred by any member belonging to the community affected to the Governor-General, whose decision shall be final.

Recommendations 37 *to* 42.—The League is in general agreement with the recommendations.

THE PROVINCIAL EXECUTIVE.

Recommendations 43, 44 *and* 45.—The League endorses in general the recommendations subject to the following amendments :—

Recommendation 44 shall be recast as follows :—

" The Governor shall appoint for every province " an Executive Council consisting of not less than " seven ministers. The Provincial Legislature may " sanction for every Minister an allowance not ex- " ceeding Rs3,000 per mensem, exclusive of the " travelling allowances."

The following proviso shall be added to recommendation 45 :—

" Provided that in provinces where Moslems are " in a minority the Chief Minister shall select at " least two of his ministers from the elected Moslem " members of the legislature."

THE JUDICIARY.

Recommendations 46 *to* 52.—The League agrees to the recommendations subject to the following proviso to be inserted at the end of recommendation 46 :—

" Provided that the number of Moslems in the " Supreme Court shall, with due regard to the " requirements of efficiency, be at least one-third " of the sanctioned strength of the Court.

HIGH COURTS—CONSTITUTION.

Recommendations 53 *to* 66.—The League generally endorses the recommendations subject to the following proviso at the end of recommendation 54:—

" Provided that in provinces where the Muham- " madans are in a minority at least one-fifth of the " Judges of the High Court shall be local Muhamma- " dans."

The League has been constrained to suggest the addition of the proviso with a view to avoid the repetition, in any other province, of the deplorable state of affairs prevalent in Madras where there is absolutely no Moslem representation on the High Court Bench, there being no Moslem among the fifteen Judges of the Court.

PROPERTY, REVENUE AND FINANCE.

Recommendations 67 *to* 74.—The League is in general agreement with the recommendations.

DEFENCE.

Recommendation 75.—The League approves of the recommendations subject to the addition of the words " the President of the Chamber of Princes," after the word " Staff " in item 7 of sub-clause (*a*) in recommendation 75.

Recommendation 76.—The League accepts the recommendation conditional upon the insertion of the words, " and the Chamber of Princes," after the word, " Representatives."

THE CIVIL SERVICES.

Recommendations 76 *to* 84.—The League is in general agreement with the recommendations.

Recommendation 85.—The League is strongly opposed to the recommendation as has been made clear in the comment on recommendation 21. The proposed new recommendations 21-A and 21-B will make it unnecessary to refer any difference between the Commonwealth and the States to the Supreme Court.

NEW PROVINCES.

Recommendation 86.—The League accepts the recommendation subject to the following proviso :—

" Provided that such redistribution does not " convert the Moslem majority in any province " into a minority and that when any language other " than English be made the common language of " India, that language should be Urdu written in " Persian script."

The Indian Muhammadans deeply resent the mischievous propaganda carried on, under the guise of nationalism, by some interested persons to the effect that Hindi is the language understood in many parts of India and spoken by Muhammadans and

that it deserves to become the national language of India. The fact is that Hindi such as written in Devanagiri character is current in Benares and a few places around it and in some parts of the Bombay Presidency; whereas Urdu is the language mostly spoken and written in the northern parts of India, Bengal, Madras, Bombay and Sind. If a handful of persons in the four provinces have any inclination to learn Hindi, it is the result of anti-Urdu propaganda carried on by the Hindi Prachar Sabhas and Congress organisations; and the demand of the League that Urdu language may be made the common language is, therefore, based on bare facts and justice.

AMENDMENT OF THE CONSTITUTION.

Recommendation 87.—The League endorses the recommendation subject to the following proviso:—

"Provided that no such bill shall become law until " it has been passed by a two-third majority of the " members of the Chamber of Princes."

COMMUNAL REPRESENTATION.

Recommendations I to IV.—Legislatures. The League is diametrically opposed to the recommendations about communal representation. It is strongly of opinion that the time is not yet ripe for the introduction of joint electorates. It fears that the comparative ignorance, poverty, and want of political awakening among the Moslem electors will make them tools in the hands of the candidates and clever election agents of the other communities. When even the officials in the Punjab think that in that province where the Moslems constitute 55 per cent of the entire population, the chances of a Muhammadan candidate as against a Hindu candidate in a joint electorate would be less, it can be easily imagined what the position of the Moslems of this Presidency would be, in case the system of joint electorates is introduced. It is true that a remedy is suggested in the reservation of seats for minority communities under joint electorates. But it is a poor consolation, for though the required number of Muhammadan candidates will certainly be elected by a Hindu majority, the sense of personal and party obligations to the majority will never allow them to boldly advocate Moslem rights as they otherwise would do. Another novel method suggested is that a purely Moslem electorate may elect a panel of Moslem candidates, out of whom the mixed electorate shall elect the required number. In the opinion of the League, this method will not be an efficacious remedy for the evil of joint electorates. Thus the Moslem position would become far worse than it is at present. The League, therefore, advocates Separate Electorates and Separate Representation in the legislatures on the population basis and also recommends that one-third seats in the central legislature should be reserved for the Moslems.

Local Bodies. In view of the fact that the field of local Government is the training ground for the future administrators of India and in view of the political importance of the Moslem community, it is necessary that its members should have this training. This can be done by a provision that the presidentship of all local bodies shall go by rotation to a Hindu, a Moslem and a Christian, as experience has shown that the enlightened Hindu Councillors feel great reluctance in having a Moslem President.

Steps should also be taken to give to the Moslems representation, proportionate to their population, in local bodies, such as the Local Boards, Municipalities, Universities and Bar-Councils. One might have expected that the very enlightened and political-minded electors to the Bar-Council and the Senate of the Madras University, who oppose the principle of separate electorates tooth and nail, would have by their action removed the misapprehensions that the minorities have about the efficacy of the joint electorates in getting them due representation; but it is an irony of fate that these electors have not elected one Muhammadan out of thirty elected representatives of the registered graduates in the Senate, while the advocates, belonging to a particular community have elected ninety per cent. of the members of their community, especially those having the good fortune of residing in the metropolis of the Presidency, of whom not one is a Moslem. The League is convinced that the attitude of such an enlightened electorate is a full justification for its demand for Separate Electorates.

Public Services. There is a clamour in certain interested circles that Communal Representation in services is the mortal enemy of Efficiency. Efficiency is the result of high mental and moral qualities, coupled with experience. If the Moslems as a community be less efficient as public servants—though as a matter of fact they have discharged the responsibilities of the highest posts of the State with credit and reputation—it can be due to the fact that they have very few opportunities of getting experience in such services. It is, therefore, essential that it should be provided by statute that the Moslems should be given their due share in the civil, military, naval, and aerial services. It may be pointed out that their courage and fearlessness makes them specially suited for the three last named services. Is there any need to add that they have special aptitude for police work, as admitted by the Inspector-General of the Bombay Police in his evidence before the Commission? In fact the acknowledged policy of the Government regarding the Indianisation of services will not prove a success, unless Moslems are more largely appointed to executive and other responsible posts.

REDISTRIBUTION AND STATUS OF PROVINCES.

Recommendation V.—The League is firmly of opinion that Sind should be separated from Bombay, irrespective of any financial or other considerations, and would suggest the deletion of the phrase in the recommendation beginning with " after " and ending with " necessary."

Recommendations VI and VII.—The League has no objection to recommendation VI and strongly favours recommendation VII.

MADRAS.
26th February, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE, AND OF THE MADRAS PROVINCIAL COMMITTEE.

(DURING THE FIRST PART OF THE EVIDENCE OF THE MADRAS PRESIDENCY MOSLEM LEAGUE, LORD BURNHAM WAS IN THE CHAIR).

Deputation from the Madras Presidency Moslem League.

The deputation consisted of :—

Mr. MAHOMED MUAZZAM, B.A., B.L. (Advocate), Secretary.
Mr. S. M. SHAREEF KHAN, B.A., Assistant Secretary.
Khan Bahadur S. K. ABDUL RAZZACK, M.L.C. Chairman, Saidapet Municipality.
Mr. MAHOMED MUKARRAM, B.A., B.L., Advocate.
Khan Bahadur MAHOMED SADULLA BADSHA, Ex., M.L.C.
Khan Bahadur MIR MUZHERUDDIN, B.A., Retired Assistant Director-General, Post and Telegraph.
Khan Bahadur M. ABDULLA GHATTALA, Advocate, was also present.

1. *The Chairman :* * * * In the Memorandum you have gone on the basis of showing in what respects you agree with or differ from the recommendations of the Nehru Report ?—(*Mr. Muazzam*) Yes.

Sir A. P. Patro : I do not know whether the deputation accepts the Nehru Report.

2. *The Chairman :* I will ask them. Is it the case that in the main you agree with the Nehru Report ?—On the main points we differ, and that is with regard to separate electorates and——

3. I will take you through it ; but is it the case ? It was asked by Sir A. P. Patro whether you do agree with the Nehru Report in general, in the main ?—In the main we differ.

4. Then I had better take you through it, and I will ask you on the points you make here whether you will explain yourselves. I see on point 4, Fundamental Rights, you want to add, after clause xvii, the words : " Parliament shall also make " effective laws to develop indigenous industries by " establishing industrial schools and by other means, " to prevent the export of grain, especially rice and " wheat, from India, and to provide employment for " the poor citizens." That has got a rather familiar sound to some of us in reference to proposals at Home. Would you mind telling us exactly what you mean by that ?—That is explained just below : " The League considers this addition indispensable, " so that the starving masses of this country may get " enough bread to eat and a piece of cloth to cover " their shame. As members of the different Legisla- " tures will be people belonging generally either to " the rich or the middle class, they may not think " it worth their while to undertake legislation for " the sole benefit of the masses, unless there is a " statutory provision compelling them to do so." As regards exports, we wanted to press the restriction of export of wheat and rice to a certain extent.

5. You think by preventing export you will improve the lot of the people ?—Not preventing it, but placing restriction on it ; not allowing the free export of wheat and rice.

6. Would you apply that to Burma, too ?—Yes ; it is a part of India.

7. That would destroy the trade of Burma ?—It would not destroy it. I do not think the export ought to be prevented, but some restrictions ought to be placed on it.

8. How would that provide employment for poor citizens ?—That is something different, " and to " provide employment for the poor citizens." That refers to the establishment of indigenous industries. That will provide employment for the poor citizens. The more the industries, the more the employment.

9. Have you, in your own mind, any special industries in this Presidency ?—Cottage industries.

10. I want to get it clear. How do you propose to ensure employment which is not given on account of the market at present ? What would you do ? Would you give so much bounty for cottage industries ; would you make grants of money ?—Yes.

11. Then you lay down that the following should be added as clauses (xx) and (xxi) : " No legislation " affecting the religion or any religious or important " social custom of any community shall be undertaken " within the limits of the Commonwealth." Would you like to explain that ?—Except in the matters thereinafter provided. On page 258, recommendation (xxi) is : " No legislation affecting " the relations of the Commonwealth and any Indian " State or any State and a province or any Indian " State with another shall be undertaken except in " the manner hereinafter provided." That " except " in the manner hereinafter provided " refers to (xx) and (xxi).

12. The last part is new, is it not ? The twenty-first has not been proposed in any report we have had ; the part you have just read out ?—I suppose you have got it there ? It is in this Memorandum. It is page 258.

13. I understand you want to provide safeguards for your own community ?—Yes, that is right ; and while we do that, we are providing safeguards for other communities also.

14. And you wish to provide that any Bill affecting the religion or any religious or important social custom of any community shall have no legal effect unless three-fourths of the members representing the community affected vote in its favour ?—Yes.

15. Not only three-fourths of the members, but three-fourths of your own members ?—Yes.

16. And who would enforce this ? The Government of India ? It is no good passing legislation unless you can enforce it ?—That would form part of the Constitution. The Government of India would have to enforce it.

17. You might have it in the Constitution, but unless the individual citizen would enforce it in the law courts, it would be difficult to say where his rights were touched ?—If a religious matter is discussed or moved or initiated, unless three-fourths of the Moslems (if it is a matter affecting the Moslems) agree to it, it will not become law.

18. But it is not legislation only ; it is administration. It may be in regard to Law and Order and Communal disorders ; it may be in regard to the Services, what proportion you think you ought to have in the Services ?—I do not refer to the Services ; it is only with regard to religious or important social customs. This is what I say : " No legislation

" affecting religion or any religious or important " social custom."

19. You only mean the practice of religion ?—The practice of religion.

20. That would arise in regard to communal disorders, would it not ; because as a rule they take place on account of the violation of some religious custom ?—Yes.

21. I come back to this. Who is going to enforce the law ; the Government of the Presidency, or the Government of India ?—So far as this province is concerned, the Government of the Presidency.

22. And you think those safeguards will be sufficient for the Mussulmans ?—I think on that question the safeguard of three-fourths of the members representing the community voting for or against it will be a sufficient safeguard.

23. I understand that with regard to law-making ; but law-making is a very small part of life, and I am thinking more of the daily life of the people. How are you going to enforce these things in that respect ? But you are satisfied that it can be done by the Government of the Presidency ?—I think so.

24. That means that the Governor or the Government will have to say whether the custom of your community is violated or not ?—Yes, if it is a matter affecting the religion of any community.

25. Yes, quite so ; but you have got to have that interpreted, and I presume it will be the Government of this Presidency, which may be, and probably will be, composed of people of other creeds than your own, and they will have to say whether the customs of your Muhammadan religion have been violated or not ?—And whether it is a religious matter or not will have to be decided by the Government.

26. You have confidence in the Government—Brahmin or non-Brahmin—protecting your religion ? Oh, I see you say in page 260 that the Governor shall decide ?—Yes.

27. I did not notice that. Then that does not mean the Government ; it means the Governor himself ; not in Council, but the Governor himself ? —Yes.

28. Then with regard to page 259, recommendations in regard to franchise, you propose that the franchise shall be the same both for the Central Legislature and the Provincial Legislatures ?—Yes.

29. In both cases it shall be based on the payment of Rs3 for any purpose of taxation ?—Yes.

30. You are not in favour of adult franchise ?—With this exception, that the purdah system among the Muhammadans in India excludes a very large number of voters. Apart from that we have no objection.

31. I do not quite follow. You are in favour of manhood suffrage, you mean, and not of adult suffrage—that is, only for men ?—Adult suffrage comprises females also.

32. But manhood suffrage obviously does not. You are in favour of manhood suffrage ?—Yes.

33. But not adult suffrage ; not men and women ? —Yes, that is it. At page 259, we say : " Such a franchise will prove disastrous to the " Moslem community, in which, owing to the *purdah* " system, many of the female voters will not be able " to exercise their franchise."

34. And you would extend it also on an educational basis ?—Yes.

35. I see you are in favour of the presidency of the Houses of Parliament going to Muhammadan, Hindu, and Christian by rotation ?—Yes.

36. Without reference to the number of their representatives ?—That is so. That refers to what are styled the Central Legislatures—the Houses of Parliament.

37. You are not in favour of a general right of discussing religious subjects, are you ?—No, we are not.

38. As being too provocative ; too dangerous ?—Yes.

39. Then you are in favour—I understand this is connected with it—of separate electorates for communal representation ?—Yes, we favour that ; we want that.

40. Have you anything special to say about that, beyond the general arguments ?—The only thing I would say about the separate electorates is this, that we have experience of these mixed electorates in the municipal elections of the city of Madras, which is divided into a number of wards, and in each ward we have what are called the joint mixed electorates, Hindus and Muhammadans both voting for a certain individual. What happens is that even in a ward where these two communities may be equally divided in numerical strength, at the time that the electoral roll is prepared it is found that owing to the economic backwardness of the Muhammadan community there are a lesser number of Muhammadan voters on the electoral roll than there are of the Hindu community ; and then, another difficulty is that in all these mixed electorates we have found that unless the Mussulman candidate—at least, that is our experience during the last two or three municipal elections—is backed up by the Congress party, he has not been successful. The two councillors we have now on the municipal corporation, who are Muhammadans, came into the council just because they were backed up by the Congress Party, and those whom the Muhammadans alone backed up were not successful, because of the large number of voters in the mixed electorates, who are Hindus.

41. You say that the reservations of seats " is a " poor consolation, for though the required number " of Muhammadan candidates will certainly be " elected by a Hindu majority, the sense of personal " and party obligations to the majority will never " allow them to boldly advocate Moslem rights as " they otherwise would do " ?—Yes.

42. You say that under joint electorates the Moslem position would become far worse than it is at present ?—That is so.

43. And then you say you must train Muhammadans for government ; " train them in regard to " local bodies for the future administration of " India " ?—Yes.

44. What about the franchise for local bodies and communal electorates ? What do you think about that ? You are in favour of having separate electorates for local bodies ?—Yes. For instance, in District Boards we have not got even one President of a District Board elected—a Muhammadan, I mean. There is not one instance in which a single Muhammadan has been returned to any District Board unless he has come in by nomination ; not by election ; so far not one instance—so that even there we require a separate electorate for these statutory self-governing bodies.

45. What proportion would you ask for local bodies ? You would have separate electorates for what proportion of the local bodies ? Have you made out any proportion of Muhammadan members, say, on your local boards ? Do you want them the same as in the Legislative Council ?—Yes.

46. Then you deal also with communal representation in the Public Services ?—Yes.

47. And you say Moslems are specially fitted for service in the military, naval and aerial services. You point out that their courage and fearlessness makes them specially suited for these services ; but they are not debarred, as Muhammadans, from the public services, are they ?—They are not.

48. In the military, naval and aerial services, it depends on recruiting ?—Public Services are more or less a matter of patronage, apart from efficiency.

49. In the north, of course, I need not tell you, Muhammadans are a predominant part of the military service ?—Yes.

50. Therefore, they are not debarred as Muhammadans. I am not talking of the Civil Service, but of the military, naval and aerial services ?—We advocate the employment of more Moslems in the military services.

51. But they are a majority at present in the

Punjab, I think ?—That is only one province; but not in all.

52. But taking India as a whole, they are, possibly. My point is that nobody is debarred as a Muhammadan from being in the military service of the Crown; on the contrary, they are encouraged ?—No, we do not for a moment say that.

53. You want them here; you want them in Madras ?—Yes.

54. In regard to the Civil Service and the kindred Services, what do you think you ought to have there—what proportion ?—So far as this Presidency is concerned, I think at least twenty per cent.

55. One-fifth ?—And that has been fixed by the Staff Selection Board constituted by the Government.

56. That is for future recruitment ?—Yes.

57. That is in excess of the proportion you have on the Legislative Council ?—Yes.

58. And then you say, I believe, that in provinces where Moslems are in a minority, at least two of the ministers should be Moslems ?—Yes. Since we have had these Reforms, from 1909 up to now, there has not been one Muhammadan minister in Madras.

59. Where Moslems are in a majority, as they are in the Punjab, what number of ministers do you require there ? Do you require a majority of ministers ?—The ministers there will be probably about the ratio of population. They are a majority, and probably the number of ministers will be reflected in that.

60. In Bengal, where you have a majority of the population, but not a majority of the electorate ?—There, again, the Moslem ministers will predominate. They will naturally be in a majority.

61. Is your majority of the ministry, and the majority in any case, Hindu or Moslem, to be based on population or on electorate; because in some cases, as in Bengal, the majority of the population is not the same as the majority of the electorate ?—We have not considered that question so far as our Presidency is considered.

62. Generally speaking, though, of course, as Moslems in India, you are not shut out from the Services ?—We are not.

63. Are you in favour generally of what is called Indianisation of the Services ?—Generally we are.

64. But not except Moslems are appointed to executive and responsible positions—I think those are your own words ?—Yes.

65. You are not afraid of Law and Order being in the hands of a minister of another faith than your own ?—I think for another ten years, or at least another five years, Law and Order should be in the hands of the Governor of the province.

66. *Colonel Lane-Fox :* Where do you say that in the Memorandum ?—(*Khan Bahadur Mir Muzheruddin*) We have not said that in the Memorandum.

67. *The Chairman :* You thought that was implied ? You are emphasising the Moslem's fitness for responsible offices ?—(*Mr. Muazzam*) Yes.

68. Anyhow, you say definitely that you are in favour of Law and Order being reserved to the Governor for five or ten years ?—Yes, and if we do away with the system of Dyarchy, and make every subject a Transferred Subject, and have no reserved subjects, even in that case we would advocate Law and Order to be in the hands of the Governor for another five years.

69. It is only fair to point out, of course, that that is Dyarchy in another form ?—Yes, it is, but under the present conditions we feel it is necessary.

70. You would not feel safe without Law and Order being in the hands of the Governor ?—No. In the course of time we may shift it to the ministers, but at present we do not think it is advisable.

71. *Mr. Cadogan :* There is one sentence I should like to ask about on the top of page 260, under the heading, "The Judiciary." You say: "Provided "that the number of Moslems in the Supreme Court "shall, with due regard to the requirements of "of efficiency, be at least one-third of the sanctioned "strength of the court." Surely, "With due regard "to the requirements of efficiency," can only mean one thing. It means that you are not guided by the community to whom the individual belongs. Then, if that is so, I do not see how you could guarantee one-third of the sanctioned strength of the court to be of the Moslem community. I only ask this question because we have often had this suggestion that a certain proportion of posts in certain services should be guaranteed to a certain community, and I never know whether it means having regard to efficiency or without regarding efficiency at all ?—What we say is this, on page 260, that the number of Moslems shall be one-third; but, of course, they ought to be efficient.

72. I do not say that there will not always be a sufficient number of Moslems to fill the posts, but it might be that there might not, if you had due regard to efficiency ?—I do not suppose it is the case that Government cannot get at efficient men from the different communities. There are efficient men in every community, and whoever may be appointed ought to be thoroughly efficient to discharge the duties of a judge of the Supreme Court; but what we advocate is that the Moslem Judges on the Bench should be at least one-third of the total number.

73. Irrespective of their efficiency ?—No.

74. It is possible that there might not be a sufficient number of competent people, and then I do not see how you can guarantee it ?—We do not advocate a Muhammadan dummy to go into the High Court of Justice. Whoever goes there must be efficient.

75. *The Chairman :* I suppose you would like to know who would be the judge of that efficiency, Mr. Cadogan ?

The Witness : The local Government.

76. *Colonel Lane-Fox :* As regards what you have said about objecting to the transfer of the subject of Police, its being made a transferred subject; I wonder why you say you want the present system to remain for another five or ten years ? Do you think that the communal tension is going to be very much modified in five or ten years ?—In the present conditions we do not think it safe for these two departments to be handled by the ministers, but in the course of another ten years we feel that there will be more harmony between the two communities.

77. But, surely, the test is not a period of time; the test is when the intensity of the feeling has died down; and if I was a Muhammadan I should certainly ask for somebody to be the judge of when it is safe for the Police to be transferred, when the tension had died down sufficiently. It is not a question of actual time, five or ten years; it is a question of the intensity of the feeling ?—Exactly so.

78. Why do not you ask for the time when your community is satisfied ?—That is what I mean. That is only approximate. It may be fifteen or twenty years. (*Khan Bahadur Mir Muzheruddin*) Or it may be two years.

79. *Sir A. P. Patro :* It may be never ?—Just so.

80. *Colonel Lane-Fox :* Why do not you suggest that some authority should be set up as an authority to judge when your community feels sufficiently safe for this subject to be transferred ? Would that be better than the plan of five or ten years ?—(*Mr. Muazzam*) The idea was that in the course of another ten years or so the position may be better than now.

81. Supposing there was someone who had the power to judge ?—I think there may be better feelings between the two communities in the course of another ten years, and then it may be time enough to get these subjects handled by the ministers. That is only approximate.

82. But if you give it a date, it is always dangerous; it means people agitating after that time ?—The idea was that so long as this discord and dissension remains

it is not safe to have these subjects handled by the ministers.

83. I see what you mean, but I think you are taking a very ineffective way of getting it. What you want is an authority to decide, not a particular time at which the decision shall be taken ?—Not a particular time.

84. As regards what you said about not having sufficient representation in the army in India, of course it is a fact now that if India was handed over to complete Swaraj, the Hindu majority in India would find themselves in the position of being protected by a Muhammadan majority in the army, owing to the fact that the bulk of the army is recruited from the fighting forces in the north, of whom a large proportion are Muhammadans. Therefore you are very well represented ?—We say we want more representation in the military services. The charge is sometimes levelled against the Muhammadan that intellectually he is far behind the other communities, especially in some provinces.

85. But I say to you that at this present moment the majority of the Indian army come from your community ?—We are not talking of the sepoys only; we are taking note of the higher staff, commissioned officers, lieutenants, and so on.

86. *The Chairman :* But among the Indian officers you will find that the Muhammadans are in the majority ?—(*Khan Bahadur Mir Muzheruddin*) That is all right, if there is a majority in our community.

87. *Sir A. P. Patro :* On page 259, at the bottom, you give your comment on Recommendation 9. Do you apply that to the Moslem constituency, or do you apply it to the whole of the Indians in the Madras Presidency ?—(*Mr. Muazzam*) This is so far as regards the Madras Presidency.

88. So far as your Moslem community is concerned ?—Yes.

89. The franchise you propose relates only to the Moslem constituency ?—Yes.

90. Do I understand that your Memorandum is based on the Nehru Committee's Report ?—I cannot say it is based on it. We thought, after all, the Nehru Committee Report was an important document inasmuch as it was drafted by some of the well-known leaders——

91. That it is an important document, placing before the country the national demand ?—It is not quite that. That is not what we wanted to say.

92. Do I understand you to say that the Nehru Committee Report contains the national demand, and that your Memorandum is based on comments on that ?—We do not say it represents the national demand.

The Chairman : He said exactly the opposite, I understand.

93. *Sir A. P. Patro :* May I know what is your answer to that ?—We do not say for a moment it contains the national demand of the country.

94. Then why did you take the Nehru Report as the basis for your Memorandum ?—Well, we wanted to attack it, as a matter of fact. We have not made it the basis; we wanted to criticise it, and this Memorandum is in the form of criticism of that report.

95. You are accepting the majority of the recommendations, except those relating to Moslem representation ?—I suppose the main point is relating to the communal representation. That is the most important point, in our view.

96. Please listen to me. Excepting the portion relating to the Mussulman representation, you accept the other recommendations of the Nehru Report ?—No.

97. From beginning to end you say you accept the majority of the recommendations except those relating to the Moslem community ?—Such recommendations as we think would not harm us, we accept, whether they are contained in the Nehru Report or any other report.

98. Could you say why you have taken the Nehru Report as the basis for your Memorandum ?—Well, we found that report referred to in almost every newspaper in the country for a number of months, discussed, re-discussed, and we thought that, after all, some weight ought to be attached to a document which purports to come from the signatories to that document, and this was the best opportunity to attack that document.

99. May I ask how you suggest the overthrow of the whole thing, as you say in the majority of cases you accept Nehru's recommendations ?—If they are harmless, we do.

100. That is, if they are not against the Moslem interests ?—Yes.

101. Is that what you mean ?—I mean nationally, taking it as a national question.

102. So you agree that that is a national question ?—Not that we agree. They have made mistakes on some questions. We have taken the Muhammadan question by itself in our comments.

103. You said Law and Order should be in the hands of the Governor or Government ?—Not necessarily.

104. As a reserved subject ?—More or less as a reserved subject, yes. The effect will be that it will be a reserved subject. That would be the practical effect of it.

105. You want to retain Law and Order still as a reserved subject, even though all other subjects are transferred ?—Yes.

106. Do you agree to Revenue and Irrigation and Forests being transferred ?—Yes.

107. Why ? Is there a danger of communal representation being affected there ? Why should you want those subjects transferred ?—Law and Order are the departments which deal with the safety, with the tranquillity, with the peace of the country, and I suppose that is the foremost consideration in the administration of the country, rather than any revenue matter or irrigation matter.

108. You think Revenue and Irrigation are of minor importance ?—Far minor importance than public tranquillity.

109. That is, without any safeguarding of the revenue interests of the province you can manage the whole of the province ?—I do not say that. In point of importance, I would attach very great importance to public tranquillity and much less to Irrigation, or any other subject.

110. How long have you been an advocate ?—About seventeen years.

111. In your experience of seventeen years, could you tell me any instance where it necessitated Law and Order being in the hands of the Governor ?—Not that it necessitated that, as at present Law and Order is in the hands of the Executive Council.

112. But for the last seventeen years you could not say any instance where you would say Law and Order ought to be in the hands of the Governor ?—No.

113. And Law and Order is administered by Indian members for nine years ?—Yes.

114. And have you any reason to say that Law and Order has not been properly administered during these nine years ?—They have been well administered.

115. What is your reason now for saying that Law and Order should be reserved ?—The minister will be in charge of Law and Order if it is given into his hands, and the desire on the part of the particular minister, whoever he may be, who is in charge of these as transferred subjects, will be to please his constituency. That will be uppermost in his mind as a minister ?—I mean to strengthen his support in the Council. That will be the main idea ; that will be the uppermost idea.

116. In the Mussulmans, also ?—Yes, any man, if he happens to be a minister.

117. The reason you assign, if I understand you correctly, is that the minister in charge of Law and Order under the responsible Government would be influenced by the party in the council ?—Yes.

118. Now, you know from your long experience

of seventeen years in the public life of this country that the Executive Council member cannot get on without depending upon the party in the Legislative Council ?—He has to depend to a certain extent.

119. It is impossible for the Executive Councillor to get on in the Madras Council without depending on the parties ?—But our actual experience——

120. I am asking about actual experience ; I do not want imagination. Do you know, as a matter of fact, that an Executive Councillor on the Madras Legislative Council cannot get on without depending upon the parties in the Legislative Council for his subjects ?—That is so.

121. What difference does it make if he becomes a minister ?—There is this difference. The Executive Councillor is secure where he is. That idea of pleasing the party is not uppermost in his mind. It all depends upon how he acts at the moment to get a certain motion sanctioned.

122. I wish you had some experience of the Madras Legislative Council to understand this position ?—I do not deny for the moment that he has to depend upon the support of a certain party ; but that is not all.

123. You said that it should be five years or ten years before Law and Order may be transferred ? —Yes.

124. Who is to fix this limit ? Who is to decide that the psychological moment has arrived for the transfer of Law and Order ? Is it the Governor, or the Parliament, or the Mussulmans ; or who is to decide it ?—No, not the Mussulmans, certainly. It is the Government.

125. Nor the Moslem representatives in the Council ?—No.

126. But it is the Government ?—Yes.

127. What is the Government, then ? Who is the Government ?—The Governor-General in Council.

128. Do I understand you that one-fifth of the judges of the Madras High Court should be Mussulmans ?—One-fifth, yes.

129. And you want also two ministerships in the Madras Government ?—If the number goes up to seven or eight. If the number of ministers is eight.

130. Nobody said about numbers. You do not say anything about eight ?—We certainly do not want two out of three.

131. And one-fifth of the district judgeships and district collectorships, also ?—Well, we are very poorly represented.

132. I am asking you on the question of your claims ?—It is not a fixed ratio, one-fifth or one-sixth ; but what we say is that we ought to be better represented in the Public Services than we are at present.

133. On page 261, you say : "The League, therefore, " advocates separate electorates and separate repre- " sentation in the Legislatures on the population " basis and also recommends that one-third seats " ——" ?—That is a mistake.

134. I am coming to that. Everything is a mistake. " The League, therefore, advocates separ- " ate electorates and separate representation in the " Legislatures on the population basis, and also " recommends that one-third seats in the Central " Legislature should be reserved for the Moslems." So that is your claim, is it not ? The whole of your argument on page 261 leads up to it, and the conclusion your League arrives at is representation according to the Mussulman population of this province ?—Kindly delete " on a population basis."

135. You want to correct it ?—That is to be deleted. That is a mistake.

136. Now let us turn to "Local Bodies." It cannot be a mistake there, also : " Steps should also be taken " to give to the Moslems representation, proportionate " to their population, in local bodies, such as the " Local Boards, Municipalities, Universities, and " Bar-Councils." Is that also a mistake ?—No, that is not so.

137. That is not a mistake ?—No.

138. So the whole predominant idea in the minds of the League members was that there should be representation according to the population ?—No, it is not so.

139. So these two statements you say are mistakes ? —This one * * * " The League, therefore, " advocates separate electorates and separate re- " presentation in the Legislatures on the population " basis "—that is not the idea ; that is a mistake.

140. When did you discover that it was a mistake ? —I think, yesterday.

141. Till then you did not look into your Memorandum at all ?—We did, but somehow it was passed over without being noticed.

142. And also here, under "Local Bodies" ?— That is all right.

143. Then you want in regard to this separation of provinces, the separation of Sind from Bombay : " The League is firmly of opinion that Sind should " be separated from Bombay." Madras and Sind are very far from each other, are they not ?—We have to refer to that, because that was dealt with in the Nehru Report. We do not press it.

144. I do not ask whether you press it or not ; I am only indicating all this to show that you base your Memorandum on the Nehru Committee's Report ?— We have taken up every question which has been dealt with by the Nehru Report, and where we thought that report was defective we have shown what our desire is, and where we thought it was defective in the way that it wanted to be supplemented we have supplemented it in some cases, and where we were in entire agreement we have shown that agreement in our Memorandum.

145. Just one more question. You are not satisfied that dyarchy is working well here and elsewhere. Have you any experience of the working of dyarchy ?—We have had experience in our own Presidency that it has not been working properly.

146. And, therefore, you would recommend no further development, because the present position has not improved ; dyarchy has not improved the present position ; therefore you are not in favour of recommending any advance from the present stage ? Do I understand that ? You say dyarchy is not working satisfactorily, according to you ?—It is not.

147. Therefore political education has not advanced in this Presidency so far as to take any further step in advancing ?—Oh, no. We are politically advancing. That is what I say. We feel that we are politically advancing.

148. You believe we have been politically advancing from 1921 to 1929 ; you think the country here has advanced very far in political matters, political education, political responsibility ?—I think it has advanced to some extent.

149. Nevertheless, you think that Law and Order should not be transferred ?—So far as those two subjects are concerned, yes.

150. *Khan Bahadur Khalif-ul-lah-Sahib :* So far as the question of the transfer of Law and Order is concerned, you have not mentioned it in your Memorandum. May I take it that this question was not considered by your League ?—Incidentally we discussed it, but we have not embodied it in our Memorandum. I might say that we were divided on the question.

151. You could not arrive at any unanimous opinion ?—That is so.

152. And because there was a division of opinion you could not include it in your Memorandum ?—Yes.

153. What you said just now in the matter is only your personal opinion ?—I think it is the opinion of the majority.

154. *Sir Hari Singh Gour :* If it were the opinion of the majority it should have gone into the Memorandum ?—As there was unanimity on all subjects except on the question of Law and Order, we did not include it in our Memorandum.

155. *Colonel Lane-Fox :* You definitely agreed to leave it out of your Memorandum ?—Yes.

156. *Khan Bahadur Khalif-ul-lah-Sahib :* Having agreed to leave it out of your Memorandum what

you have expressed just now is only your personal opinion ?—Not only my own opinion, but also the opinion of some others.

157. It is by no means the unanimous opinion of your League ?—No.

158. As regards the question of joint electorates you said that you have some experience of its working in the city of Madras ?—Yes.

159. And you said that there were two Muhammadan representatives who were put up by the Congress. Do they not represent the Moslem view ?—The electors feel, and rightly feel, that those who are returned by the Congress party, although they may be Muhammadans, do not really represent Muhammadan feelings and interests.

160. That is the view of the Moslem electorate here ?—Yes.

161. It is on this basis that you want a separate electorate for Muhammadans ?—Yes.

162. So far as the joint electorates are concerned, you know that they are in actual working in all the municipalities and District Boards ?—Yes.

163. As you are aware, there are 25 District Boards in this Presidency. Ever since the franchise was given to these bodies has there been any case in which a Moslem has been returned for the Presidentship of any of the Boards ?—No, none has been returned.

164. Even as regards the election of Municipal Councillors, have they been returned in proportion to their population ?—No.

165. And, therefore, the Government very often resorts to nomination to make up the proportion ?—Yes.

166. That is the experience not only of one District Board, but of the Boards in the whole Presidency ?—Yes.

167. You were referring to the one-fifth proportion that is to be maintained in the Public Services and to the G. O. which the Government of Madras has recently passed supporting this claim. The present representation of the Moslem community in the Public Services is very poor; it is not even according to the population basis. If I read your evidence correctly, what you mean is that you want one-fifth representation to be given in all the Services of this Presidency till you get your proportion, and that you will not be requiring it eternally ?—Yes, that is so.

168. Do you press for one-fifth always, or only as a temporary measure to make up your proportion ?—When once we get 20 per cent. we need not go further.

169. What you have said with reference to the Moslem community applies also to the other minority communities, I mean the Christians, the Depressed Classes, and so on ?—Yes.

170. Are you in favour of recommending separate electorates for the Depressed Classes in this Presidency ?—Yes.

171. *Mr. Siva Rao :* In the case of the transfer of Law and Order, in reply to a question put by Sir A. P. Patro, you told us that these departments have been in the hands of Indians, and they have been so far administered well ?—Yes.

172. Have there been any instances in which the Legislative Council of Madras has not stood by Law and Order during the Reform period of 9 years ? Has there been any conflict between the Executive and the Legislative Council in the administration of Law and Order ?—None to my knowledge so far.

173. May I draw your attention to the recommendations made by Khan Bahadur M. Abdulla Ghattala, who wants that all the subjects including Law and Order should be transferred ? Do you differ from him ?—Yes.

174. Was he not a member of the Legislative Council ?—Yes, he was for 3 years.

175. Your Memorandum, so far as I can see, has taken the form of criticism of the Nehru recommendations; in some cases you have differed from the Report, in some places you have suggested modifications. May I take it that in all other respects you endorse the conclusions of the Nehru Committee ?—As I have submitted already, the most important questions are separate electorates and a larger representation of Muhammadans in public services.

176. Subject to that reservation you endorse the proposals of the Nehru Committee as to the form which the Government in the future should take ?—So far as we have expressed agreement with anything that is contained in the Nehru report you can take it definitely that we are in favour, but if we have not dealt with any question taken up by them I cannot express any opinion.

177. You said that your reference on page 261 to separate representation in the legislatures on the population basis is a mistake. What other basis would you suggest for representation in the Madras provincial legislature ?—Fifteen per cent.

178. If it is not on the basis of population what is the basis on which you want 15 per cent, ?—Whatever concession we may get here the same will be given to Hindus wherever they are in a minority; it will be reciprocal.

179. I am not talking about the reservation of seats for the Hindus. You say that you do not want to fix your representation on the population basis. If it is fixed on the population basis, so far as the Madras Presidency is concerned, your number will be about 8 ?—Yes.

180. Now you have got about 13. What basis would you fix for retaining the 13 seats ?—We have 13 because of the Lucknow Pact.

181. In addition to separate electorates and separate representation would you still ask for a voice in the return of Hindu candidates from the joint electorates ?—No.

182. *Mr. Thomas :* You said that you are in favour of manhood suffrage ?—Yes.

183. Do you think that under the existing circumstances manhood suffrage will be a practical proposition in all the provinces ? Would it not be a very great strain on the electoral machinery ?—It will be.

184. In your Memorandum you recommend Rs3 tax ?—That is so far as Madras is concerned.

185. Have you any special reasons why the same limit should not be fixed for other constituencies ? The same limit may be fixed for all constituencies unless we want the Government to be more representative.

186. *Diwan Bahadur Reddiyar :* May I know, sir, if the Nehru Committee recommended the transfer of all subjects without any reservation ?—Yes.

187. Have you got a copy of the Nehru Report ?—Yes.

188. Will you please point out the particular recommendations of the Nehru Committee on which you say that they recommended the transfer of all subjects ? You look at 22 and 23 ?—I do not find anything about the transfer.

189. Please read 28 and 29 also ?—Number 28 says, " The legislative power of a province shall be " vested in the King and the local Legislative " Council." Number 29 says, " There shall be a " Governor for every province who shall be appointed " by the King and represent His Majesty in the " province."

190. Read 43 and 44.—" The executive power of " the province shall be vested in the Governor " acting on the advice of the provincial executive " council." " There shall be an executive council " for every province consisting of not more than " five ministers appointed by the Governor."

191. These are the recommendations of the Nehru Report on which you base your statement that the Nehru Committee have recommended the transfer of all subjects ?—I do not think our Memorandum mentions that.

192. Your Memorandum does not specifically say so. But you told me that according to your reading of the Nehru Report that report has recommended

the transfer of all subjects ?—Yes. (At this stage Sir John Simon took the chair.)

193. And you base that statement with regard to the " Provincial Executive " on recommendations Numbers 43 and 44 ?—No.

194. May I point out that in your Memorandum you accept these recommendations subject to some amendments which do not touch this question at all. Read page 260 of your Memorandum. You say " The League endorses in general the recommendations (Numbers 43, 44 and 45), subject to the following " amendments," and you give only two amendments ? —We have not gone into the question fully.

195. You have accepted those recommendations subject to two provisos ?—I do not think we have dealt with the transfer of subjects.

196. Very well, I do not want to press the point. This Memorandum was passed at a meeting of your League ?—Yes.

197. And it was not reconsidered or in any way modified at subsequent meetings ?—Yes.

198. *Sir Arthur Froom :* With regard to the question of the transfer of Police, in reply to a question put by Colonel Lane-Fox you said that at present your League was against the transfer of Police to a minister and you fixed the period at 5 or 10 years. Colonel Lane-Fox suggested that there should be some referee to decide this question—either the Governor of the province or the Governor-General in Council. I put it to you that after a certain period the question may be decided by common consent ?—Yes I agree that it should be decided by common consent.

199. *Mr. Kikabhai Premchand :* On page 261 you say that your League is strongly of opinion that the time is not yet ripe for the introduction of joint electorates. How long do you think it will take before joint electorates could be introduced ?—It is difficult to say how long it will take.

200. Will you agree to a certain time limit being fixed for separate electorates ?—I do not think I can do that.

201. You do not agree to a time limit being fixed for separate electorates and then automatically, after that period, to go to the joint electorate ? —No, I do not think we can fix any period like that.

202. You would not fix any period, but would leave it to the future council to decide after a certain period to abolish the separate electorate or not ? —We cannot specify any period.

203. When you are referring to your criticisms on the Nehru Report, do you submit the Nehru Report along with your Memorandum to the Conference ?— No, we do not do it. We have submitted our Memorandum.

204. *Raja Nawab Ali Khan :* Your grievance is that there are no elected Moslems as chairmen on the local bodies ?—Yes.

205. There are nominated Moslem candidates as chairmen of such bodies ?—Yes.

206. And what about the municipal boards ? Are there any Moslem chairmen on the municipal boards ?—Yes, there is one here by my side.

207. *Khan Bahadur Khalif-ul-lah Sahib :* There are more.—Yes, there are about half a dozen.

208. *Raja Nawab Ali Khan :* Who elects the chairmen ?—The councillors.

209. They are elected through a joint electorate ? —Yes, on a small scale.

210. *Sir Hari Singh Gour :* When was your League formed, this Madras Presidency Moslem League, of which you are the spokesman ?—In 1907, I believe.

211. Are you affiliated to the Indian Moslem League ?—We are affiliated to the All-India Moslem League.

212. Of which Mr. Jinnah is the chairman ?—No, Sir Muhammad Shafi.

213. That League came into existence only after the Statutory Commission came into this country ? —Well, we have two All-India Moslem Leagues at present. That is the position.

214. Your Moslem League came into existence in 1907 and was affiliated to the Indian Moslem League ? —Yes.

215. Who was your chairman in 1907 ?—Sir Ali Imam, if I remember right. What happened was that during the days of the Non-co-operation movement these Leagues, wherever they were, were not working, and they were revived as a matter of fact only recently.

216. Your case is that this Moslem League was a branch of the Moslem League of India when it was started in 1907. It was more or less in a dormant state till its activity was revived with the advent of the new Reforms ?—I cannot say that.

217. Then what can you say ?—Even before that I should say it was working actively.

218. That is the assumption I made when I asked you as to who was your president in 1907 ?—I cannot remember.

219. Do you know who was your president at any time before the splitting up of your League into two sections ?—Before the splitting up of the League ?

220. You have said that the All-India Moslem League has been sub-divided. Before its division who was the president ?—I do not remember.

221. Was there not a permanent president ?— There was one. Mr. Jinnah was a permanent president.

222. When did this Moslem League divide itself into two sections ?—Two years ago.

223. Is it not a fact that the Punjab Moslem League has no branches anywhere ?—It has branches.

224. Where ?—Ours is a branch.

225. It is the only branch ?—I do not know that.

226. Have you got any terms of affiliation or any correspondence with Sir Muhammad Shafi's League to show that you belong to that League ? You say you belong to that League ?—Yes.

227. And you do not know as to who are the other leaguers ?—No.

228. When did you become affiliated to Sir Muhammad Shafi's League ?—Two years back.

229. Is yours a registered body ?—It is not a registered body. The All-India Moslem League is a registered body.

230. But Sir Muhammad Shafi's League is not a registered body yet ?—I do not know. We have been having this League for a number of years.

231. You said two years ?—Even prior to that.

232. Prior to that you were a part of the All-India Moslem League ?—Yes.

233. And you know that the All-India Moslem League and Sir Muhammad Shafi's League do not see eye to eye on certain points ?—Sir Muhammad Shafi's League is the All-India Moslem League.

234. I simply call it so because it is an offshoot of the old one ?—You can call it the Jinnah League.

Lord Burnham : I suppose the right thing would be to say, Jinnah's League and Shafi's League.

235. *Sir Hari Singh Gour :* I am concerned here only with facts ?—As a matter of fact, I do not believe that any League has been registered.

236. How many members have you got ?—We have got between 700 and 800.

237. Can you furnish us the names of the members ? —Yes.

238. Have you got any rules ?—Yes.

239. Do you publish your proceedings ?—Yes.

240. How often have you held your meetings ?— Last year, I believe, we had about eight meetings.

241. *Sir Hari Singh Gour :* When was this draft presented to the Statutory Commission passed ?

Lord Burnham : If we pursued this matter much further, we should be right off the track of our present enquiry.

242. *Sir Hari Singh Gour :* I am on the very threshold. I am examining his credentials.

Lord Burnham : Would it not be satisfactory if we obtained the published account of the formation of the League and handed it in to the Secretaries ?

243. *Sir Hari Singh Gour :* The point I wish to know is, how many people attended the League

when this draft was passed ?—We held the meeting in October last.

244. How many people attended the meeting ?—About twenty, I think.

245. *Lord Burnham :* Has Mr. Jinnah's Association got a branch at all in Madras ?—Just as there are two All-India Moslem Leagues there are two Madras Presidency Moslem Leagues in Madras at the present moment. One is affiliated to the Jinnah League and the other to the Shafi League. I would not call either the All-India Moslem League.

246. *Sir Hari Singh Gour :* So the All-India Moslem League has now become the Jinnah League and the Shafi League ?—Yes.

247. Out of twenty persons, how many voted for the transfer of Law and Order ?—There was no vote taken as regards that. We discussed the matter and then we found that the majority was not in favour. So far as these recommendations are concerned they were unanimous.

248. I am talking of Law and Order. So just confine yourself to answer the strict question put to you. No vote was taken as to how many persons were in favour of the transfer of Law and Order, and how many against ?—Yes. So far as these recommendations are concerned votes were taken. Then, alongside, we were discussing the other point also, and if I remember aright four were in favour and sixteen against.

249. A majority of persons were against the transfer of Law and Order ?—Yes.

250. Why did you not mention this very striking fact that, with the exception of four dissentients, sixteen members were against transferring Law and Order ?—As I said, the points on which we were unanimous were incorporated in this Memorandum. The rest was ignored.

251. Now, was there any meeting after October to place this draft before the meeting and take their votes ?—Yes.

251A. When did you convene the meeting ?—(*Mr. Sharif Khan*) The first meeting was in executive committee and this Memorandum was adopted in the executive committee, and then it was placed before a public meeting in the early part of November.

252. *Mr. Hartshorn :* At that public meeting twenty person were present ?—About three hundred persons were present.

253. *Sir Hari Singh Gour :* Then, after it was passed, you had no meetings of the League to discuss the draft ?—(*Mr. Muazzam*) No.

254. Up-to-date ?—No.

255. This draft was drawn up by the executive committee and passed by the public meeting of your League as a final draft. When you went back on that draft on the question of election on a population basis, did you consult your League and tell them that it was a mistake and that you wished to withdraw from it ?—This point was noticed for the first time yesterday.

256. What time did you notice this for the first time ?—In the evening.

257. Did you take early steps to inform the Secretary of the Statutory Commission that a most flagrant mistake which cuts at the very root of your draft had been noticed by you ?—I mentioned this to Mr. Khalif-ul-Lah.

258. Did you inform the Members of the Statutory Commission ?—I have not informed, but I took the opportunity of mentioning it to Mr. Khalif-ul-Lah.

259. Before your attention was drawn to it did you mention that before you gave evidence you wished to point out to the Joint Free Conference that there was a very serious mistake in the whole of this draft, which you wanted to correct ?—I think I should have done that.

260. But you did not do it ?—No.

261. Now, you have admitted in this draft, at page 261, that "it fears that the comparative "ignorance, poverty and want of political awakening "among the Moslem electors will make them tools "in the hands of the candidates and clever election "agents of the other communities." You admit that your community is comparatively ignorant, poor and lacking in political training and experience ?—Yes, compared to the Hindus.

262. And you also admit that your economic backwardness is a very serious handicap to the advancement of your community ?—Yes.

263. Now, if a Parliament wishes to improve the condition of your people and wishes to discuss certain institutions, certain customs which stand in the way of your national advance, which your well-wishers are naturally anxious to remove because they act as a drag upon your social and economic progress, why do you prevent the Councils or a future Parliament from discussing those questions ? Are you not in favour of the social advancement of your own community ?—Religious questions ?

264. I am not dealing with religion. I think you know the distinction between social advance and religious advance ?—Social questions can take the form of religious questions, and generally do. They overlap one another.

265. You and I know the distinction between social and religious questions ?—I will give an instance of how a social question can become a religious question.

266. I am concerned with the question when it does not become a religious question ?—Purely social questions, of course, may be discussed.

267. You object to religious questions being discussed, but you say you have no objection to questions connected with social customs being discussed ?—Yes.

268. Now, coming to the Nehru Report, clause 13 of that report dealt with at page 259 of your Memorandum, is a clause which deals with the power of Parliament ?—Yes.

269. And you say it has the power to make law for the peace, order, and good government for the Commonwealth in relation to all matters ?—Yes.

270. "For the nationals and servants of the "Commonwealth," and so on, and "for the Govern-"ment officers, soldiers," etc., and "for all persons "employed or serving in or belonging to the Royal "Indian Marine," etc. "For greater certainty, "but not so as to restrict the generality of the "foregoing terms of this section, it is hereby declared "that notwithstanding anything in this Act the "legislative authority of the Parliament of the "Commonwealth extends to all matters coming "within the classes of subjects hereinafter enumerated "and specified in Schedule I." And then you say in your Memorandum: "The following proviso "shall be added at the end of the recommendation." If you add this proviso at the end, you will be satisfied with clause 13 ?—I should think so.

271. But then that would contradict the whole of the rest of your draft ?—How ?

272. I shall point out to you. Those are plenary powers of Parliament to legislate for the peace, order and good government of which Parliament is the sole judge. There is absolutely no appeal against the supremacy of this Parliament, and if you add that proviso, it affects the whole of your draft ?—I beg to differ.

273. What is the good of differing from me ? You may differ from me, but you cannot alter the facts. If you alter that clause in the way you suggested, it gives Parliament complete power. Parliament is the final and ultimate authority over which and above which there is no such thing as Governor, or the King in Council or the Supreme Court ?—That clause is subject to this proviso so that puts a restriction on the power of Parliament.

274. I have added that proviso, and having inserted that, you have done away with the reservation of Law and Order for five or ten years, or any number of years. You have finished with that and there is no question of reservation of Law and Order after that ?—As I said, the matter was discussed, and we did not incorporate it in our Memorandum, because——

275. I am not concerned with that. You have already told us that you stand by Clause 13 with your proviso added. Therefore, I asked you that question whether you were prepared to accept that clause with that proviso, and you said yes ?—Yes.

276. Then in that case your opinion that Law and Order should be reserved, and all that will disappear ?—I fail to see how this clause affects the reservation of those subjects.

277. It says that Parliament has got all powers to make laws for peace, order and good government. It has got the law-making power. Anyhow, I do not want to pursue that matter. What is your object, you want the creation of a national India or a Moslem India ?—Our ultimate object is a national India.

278. Therefore, everything else is subservient to the creation of a national India, and as such you ask the Joint Free Conference to concert such plan as will ultimately be conducive to the creation of a national India ?—Yes.

279. *Sir Zulfiqar Ali Khan :* You said that your League is affiliated to the All-India Moslem League ?—Yes.

280. As a matter of fact, in this country there are two Leagues, one at Lahore and the other at Calcutta ?—Yes.

281. One of the Leagues is under Sir Muhammad Shafi and the other is under Mr. Jinnah, and the *raison d'être* for the existence of those two separate Leagues is evidently the difference of opinion on the question of separate electorates ?—Yes, that is the main question.

282. This question came into existence, you remember, in 1909, when the first deputation of the Muhammadan community waited on Lord Minto at Simla ?—Yes.

283. After that, this question has been in India as an expression of policy on the part of the Muhammadan community ?—Yes.

284. You will admit that it exists in this country as the mainspring of the Muhammadan policy ?—Yes.

285. In demanding these separate electorates for the Moslem community in your Presidency, you are only voicing the sentiments of the Muhammadans as a whole all over India ?—Yes, in the matter of separate electorates.

286. With regard to the other questions which you have dealt with in your Memorandum, have you taken the approval of the Central League at Lahore in regard to those proposals ?—No.

287. By your constitution are you not obliged to take the sanction of that League ?—I do not think so.

288. Supposing you differ in some points from the political tenets of that body, then you are no longer affiliated to that body ?—Of course not. The main question on which we are at one is the question of separate electorates. It is only in regard to that main question that we are not in agreement with the Jinnah League.

289. You said that there are about half-a-dozen chairmen of local bodies who are Muhammadans ?—Out of 84 municipalities, there may be four or five.

290. Will you please tell me to which part of the Presidency these chairmen belong ?—One is in Saidapet, about five miles from here.

291. *The Chairman :* May I know who is the chairman of that municipality ?—Khan Bahadur Abdul Razzak.

292. *Sir Zulfiqar Ali Khan :* What is the ratio of the Muhammadan population there ?—(*Khan Bahadur Abdul Razzak*) It is about one-ninth.

293. Then, if you are returned by this constituency what fear have you got with regard to joint electorate ?—The members are elected by the ward electorates, and the chairman is elected by the ward councils. In the ward elections there are Muhammadan voters also, about one-fourth or one-third in some wards. In some wards they go unrepresented. The municipality is a compact place with a limited area. I am sorry to have to speak on my own behalf. I am a native of that place. I am very popular there, and that is why I have been elected. I have been continuously serving my municipality for the last fifteen years. However, this solitary instance cannot be compared with other municipalities in the Madras Presidency, because there will be no other instance to be found like mine. Out of 84 municipalities in the Presidency, I think there are only four or five which have got a Muhammadan as chairman, but then in those few cases you will find that about 50 per cent. are Muhammadans. Negapatam is an instance in point.

294. Can you not depend entirely on your special circumstances ?—No. For instance, I cannot myself claim to become a President of the Chingleput municipality, and no Muhammadan in the Madras Presidency can dream of becoming a chairman of any District Board through election. (*Mr. Muazzam*) My friend is the exception which proves the rule.

295. Then on the question of the transfer of Law and Order, you say that you would rather have Law and Order as a reserved subject for the Presidency till the communities have peace among themselves ?—(*Mr. Muazzam*) Yes.

296. And you cannot fix any definite period for that peace to come up ?—No.

297. I think what you mean by that is that as soon as there is peace between the two communities, directly you are willing to transfer Law and Order, is it so ?—Under the present condition it is not advisable that Law and Order should be placed in the hands of a Minister. I would not fix any time. Until some time has elapsed, until the relations between the two communities grow more harmonious, and until they decide between themselves to have it as a transferred subject, it should be in the hands of a Governor. That was my suggestion.

298. *Dr. Suhrawardy :* Are you aware that in 1909 the Muhammadans headed by His Highness the Aga Khan waited on Lord Minto and formulated the Moslem demand ?—Yes.

299. Is it not a fact that among the various demands that we placed before Lord Minto, a demand for separate electorates, not merely separate electorates, but also separate representation, and not merely separate representation on the population basis of the Mussulmans, but also based on their historical and political importance was placed before Lord Minto ?—Yes.

300. Is it not a fact that when in last December His Highness the Aga Khan presided over a conference of all Moslem parties in Delhi, the same demands were reiterated ?—Yes.

301. May I take it that in page 261 of your Memorandum where you say : "The League, therefore, "advocates separate electorates and separate "representation in the legislatures on the population "basis," you now say that it is a mistake and that the basis should be their "Political importance" ?—Yes.

302. You say that you want representation in excess of your population basis on the ground of your political importance and other considerations ?—Yes.

303. Sir Hari Singh Gour put certain questions to you in regard to your social matters and you said that you have no objection to purely social questions being discussed in the legislature ?—Yes.

304. May I enquire whether Sir Hari Singh Gour has now got a number of Bills pending in the Legislative Assembly affecting various social matters in India ?—Yes.

305. Would those things be considered as affecting the religious and social questions of the Mussulmans ?—I think they will be considered as affecting their social questions.

306. You say that : "Clause (xx) is necessary "with a view to preventing the majority communities "from tyrannizing over a minority community by "interfering with the latter's religious and social "customs" ?—Yes.

307. You say on page 259, "provided that, not-

" withstanding any provision in this Act or in any " British or Indian Law for the time being in force, " the Parliament shall not, without the previous " sanction of the Governor-General, discuss any " Bill, resolution or motion, affecting the religion or " religious or social customs having the force of " religion of any community whatsoever and no " such Bill, resolution or motion shall have legal " effect unless three-fourths of the members, rep- " resenting such community in the Parliament " and present at the session, vote in favour of the " Bill, resolution or motion." Is it not a fact that the politically minded Mussulmans are necessarily religious minded ? Are you aware that Mr. Jinnah is the leader of a group of Moslems in the Assembly, for instance ?

The Chairman : We need not take any instance.

The Witness : There are very few like that. There may be some.

208. *Dr. Suhrawardy :* The object of my question is this. In view of the fact that there is difference amongst the Moslems—there are different sects of Moslems for instance and what is considered lawful by one sect may be considered unlawful by another—would it not be a better safeguard if you have instead of what is stated in the Memorandum, a sentence to the following effect : " that if a substantial minority " or influential minority of the members of that " community object to the resolution," or something like that ?—You want to put it the other way ?

309. Yes, in view of the present conditions. There is the Child Marriage Bill for example ?—Yes, that is a better safeguard.

Memorandum submitted on behalf of the Depressed Classes of the Madras Presidency by the Committee appointed by the Conference held on the 29th January, 1928, at the Pachaiyappa College Hall, Madras.

GENERAL.

The Depressed Classes of the Madras Presidency form nearly one-fifth of the total population and are subjected to innumerable disabilities and oppressions by the rest of the population. The early history of the Depressed Classes and their present condition of appalling degradation are monumental proofs that their forefathers were treated by their countrymen in a manner worse than the beasts. In the name of the man-made system of caste, demoralising and degenerating in its effects, and which in fact, is a negation of "Equal opportunities to all," the so-called high-caste people, availing themselves of their numerical majority and wealth, deny to us even the very elementary rights of citizenship. It is well-known that we are treated as untouchables, unapproachables, unseeables and, might we say, unthinkables. This spirit of oppression is carried to such a degree that we are denied access even to roads, tanks, wells, springs, schools, hospitals, choultries (inns) and other institutions maintained with public funds. We are segregated in despicable *cherries* and slums and designedly kept out of contact with the rest of the people. We are mainly agricultural labourers and form the backbone of the Revenue Administration of, and great asset to, the country. That we are now landless does not however belittle our important position we occupied from time immemorial in the affairs of the State. In fact, we have always been on the soil and attached to it, even though the legal ownership thereof may have changed hands from time to time. Any attempt to improve ourselves is viewed with jealousy and malice by the caste people who, in spite of their professions on political platforms and elsewhere, are, in practice, opposed to, and even throw obstacles in the way of, our progress. Others even argue that, by birth, we are doomed only to servitude and illiteracy thus invoking the aid of the "Law of Karma." We are extremely anxious to point out that every argument, religious, social or political, is used by them to keep us in a state of serfdom which, it will be realised, a lazy land-owning class is interested in doing. Had it not been for the advent of the benevolent Britisher, we assert that our position would have been still worse, and what little progress we have had so far would not have been a fact. Here we make bold to suggest that our progress and the solution of what is now the most difficult and knotty problem in India, namely, the upliftment of the Depressed Classes would have been an accomplished fact if the Britisher had at the very inception taken the necessary steps to remove untouchability and other social iniquities that we are subjected to.

We feel that we ought to make our position clear to the honourable members of the Commission that their present task will be rendered ineffective and useless should they be of opinion that the questions relating to the Depressed Classes do not come within the scope of their enquiry, but that they should be left purely to public opinion in India. Government, and particularly Responsible Government, is but a society organised in a particular manner for certain purposes, and, when a community is beyond the pale of society it will also be beyond the pale of Government if the constitution does not take into consideration the questions and problems relating to that community and make special provisions to safeguard its interests. Whatever constitution the Indian Statutory Commission may ultimately frame for India it is earnestly hoped that the facts set forth above will be kept in mind and proper safeguards provided for the Depressed Classes to enable them to retain and utilise the political power. In the light of these circumstances we make the following suggestions :—

1. Representation in the Legislatures :
   (*a*) That the number of seats in all the legislatures should be in proportion to our population.
   (*b*) The mode of representation should contain at some stage or other an elective element.
2. Representation in the Government :
   (*a*) At least there must be one member of the Depressed Classes in the Government of India (Governor-General's Executive Council).
   (*b*) At least two seats should be reserved for the Depressed Classes in the Provincial Government. (Provincial Cabinet.)
3. Representation in the Services :
   (*a*) *Military* : Fifty per cent. of the officers recruited and the majority of the men in each unit of the army should be recruited from the Depressed Classes.
   (*b*) *Navy* : Do. Do.
   (*c*) *Civil Service :* Proportionate representation in all the Civil Services, Imperial and Provincial, with special arrangements, should be provided for the Depressed Classes. Special arrangement should be made for the recruitment to the village officers and the police. The system of hereditary village officers ought to be promptly abolished and circumstantial chances ought to be given to the deserving members of the Depressed Classes.

Economic Position :—The lot of the agricultural labourer belonging to the Depressed Classes is not at all a happy one and he is virtually, though not technically, a serf. The terms and conditions of labour are too exacting and hard to think of. They do not get living wages and the hours of work are unlimited. Wages should therefore be paid in coin and not in unwholesome grain in short measures. The lands leased out to them by the caste Hindus are not often registered and the terms are very exacting. There should be a law protecting the agriculturalist from all such oppressions. One solution that suggests itself to our mind is that the Government should start agricultural colonies in each district for the Depressed Classes and introduce therein the latest methods of production.

Education.—We need not stress upon the obvious importance of providing special facilities for the education of the Depressed Classes. Industrial and vocational schools and a large number of scholarships ought to be provided for. Free Compulsory Education should be introduced and special scholarships for higher education in foreign countries should also be given.

Special.

(*a*) Government ought to introduce social legislation with penal clauses for the improvement of the conditions of the Depressed Classes particularly in respect of untouchability.

(*b*) The subject of the "Depressed Classes" should be made a portfolio under the charge of the Depressed Classes Member in the Viceroy's and the Provincial Executive Councils and in each province the "Protector" of the Depressed Classes should be assisted by a Board composed of the members of the Depressed Classes.

(*c*) A certain definite proportion of the Revenues of the Central Government and Provincial Governments should be set apart and earmarked for the work of the Depressed Classes.

We, in conclusion, pray that the honourable members of the Statutory Commission may be pleased to pay,

as we have no doubt they will, their earnest consideration to the solution of the problem of the Depressed Classes and request that the Chairman may be pleased to give us a further opportunity to furnish details later.

SUPPLEMENTARY MEMORANDUM SUBMITTED BY THE PRESIDENT OF THE MADRAS DEPRESSED CLASSES CONFERENCE OF 1928.

The Committee appointed at the Depressed Classes Conference of the Presidency of Madras, held at the Pachiappa's College Hall, on the 29th January, 1928, to submit a Memorandum to the Indian Statutory Commission, has already submitted its Memorandum to the Commission. The Conference was a public one and of a representative character, in which the members representing the Depressed Classes on the Legislative Council, Presidents of Associations and delegates from the Districts and leading men took part.

I, as the President, beg to submit the following Memorandum as a supplement to the one submitted by the Committee, showing the condition of the Depressed Classes before and since the advent of the British in India, their Political advancement, the effect of the introduction of English education, the Indianisation of the Services, the Local Self-Governing Institutions, the Revenue Department, Untouchability, Conversion, Depressed Classes Welfare, Dominion Status and granting of full Self-Government. The Depressed Classes are of the Dravidian race. When the Aryans immigrated and settled in Southern India those portions of the Dravidian population that had not embraced the caste system were cut off from all connections with the caste-bound communities, as unsociable. The Depressed Classes (Dravidians) organised their own Community on a self-supporting basis and lived in separate locations, now known as *cheries*. Since then, the Caste Hindus worked against them, taking away their rights and privileges, depriving them of their lands and all means of making a living, and despising them as untouchables. Many of the Dravidians left in groups and assumed caste system. When the Muhammadans invaded India and came to the South, a great number of Dravidians were converted to Islamism. At that period the strength of the Dravidians was very low and oppression from the Caste Hindus was high. When the Britishers began to rule India, though they abolished the slave system and made laws common and applicable to all, irrespective of high and low caste and colour, they never ventured to abolish the system of caste—a system which enabled one section of the people to rule over the other by oppression. But they adopted a policy to reserve education in Arts and Science for the high caste people only. Such a policy strengthened the hands of the higher classes to oppress the Dravidians more and more as they gained possession in service in all branches of the administration, while the Christian Missionaries, who followed the British, converted the Depressed Classes in large numbers.

Further, the local Self-Governing institutions and Panchayats (village Boards and Courts) completely placed the Depressed Classes at the mercy of the oppressors. The oppression is felt more keenly than ever before, the Britishers remaining the nominal rulers.

Such being the condition of the oppressed untouchables the granting of full Self-Government to India in any form is to condemn unjustifiably for all the future generations the sixty millions of peace-loving peasants and field labourers, who have been loyal to the British Throne, in this great agricultural country.

I, therefore, am of opinion that steps at giving Self-Government should be by slow stages.

POLITICAL ADVANCEMENT.

It is said in some quarters that the plea now advanced by the British Government against the political advancement of India is the deplorable condition of the Depressed Classes, and this is brought to the forefront as if they are solicitous of the welfare of the Depressed Classes and that the Depressed Classes are blissfully ignorant of their own depressed condition, and that they are unconscious of the political, social and economic disabilities under which they are labouring. This is incorrect. For as long ago as 1892 the Depressed Classes formed a Society of their own under the name of the Pariah Mahajana Sabha and conducted a journal under the name "*Pariah*" and ventilated their grievances and disabilities through its columns and sent in a Memorial to the British House of Commons against the holding of the I.C.S. examination simultaneously in England and India as they thought that that would do immense harm and prayed that they should be secured against the tyranny of the caste system, *Untouchability*, which so long as it remains unremoved will crush them in the future as it has crushed them in the past, bringing discredit on the Government and arresting the progress of a people, who need but development of their character by education and improvement of their social position by effacement of the cramping and demoralising caste system which has hitherto held them in the grip of vice to become one of the most potent factors in the regeneration of the country and the strongest bulwarks of the British rule pregnant with great potentialities. Ever since that epoch-making event, the untouchables have continuously been making political agitation and since the reforms of 1919, the Government had to deal with the Depressed and the Backward communities. It was only since the Reforms that the high class Hindus commenced to write and make platform speeches openly about the removal of untouchability with a view to gain Self-Government.

Before introducing a system of democratic Government into India, the British Government, who had experience of more than a century and a half of ruling mixed races here and elsewhere should have waited to see that benefits of Western education, which they introduced, have reached the lower strata of society as well. But the way in which the British Government have yielded to the incessant agitation and demands of the higher strata of the Indian society and brought about these Reforms acts as a pressure brought to bear upon the lower classes from above. The Depressed Classes do not understand and are not prepared to take part. Besides it has proved as a measure adopted for the high caste oppressors to rule over the lower Depressed. I, therefore, consider the extension of the degree of responsible Government should be to the extent the Depressed Classes of the country are able to share that responsibility by the improvement of their educational and economic standards. The Government should bestir themselves in this direction if they are bent upon introducing responsible Self-Government.

The strength of the conservative caste element is so great as to place obstacles in the way and retard the future progress of the Depressed Classes. If the fear that seems to have been entertained by the British Government that if the Depressed Classes are elevated above their station in life by means of education, it would lead to general convulsion of which the foreigners will be the first victims be true, it is high time that the British Government should change that idea and hasten the growth of education and general improvement of the Depressed Classes.

EDUCATION.

The Policy of the Government a century ago seems to have been to educate in Western Arts and Science Indians of high classes who had wealth and influence over the minds of their countrymen, so that English education and civilization may gradually descend from the higher to the lower classes and that the higher classes may be fitted to share in the Civil administration of the country.

The Government should have been well aware at

the time that the lower classes were hated and despised by the higher classes, but they never thought that by such an education and a share in the administration the higher classes would be helped to oppress the lower. The Government should have sought means to impart Western education to the Lower Classes by degrees in order that they may be enabled and prepared to withstand the tyranny and oppression of the higher classes. The Government in their attempts to educate the lower classes instead of taking the responsibility upon themselves and imparting education on a basis of neutrality of religion passed it on to the Christian Missionaries who while getting subsidies from the Government imparted education to the higher classes and converted the lower classes to their religion. Thus the higher classes derived the additional advantage of Western education for oppressing the lower and the lower had the disadvantage of losing not only their faith but also their numerical strength.

Another attempt to educate the Depressed Classes —Panchamas—was made about the year 1892 by a G. O. No. 68, Educational dated 1st Feb., 1893, which was considered as the Magna Charta of the Depressed. When it was put into operation, it was found that teachers from the Depressed Classes were not available and teachers from the higher classes would not condescend to approach the untouchables. The higher classes resented and opposed; the Missionaries who had schools and proselytising agencies, were indifferent to the education of the Depressed Classes unless it helped their own cause—conversion. This G. O. remains a dead letter. The Missionaries had their harvest of intelligent and promising young men and women for over a period of 50 years, leaving the Depressed Community considerably weakened, ignorant and helpless. What the Missionaries have done in imparting education to the Depressed Classes in exchange of their faith, though against their conscience, the Government could have done to the community tenfold by giving education on the basis of neutrality of religion at least by degrees, as the higher classes have advanced in higher education. There would have been enough number of teachers among the Depressed Classes, when the G. O. was passed and the untouchable communities, would have then advanced far ahead. There was neglect—a serious neglect—on the part of the Government for over a century in ameliorating the condition of the untouchables to the extent to which they could have done, if they only cared to do so.

The last attempt the Government made, was to establish a special department for the amelioration of the educational and economic condition of the Depressed Classes. Within a few years of its inception the Ministerial party, in power in the Madras Legislative Council, passed a resolution to transfer efficient higher grade officers and placed instead lower grade inferior officers to work in the District under the Collectors, whose establishments are overwhelmed with the traditional enemies of the Depressed Classes and even attempts were made in the Council to abolish the Department altogether. The Commissioner of Labour was placed in a position to have no direct control over the District Labour officers and the work of the Department in the Districts, was thus crippled. With all the impediments and disadvantages placed on the District Labour officers by the high caste men, the Department managed to establish a fair number of schools in the Districts. Education in these Schools imparted on the basis of religious neutrality is well appreciated by the parents of the Depressed Classes children and it is hoped secondary schools of this kind would come into existence in the various centres.

In the District, Taluq, Union and Village Boards, though a few politically minded men are in favour, the others of the higher classes who sit on these Boards throw their weight so heavily in opposition and hinder the easy and rapid spread of education among the Depressed Classes.

Admission to public schools is not easy. The sense of untouchability and the spirit of hatred still runs high in the Districts. In the elementary schools the teachers from the Depressed Classes are not many and in the secondary schools and colleges we should say nil. So are the Inspectors. I am of opinion that the present system of imparting education through the Local Self-Governing bodies, will not do any good to the Depressed Classes. All schools should therefore be under the direct control of the Government. Education to the Depressed Classes from the secondary to the collegiate course should be free. Municipalities, District, Taluk and Village Boards should contribute to the General Education. The District educational councils should be abolished. Aided agencies that compete with the state institutions should be discouraged.

Compulsory and free education under the supervision of special Agency is the only means by which the Depressed Classes acquire any literary knowledge. But the extreme poverty in which the Government and the Caste Hindus have placed the Depressed parents, does not permit them to feed their school-going children. They are obliged to work for one meal a day. If taken to school these children will be deprived of their midday-meal. Free boarding schools in village centres of untouchables can only solve the problem. The Government that overlooked the education of these untouchables and spent public revenue on the education of the higher classes and the higher classes who were thus benefited and are living upon the lower classes—untouchable labourers need not in any sense lag behind in imparting education to the Depressed Classes from the public revenues. The special educational facilities for the untouchables should be a charge on the Revenue of the Government of India.

INDIANISATION OF THE SERVICES.

The whole of the public service with the exception of the top of it and a sprinkling of Muhammadans and Indian Christians, whose number is negligible, is occupied by the Caste Hindus. The following figures taken from the last Budget estimate (1927-28) will show the number of men in the regular service.

DEPARTMENTS.	Officers Clerks and others.	Menials.
Revenue and General Administration	8,280 ..	6,794
Excise	1,269 ..	3,485
Forest	1,284 ..	2,301
Registration	2,981 ..	1,332
Irrigation	155 ..	137
Justice	6,278 ..	8,518
Jails	378 ..	1,652
Police—Officers 124, Inspectors 358, Sub-Inspectors 1,648, Clerks 755, Constables 26,823	29,688 ..	,61
Medical Health Officers ..	2,481 ..	3,099
Agriculture, Industry and Fisheries	1,615 ..	687
Education—Other than Teachers 2,896, Teachers approximately 62,000	64,896 ..	1,204
Village Officers (Talayaries and Veties not included) ..	40,186 ..	—

To the above if the number of men in the Postal and Telegraph Departments and municipalities are added the approximate number of men employed in all services will be over 200,000. The menials that do repulsive works are excluded.

Out of such a large number, I doubt whether there are even a few hundreds of men belonging to the Depressed Classes. I beg to bring to the notice of the Honourable Commission that in a Province where all the Departments of Government are administered by Caste Hindus, the chances of these small number to rise amidst them are none. The only chance that is left to the oppressed Depressed Classes is, to look up to the "Britishers, whose

earnest breadth of view and inherited liberal traditions associated with their national history render them better fitted for the peculiarly arduous task of ruling mixed populations, such as are found in India, than the Caste-ridden Hindus whose thought and tendencies ingrained by heredity and dominated by insensate, but none the less imperative customs of centuries are concealed by the thin veneer of English education," as stated in a memorial submitted by the Depressed Classes to the Imperial Parliament in 1894. I am of opinion that a very large proportion of Europeans should remain in service till the Depressed Classes also are sufficiently advanced to take their proper and legitimate share in the administration of the country. It is true that with a liberal view to encourage the Depressed Classes and to fulfil the terms of the Royal Proclamation of 1858, the Government have from time to time passed and issued several orders entitling the members of the Depressed Classes to special and preferential consideration in the matter of appointments but experience has shown that all these measures have been rendered futile.

MEDICAL AND ENGINEERING DEPARTMENTS.

When the Medical Department was established the Hindus were averse to enter into that noble profession. Young men of the Depressed Classes with a limited knowledge of English entered that service and rose up to District Surgeons and Health Officers. But eventually when the higher classes also began to seek service in the Department the standard of qualification for entrance was raised so high as to shut the Depressed Classes entirely out of it. Such is the case of the Engineering department also.

THE MILITARY SERVICES.

The Depressed Classes of India even from the earlier days have been a very martial race. When the Britishers recruited men for the army it was the Depressed Classes of Southern India who joined the service freely and fought and conquered for the British in and out of India. They rose to high ranks and distinguished themselves in several heroic deeds. But unfortunately the regiments which contained them have been disbanded, throwing the men out into poverty. I, therefore, think that in organising any system of defence, Government would do well to recruit men from among the descendants of those men of martial spirit. In recruiting young men for officers they may also be drawn from the descendants of retired officers of the disbanded army.

JUDICIAL SERVICE.

From the village magistrate to the Honourable the Judges of the High Court including members of their establishments (excepting sweepers) numbering some thousands are all high caste men. Early attempts should therefore be made for some representation by the Depressed Classes in this important department.

POLICE.

Out of an army of about 30,000 policemen one can count by his finger ends the number of the Depressed Classes men in it. The number of Mahomedans and Christians is not large. A very large proportion of these peace preserving men are caste Hindus—the traditional enemies and oppressors of the untouchables. Most of the trying Magistrates are Hindus—The oppressed are too poor to get justice. I wish to suggest to the Honourable members of the Commission that Government should recruit from the Depressed Classes till the strength of the Depressed Classes reaches at least one fourth of the entire Police force.

JAILS.

The treatment in jails of criminals belonging to the Depressed Classes requires change. However hardened the criminal of a high caste may be he is given light and clean sort of work while a Depressed Classes criminal even if he is convicted of a paltry crime is given hard and dirty work such as scavenging.

LOCAL SELF-GOVERNING BODIES.

These bodies exist for the benefit of the higher classes only. The lighting and sanitary arrangements in the locality of the Depressed Classes are generally neglected as also the institutions intended for the benefit of the Depressed Classes. The extreme poverty of the Depressed Classes generally disqualifies them from the franchise and under the existing conditions, it is absolutely impossible for any member of the Depressed Classes to get into any of these bodies in an open election. Their interests are now represented by nomination. These nominations are generally made by the Presidents of the District Boards and by the Government acting on the recommendation of the District Collectors in the case of Municipalities. The Presidents of Local Boards being castemen themselves and having been raised to their position by the support of the caste Hindus who are mostly the employers of the Depressed Classes labour, often make it a point to undermine the interests of the Depressed Classes in making these nominations. Even in spite of the existence of intelligent and capable men possessing sufficient education and knowledge to understand things, the appointing authorities generally select only ignorant and illiterate persons who can be used as mere tools by the castemen to suit their own purposes against the communities whose interest they are nominated to represent and protect. In several cases such puppet representatives have done much harm to the community and representations made by the members of the Legislative Council to the Ministers to guard against such evils, have only fallen on deaf ears. Self-governing institutions have thus not only denied any benefit to the Depressed Classes but have caused them much harm and ruined their cause in several ways. In 1926–27 out of a total number of 933 village panchayats the Depressed Classes were able to get elected by their own men in 15 panchayats only. In 1926–27 out of a total number of 1924 village panchayats only 149 contained members of the Depressed Classes though the qualifications for these panchayats are only sex and age. In the Panchayat Courts where the qualification being education and property the Depressed Classes have scarcely any chance of getting elected. These panchayats strengthen the hands of the caste land-owners and employers of labour for oppression. I suggest the abolition of these panchayats till the Depressed Classes are able to secure their proper and adequate representation in them. Out of 2,245 institutions only 486 have Depressed Classes members, and, out of 16,755 members there are only 486 of the Depressed. Out of about 3,600 Panchayat Courts and 11,700 Village Munsiffs Courts, the number that have the Depressed Classes members is practically nil. Out of 80 Municipalities comprised of 1,635 members only 52 have 63 Depressed Classes members.

REVENUE DEPARTMENT.

The Indian officials in this Depa.tment have been the root cause for the degradation and miseries of the Depressed Classes. It will be found, with the exception of a few Muhammadans, from the Village Accountant up to the Personal Assistant to the District Collector and even up to the Secretary of the Board of Revenue, the Department is filled with high caste officials, who invariably favour their castemen in land disputes and other matters in connection with cultivation. Encroachments are made on lands in possession of the Depressed Classes and coveted by castemen. A small sum of money is given as loan to illiterate members of the Depressed Classes and on this pretext a promissory note is written and taken from them for higher amount, or a mortgage bond is written and taken from them, on the mortgage of their huts or house sites with castemen as attesting witnesses, and after the lapse of the time limit, they are sued for

high amounts and for possession of the lands and properties and for whatever remains after the recovery, fresh bonds are taken and they are kept perpetually under their clutches and they are never freed unless they emigrate to foreign lands. These people could expect no help from the Revenue Department or from the Civil Courts as they are all filled with caste oppressors. Wages are given for work done by these people in unwholesome grains and in short measures. If questioned, charges such as theft and other kinds are brought against them and are handed over to the Police, where also they find their traditional oppressors in power. To get redress from the Indian officials of this Department, is absolutely impossible unless the District Collector himself pays special attention to the matter. But these Collectors are always transferred from district to district. If the Government had given the untouchables the required facilities for education, at least to understand the Revenue laws and Regulations, their position would not be so very deplorable.

The village officials are all hereditary. I wish to bring this to the notice of the Honourable Commission such hereditary rights should be abolished as it is incompatible with the Democratic Government, which is being established. In these hereditary appointments numbering about 40,000 there cannot be found a few men of the Depressed Classes in the whole Province. On the report of the then Collector of Chingleput in 1891, and as a result of questions put in the House of Commons by Mr. Samuel Smith on that basis, the Board of Revenue, Madras, passed a resolution No. 723 dated 5th November, 1892, ordering the grant of waste lands to the Depressed Classes for cultivation and house-sites, but the Revenue subordinate officials, the caste landowners and employers of labour brought that resolution as they did several other measures, into a dead letter. The Depressed Classes were once the hereditary proprietors of the land and were known as Perumans (Lords). Since the advent of the Britishers, the introduction of English education Arts and Sciences to the higher classes, the denial of such knowledge to the oppressed Depressed Classes and the maladministration of the Revenue Department, the staff of which is completely monopolised by the oppressors brought the oppressed to the present low economic condition, having taken from them all lands they possessed.

In this connection I request the Commission to be pleased to depute one of its members to go into the details of the grievances, and also visit some of the villages which I wish to show.

CONVERSIONS.

Conversion to alien religions weakens the Depressed Classes. It is only the oppression of the higher classes that mainly forces the Depressed Classes to such conversions. Though some of the Depressed Classes have embraced a foreign religion yet to-day their number is about six millions in South India.

It may be imagined by some people that the charge levelled against the British Government that they were not able to elevate the Depressed Classes during the hundred and fifty years of their administration of India though these classes were all along being loyal to the British Throne and peaceful, and the barrier that stands in the way of the political agitator to attain full Self-Government, will both be removed, if the Depressed Classes as a whole are made to embrace religions such as Christianity and Muhammadanism.

It is not an easy affair to convert such a huge population just to save them from untouchability. Though they are so converted, their educational and economic conditions would remain the same. And it would be unfair on the part of the British Government that imparted Western education and introduced European civilisation to the wealthy and influential classes, with a view that such knowledge and civilisation would in due course descend and filter down to the lower classes, to introduce a democratic form of Government before such knowledge reached the lower classes or strata of Sociey, and it would be still worse if they were to directly or indirectly force these Depressed Classes to accept any other religion against their conscience and the faith in which they were born.

Any step in this direction will only shake and undermine the faith of the Depressed Classes in the British Raj, disloyalty will soon spread, and taking advantage of this the Hindu religious propagandists will step in to reconvert and *suddhi* movements will come into play, and thus the Depressed Classes, who are mainly agricultural labourers and who form the bulk of the agrarian population will be led to revolt. The experience of the past had unmistakably shown that though the Depressed Classes were despised and oppressed by castemen and were in poverty, they withheld conversions to other religions.

I, therefore, hope the Commission will not leave the Depressed Classes in confusion to choose between conversion and slavery under Swarajists, but solve the problem by finding ways and means to better their lot by education and economic improvement in order that they may take their due share with administration of the country.

DEPRESSED CLASSES WELFARE.

The castemen in the villages have by their years of oppression brought the Depressed Classes, who are steeped in ignorance and poverty to think that they are the natural serfs of their caste employers and however much they may be oppressed and tyranised they cannot seek the support and help or obtain any redress of their grievances from the Government Officials, who are all caste Hindus. To get redress in such cases there should be a separate department of Government to which they may freely go and represent their grievances. If the Labour Department had been allowed to deal directly with the Depressed Classes as it did at its inception instead of transferring its activities to the Revenue Department under the control of the Collectors, whose establishments are filled with Caste Hindus much more ameliorative work would have been done by this time. In spite of all opposition and harassment by the caste Hindus with the exception of a few politically minded castemen, the Labour Department has managed during the period of 5 years ending 1927–28 to open 1,178 Schools for 42,799 pupils, grant Scholarships, find house sites for 27,329 families, assigned 247,266 acres of land, 1,490 works for water supply, spend for burial grounds, pathways, and established 1,535 Co-operative Societies.

I am, therefore, of opinion that a separate department under the name of "The Depressed Classes Affairs" Department be established and that be a charge on the Central Revenue of India. The local Legislative Council cannot be depended upon as it has the majority of caste Hindus who in 1922–23 tried their utmost to abolish the Labour Department altogether.

In these circumstances Provincial autonomy will be detrimental to the cause of the Depressed Classes.

LABOUR.

The cause of Industrial labour which has been brought to prominence in recent years by the political agitators in India with a view to gain the sympathetic co-operation of the Labour Party in England and which may grow in importance in the future, is, in its numerical strength, negligible when compared to the Agricultural labour. All classes of people, including the Depressed, are engaged in the Industrial labour.

An inquiry into the treatment of Agricultural labour would be an acid test on political agitators, who agitate for the attainment of full self-government. Candidates for election would not dare to speak to their electorate on the improvement of the lot of the agricultural labourers lest they should get no votes from the land-owning classes, who are in great

majority; but would emphasise the necessity for restricting the labourers from emigrating to plantations and colonies to better their prospects.

If the conditions of the agricultural labourers in India and the treatment accorded to them by their high caste land-owning employers are known to the British Labour Party, they would hesitate to make common cause with Indian politicians and help in their attempts at winning Swaraj.

The agricultural labourer, "always badly nourished; clad if at all in the vilest of rags; hutted like pigs; untaught, uncared for and unpitied," as truly described by the Collector of Chingleput in his report to the Board of Revenue in 1890, is still to be seen in many of the villages in the Madras Presidency. The ameliorative work done by the Labour Department and emigration have improved the lot of these labourers here and there a bit, but the general condition of these people remains as deplorable as was 50 years ago. The Dravidian race as stated in another part of this Memorandum, which was reduced to serfdom though freed after the advent of the British administration from the yoke of hereditary slavery and legal disabilities under which they suffered, still remains at the low depth of social degradation with the same practices, same fear and same prejudice. As a rule an Agricultural labourer is rigidly excluded from possession and even of occupancy right, of land. The thought of the labourer acquiring land is abhorred; if he happened to be in possession of any land chicanery sets to work to dispossess him.

"The oriental subtleties and devices practised by the landlord over his labourer when written would fill volumes. The wretch cut off from land, bound frequently by iniquitous contracts holding his very hut at the mercy of his Masters, is obedient as a dog and works for a rack rent or for starvation wages. When a labourer tries to leave his employer's service he is sued in law courts, the most obstinate is brought to reason and every idea of emancipation is crushed out. He is treated as a untouchable and unapproachable, is not allowed to pass through the public streets, public water supply is denied to him, and he is cut off from all social and economic advantage."

So wrote Mr. J. H. A. Tremenhere in his report to the Board of Revenue, Madras in 1890, an extract from which is given as appendix to this memorandum, and the Honourable Commission is requested a perusal of the whole of that report—Board of Revenue (Revenue Settlement, Land Records and Agricultural), 5th November, 1892, No. 723.

There are bond and free agricultural labourers. A labourer who works under the bond system gets the annual emoluments as follows:—

	Rs. A. P.	£ s. d.
Annual wages in cash or grain	3 2 0	0 4 9
If the labourer has borrowed any money the above sum or less is deducted towards interest.		
One midday meal, 6 pies per day	11 7 0	0 17 3
One cloth for a year ..	1 0 0	0 1 6
One-seventh of the harvest from four acres labourer cultivated	21 0 0	1 11 6

If the crop fails the labourer goes without any consideration for the labour he has put in, and if the labourer has a little son the employer feeds him and employs him also and when the harvest time comes for giving the one-seventh share he deducts the boy's feeding charges as well, thereby getting the services of the boy free for the whole year. The result is, the father has the consolation that his son did not starve during the year and the employer thinks that he was justified in getting free labour from the boy as he was feeding him though at the cost of his father, while the boy grows in ignorance. If instead of the employer feeding the boy the father had fed him he would have got the benefit of his labour for himself.

Women whose time is taken up in household work tending the young ones, could hardly be able to work continuously throughout a year. When women are free and fit for work they do not get it five or six weeks in a year and hence their earnings are hardly sufficient to keep them up for those days they worked. The only chance therefore that is left to the labourer, his wife and children, is to emigrate to plantations and colonies. Even that chance is denied and restricted by the land-owning classes through their political agitators. The above figures being approximate may differ from one district to another, but the facts remain all the same.

The free labourer though he works on the same condition more or less, is at liberty to leave his master's service any time he wished.

These relevant facts are brought here to show that the above mentioned land-owning higher classes, who speak of running the administration of this great country through their handful of educated men, cannot be trusted with full responsible government. Had the British Government that proclaimed the abolition of slavery, taken steps to see that it was put into practice, the above state of affairs would not have continued this day and there will be no cause for the Depressed Classes now to complain against the granting of democratic Self-Government for India.

EMIGRATION.

The Government were wise in taking measures to encourage emigration to the Colonies to relieve over-population, unemployment and poverty. This was particularly beneficial to the agricultural labourers of the Depressed Classes as they were removed from the oppression of the high caste land-owners. But at the same time Government were thoughtless in allowing the Indian traders to follow them. The high castemen took to and kept up political agitation to the vexation of the colonists. The emigrants who returned always brought in large amounts of money between eight to ten thousand pounds sterling per month, and after clearing their debts, if any, spent them in buying lands, cattle and other things and lived independent lives. The high caste land-owners, finding that they were losing the Depressed Classes labourers, sent their emissaries to the Colonies to create disaffection in their foreign employers by claiming equal rights, adequate wages and better treatment, while in India they worked through their platform speakers by saying that the treatment accorded to Indians in the Colonies was iniquitous and urging the people to agitate for stopping the emigration. The Government yielding to the false agitations and pious pleadings of the emissaries of the Indian landowners, who have been treating these Depressed Classes labourers hundred times worse than the Colonists, unwisely stopped the emigration and brought the labourers back to India to serve under the Indian land-owners under starvation wages, though they were well aware of the above said treatment. These facts are brought here to show how ingenious the high caste land-owners are who wish to be entrusted with the administration of a country like India. The Government could have stopped the free emigrants and encouraged emigration of labourers. They never took the trouble of ascertaining the feelings of the Depressed agricultural labourers for whom emigration was intended.

FRANCHISE.

The high caste land-owning Hindus having crushed the Depressed Classes down to servitude and extreme poverty, made the minds of generations of the Depressed Classes to think and act according to the dictates of their employers and take their orders as the law of the country. When the minds of the Depressed Classes have been brought to such a state, it is believed, and it is true, that they are incapable

of exercising their independence, free thought and even conscience and discretion against the will, wish and pleasure of their caste employers and their people concerned in the election to the Local Boards and Legislative Councils. This hopeless subservient condition could be improved if necessary measures are taken and handled with care and sympathy. A separate communal election with certain conditions will lighten the difficulty and pave the way for the proper exercise of the franchise.

Panchayats. The election to the panchayats should take place within and in the heart of the Depressed Class location and out of sight of caste Hindus, strictly prohibiting the presence and influence of any caste Hindu, or member of any community not concerned in the election, and should be conducted under the guidance of an official appointed for that purpose. Voting may be by show of hands or by coloured cards representing candidates, dropped in ballot box. Candidates put in and elected should take their seats along with the elected members of other communities and deliberate. Members of the Depressed Classes should be allowed to be seated closely and watch the proceedings of the panchayat without the observance of any caste or creed. The number of members of the Depressed Classes for seats in the panchayats to be according to the proportion of population of the village. Qualifications of members of the Depressed Classes for panchayats and Panchayat Courts to be sex and age only.

Panchayats and Panchayat Courts being the first step to local self-government, necessary facilities should be afforded to the Depressed Classes to get a training in the working of these institutions, so that they may safeguard their interests. The right of appeal for any violation of the rules and for injustice done to the Depressed Classes shall be in the Magistrate of the District, whose decision shall be final.

UNION, TALUK AND DISTRICT BOARDS.

Educational qualification for membership to these bodies may not be observed and other qualifications may be relaxed in the case of the Depressed Classes. Election to these bodies to take place in the Centre of the Depressed Classes locality on the same conditions as for the Panchayats. Election of the Depressed Classes to take place annually for the first three years, then every three years or so.

PROVINCIAL LEGISLATIVE COUNCIL.

The electoral area of the Provincial Legislative Council being large to the extent of a District for election of one or two members, the poverty-stricken condition of the Depressed Classes will not be conducive to contest and return members to the council. The Depressed Classes men require training for some years in local self-governing institutions before they are given the privilege of voting for the Legislative Council. If under the present condition they are made to elect for the Legislative Council undesirable men, that is, men who could not safeguard the interests of the community would be elected through the influence brought to bear upon the voters by the high castemen. The safest course, therefore, to be adopted for the present, would be to leave it to the Madras Provincial Depressed Classes Federation, which has been brought into existence to elect men of ability, who could be trusted to take part in the proceedings of the Council. The names of persons so selected by the Federation to be submitted to H.E. the Governor for confirmation. And the members so nominated shall have the same status, rights and privileges of elected members and shall be eligible for appointment as ministers.

The Depressed Classes being untouchables and agricultural labourers, and forming an important section of the agrarian population, their representation in the Council may be increased.

They may have the right of appeal to the Government of India in case of violation of their rights in the Provincial Council. The present system of Government by "Dyarchy" may be continued till the local self-governing institutions are fairly brought into play and the Depressed Classes take a fair share in the administration and safeguard their interests. The country is immature for Self-Government at present. The measures taken by the British Government to introduce Self-Government, is felt by the Backward Depressed Classes as a force brought to bear upon them for one class of people to rule over the other.

As for *Representation in the Assembly*, I would suggest considering the numerical strength of the Depressed Classes in the Presidency, their number shall be four and they shall be elected by their representatives on the Local Legislative Council.

MISCELLANEOUS.

The term *Depressed Classes* requires to be defined for preparation of correct electoral roll and carrying out ameliorative work for these classes.

Communities that disown the term Depressed Classes, though the caste Hindus treat them as untouchables, and those untouchables that embraced any religion other than Hindu religion need not be included in the category of the Depressed Classes.

Untouchability is a device adopted by high caste men to live upon low caste people by dislocating them from all social economic and political privileges. It is a public offence committed under cover of social customs and religious observances. It is to be brought under penal code for public prosecution.

Co-operative Credit and such other Societies are to be established to relieve the Depressed from the hands of money-lending and land-owning castemen. They may be under direct control of a special Department and not through any political or religious propagandists. A separate Bank is necessary.

SUMMARY OF RECOMMENDATIONS.

1. *Political Advancement.* That the extension of the degree of responsible Government should be to the extent the Depressed Classes of the country are able to share that responsibility by the improvement of their educational and economic standards.

2. *Education.*
   - (*a*) to the children of the Depressed Classes to be given not on any alien religious basis, but according to the religion of the parent —Hinduism.
   - (*b*) Imparting education through the Self-Governing institutions to be discontinued.
   - (*c*) All schools of these classes to be under direct control of the Government.
   - (*d*) Education from elementary to collegiate course to be free.
   - (*e*) Local Self-Governing institutions to contribute to the General Education.
   - (*f*) The District Educational Councils to be abolished.
   - (*g*) Aided agencies that compete with the Government institutions to be discouraged.
   - (*h*) Compulsory free education to be given in free boarding schools in various centres.
   - (*i*) Education to these Classes to be a charge on the Revenue of the Government of India.

Indianisation of the Services.
   - (*a*) A large proportion of Europeans to remain in the Service till the Depressed Classes are advanced to take share in the administration.
   - (*b*) Special consideration to be given to these classes in the matter of appointment in all departments. Minimum educational qualification to be fixed.

Medical and Engineering Department. Educational qualification to be reduced to the required minimum.

Military Service. Members of these classes, and the descendants of those men and officers of martial spirit to be recruited.

Judicial Service. Early attempts to be made for

representation by these classes in this important department.

Police. Government to recruit men from these classes till their strength reaches one-fourth of the entire Police Force.

Jails. Equal treatment to all classes of people to be accorded.

Local Self-Governing Bodies. Members to be elected to represent Depressed Classes on the basis of population.

Revenue Department.

(*a*) The hereditary rights of the village officers to be abolished.

(*b*) A member of the Commission to be deputed to go into details of the grievances and to visit certain villages.

Conversion to alien religions not to be a means to remove untouchability nor better the condition of these classes.

Depressed Classes Welfare.

(*a*) A separate department to be established and that to be a charge on the Central Revenue.

(*b*) Provincial autonomy not to be granted which will be detrimental to these classes.

Labour.

(*a*) The condition of the agricultural labourers to be improved.

(*b*) Higher classes of Hindus, land-owning classes and Hindu capitalists are not to be trusted with full Self-Government.

Emigration.

(*a*) All facilities to be given to agricultural labourers of these classes to emigrate to Colonies, neighbouring States and European plantations.

Result of the Policy of Imparting Education. The fear that was entertained that if the lower classes alone were educated it would lead to general convulsion, has caused immense harm and hardship to the Depressed Classes, leaving them steeped in ignorance, poverty and misery all these long years to this day. But the effect produced by imparting Western education solely to the higher classes was also the same, that is, it has led to general convulsion and the British Government is attacked and attempts are made to wrest the reins of administration of the country from them, after monopolising services in all departments. Besides, they are a source of great annoyance to the British Government by their non-co-operation, civil disobedience, hartals, boycotts and-bomb throwing, rendering the services of the army necessary.

Abstracts from early despatches from the Court of Directors to Indian Government are given below :—

The Hon. Court write to Madras in 1830 as follows :—" The improvements in education, however, which most effectively contribute to elevate the moral and intellectual condition of a people, are those which concern the education of the higher classes—of the persons possessing leisure and natural influence over the minds of their countrymen. By raising the standard of instruction amongst these classes you would eventually produce a much greater and more beneficial change in the ideas and the feelings of the community than you can hope to produce by acting directly on the more numerous class. You are, moreover, acquainted with our anxious desire to have at our disposal a body of natives qualified by their habits and acquirements to take a larger share and occupy higher situations in the civil administration of their country than has been hitherto the practice under our Indian Government.

" We may see, then, how hopeless it is to enforce what your Lordship in Council so strongly enjoined upon us in your letter of the 24th April, 1850—what appears, *prima facie,* so plausible and proper in itself —what, in fact, the Board themselves have very often attempted, viz., the strict limitation of superior education ' to the wealthy, who can afford to pay for it, and to youths of unusual intelligence.' The invariable answer the Board has received when attempting to enforce a view like this, has been, that the wealthy are wholly indifferent to superior education and that no means for ascertaining unusual intelligence amongst the poor exist until their faculties have been tested and developed by school training.

" The practical conclusion to be drawn from these facts which years of experience have forced upon our notice is that a very wide door should be opened to the children of the poor higher castes, who are willing to receive education at our hands. But here, again, another embarrassing question arises, which it is right to notice. If the children of the poor are admitted freely to Government Institutions what is there to prevent all the despised castes from flocking in numbers to their walls ?

" There is little doubt that if a class of these latter were to be formed in Bombay they might be trained, under the guiding influence of such professors and masters as are in the service of the Board, into men of superior intelligence to any in the community ; and with such qualifications as they would then possess there would be nothing to prevent their aspiring to the highest offices open to Native talent —to Judgeships, the Grand Jury, Her Majesty's Commission of the Peace. Many benevolent men think it is the height of illiberality and weakness in the British Government to succumb to the prejudices which such appointments would excite into disgust amongst the Hindu community, and that an open attack should be made upon the barriers of caste.

" It is observed," he says, " that the missionaries find the lowest castes the best pupils, but we must be careful how we offer any special encouragement to men of that description ; they are not only the most despised, but among the least numerous of the great divisions of society, and it is to be feared that if our system of education first took root among them, it would never spread further, and we might find ourselves at the head of a new class, superior to the rest in useful knowledge, but hated and despised by the castes to whom these new attainments would always induce as to prefer them. Such a state of things would be desirable if we were contented to rest our power on our army or on the attachment of a part of the population, but is inconsistent with every attempt to found it on a more extended basis.

" Education and civilisation may descend from the higher to the inferior classes, and so communicated may impart new vigour to the community, but they will never ascend from the lower classes to those above them ; they can only, if imparted solely to the lower classes, lead to general convulsion, of which foreigners would be the first victims.

" If we desire to diffuse education let us endeavour to give it to the higher classes first."

Conclusion. In bringing this, my Memorandum, to an end, I believe the Honourable Commission will recognise the candid expression of opinion as regards the state of affairs of the Depressed Classes and trust that in the scheme of reforms that they recommend adequate safeguards to be made to better the lot of these unfortunate classes.

APPENDIX.

ABSTRACT OF PROCEEDINGS OF THE BOARD OF REVENUE, DATED 5TH NOVEMBER, 1892, No. 723.

SECTION XV.

MISCELLANEOUS OBSERVATIONS.

132. I have now to make some miscellaneous.

observations which have not hitherto found their place.

133. It is not to be supposed that the condition of the Pariahs is equally bad in all parts of the district. In the neighbourhood of Madras and of the salt factories they have to some extent quitted agricultural pursuits and get good wages. On the borders of its ranges, too, mirasi loses some of its most forbidding features (the paracheri site for instance not being claimed), though it is equally true that its example infects non-mirasi villages. Oppression is worst in the three southern taluks, and of these, perhaps, worst of all in Chingleput.

134. There are forms of oppression only hitherto hinted at which must be at least cursorily mentioned. To punish disobedience of Pariahs, their masters—

(*a*) Bring false cases in the village court or in the criminal courts.

(*b*) Obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple.

(*c*) Have mirasi names fraudulently entered in the Government account against the paracheri.

(*d*) Pull down the huts and destroy the growth in the backyards.

(*e*) Deny occupancy right in immemorial sub-tenancies.

(*f*) Forcibly cut the Pariahs' crops, and on being resisted charge them with theft and rioting.

(*g*) Under misrepresentations, get them to execute documents by which they are afterwards ruined.

(*h*) Cut off the flow of water from their fields.

(*i*) Without legal notice, have the property of sub-tenants attached for the landlords' arrears of revenue.

135. It will be said there are civil and criminal courts for the redress of many of these injuries. There are the courts indeed; but India does not breed village Hampdens. One must have courage to go to the courts; money to employ legal knowledge and meet legal expenses; and means to live during the case and the appeals. Further, most cases depend upon the decision of the first court; and these courts are presided over by officials who are sometimes corrupt and who generally, for other reasons, sympathise with the wealthy and landed classes to which they belong.

136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influences to bear upon it in its course from inception to execution. True as this is of the landed classes generally, it is true in a high degree of the mirasidars of Chingleput and Tanjore.

137. People have asked why special attention should be paid to the Pariah when there are other classes of equal degradation. The answer is three-fold: that the Pariahs are far and away the most numerous, are collected into villages and are attached to agriculture, so that we can reach them more easily and do more good by reaching them. Secondly, by raising the lowest stratum of society, you raise all the super-incumbent strata. Thirdly, the disabilities of the Pariahs are in some instances the disabilities of all castes alike. The concessions asked for the Pariahs alone (e.g. in the proposed settlements) are not very great when it is remembered that until so late as the settlement of 1875, special advantages in the tenure of land were being conceded to the Brahmins.*

138. It is also sometimes asked why the State should do anything for the lower castes; why they should not be left alone to find their own level. The answer is that the policy of the State in the past has degraded them, and the State must retrieve its mistakes. We have permitted ancient privileges to survive until they have become anachronisms, and we have created new privileges. These at least can be confined to their minimum range of harm; and the classes who have been kept back in the race of life can be given a new start.

139. In some quarters I have been misunderstood as advocating a policy of throwing open State lands to all comers. This will, I believe, be the statesman-like policy of the future, capable of attracting capital more largely and more speedily than any other. For the present, however, except in the Pariah settlements, I would restrict the right of occupation to residents of the village until such time as the poorer classes shall have had full opportunity of occupying all the land they may want.

140. It is also objected that the present state of the law will not admit of all these reforms. If the reforms be advisable this is only an argument in favour of legislation. The Constitution of British India gives a legislature to the Madras Province; and legislature-like studies are not only for delight and ornament but for utility.

141. I have said nothing about the sanitary condition of the paracheris. It is very bad, and no special attention has been paid to it, nor indeed has the District Board the necessary funds. Some paracheris have no wells; and when drought dries up the surface pools, the inmates have to stand about near the wells of the caste-folk, waiting until some charitable hand shall draw them a little water.

142. Finally, I fear I may be quoted by ignorant or interested persons in support of the "Poor Ryot." The "Poor Ryot" who writes to the news-papers is generally a mirasidar or some other superior landholder who has sometimes never seen his land and does not even know the names of the different varieties of rice. He is perhaps an attorney, perhaps an official, often a schoolboy whom Government is preparing at great expense to take a University degree; but he is very seldom a ryot in more than name. Too often he merely draws rent from his fields, and neither cares nor knows how the cultivator or the farm labourer lives. Sometimes, indeed, he has farm labourers of his own, who live in styes and know kindness neither from God nor man; but he mounts a Madras platform and is eloquent on the subject of the Indian Nation, seeing no inconsistency in demanding equal rights for all.

143. I am afraid of such a gentleman getting hold of one of my paragraphs and instancing it in proof of the poverty of the ryots. I, therefore, am explicit in declaring that the ryot who holds directly from Government is in my estimation a member of a fairly prosperous class. The falsity of the misrepresentations on this subject can easily be demonstrated from the sale deeds in the registration offices, and from the experiments in the yield of crops; but so pleasing a task is beyond my present line.

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* Para. 11, Major Stuart's Settlement Report.

Deputation from the Depressed Classes of Madras Presidency.

The deputation consisted of :—

Mr. V. G. VASSUDEVAN.
Rao Saheb R. SRINIVASAN (Spokesman).
Mr. R. VEERIAN.
Mr. V. I. MUNISWAMI PILLAI.
Rao Saheb V. DHARMALINGUM PILLAY.
Dr. M. V. GANGHADARA SIVA.
SWAMI SAHAJANANTHAM.
Mr. H. M. JAGANATH.
Mr. S. SUBRAMANIA MUPANAR.
Mr. S. VENKIAH.
Mr. A. MURUGASEM.
Mr. P. V. RAJAGOPAL PILLAI.

330. *The Chairman :* Mr. Srinivasan, you are the spokesman ?—Yes.

331. We have before us the list of names of this deputation. We have before us your Memorandum. I notice on page 272 that you ask that the number of seats in all the legislatures for the depressed class representation should be in proportion to the population of the depressed classes ?—Yes.

332. Have you worked out the number in the case of Madras ? You take the view that you form nearly one-fifth of the population. That means about eighteen seats in the present Madras Council instead of 10 ?—Yes.

333. Still on page 272, I see you suggest that at least there must be one member of the depressed classes in the Government of India and two seats in the Provincial Government ?—Yes.

334. There is a most striking proposal which deals with the Army. " Fifty per cent. of the officers " recruited and the majority of men in each unit of " the army should be recruited from the depressed " classes." That is the view of your body ?—Yes.

335. Then you want to abolish the system of hereditary village officers ?—Yes.

336. On page 272, in connection with education, you think that " the subject of the depressed classes " should be made a portfolio under the charge of " the Depressed Classes Member in the Viceroy's and " Provincial Executive Councils and in each province " the ' Protector ' of the depressed classes should " be assisted by a board composed of the members " of the depressed classes " ?—Yes.

337. Those seem to be the main points in the Memorandum submitted on behalf of this deputation. Is there anything else which you would like to say before any others ask questions ?—I do not think so.

338. *Mr. Cadogan :* On the subject of representation in the Services you say " Proportionate " representation in all the Civil Services, Imperial " and Provincial, with special arrangements, should " be provided for the depressed classes." You say in the supplementary Memorandum, page 275, " I am " of opinion that a very large proportion of Europeans " should remain in service till the depressed classes " also are sufficiently advanced to take their proper " and legitimate share in the administration of the " country " ?—Yes.

339. You do not mean that the Services should have proportionate representation at once ?—Not at once. As we advance, we must be given that proportion ; but till then we want the European element in the Services.

340. You think you will be able to find the supply of sufficient numbers from the depressed classes, fifty per cent of the officers ?—Just at present I think we will be able to supply only a portion, not the whole.

341. *Lord Strathcona :* On page 278 of your supplementary Memorandum, under the heading ' Franchise ' you say " The election to the panchayats " should take place within and in the heart of the " Depressed Class location and out of sight of caste " Hindus, strictly prohibiting the presence and " influence of any caste Hindu, or member of any " community not concerned in the election. . . . " And later on you say " Members of the Depressed " Classes should be allowed to be seated closely and " watch the proceedings of the panchayat without " the observance of any caste or creed." I want to ask you whether it has been the experience in the past that members of the depressed classes have not been able to take a proper part in the election of village panchayats ?—They are not able to take a proper part.

342. And that is why you make that recommendation ?—Yes.

343. *Mr. Siva Raj :* On page 272 of your Memorandum under the heading ' Representation in the Legislatures ' you say " The mode of representation " should contain at some stage or other an elective " element." You have not suggested the actual method by which you can secure your object. Would you leave it to the learned Chairman of the Indian Statutory Commission and his colleagues to devise means or would you suggest some means ?—As we have pointed out in our Memorandum, the Madras Provincial Depressed Classes Federation may be recognised by the Government, that this Federation will select members for appointment in the Legislative Council; these will be approved by His Excellency the Governor. The present method of nomination is not satisfactory. If the selection is made to rest with the Federation, the Federation will be able to find out proper persons who could be trusted to take part in the proceedings of the Council.

344. In any case you are against the present system of nomination ?—Certainly.

345. But you would not go so far as to displace the system of nomination by the institution of a separate electorate ?—It is indirect election as I call it.

346. You do not want separate electorates for the depressed classes ?—Not at present.

347. What are your reasons for it ?—Our people are not yet advanced to have separate electorates. Unless you give adult franchise the depressed classes should have no separate electorates.

348. It is said that when the Indian Christians, whose percentage so far as their votes are concerned is much lower than the percentage of the depressed classes votes, can have separate electorate, why not the depressed classes ?—The other classes are advanced.

349. You think that the Indian Christians are more literate and more advanced than the depressed classes ?—Yes.

350. *Sir A. P. Patro :* Do I understand your proposal for representation to be that district Associations should be formed in order to elect proper persons from the depressed classes and that out of those elected the Governor should nominate ?—Yes. I would add that those members who would be selected by His Excellency the Governor should have the same status, rights and privileges as elected members ; they should be eligible even for appointment as ministers. Our experience of the last ten years is that for the first term of the council, the members who were selected to represent the depressed classes were not satisfactory to us because they were selected from other communities. In the second council the position was improved, and in the third it was further improved. But if the selection is left with the Federation we will be able to find out the real persons who can represent the interests of the depressed classes in the Council.

351. *The Chairman :* Tell me, as things are now, does the Governor or the Government not consult or make such inquiries as they can to find out who would be generally acceptable ?—They do, sir, but the recommendation generally comes from the Collector or some influential gentlemen.

352. *Mr. Siva Rao :* You ask for eighteen representatives. Are there associations of the depressed classes in every district ?—Most of them have.

353. Under your scheme you propose that the

Associations of every district should propose a panel of some gentlemen out of which His Excellency the Governor may nominate ?—We will have a central Federation, to which all the district Associations will send a certain number of members. We will make inquiries to find out the capabilities of the persons before recommending to His Excellency the Governor.

354. Would you allow each district to have a member ?—You will have to divide eighteen seats amongst the twenty-six districts; in some cases two districts may be represented by one member.

355. One flaw that I notice in your scheme is that you still want to retain nomination in the hands of His Excellency ?—We cannot help it.

356. At the same time you claim equal privileges with the elected members ?—Certainly; otherwise where is the voice for us in the Council ? For instance, the representatives of the Chambers of Commerce have got the same privileges as those of the elected members.

357. *Rao Bahadur Rajah :* The depressed classes form one-fifth of the population ?—Yes.

358. So out of 126 seats in the council you want twenty-four seats and not eighteen ?—I do not know how it is worked out.

Rao Bahadur Rajah : The point is this : We form one-fifth of the population, and therefore we should get one-fifth of the number of seats allotted to the Legislative Council. If the number of seats is 126 we should get twenty-four and not eighteen.

The Chairman : The precise number depends, of course, upon whether one-fifth is the accurate figure. If you take the Madras Electoral Rules, it mentions ten castes as belonging to the depressed classes. According to the 1921 census the population of these ten castes comes to six and a half millions. If you take the actual census, and the castes which are put together as the depressed classes (they are not quite the same as those contained in the Electoral Rules) it gives you something like 6,372,000. Then if you take the green book (The Madras Government Hand-book) you will see that the figure given is 6,994,000. The other day, Mr. Slater thought that the figure was about 6,500,000. So that something between 6,500,000 and 7,000,000 seems to be right.

Rao Bahadur Rajah : Even if it be one-sixth we should get twenty seats and not eighteen.

The Witness (Rao Saheb Srinivasan) : The more we get the better it is for us.

359. *Mr. Hartshorn :* I do not exactly follow how you say that you should have twenty seats instead of eighteen, if the number of members in the Council is 120. Your population is 6,500,000, which will be fifteen per cent. of the total population ; and fifteen per cent. of 120 is eighteen.

Rao Bahafur Rajah : I have taken the total population of the Presidency as 42,000,000 and the depressed classes as 7,000,000.

360. You are against the present system of nominations ?—Yes.

361. On page 278 of your supplementary Memorandum you say: "A separate communal election "with certain conditions will lighten the difficulty "and pave the way for the proper exercise of the "franchise." Will you please explain what it is ? —It refers to local self-governing bodies and not to the legislature.

362. You are not for separate electorate for the depressed classes ?—Though I am in favour of it, yet the present condition of the people does not permit to have it.

363. But I understood you to say that with adult suffrage you would prefer separate electorates ?—Yes, but our people are not in a position to have separate electorates.

364. At this stage you are not at all for separate electorates ?—Yes, that is so.

365. As an intermediate step your proposition is that you would like to form a Federation consisting of various Associations ?—Yes.

366. But do you not know that now and then mushroom Associations crop up ? How are you going to combat them ?—You have experience as I have. You should know that we have put this Federation on a sound basis.

367. When did you form this Federation ?—Within a year.

368. Was it before the Commission came to Madras ?—It was started before the Commission came to Madras.

369. I did not hear of it ?—We did not advertise.

370. Is it because Mr. Slater, the Labour Commissioner, wanted to start a Federation soon after the arrival of the Commission that you brought this Federation into existence ?—No.

371. *The Chairman :* You know, Mr. Rajah, that we should all willingly listen to this important case from whatever quarter it is presented to us. We should listen to both the deputations. It does seem to me, these gentlemen speak for a large body, and there is no doubt, if I may say so, that the next deputation will also speak for a large body. We want to hear both the deputations.

Rao Bahadur Rajah : I have a very great regard for Rao Saheb Srinivasan, but what I want to point out, sir, is that there is no Federation at present in Madras.

372. *Mr. Hartshorn :* What is the nature of the societies that have been federated ?—We have about seven important sections amongst the depressed classes, and these societies have brought them together. Might I be permitted to say how Mr. Slater's name was brought into prominence ? When His Excellency the Governor was in Chidambaram he expressed the view that he found great difficulty in finding suitable persons to represent the Depressed Classes on the Council. He suggested that a central Association could be formed which could select men for submission to His Excellency for nomination to the council. That was the time when we commenced to work. Of course, we approached Mr. Slater for any suggestions he might make, and on that occasion he gave us some advice. Since then, Mr. Slater had nothing to do with the formation of our Federation. We have proceedings to show that we held several meetings and we have correspondence with several members of the federated associations, which will prove that the Federation is a genuine one. Of course, we did not advertise ourselves as some other bogus societies are doing.

373. Am I correct in assuming that the societies are purely political in character and have been brought into existence with a view to the representation of the depressed classes ?—Yes.

374. That is the sole purpose for which they exist ?—At present we are working with purely political purposes ; but as time goes on we want to start branches which will deal with social matters.

375. *Rao Bahadur Rajah :* I do not want to press this point further, but I wish to place all these papers in your hands. His Excellency, in his speech at Chidambaram, did not ask us to form a Federation, but recognised the present Association as a central body. I shall place all the papers, sir, in your hands and in the hands of your colleagues ?—If you will permit me, sir, this Federation is not the same as the Association which Rao Bahadur M. C. Rajah has been running for the last ten years. He had an Association called the Adi-Dravida Mahajana Sabha. All that was merely a one-man show, and he kept all the intelligent men out of it. We tried several times to reach him, but he kept us out. I am sorry to put it before you . . .

The Chairman : I suggest that it is far better that we should listen, as we are most willing to do, to any constitutional suggestions made by both deputations, because, after all, we cannot go into these matters of controversy. I am just as prepared to listen to the deputation which is coming next as to this one. So I suggest to you that we should not go into that. Mr. Rajah was saying that he did not want to go

into that, but that he had some documents to show us.

376. *Rao Bahadur Rajah:* Are you not for encouraging emigration of depressed classes into foreign lands ?—Yes, and to the plantations.

377. Does not this emigration lift our men up socially ?—You mean in the foreign countries. It does.

378. Supposing emigration stops, what will happen? —They will have to suffer with the local landowners or their employees.

379. Will you kindly tell the Commission whether emigration will help our men or will it go against our aspirations ?—It will help our men.

380. If they emigrate to these foreign lands they come back with much wealth and put up good buildings and can cope with high caste Hindus ?—Yes.

Memorandum submitted by the Registered All-India Adi Dravida Maha Jana Sabha and the Madras Arundhathi Maha Jana Sabha.

On behalf of the untouchables or the so-called Depressed Classes of Southern India who number by precise computation over 7,000,000, we beg to place before you this Memorandum in the hope and belief that you will give such consideration to our plight as the necessities of the case demand. India, especially South India, is a land of castes, and Dravidian though we be, i.e., belonging to the earliest stock, we are kept down in subjection socially and on a pseudo-religious ground by the caste-ridden communities of this province who are either early invaders or a mixed breed of Dravidians and the invaders. There are only two classes here: one is the caste Hindu class and the other the caste-less class to which we belong. Kept down to a life of semi-slavery for centuries, which a westerner would find it hard to understand, much less to believe, poverty is rampant among us and education denied to the vast majority of us. But it is not merely a question of elevation of our economic position that is required and we seek to place before you, but it is the social injustice and inhuman treatment to which we are subjected that we should place in the fore-front of our disabilities before you. We are excluded from the religious services of the temples; we are denied the rights of property; it is stated that it is laid down in the Manu that an untouchable cannot have proprietory rights to any immoveable property. We are denied access to public sources of drinking-water supply; we are denied access to public roads; we are denied access to public educational institutions. The representation that we have in the Services is negligible, and where the benign British Government have sought to elevate our position and give us a voice, at least, in local affairs by nominating our members in Municipal Councils and Local Boards, it will be a common sight to see that these representatives are asked to sit outside the regular hall where the public bodies meet. The mere sight of us is pollution to the caste Hindu. Denied as we are the human and communal privileges, it is no wonder that we look to you and through you to the Crown and the British Government for our salvation. We have no faith in the caste Hindu, whether he is a high class man or otherwise, and the grant of a further instalment of Reforms to placate the politically-minded caste Hindu implies a continuance of the intolerable conditions in which we are placed; it implies the continued rule amongst us of the four devils: Darkness, Debt, Drink, and Disease; it implies not merely our continued submersion in the economic polity but a social tyranny exercised over us for a further period which the British sense of fairness, we are sure, will not allow. It is not philanthropic help that we need from the caste Hindu, but it is our rights of citizenship that we demand and which we feel confident that your Commission, consisting as it does of the cream of the British democracy, will grant to us.

The Commission would have been, in their first visit to this country, we believe, made conversant of our condition and we should emphasise most respectfully that the root of the evil is the caste system, and the social degradation to which we are subjected. Until that social inequality disappears, it would be ruinous to us to advance the politically-minded classes in such a way as to confer on them power to determine our status and welfare. The legislation that we have had and the executive rules and instructions issued from time to time seek to improve our condition to some extent, but of real improvement and of a voice in the administration we have had none so far. To enable us therefore to control effectively both the executive Government and the law-making power of the local Parliament we should have an adequate representation in that Parliament. We have said that we muster 7,000,000 and yet, until recently, we had only 4 seats on the Legislative Council as the Parliament is called locally. Although we are one-sixth of the population we have not been given even one-sixth of the number of seats available in the Council. The Moslems, who form one-fifteenth of the population are given 13 seats at present. The Indian Christians who are less than one-thirty-third of the population are given 6 seats and yet both these communities are far more literate than us and could, even with a reduced representation, influence public opinion and the executive Government in their favour. Unless we form a strong contingent in the future Parliament it will be impossible for us to command consideration both from the executive Government and from the Council generally. The first and most important suggestion that we make and which we respectfully request you to grant us is that we should have at least one-fourth of the total number of seats in the Council. Once this is secured to us, the question how our representatives should get their seats in the Council will assume a minor importance. Although the caste Hindus know that we are a weak and minority community, and although they know that it is on account of their inhuman methods that we have been kept in perpetual darkness, we have often been accused of unwisdom in advocating nomination to public bodies in preference to election. Nomination was and is the only method by which effective representation of a weak community can be secured. We plead that this system of nomination should continue in any reformed Council which you may advocate. If, for any reason, such a nomination becomes impracticable, we beg to suggest that, of the one-fourth of the total number of seats we hope we shall be granted, one-half may be by election and the other half by nomination. It is notorious that in spite of the fact that the various Local Boards Acts provide a statutory maximum and minimum number of members to be nominated to the Councils and Boards constituted under those Acts so as to give representation to minority communities, the caste Hindus in power succeed in shutting out representatives of the untouchables, nominate their own men to these bodies, and by quibbling with the name of the class to which their favourites belong, seek to make it appear that they also come from a minority community. But, on the other hand, in the Provincial Council, we are extremely sceptic that the power of election will assist true and proper representatives coming into it. We submit, therefore, that we should have a separate electorate for the untouchable classes for one-half of our representatives and that His Excellency the Governor should have power to nominate at least for the next 10 or 15 years, eligible and proper persons belonging to our communities who have been unable to get in through the door of election for the other half. The above are our essential requirements. Once our representatives get the power in the Local Council to control Legislation and the services they should be able to secure the community to some extent political, administrative and economic advantages.

The method of election of such of the members as have to be returned to the local Councils has now to be considered. We have heard all that has been said and our leaders have read all that has been written condemning communal representation, separate electorates and so on. The essential argument underlying such a condemnation appears to be that a split in representation or a division amongst electors is not conducive to the merging of all classes, the aim of some politicians and the pride as an achieved object of some others. But we wonder whether it is seriously contended that if now or within the next decade or so a common electorate is constituted caste Hindus will either associate with members of our community with real goodwill or refrain from using our illiteracy to gain their own ends. As we have observed, the social inferiority which they consider we possess will always be turned to good account by them and we would be for ever left behind in the race. It is not

so much a communal repesentation that we ask as a representation of miserably weak communities giving them some special privileges. One such privilege is that we should have a separate electorate. The second is that every man amongst us should have a right to vote. At present, the franchise is determined partly by property qualifications and partly by educational qualifications. The vast majority of the untouchables cannot for the next decade or so aspire to have either of these qualifications and notwithstanding the inevitable set-backs we shall be faced with in the early stages we have no alternative but to ask for adult suffrage.

We feel sure that the Commission would be as interested in our advancement from the economic and educational point of view as from the political point of view. We require free education for our boys and girls, including provision for boarding and lodging arrangements; we require greater facilities for higher education and for special education; we require a net-work of hostels in the province with one hostel for at least one district; we require a vast increase in the representation of our community in the Services; these are matters to be attended to by a special department. There is in Madras, we are thankful to say, a department which attends or ought to attend specially to our needs and grievances. This department has worked with a real spirit of helpfulness since its inception and under the able guidance of the late Sir George Paddison, K.B.E., C.S.I. We require this department to be strengthened and manned by an officer of real goodwill and imagination. The activities of this department are now supervised by the reserved half of the Government. We do not know whether the eventual decision of the Commission would be to withdraw the reserved half and vest the administration of the whole Province in a number of Ministers responsible to the Council. Should such a desire animate the Commission we would strongly urge that the department should work directly under His Excellency the Governor assisted by a European officer who should still continue to be a Member of Council. If that is impracticable or is considered by the Commission against the trend of the evidence which you will collect we would very strongly urge that a single Minister should be made responsible for the activities of the Department and that in any event His Excellency the Governor should have the residuary power to veto any act, resolution, decision, recommendation or other, of the Legislative Council or of the Minister in charge of the portfolio which runs counter to the interests of the Depressed Classes. It is not flattery which we seek to indulge in but a result of experience that has always prompted us to maintain that we should seek justice at the hands of an impartial Britisher rather than in an Indian Member of the Council or Minister. Should the Commission decide that the entire administration should be in the hands of a body of Ministers responsible to the Council, not merely the oversight but the power of intervention in all legitimate cases should vest in His Excellency the Governor whom we shall look upon as our real protector in the new régime. Indianisation of the Services, Indianisation of the administration and Indianisation of the controlling authorities over Finance are all possibly very good for the very advanced and vocal communities, but for the weak communities, who are deliberately shunned by those selfsame advanced communities they are anathema. It is after patient, anxious, careful and deliberate consideration that we submit that we have no interest in such Indianisation and that we shall look only to His Excellency the Governor for the proper administration of the Department to whose care we are entrusted and to that Department for our upliftment if not socially at least from the economic point of view.

We beg to add that representatives of the two Sabhas or Associations of which this is a joint Memorandum will be ready to give oral evidence before the Commission whenever required.

MADRAS.

26th February, 1929.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE, AND OF THE MADRAS PROVINCIAL COMMITTEE.

Deputation from the Registered All-India Adi Dravida Maha Jana Sabha and the Madras Arundhathi Maha Jana Sabha.

The deputation consisted of :—

Mr. R T. KESAVELU, Ex-M.L.C., President Adi Dravida Maha Sabha, Coonoor.

M.R.R.Y. Rao Sahib L. C. GURUSWAMI, M.L.C., Municipal Councillor, Madras; Member, District Board, Chingleput; Member, Taluk Board, Tiruvallur; Member, District Educational Council, Chingleput, and President, Madras Arundhathi Maha Jana Sabha.

Mr. P. V. SUBRAMANIAM PILLAI, President, The Registered All-India Adi Dravida Maha Jana Sabha.

M.R.R.Y. Rao Sahib M. C. MADURAI PILLAI, Ex-M.L.C., Municipal Councillor, Madras; Member Chingleput Taluk and District Boards; President, Madras Adi Dravida Central Sabha, and Vice-President, Depressed Classes Mission Society, Kolar.

Mr. J. SIVASHUNMUGAM PILLAI, Secretary, The Registered All-India Adi Dravida Maha Jana Sabha.

Mr. N. DEVENDRUDU, Ex-M.L.C., President, Adi Andhra Jana Sabha, Rajahmundry.

Mr. KUSUMA VENKATARAMIAH, Nellore.

Mr. S. O. CHOKALINGAM, Ramnad.

Mr. T. PONNIAH, Secretary, Adi Dravida Jana Sabha, Tinnevelly.
Mr. R. THANGAVELU, Municipal Councillor, Thiruvannamalai, North Arcot District.
Mr. VENKATAPATHI, Vice-President, Madras Arundhathi Maha Jana Sabha.

1. *The Chairman :* Gentlemen, we have got here the representatives, I understand, of the All-India Adi Dravida Maha Jana Sabha, is that right ?—(*Mr. Kesavelu*) Yes.

2. And the Madras Arundhathi Maha Jana Sabha ?—Yes.

3. I notice that the heading of the document has been changed from the "Madras Adi Dravida Maha Jana Sabha" to "All-India Adi Dravida Maha Jana Sabha" ?—Yes.

4. Is that the registered name ?—Yes.

5. We see a number of gentlemen before us and I think that amongst them Mr. Kesavelu, who is the spokesman, is the President of the Adi Dravida Maha Sabha, Coonoor ?—Yes, sir.

6. And the gentleman next to you is Rao Sahib Guruswami, the President of the Madras Arundhathi Maha Jana Sabha ?—Yes.

7. We have got your document (of course the document is common to you both) and I notice for example that you want one-fourth of the total number of seats in the council. Do I summarise your view correctly when I say that you prefer that, as at present, your representation should continue to be by nomination but if that was considered impracticable you want one-half to be chosen by nomination and the other half by election ?—Yes.

8. You suggest, I think adult suffrage ?—Yes.

9. You want the special Labour Department to be strengthened and to remain under the Governor ?—Yes.

10. Or at any rate under a minister with the Governor having the power of intervention ?—Yes.

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11. *Rao Bahadur Rajah :* Mr. Kesavelu, this deputation represents two Associations, does it not ?—Yes.

12. You have got another Association also which is combined with you, namely, the Madras Adi Dravida Central Sabha ?—Yes.

13. Is it a registered body ?—Yes.

14. Rao Sahib Madurai Pillai is its president ?—Yes.

15. So you represent three main Associations ?—Yes.

16. Your Association has been functioning very actively ever since 1917, I believe ?—Yes.

17. And your association waited on deputation before Mr. Montagu ?—Yes.

18. That was the only Depressed Classes Association then ?—Yes.

19. And the Government of Madras and the Government of India have been corresponding with the Association with a view to get its opinion on any matter affecting the depressed classes ?—Yes.

20. When the Franchise and Functions Committee came you sent in your Memorandum ?—Yes.

21. When the Lee Commission came you also sent in your Memorandum ?—Yes.

22. When Lord Chelmsford came to Madras you waited in deputation ?—Yes.

23. And also when Lord Reading came ?—Yes.

24. I should like you to give the Commission the true position of the depressed classes in this province. We were told the other day that the degree of untouchability varies in various districts in this province. Is that so ?—No ; in every part of the Presidency the untouchability is very severe and our people are labouring under a lot of miseries.

25. But I suppose it is very acute in Malabar ?—The condition of our people in Malabar is miserable.

26. Can you tell the Commission what are the difficulties there ?

Sir Hari Singh Gour : We know what they are. I do not think we need pursue this point.

The Chairman : I have got the impression (tell me, if I am wrong) that at present on the Malabar side some of these castes get very humiliating treatment.

Rao Bahadur Rajah : I am glad that the Conference is aware of it.

27. *The Chairman :* Is there any gentleman in the deputation who comes from Malabar ?

Rao Bahadur Rajah : There was one, sir, but he could not be present.

28. *The Chairman :* What is the fair view ? Is it in any way better than it used to be ?

Rao Bahadur Rajah : It is improving very slightly in urban areas but not in rural areas.

29. *Mr. Cadogan :* Since the Reforms ?

Rao Bahadur Rajah : Yes. Our Association in Malabar is working very well. It is holding conferences now and then and is agitating for our rights. The treatment meted out to these classes in Malabar is most inhuman. Even when they pass through roads they would have to shout so that the caste man may know that there is a depressed class man near him. Supposing a woman carries a big load on her head and she happens to see a caste man in front of her she should immediately clear the road and allow the caste man to pass even though it might mean her falling into a ditch near by. That is the sort of unapproachability that exists at present.

30. *The Chairman :* What is it that this deputation wants to urge on us ?

Rao Bahadur Rajah : If we have some representatives from Malabar in the legislative council they will be able to bring home to the members of the council now and then the injustice done to these classes. The degree of untouchability is the same in Telugu and Tamil districts. You know, Mr. Kesavelu, that recently a Mala woman (Mala is one of the depressed class communities in the Telugu districts) who went near a well was given a good hammering by a caste man, so much so, her husband had to assault the man and that the caste man has filed a suit in the High Court ? The case is reported, sir, in the *Madras Mail* in its issue of February 7th, 1929. I only want to prove that even in the Tamil and the Telugu districts the problem of unapproachability is very acute. There are instances, sir, wherein teachers belonging to the depressed classes and employed in board schools in the Salem district have been treated very badly.

Sir Hari Singh Gour : The treatment meted out to these people is exactly the same as that meted out to Indians in South Africa.

Rao Bahadur Rajah : I do not know whether it is the same or not ; I have not been to South Africa.

The Chairman : I believe everybody is agreed that everything possible should be done in framing or suggesting a constitution for India which would secure the means for raising the level of life of these poor people. The thing which I am very much concerned to learn is what are the best methods that could be suggested. Of course effective representation is one of the methods.

Rao Bahadur Rajah : Not only in the council, sir, but also in the municipalities and local boards. I have got documents to prove that in some streets in the Tinnevelley district the residents of the place refused to allow the labourers who belonged to the depressed class to metal the roads. They said that they would leave the roads without metalling rather than allow the depressed class labourers to mend them.

31. *Mr. Thomas :* But the municipal council insisted on its being carried out.—(*Mr. Kesavelu*) A resolution has been passed in the municipal council.

The Chairman : I do not want to have a controversy about that fact because I do not think anybody denies that everything should be done that can be done, to secure to the depressed classes their rights. I do not think it is disputed.

Rao Bahadur Rajah : May I correct Mr. Thomas.

A resolution was moved I think in the municipal council to allow these labourers to go and mend the road, but the majority of caste Hindus opposed the resolution saying that they should not mend the road at all, that the road could remain as it was.

Sir Hari Singh Gour : It is a disability from which your community suffers. We may differ as to the details, but the disabilities are very galling. How to remove them is the question. That is what the Chairman asks you. The only solution that occurs to me is to give them a share of power.

32. *Rao Bahadur Rajah :* I wish to put a question to satisfy Sir Hari Singh Gour. He admits that these galling disabilities are in existence in our province at present. In order to get rid of all these difficulties what do you propose ?—We want adequate representation in the local councils and in the taluk boards and municipalities, and to have more educational facilities. We want more schools to be opened and more hostels to be established in every district. We want more scholarships and more facilities for higher studies.

33. You want representation in the council. You have representation in the council now ?—Only a few, five or six.

The Chairman : You have got ten.

Mr. Siva Raj : One is a Brahmin.

34. *The Chairman :* There are 10 members who are nominated to represent the interests of the depressed classes. They may not be the best people to represent, but their number is 10.—We want the best men to be sent to the council.

35. *Rao Bahadur Rajah :* Although you have got representation in the council you have no proper representation. How do you propose to give proper and effective representation to the depressed classes in the council ?—Through election I think we can return the best men to represent our cause.

36. You mean election through general electorate ? —We want a separate electorate. We cannot compete in the general electorate at all.

37. Supposing you are given reserved seats in a general electorate, will that satisfy you ?—No, our people would not be able to get in.

38. If you have reserved seats you can certainly get in ?—But not the best men. Supposing a landlord sets up a servant of his own and makes him stand as a candidate he can get him through and defeat the best man.

39. Will he not do the same thing if a separate electorate is given ?—In course of time our people will be educated.

40. You say you want a separate electorate wherein other influences will not go so far as to bring in undesirable persons ?—Yes.

41. And you are prepared to face these difficulties at the start ?—Yes, that is why we ask for nomination and election for some time. Even in separate election for the whole there may be some difficulties. Even in separate electorates the best men may be thrown out. So for some time to come we want the Government to have the power to nominate certain persons.

42. *The Chairman :* You say in your Memorandum, on page 284 that "nomination was and "is the only method by which effective "representation of a weak minority can be "secured. We plead that this system of nomination "should continue in any reformed council which you "may advocate." That is your view as to how it should be dealt with now, is it not ? I understand that to mean that while of course you hope that with better education a time will come when you can get elected members this deputation thinks that at present the effective representation must be by nomination ?—By nomination, but if this goes on for ever we will be keeping our men in the dark always. So to give them political education we must also have election partly.

43. *Rao Bahadur Rajah :* You are for nomination, but at the same time you want to educate your people to take part in these elections also. For that purpose, in order to make them also true and good citizens, you want to start elections in some places ?—Yes.

44. When you advocate nomination for certain places, will it not be a bar to becoming ministers ? Nominated members cannot become ministers !—But the Government must make a provision to that effect.

45. To what effect ?—That nominated members, particularly of the depressed classes, if the Government think that they are competent men to hold the portfolios of such offices, should be exempted from such rules and appointed as ministers. That is the only course through which our grievance could be redressed.

46. That bar should be removed, you say ?—Yes, it should be removed.

47. That is to say, ministers should be recruited from among nominated as well as elected members ? —Yes.

48. *Mr. Siva Raj :* Of all classes ?—Not of all classes, but only in the case of this particular community. All classes are represented already in the Cabinet.

49. *Rao Bahadur Rajah :* What makes you say that we should start elections in some parts of the province ? Are they in a position to take up elections at present ?—Where we can find that a number of our depressed classes people have got the franchise to vote, that is, have the property and educational qualifications, we may try this experiment. There are certain districts where we can find at least not less than five or ten per cent of the voters. In such districts we may try this experiment.

50. *The Chairman :* You mean in the general non-Muhammadan constituency. You say that five or ten per cent of something is depressed classes. That will be five or ten per cent of the electorate in the non-Muhammadan constituency ?—Five or ten per cent of the general voters.

51. *Mr. Hartshorn :* Have you gone into that matter ? Because we have been told that there is less than one per cent of your community enfranchised throughout the province ?—That is why we want at the same time adult franchise for us.

52. You were saying, I understood, that in parts of the province as much as five or ten per cent. of the total electorate are depressed classes voters, but as far as we have been told about the number of depressed classes persons on the register it is not so.

Diwan Bahadur Reddiyar : The number of depressed classes voters is three or four per cent.

Mr. Hartshorn : We were told the other day that the total number of depressed classes on the register throughout the province was 56,700. We were also told that the total number of depressed classes were 6,500,000 . . .

The Chairman : The two statements may be both right. If you take the depressed classes in the Presidency, about one per cent are voters now in general constituencies, but it may be also correct to say that the depressed class voters are something like three per cent of the total electorate.

53. *Rao Bahadur Rajah :* In our province, the Labour Department is doing work in certain districts ? —Yes.

54. Do you not think that in those districts the members of the depressed classes are slightly educated and that they can understand what an election is ? Of course, not in all districts ; in certain districts the Labour Department is working.

55. In those districts can you not safely start elections since you have the departmental officers to prepare the electoral rolls and so on ?—Yes, we can try.

56. So I think your deputation is of opinion that if at all election is to be started it should be started where the Labour Department is functioning ?—Yes.

57. You say you want adult franchise. If adult

franchise is not granted to you would you suggest any lowering of the franchise at present ?—If it is not possible, of course a lowering of the franchise may do some good for the present. But adult franchise would enable the depressed class people to return their best candidates in large numbers to the councils. I do not think even by lowering the franchise we can get a large number of depressed classes on the electoral roll. There are very few who possess properties and very few who are educated. These are the only two qualifications through which voters could be got.

58. I suppose you are for advocating adequate representation in the public services ?—Yes, surely.

59. Are you in favour of the provincial Public Services Commission ?—Yes.

60. Is it, or is it not your opinion that a member of the depressed classes should find a place on that Public Service Commission ?—If a depressed class member does not find a seat there nothing could be done. In that case there is no use of forming a Public Service Commission at all in the Presidency.

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61. *Mr. Siva Raj :* Your opinion is that a separate electorate can be formed for the depressed classes ? —Yes.

62. In all those districts at any rate where the Labour Department has been working ?—Yes.

63. Do you think that our people are either literate or politically advanced enough to make a success of separate electorates, or will they not still continue to be in the hands of their local landowners, the landowners under whom they work. It is just possible even now in the case of separate electorates for Muhammadans, Mr. S. Srinivasa Iyengar may put up a candidate and get him to the council on account of the money and influence that he has. Do you not think the same thing could be done with regard to those depressed classes ?—Yes, but for how long are we to keep the depressed classes in darkness ?

64. We are talking of facts just now ?—We have to suffer for some time to come. If in the beginning our people are defeated in such elections we do not mind it. That is why we ask for nomination for half of the seats.

65. *The Chairman :* I understand the point is this. He says that as things are, the depressed classes are in so weak a position that they may have to put up with nomination, but he says, after all if they do not get any opportunity of practising the use of elections how are they going to learn it and he suggests it is possible to have some of each.—Yes.

66. *Mr. Siva Raj :* As it is, you know that the depressed class voters vote in the general constituency. Do you think that these ten years have given them any experience or training ?—Yes, certainly. Of course, this year a man may make a mistake, but next year he finds out the mistake and records his vote properly.

67. Would you, for instance, suggest that in the non-Muhammadan constituency, that is the general electorate, the depressed classes must join the non-depressed classes, if I may say so, the depressed classes having different qualification for franchise, that is property qualification for the non-depressed classes and adult franchise for the depressed classes ? Do you think that will serve your interest much better than a separate electorate ?—Even then, in having adult franchise and running in general elections, there is trouble.

68. You agree with me that the number of your voters in that case will be double the number of caste Hindu voters, the Hindus having property qualifications and the depressed classes having adult franchise ? Do you not think it will be better than a separate electorate ?

The Chairman : Do you think it is a feasible scheme. If I have followed you, what you mean is this, that if you have a constituency in which, let us suppose, half the population is depressed classes and half is not, you would not allow all of the half that is not to vote, but you would only allow such of them as had a property qualification to vote, while on the other hand you would allow all the depressed classes to vote. Do you think that would be possible ?

Mr. Siva Raj : The position is so peculiar in this country that we try to solve this social problem through a political instrument, and you yourself have been worried as to how best a constitution can be framed so as to secure the interests of the depressed classes.

The Chairman : I agree. That is exactly the difficulty. You are trying to solve a social problem through political means. You can do something through that but you cannot do everything.

69. *Mr. Siva Raj :* I think this is one of the methods by which you can force the hands of the caste Hindu people to improve the condition of the depressed classes.—That is a noble idea.

70. You want a separate electorate ?—Yes.

71. Do you suggest that you want some safeguards under any system of Government that might be ultimately devised by the Indian Statutory Commission for India or for this Province ?—Yes.

72. In case these safeguards are not properly utilised or if there is a breach of the conditions laid down there for the protection of the depressed classes where would you go for redress or remedy ?—I do not exactly understand your point.

73. Supposing a condition is laid down that your interests ought to be protected according to law, but you find the law is not given effect to, what will be your remedy ? To whom will you complain ?—To the Government.

74. Where is the Government ?—That is why we want, sir, that a man from our own community should be in charge of the portfolio.

75. Would you like the Governor of the province to have certain residuary powers ?—Certainly ; in our memorandum we have stated that.

76. *Lord Burnham :* I want to get quite clearly in my mind how effectively you are going to secure any election at all from your body when you have no register, no Association or nothing on earth so far as I can see to show how many you are, or what you are composed of ?—We have got an Association now formed and registered, and we have got statistics of the number of voters and their names. We have been doing that, and we have been submitting names and representations through that Association.

77. Statistics, of course, depend altogether on the quality, but I do not see how you are going to get any registered depressed class such as will be able to have an electorate. My point is would it not be much better for effective purposes to trust to nomination by impartial hands ?—(*Rao Sahib Guruswami*) I think it is for the Government to collect such statistics and prepare a list of the whole depressed classes population.

78. That is very difficult, because there is no strict line of division—I mean the Sudras and the depressed classes tend to merge in one another, do not they ?—They have already statistics collected.

Rao Bahadur Rajah : There is no merging here ; the depressed class is dealt with separately and the Sudras also separately.

79. *Major Attlee :* How far have you got caste distinctions amongst the depressed classes themselves here in your own community ?—(*Mr. Kesavalu*) There is no difference in our own community.

80. Is it not a fact that there are some depressed classes who do not take water from others ?—No ; that is not the case ; there may be one or two stray cases, but so far I have not come across such cases. Here we can go and mess or mingle with and take water from all depressed classes. You cannot have any such distinction. There may be one or two stray cases in villages where people are not educated.

81. *Khan Bahadur Khalif-Ul-Lah Sahib :* Do you really mean to say that there are no castes among

the depressed classes ? For instance, in the South of Madras, do the Pallas and Parayas inter-marry, or do they inter-dine ?—Of course if they are clean, we closely move with them. I do not think there is so much of restriction with regard to inter-dining and inter-marriages.

82. Does a Palla marry a Paraya woman ?—The difficulty may exist in some villages where people are not educated, but in civilised cities and towns we do not find so much difficulty.

83. *Major Attlee :* We had it on your own evidence that a great number of cases of oppression are in the villages. What I want to know is how far the distinction exists in villages among sections of the depressed classes. Do they or do they not exist ?—In certain villages there may be cases . . .

84. Not there may be, there are ?—There may be one or two cases ; but I cannot clearly substantiate the thing.

85. *Mr. Siva Raj :* May I say a word, sir, arising out of that question ? I am prepared to admit that some difference exists between different sections of the depressed classes. We know that there is difference between a Mala and a Madiga, between a Palla and a Paraya, but my point is this, whether that difference results in the same amount of inhuman treatment and difficulties that are placed in the way of the depressed classes as the difference that exists between the caste Hindus and the depressed classes ? —That remains in every community and every race.

86. *The Chairman :* I am sure that the answer is that the difficulty is not so great. But just tell me this. We know, of course, that some of them are in the lowest scale and some of them we know have got curious customs and do very unpleasant work. Is it the case or is it not the case that a depressed class man belonging to a higher caste would take water from a lower caste man of the same class ?

Mr. Siva Raj : There is nothing like a depressed class man of a higher caste and a depressed class man of a lower caste, sir. Their division, if I may say so, is horizontal.

87. *The Chairman :* You mean it is social ?

Mr. Siva Raj : Yes, they may not mix and so on ; but there is nothing like a difference in the level.

Rao Bahadur Rajah : It was no doubt true that some time ago there were some difficulties, but since 1917 our organisation has been working in all these districts, and we have been holding conferences to bring them all together, but it is the caste man who is behind us that is attempting to divide us by telling people that they are of a high caste and low caste and so on. As a matter of fact we are all merging, and the difference is not so much as they want to make it appear to the Commission. It is they that are behind us who try to make these differences.

88. *Lord Strathcona :* I am not quite clear whether in this part of India if a member of the depressed class changes his religion and becomes, say, a Christian, he ceases to belong to the depressed class or not ?—Yes, soon after he is converted, he ceases to be untouchable ; he becomes touchable.

89. *Lord Burnham :* I have heard it stated that caste Hindus do not recognise that, and that they consider him almost a depressed class man even if he becomes a Christian ?—No.

90. *Khan Bahadur Khalif-ul-lah Sahib :* For instance, are you aware of the controversy that has been raging for the last six or seven years in Trichinopoly as regards the difference between caste Christians and non-caste Christians, and that they are still called depressed class Christians by the caste Christians as they are called ?—I have heard of such cases too in some places.

91. Can you deny that the same difference between caste Christians and non-caste Christians obtains throughout the south of the Presidency ?—(*Rao Sahib Guruswami*) We do not think that it exists throughout the southern Presidency. We have heard that it is in existence in Pondicherry.

92. Do you know the conditions obtaining in the 11 districts south of Madras ? You have no personal knowledge ?

The Chairman : We are going to have a deputation from the Depressed Class Christians on Friday.

93. *Mr. Hartshorn :* Is it your desire that all the persons nominated to represent the depressed classes should be drawn from among your own community ?—(*Mr. Kesavelu*) Yes, they should be drawn only from the depressed classes.

94. How many of the ten at present in the council are depressed class men ?—Eight members are from the depressed classes, one is a Brahmin and one a Christian.

95. There are at present about 130 seats in the council, and that means you are asking, for the present size of the council, 33 seats ?—Yes. We form one-sixth of the population, and if calculated on that basis it would come to more than 25 seats. Unless we have so many seats, there is no possibility of getting our grievances redressed.

96. When you say that you want 33 seats for the size of the present council, are you suggesting that there are 33 well qualified depressed class men available for the purpose of those seats ?—More than 33 competent men will be available, sir.

97. Assuming that the strength of the council were increased from 130 to 200, you would still ask for a fourth of the seats, whatever the size of the council is ?—Yes.

98. In that case you would have 50. Are you satisfied that there are 50 well qualified men of your own community to take those seats ?—Yes, sir. There are men available, but for want of encouragement they would not come forward. Even to hold higher appointments under Government there are a number of graduates among the depressed classes in the Presidency whose claims are not considered. As a matter of fact, when I was a member of the Madras Legislative Council from 1921–23 I was pressing for an appointment for a graduate from my own community, but, for want of encouragement in the Madras Government, that graduate had to go and seek employment in the Mysore Government, and he is still there. My friend, Sir A. P. Patro, who was the then Education Minister, knows the fact. I was pressing the claims of that graduate for three years. Of course, at that time the said graduate was employed under the Mysore Government on Rs100, and when I approached my friend, Sir A. P. Patro, to give him an appointment, he said that he could give him only an appointment on Rs75, and although I told him that he was already drawing Rs100 and that he must take his special case into consideration, that he was a graduate from the depressed class community and start him on a special scale of pay. I was told that it could not be done. Therefore he still remains with the Mysore Government. Such are the cases.

99. *Khan Bahadur Khalif-ul-lah Sahib :* You were offered the ordinary scale of pay, but not any special scale ?—Of course, he promised that.

100. *Sir A. P. Patro :* Replying to Mr. Hartshorn, you said that there are qualified men available for nomination. Are you speaking only of the Adi-Dravidas or the Adi-Andhras when you said that persons are available ? Do you mean to say that there are qualified men available to represent all the 18 sub-sections of the depressed classes who are different and distinct from one another ?—All the sections of the depressed classes.

101. According to the census the Adi-Dravidas and the Adi-Andhras form only about a million and odd, and the rest all come from the other sections of the depressed classes. Do you know that, as a matter of fact, it is impossible to recruit from all the other castes, for instance, the Holeyas, the Arundhatiyas, and so on ? For want of education and want of proper training it is absolutely impossible to get men from these castes to represent them effectively ?

—Practically for the men available we cannot find appointments.

102. So, we will be correct in saying that there are men available only among the Adi-Dravidas and Adi-Andhras, but not in other castes ?—Of course.

103. Has Mr. Kesavelu anything to do with the Arundhatiya Central Sabha ? Is he a member of that Sabha ?—I believe Mr. Guruswami is concerned with the Arundhatiya Sabha. (*Rao Sahib Guruswami*) It is not the Central Sabha. May I know when it was started ?

Sir A. P. Patro : You ought to know when it was started.

104. *The Chairman :* I want you to explain this to me. I see now that there is the Adi-Dravida ; it is the name of a caste ; and I think the other name here is the Arundhatiya. That is a name which is often employed for a leather worker ?—Yes.

105. It corresponds very much to what is called the Chakkilian or the Madiga ?—Yes.

106. Your Association also represents the Maravars—Yes, sir.

107. What I wanted to be clear about was whether you thought you could be said to include in your society all the members of the different depressed classes ?

Rao Bahadur Rajah : The term " Adi-Dravida " was adopted only about seven years ago, and before that " Paraya " was the term employed, and so some are returned as Parayas and some as Adi-Dravidas. The depressed classes in the southern districts are called Adi-Dravidas, while the depressed classes, such as the Malas and the Madigas, in the Telugu districts are called Adi-Andhras. What the witness wants to bring out is that although there are capable men available from one of the sections they are not able to provide appointments for them, and then what is the use of saying that there are not educated men available in the other communities ?

108. *Mr. Thomas :* You have stated that the depressed classes who become converts to other faiths cease to become depressed. Do I understand you to mean that that applies to social matters ?—Yes.

109. So far as the economic conditions are concerned, even the depressed classes who become converts remain in the same condition. Do you agree with me ?—We do not think so. (*Mr. Kesavelu*) Besides, the untouchability ceases thereby.

110. But the economic backwardness continues to be the same ? Even for the depressed classes who become converts special treatment and consideration is required ?—There are missionaries to take up their cause.

111. Do you know that missionaries find it very difficult to run their institutions ? They are closing down their own institutions year by year ?—(*Rao Sahib Guruswami*) As soon as a man is converted to Christianity he is encouraged in all directions.

112. How ?—By several methods.

113. Would you say that the caste Hindus, the Brahmins or the Vellalas, make any difference between an Adi-Dravida or Adi-Andhra and a Christian ?—No.

114. They treat both of them in the same way ?—Yes.

115. Do you agree that so far as the Christians are concerned, they treat the converts from the depressed classes as they treat themselves ? That is, there is no social disability attached to the convert within the Christian fold ?—That is so.

116. You were talking about certain methods of nominations and elections to the council. With reference to representation on the local boards, would you ask for nomination or election or partly one and partly other ?—Totally nominations until some time to come.

117. *Sir Arthur Froom :* You say you want more representation in the councils to enable you to control effectively both the executive Government and the law-making power of the local Parliament. Are there any laws on the Statute book of the Madras Government which operate against the depressed classes at present ? Is there any discriminatory law in this Presidency which operates against the depressed classes ?—(*Mr. Kesavelu*) I do not understand you.

118. *The Chairman :* The question put to you is this. Are there any Acts which anywhere say that this shall not apply to the members of the depressed classes as far as the law goes ?—No.

119. *Mr. Hartshorn :* I take it that your disabilities are more social than legal ?—Yes.

120. *Sir Arthur Froom :* What do you achieve by getting greater representation in the provincial council in Madras ? Do you anticipate the making of a law in favour of the depressed classes ?—No.

121. On page 285 you say that there is already a department in the Government of Madras which looks after the depressed classes ?—Yes, the Labour Department.

122. You go on to say that if there is any advance in the Government of Madras and the various departments are transferred, you want the Labour Department not to be transferred ?—(*Rao Sahib Guruswami*) Yes.

123. You want to preserve it under a member ?—Yes.

124. Is that logical with your position of increased representation in the provincial council whereby you hope to control the executive government ?—As soon as adequate representation is given we do not think we will be able to build forts within a few days. This department must exist until some time to come, until the depressed classes raise their heads. (*Mr. Kesavelu*) In 1921 there was a proposal in the legislative council to abolish this department.

125. Supposing your representation was increased to the extent you desire, would you not be better off if this department is under the control of a minister ?—(*Rao Sahib Guruswami*) No.

126. *Mr. Kikabhai Premchand :* Your main desire is to rise to the status of the caste Hindus, is not that so ?—Yes.

127. So would it not be better to have a joint electorate whereby you will be voting for the caste Hindus, so that they will have to look to your interests, and if you have a separate electorate, do you not think you will be permanently classed as depressed classes and you will not be able to raise your standard ?—(*Mr. Kesavelu*) For some time to come we should have a separate electorate. Even under the present system some of the depressed classes vote for the caste Hindus and return caste Hindus to the council, but their interests are not safeguarded by their representatives.

128. But if you have joint electorates some day you will come up to the grade of the caste Hindus ; but if you have a separate electorate you will be classed as depressed classes for ever ?—We want this separate electorate for some time, till we come up to their level. (*Rao Sahib Guruswami*) If you think that the term is not applicable, you may call it special electorate for the depressed classes.

129. Even reservation of seats will come to the same thing ?—We want separate electorates.

130. *Raja Nawab Ali Khan :* You want adult suffrage ?—Yes.

131. Have you any objection to that principle being extended to the other communities as well ?—No. Our people are very poor and they have no influence in the country. It is for that reason that we ask this. But if you think that for other communities it is necessary you can have it. We have no objection.

132. *Sir Hari Singh Gour :* You want a nominated minister ?—(*Mr. Kesavelu*) Yes.

133. You want a provision made in the Statute that a nominated member of the council is eligible for ministership ?—Not exactly that. If an elected member is not available, then what is to be done.

134. If that is the position, then again you will be

a depressed minister, because you will be a minister in default, in the absence of an elected member. You want to introduce your depressed condition into the Cabinet ?—To safeguard our interests we want our man.

135. That is exactly what I say. Everybody will then say, " Look at this minister ; he is only here as a nominated minister because an elected minister could not be had." That will be the position ?—If an elected minister is not available from our community then we want a minister to be nominated from our community and entrusted with the portfolio concerning our class.

136. Do you not think that the chances of a nominated minister in these circumstances which you have stated are remote ?

The Chairman : He has given his view.

137. *Sir Hari Singh Gour :* Do you not think that the appointment of a nominated member as a minister is inconsistent with provincial autonomy and the grant of responsible government to the provinces, whereby the responsibility is with the people and not with the constituted head of the government ?—This is why we ask the Commission to make a provision of this sort.

138. That will take away from the fulness of autonomy and responsible government. Have you realised that ? I will just read to you a passage from the Report on Ceylon Reforms, pages 90–91 : " Even " within the same racial and religious community " caste distinctions may be responsible for rigid " division of classes. These diverse elements and " distinct classes, even if not antagonistic to each " other, are in more or less separate compartments, " this resulting in a lack of homogeneity and of " corporate consciousness which make it difficult to " achieve any national unity of purpose. Communal " representation was devised with a view to assisting " the development of democratic institutions in " countries of different races and religions and in the " hope of eliminating the clash of these various " interests during elections. It was expected to " provide, peacefully, an effective legislative assembly " which would give a fair representation of the differ- " ent elements in the population and would also tend " to promote unity. Unfortunately, the experiment " has not given the desired results, but has had, " if anything, the opposite effect. The representatives " of the various communities do not trust one another, " and communal representation has not helped to " develop an uniting bond of link. The minority " communities are fearful that any prepon- " derance of governmental power held by another " community will inevitably be used against them " and are keenly on the alert for signs of discrimin- " ation." The position, therefore, is a complete disintegration of the Opposition in the council and the destruction of that homogeneity and corporate consciousness which is the aim of yourselves and ourselves towards the formation of a national government. Do you not think so ? How do you get over this very difficult question ? You belong to the same religion. You have the same racial affinity, and the setting up of separate electorates within the same class and the same community would be destructive of that homogeneity and corporate consciousness which is necessary for the working of all democratic institutions ?—There is separateness in everything.

139. The next point is, supposing that your representation in the local council was given to you upon a basis of forming electoral colleges, not direct but indirect elections, then every adult member of your community will have a vote to appoint a number of delegates, and these delegates send up so many people to the local council. That would secure your election and proper representation to the local council. What objection have you got to that ?—If adequate numbers are there I think there is no need for such a thing.

140. *Sir Sankaran Nair :* I am asking you this question so that you may have that in view. It was assumed throughout the discussion that your disabilities are social. You have stated in your Memorandum that all your disabilities are said to be imposed upon you by the Code of Manu. It is the Hindu religion that has imposed these disabilities ?—Yes.

141. You see the difference between the two. In the one case you have got to get rid of the system—the system based upon the Hindu religion—for any reality to be given to you with the consent of the Hindu castes. In the other case it is only social usages that have to be got rid of. Now do you stand by the allegations in your Memorandum, or by many of them, that all these disabilities from which you suffer are disabilities imposed upon you, at any rate, according to the caste Hindus, by the Hindu religion, in which case what you are up against is the Hindu religion and the Hindu caste ?—We are not against the Hindu religion.

142. That is not my point. What is the position that you take up ? Do you think that the disabilities are imposed by the Hindu religion, or do you think that they are simply social disabilities which can be got rid of ? If it is a question of religion you cannot expect any help from the orthodox Hindus ?—(*Rao Sahib Guruswami*) It is the caste system that is responsible.

143. Are you prepared to fight the Hindu caste system in the councils to get rid of your disabilities ? I simply want to clear the issue. While we make recommendations the recommendations must have reference to the issues that have to be faced ?—We cannot fight these religious questions in the council.

144. If it is your view that the caste system is based upon the Hindu religion and that the caste system is responsible for your disabilities, and to get rid of your disabilities you have to get rid of the caste system, then your task will be a tremendous one. Without the help of the caste Hindu, at any rate as long as we have the British Government, you will not be able to get rid of the caste system. I want you to realise that.—(*Mr. Kesavelu*) It is really a very big problem.

145. So far as I am concerned you need have no doubt. I am prepared to assist you and to join in your fight. Perhaps Dr. Gour might also join us, but after all two or three men cannot do anything. Do you realise the issues which are before you, because when you talked of the remedies in answer to a question put by Sir Arthur Froom you did not appear to have clearly realised the issues ? I want to know whether you think that it is a religious question or simply a social question. If you do not like to answer the question I do not want to press you.—We realise that it is a very difficult question.

Sir Sankaran Nair : Then I will leave it there.

146. *Dr. Suhrawardy :* Do I understand rightly that there are 10 nominated members of the depressed classes in the local legislative council ?—Yes.

147. Would you then kindly explain your answer to Mr. Hartshorn that there are 8 members of the depressed classes and one Brahmin and one non-Brahmin ?—I am very thankful to you for putting this question. Of course, Government have allotted 10 seats for the depressed classes and they have nominated 10 members. When my friend, Rao Bahadur Rajah, who was a member of the Madras legislative council, was nominated to the Assembly his place in the local council fell vacant, and our organisations throughout the Presidency suggested names from our own community for filling up the vacancy. But the Government nominated a Brahmin.

The Chairman : The reason is because of the language of the electoral rules. The rule is that ten persons shall be nominated to represent the depressed classes. It does not follow that the person nominated to represent the community should be a member of it. He might be a missionary, for example.

Sir Hari Singh Gour : In Assam we had a similar instance, sir.

148. *Dr. Suhrawardy :* Can the Brahmin be in any sense considered to be a representative of the depressed classes ? Is it simply because a seat fell vacant that it was given to a Brahmin without regard to the depressed classes ?—Without any regard to the depressed classes the Government have nominated a Brahmin.

149. Is this gentleman, though a Brahmin, working for the uplift of the depressed classes ?

Rao Bahadur Rajah : He is doing some work.

Dr. Suhrawardy : The point is that this gentleman does not belong to the depressed classes.

The Chairman : You see, Dr. Suhrawardy, a good example to take is a missionary. One can imagine the view that a gentleman who is devoting his life for the uplift of the depressed classes may be a suitable person to nominate to represent them, though he is not a member of the depressed classes. One of my colleagues reminded me that we had such an instance in Assam. My recollection is that we had also a similar instance in Patna.

150. *Sardar Shivdev Singh Uberoi :* May I know how does your community stand in the matter of education ?—We are very backward in education.

Memorandum submitted by the Kodava Sabha, Mercara.

The Kodava Sabha stands as a representative institution of the landed interests in Coorg with special reference to the jama holders, who in fact are the main inhabitants of Coorg, holding the major portion of private lands in the province and who, besides control the public and economical life in the province. It has a membership of a thousand members and has in its fold almost all the sons of soil, of light and learning. The Memorandum put forth by the association has the unanimous consent of the members and further has the backing of all the Coorgs. This Sabha has confined its attention in the Memorandum mainly to the problems within the province of Coorg.

2. The smallness of the province combined with its straitened finances have been made use of by some people outside the province, to enlist a few of their brethren here to advocate the question of amalgamation of this province with the Madras Presidency on the one hand, or in the formation of a Carnatic Province on the other. Financial stability of the province will be taken up later, but for the present this Sabha feels that it must place its emphatic protest on any question of either amalgamation to Madras, or in the formation of a Carnatic Province with Coorg as an integral part of it. Coorg has been from times immemorial a separate province and came under the British rule not by conquest or annexation but by the unanimous consent of the Coorgs, who even then obtained a pledge from the East India Company that their province should be governed separately and that their individuality, traditions, manners, usages and privileges should be maintained, protected and perpetuated.

3. It will be more than clear to any one that the people of the province have an aptitude to live and work under a system of responsible government as is seen from the working of the Provincial Council, the District Board and the Municipalities. The percentage of the persons who took part in the general elections which is on an average 75 per cent. and at times amounted to nearly 90 per cent. of the voters is not only a clear indication of the interest taken by the voters and the value attached by the people to the vote, but also a justification of the people's eligibility for responsible self-government. The conduct of the business of the council, the quality of the debates and the general good temper and decorum that guided the discussion of the members are proof positive that the people of the province have acquired a keen interest and taste to representative forms of government. The rules of debate and of business have been assimilated by the members of the council even though they had no experience whatever prior to 1922. A comparison between the Indian non-officials and the European non-officials drawn from the highly trained democracy of the United Kingdom shows clearly the rate at which the Indian members have progressed, and it is significant to note that some at any rate of the Indian non-officials have proved themselves to be at least the equals of the officials in questions relating to the technique of Parliamentary Government. These facts will leave no one in doubt about the success of the working of the existing council and of the fitness of the people to march ahead.

4. The plea for an adult franchise may be accepted as the goal, but the Sabha feels that it is too premature to be seriously considered. The plea of making literacy as the basis of franchise is also unacceptable to this Sabha, inasmuch as both these methods, if resorted to will give votes to people who may really have no interest in the country. This Sabha feels that the present basis of the franchise has worked satisfactorily and that the same may be accepted now also. The opinion that the present basis of the franchise is too liberal is not favoured by this Sabha, for above all things it feels that there has been very few or no cases of a wrong exercise of the vote. This Sabha feels that with a view to give an impetus to education it may be made possible to give a vote to such of those who have gone through the School Final Examination irrespective of any payment of tax to the Government. The qualification of a candidate may, however, with advantage be brought on a par with those found in the adjoining major Province of Madras. It may be found, however, that apart from the payment of the required assessment fixed as the qualification for a candidate, it may be found advantageous in this province, to prescribe a qualification of *literacy either in English or Vernacular*. The present rules which allow an illiterate person to be a member is not conducive to proper and efficient management of the council business. This Sabha further strongly urges the enfranchisement of women both as voters and candidates, as the ladies of the province are comparatively far more literate than their sisters of other provinces who enjoy this liberty.

5. The present system of giving plural votes to a voter consequent on a constituency being called upon to return more than one candidate must cease. This Sabha is of opinion that a constituency must return only one candidate, and that in cases where either any interest or community has more than one seat in the council, then the constituency of that interest must be divided into as many constituencies as there are seats on a territorial basis arrived at by the calculation of the number of voters in each area or locality. The present jama and non-jama electorates have worked satisfactorily, and as such this Sabha feels that it ought not to be changed. Any innovation either by way of general electorate with or without reservation may not work so smoothly as it has worked up till now, and as such may lead to unnecessary complications. The criticisms levelled against constituencies of special interests are not to be seen in this place as all the constituencies except the nominated member for the depressed classes represent only landed interest. The electorates of the provincial council may with advantage be copied by the district board if it is to continue hereafter. The present seats for sagu constituency in the provincial council have been unfairly distributed, with the result, that while in one constituency a candidate has been returned by 200 voters, in another constituency a candidate is returned by 2,000 voters. This inequality must cease, and the sagu seats in the provincial council must be distributed in a more equitable basis.

6. The members of this Sabha feel that an individual may be given votes in different electorates if that person has the requisite qualifications prescribed for the said electorate. If, however, this is found unacceptable, on the ground that no man should get more than one vote, then this Sabha claims that the option of a voter, who has got the requisite qualifications in more than one electorate, must prevail as to the electorate in which he has to exercise his vote. The present rule which compels the son of every jama-holder to vote and stand for a jama constituency irrespective of the fact that he has no qualifications for a jama seat, and irrespective of his desire not to stand for a jama constituency, but to stand for a sagu constituency on account of his qualifications and influence in the latter, is inequitable and must be abrogated, and that person must at least be given the option of enrolling himself as a voter or candidate in the constituency he likes.

7. The power of initiative, referendum and recall which proceed upon a mistrust of a representative by his constituency is not justified under the present circumstances when a member is to hold a seat for only three years. These methods may be adopted when and if necessary after the same is adopted elsewhere and in case its working is found satisfactory.

8. This Sabha is of opinion that though Coorg did not know anything of responsible government even in the matter of local and district boards up till recently, yet it has made very great progress in this form of government. Coorg which did not know anything of

journalism has to-day, after the lapse of little more than two years of council government, found its way to start three journals, of which two are weeklies representing different shades of opinion, and it is interesting to note that the advocates of the theory, that there should be only one non-official opinion in the province to fight the Government better, are losing or have lost their hold on the people, who have come to realise that real democracy can flourish only where divergences of opinion are honestly felt and expressed. As a consequence of this, people have been educated in the undercurrents of the council government in a way and at a pace not to be found in major provinces.

9. This province has thus made up very much of the lost time in accumulating experience and the principle of responsible government and democratic institutions, and this Sabha feels that with another decade, if the same rate of progress is maintained, of which there is every hope, this province will be on a par with the major provinces. The smallness of the province, if it is a disadvantage on one side, has more than compensated itself in the increased facilities which it has given to the people to know the details of responsible government. With the increase of journalism above named, the beginnings of party system have come into existence, and though it cannot be definitely stated that there are parties with definite crystallised opinions on different subjects, yet it can safely be said that the beginnings of party system has been made, and with it the beginnings of a system of principles guiding the people rather than persons guiding the people on any question. The want of anything like an effective and real power in controlling the budget and shaping the administration has probably acted as a hindrance for the healthy development of a party system and informed public opinion, and this Sabha feels that with an increased power to the council the rate of the development of informed public opinion and the growth of party system will be very much more accelerated. The isolation of Coorg, its smallness and the very recent experiment of council government tried in it, have all contributed towards the retardation of party system and the growth of informed public opinion, but, as pointed out above, a very good beginning has been made on these two lines and that the rate of progress is very much more in advance of those found elsewhere in British India.

10. The present council has only one nominated member to represent the depressed classes, and the principle of nomination is not acceptable to the Sabha, but it feels that in practice this particular class cannot at all get any voice whatever, except through nomination. This Sabha feels that after a lapse of ten years it may be possible to find a way to get rid of this nomination.

11. Regarding the question of nominating the officials also, this Sabha is not in sympathy, but here again, this Sabha feels that for a period of at least ten years the officials have to be nominated so as to ensure a proper administration of the country. In short, it is the opinion of this Sabha that though the principle of nomination is undemocratic and undesirable, yet it could be got rid of only gradually, and it feels that after a lapse of ten years the question of nominating the officials will be entirely dropped, their places being taken up by the Ministers.

12. This Sabha feels that the District Board in Coorg is an anomaly. The smallness of the province which corresponds more or less to a district of the Madras Presidency in area, argues against the continuance of the District Board, whose functions may, with advantage, be taken over by the Provincial Council. This step will give ampler room for the Provincial Council to function, and will also give the provincial officers sufficient work. If this step is taken, then the question of the relationship of the officers of the Provincial Government with the District Board will end. The present powers and functions of the municipalities may continue, and it may be made obligatory that the sanction of the Provincial Government be obtained for every expenditure involving more than a thousand rupees. The municipal constituencies may, with advantage, be made general without bringing in the question of communal electorates or special interests. The municipalities may be divided into wards and each ward be asked to return its member.

13. *Provincial Government.*—This Sabha feels that the present strength of the council is sufficiently large, and that there is no reason for increasing the seats or changing the electorates. This Sabha feels that the power of passing the budget must be extended to the Council, and that the power of certification, which may be vested in the Chief Commissioner, if exercised, must be so exercised with the approval of the Governor-General in Council. The question of running the administration through the Ministers, chosen from amongst the elected members of the council, though very desirable, over which the Sabha is very anxious, yet on account of the smallness of the experience of council government gained by the people, and on account of the financial stringency of the province, it is not advisable for another ten years to come. This Sabha feels it is only as a caution that this step is to be advocated, though the Sabha feels that there are sufficient numbers of non-officials in the province, who can well run the administration of the country. This Sabha urges, however, that in the place of Ministers, a provision for the formation of standing committees elected by both the official and non-official members of the council from amongst the non-officials, be made to co-operate with, and advise the Government on all matters of general and departmental administration, and thus a way will be found to meet the aspirations of the people and solve the exigencies of finance. This Sabha had had to put forth this plea instead of a plea for dyarchy as the experience in the major provinces point to the impossibility of the smooth running of dyarchical form of government. This Sabha feels that in case of difference of opinion between the standing committee and the Commissioner or the other heads of departments the matter has to be decided by the Chief Commissioner to whom the question has to be submitted with the official and the non-official views concerned. The smallness of the province and the powers of the council do not warrant any serious consideration of a second chamber to the provincial council.

14. This Sabha feels that both as a matter of right and equity this province must be represented in the central legislatures and that the same must be by election. This Sabha feels that there should be two seats in the Legislative Assembly with the reservation of one for jama constituency and one seat in the upper chamber. The qualification of the voters and the candidates for these constituencies may be on the same lines as those found in the major provinces with such modifications with regard to the question of payment of assessment as to ensure a sufficient number of voters and candidates in the province. It will not be possible for this Sabha to lay down any specific propositions on these qualifications without at the same time taking into consideration the provisions elsewhere. This Sabha shares the opinion of every man in the province about the necessity of a representation of this province in the central legislatures. The present exclusion is neither justified nor tolerable. This Sabha is emphatic in having the central legislatures as a bicameral institution.

15. The geographical position and the nature of the country makes the question of transport a matter of more than ordinary difficulty, and this Sabha feels that the failure of the central government to extend even a feeder line of railways in spite of the fact that more than a crore of rupees has been taken away from the slender resources of this tiny country is a very great handicap on the progress and prosperity of the people of this province. Coorg, after nearly a century of British rule, with a surplus revenue has not been given the benefits of railway, neither

can it be said that the Government has compensated this by any large network of good roads. This Sabha therefore urges that in consideration of this handicap, the central Government will forego its present claim of the income tax of the province.

16. The crushing cost of the top heavy administration is responsible mainly for the unstability of the recent budgets. The engineering department and the forest department need thorough and radical retrenchment and this Sabha feels that in these two departments only a saving of sum of at least a lak of rupees could be effected without affecting the efficiency of the department. The question of the cost of administration of the province in the other departments also need a thorough revision in the hands of a capable committee.

17. This Sabha is emphatically of opinion that the judiciary must be independent of the executive. The present system of investing the Chief Commissioner with all the powers of a High Court is not desirable and requires a change, and the functions of the District Superintendent of Police and the District Magistrate must not in any case be confined in one and the same person.

The judiciary must be subordinate to the High Court, which may be composed of judges chosen from amongst the judges of the other High Courts to sit along with the Chief Commissioner once in a quarter for such days as may be necessary. This Sabha is also of opinion that appeals from the High Court must be for a Supreme Court of India constituted to sit in some suitable place in India.

18. This Sabha feels that the Territorial Force is an excellent institution and deserves encouragement of the Government in every way. The Territorial Force has been a success in Coorg, and it is generally felt that it is one of the surest methods by which a military character could be fostered amongst the people after the long lapse of any military training and the enactment of the Indian Arms Act. This Sabha feels that before drastic changes about the defence of India could be considered the Government should find its way to make the Territorial Force movement a success, and side by side with it a provision may usefully be made in the curricula of studies in the schools and colleges by which a preliminary military training can be compulsorily imparted to the students. This Sabha while dealing with this subject feels that the present attempts by which some sort of restrictions of the Indian Arms Act which is extended of late even to the Coorgs are unjustified, and goes against the pledges given to the Coorgs when they handed over the administration of their country to the East India Company, and this Sabha therefore submits that such extensions must be cancelled.

Mercara, (Sd.) M. NATCHAYYA,
6th May, 1928. *President of the Kodava Sabha.*

MADRAS.

28th February, 1929.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT MR. HARTSHORN), AND OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND RAO BAHADUR RAJAH), AND OF THE MADRAS PROVINCIAL COMMITTEE.

Deputation from the Kodava Sabha, Mercara.

The deputation consisted of the following :—

Mr. M. NACHAYA, President.
Mr. A. B. CHENGAPPA, M.L.C., Vice-President.
Mr. P. MEDAPPA, B.A., B.L., M.L.C., Mercara.
Mr. P. A. CHENGAPPA.
Mr. N. SOMIA, Honorary Secretary.

1. *The Chairman :* Gentlemen, we are very glad to have the opportunity of meeting you. I think we have here Mr. P. Medappa, is it not, who is a member of the Coorg legislative council; Mr. A. B. Chengappa, another member of the legislative council; and I think we have also before us Mr. P. A. Chengappa, Mr. M. Nachaya, and Mr. N. Somia. I am very glad to see you, gentlemen. The Memorandum which you have prepared was sent to us and we are very much interested in it. We gather that your body, the Kodava Sabha, is a very important representative institution representing particularly the landed interests in Coorg ?—(*Mr. A. B. Chengappa*) Yes, sir.

2. We would like to have your own short statement, if you would like to give it, to supplement the Memorandum. First of all, perhaps you would tell us what you wish to suggest as regards the future of Coorg; whether you wish to remain a separate unit, or whether you suggest it should be incorporated with any larger unit ?—We wish to be a separate unit with all the shortcomings we may have.

3. That is what the Chief Commissioner, who was with us this morning, told us. He was explaining to us the reasons for that. I may say my friend, Lord Burnham, will at least have the opportunity of seeing Coorg and of learning something from the people there. Do you want the constitution of Coorg to be changed at present, or you think it ought to continue substantially as it is ?—We want to have a constitution on the lines of that given to other major provinces.

4. You want to be like a fully-developed province ?—Yes.

5. You are a smaller area, are not you, and there is the administrative expense which will become very burdensome on a small area ?—That we know, but we expect the Central Government to help us in our shortcomings as far as finance is concerned; also we must be protected by the Central Government in securing appointments for our educated young men, as we notice that they are always sent back by major provinces with the usual remark, "Each province for itself." So far there is no Coorg man in the I.C.S., nor in the Railway, Customs, Excise, Post and Telegraph, either in the Imperial or

Provincial grade. Our interests in that line should be protected.

6. You are not in favour of being joined up with, as some people call it, the Karnatic province ?—No ; we wish to have our province as a separate unit. That was one of the announcements made when we went under the British Raj, in 1834, and my grandfather, Dewan Bopanna, is directly responsible.

7. You think that the present basis of franchise is working very satisfactorily ?—Yes, it is working satisfactorily, and we wish to continue that franchise for a further period of ten years, as we have mentioned in our Memorandum.

8. And you take the view—I daresay I am quite correct in saying it—that Coorg has made very good progress under the constitution which you have been having for the last few years ?—Yes, it is only during the last six years that we have had the experience of council government and we have made rapid progress.

9. Then you say, at pages 293–4 of your Memorandum, that " Coorg which did not know anything of " journalism has to-day, after the lapse of a little " more than two years of council government, " found its way to start three journals " ?—Yes.

10. And you also say that : " With the increase " of journalism above named, the beginnings of " a party system have come into existence " ?—Yes.

11. You think it is right on the whole to continue at present the idea of having one nominated member to represent the backward classes ?—Yes.

12. And then you express the rather interesting view that the District Board, you think, is an anomaly. It certainly is very curious, because your District Board has the same area as Coorg itself ?—Yes.

13. As regards the two municipalities you have got there, are they included in the District Boards ?—No ; the two municipalities of Mercara and Virajpet are separate.

14. What is the population of Mercara ?—It is 4,500 ; it has a floating population, and at times during the season it goes up to 6,000.

15. Then, I suppose, if there was no district Board, the result would be that the Coorg Legislative Council would do both the Council work and also the District Board work ?—Yes.

16. Then you say, in paragraph 13, on the subject of running the administration through the ministers, that although it is very desirable, " yet on account " of the smallness of the experience of council " government gained by the people, and on account " of the financial stringency of the province, it is " not advisable for another ten years to come." That was what I had in my mind when I asked you just now whether you did not think that at present the general system under which you are living ought to be preserved. You now say that you would like to have a fully-developed provincial government, say, like Madras ; and, at any rate, in some subjects you will have ministers ?—Our idea in putting forward that was that we were short of finance ; and now we are approaching the Government of India that they must give us a good opening balance. Our finance will thus be improved and as far as Council Government is concerned, we are in a fit stage to have an advanced form of Council now. The only difficulty is about finance for which we are leaning on the Central Government now to give us a substantial opening balance which they have taken from us in the way of surpluses from the time we joined hands with the British Government till the present Council was given to us.

17. Apparently you do not want to start a system of Dyarchy ?—No ; we do not want Dyarchy.

18. Then comes a point, which is quite a separate point and an important one too ; I gather that you think that there should be some Coorg representation chosen as such in the Central Legislature ?—Yes. The understanding when Coorg was taken over by the British Government was with the Coorgs alone, and we still hold that there are a lot of people who have come and settled down in Coorg later on, and our interest must be safeguarded as we have got more vested interests in the country than those who form the moving population ; and so Coorg must be represented in the Central Legislature.

19. And you point out your difficulties about transport ; as a matter of fact there is no railway in your province ?—No, although we have had about four or five surveys, we have not got any railway at all.

20. Your country is rather mountainous, is it not ?—When compared with Ooty, it is not very mountainous at all. Practically we are hemmed in between two provinces, on one side Madras and the other side Mysore. Those two Governments have no interest in our country. That is one of the reasons why the railway does not pass from Mysore through our country to Mangalore or Tellicherry.

21. Then you make a point in paragraph 17, which was also mentioned to us by the Chief Commissioner ; you think that the Chief Commissioner should not, amongst other things, have the powers of a High Court, and that there ought to be some separate officer exercising those judicial functions ?—Yes ; it so happens that the Chief Commissioner, knowing as he does all the people there, will have a lot of difficulty for himself to carry on those functions.

22. You are strongly in favour of the Territorial Force ? Yes.

23. It has been as a matter of fact very successful in Coorg, has it not ?—Yes.

24. Thank you, gentlemen ; that fairly describes your document, does it not ?—Yes.

25. *Raja Nawab Ali Khan :* You want a government like the government of a fully developed province, is that not so ?—Yes.

26. And you want the Central Government to help you in regard to finance ?—Yes.

27. In case the Central Government is unable to help you ; what will be your suggestion ?—The point is that they ought to help us, because they have taken away all our resources of nearly a crore of rupees for the last eighty years, and when they gave us the present Council Government, they gave us no opening balance. Not only that, they have now taxed our poor finance with the pensions of officers who served in Coorg before the present Council Government came into existence, and as such we have got a legitimate claim on the Central Government to give us all the resources they have taken from us.

28. What will be the amount ?—About a crore of rupees ; we cannot be quite sure of that amount.

29. Do you think that it will be enough to run your Government ?—Oh ! yes, it will be.

30. On page 295 you say : " The engineering depart- " ment and the forest department need thorough " and radical retrenchment." Have you got any suggestions to make ?—The council has always been trying to put forward suggestions for the reorganisation of the forest and the engineering departments in connection with their top-heavy administration.

31. *Sir Hari Singh Gour :* You say at page 293 : " The smallness of the province combined with its " straitened finances have been made use of by " some people outside the province, to enlist a few " of their brethren here to advocate the question of " amalgamation of this province with the Madras " Presidency on the one hand, or in the formation " of a Karnatic province on the other." Who are these people referred to in this paragraph ?—Those people who have come down and settled in the country as lawyers, traders and other settlers and who got some lands later on.

32. Traders, lawyers and other settlers ?—Yes.

33. What percentage of the population would they be ?—Fifty per cent.

34. It comes to this, that 50 per cent of the population is for amalgamation ?—The traders, lawyers, etc., are 50 per cent. But only 10 per cent. of these want amalgamation.

35. Ten per cent. of the population comprising lawyers, traders and settlers are in favour of the amalgamation of your province with the adjoining province of Madras or for the formation of a Karnataka province. What objection have you got to that? —In the first place the conditions under which we joined hands with the British Government are that our entity should be preserved entirely separately. If we are joined to any of these big provinces we will only be a drop in the ocean and our entity will disappear. Even a province like Madras is trying to split itself into different sections, Karnataka and so on.

36. We will take facts as they are and we will assume that the Presidency of Madras remains as it is. You being a very small parcel of area, the smallest province perhaps in India, your development depends upon more money and more men, and 10 per cent. of your population consisting of the people you have mentioned are in favour of amalagamation with the Presidency of Madras. You have given two reasons, one is contract with the East India Company and the other national sentiment?—Our customs and habits are also different from the rest of the people in India. Our tenures are quite unique. We have got *jagir* lands, the like of which do not exist anywhere except perhaps in Malabar.

37. But your amalgamation with the Madras Presidency would not interfere with all that. There are already four tenures in the Madras Presidency, as you know, the *ryotwari*, the *zamindari*, and so on. There will be a fifth. On the other hand according to the English laws every man's custom is scrupulously respected, and you will have the advantage of the High Court of Madras, a very good Court, to shelter you from all infringements of your customs?—(*Mr. Medappa*) Our individuality is lost.

38. I admit your sentiment of national unity is strong. But apart from sentiment you have no other practical objections to amalgamation with Madras? —Our influence in the Madras Government will be nil, and one representative will have no voice in a big council.

39. Again you come back to the preservation of national sentiment, a very proper thing in itself. —It is quite likely that none of our members will be returned to the Madras council.

40. Supposing you are safeguarded against that. We may say that so many members from your province might be returned to the council to preserve your interests. Have you got any other objection? Now you have got on the one side sentiment and on the other side lack of finance. You have to reconcile these two conflicting claims, sentiment *versus* poverty, and you want to be placed on the same level as other provinces, the revenues of which are 5 crores, 10 crores, and 15 crores. How can you do that? You cannot have a minister, you cannot have a High Court. It will be a Lilliputian State?—We will be a small entity and people will understand the political problems better if we are separate. If the Central Government helps us with a substantial opening balance, the question of poverty will not come in.

41. As regards your judicial administration, supposing we recommend your judicial amalgamation with the Madras High Court. You have got very few cases. Instead of having a separate judicial officer of the rank of a High Court Judge, suppose you are amalgamated with the Madras Presidency judicially, what objection have you to that course? It will add very little to your cost and you will get justice almost for nothing?—(*Mr. A. B. Chengappa*) Our *ryots* will have to spend a lot in litigation in going to Madras and so on.

42. The Madras High Court is the cheapest High Court in the whole of India?—Still we will have to travel about 400 miles to go to Madras.

43. Ganjam and Rameswaram are even further away.—But they have railway communication and they can travel at any time, night or day.

44. Want of transport facilities is the only objection?—Not only that. Already our *ryots* are poor and going to Madras means a lot of expense. They may not come at all. If they can get justice at their own doors they would prefer it.

45. That is true. But in a case like yours where you have only a very few cases and a handful of people it is very difficult. Suppose a Judge of the High Court here comes on circuit to your province once a month or once a fortnight, will that satisfy you?—Yes, that would satisfy.

46. In that case you will be judicially under the High Court of Madras?—I think one Judge might be appointed for Bangalore Cantonment and Coorg.

47. You are prepared to be linked up with the neighbouring province for the purpose of judicial administration?—He should sit along with the Chief Commissioner in some cases.

48. In paragraph 17 you state: "The present "system of investing the Chief Commissioner with "all the powers of a High Court is not desirable and "requires a change and the functions of the District "Superintendent of Police and the District Magis- "trate must not in any case be confined in one and "the same person." Now you do not want that the Chief Commissioner should exercise the powers of a High Court and you have given weighty reasons just now, in answer to a question put by the Chairman, that yours being a small province the Chief Commissioner is personally acquainted with every person and that it is not right that such a person should sit in judgment over them?—The judge must be part and parcel of the province; he must be under the Chief Commissioner.

49. That again is sentiment. You think that once the province is amalgamated judicially, it might be a thin end of the wedge?—Yes.

50. Apart from that you are prepared to say that your judicial work should be done by a judicial officer apart from the Chief Commissioner?—Yes.

51. That qualifies the statement which you make in the next paragraph. You have stated here, "The "judiciary must be subordinate to the High Court "which may be composed of judges chosen from "amongst the judges of the other High Courts to "sit along with the Chief Commissioner once in a "quarter for such days as may be necessary." In other words you want to compose a Bench of one executive officer and one judicial officer. You have got some lawyers amongst yourselves. Do you think that a thing like this is conceivable?—(*Mr. Medappa*) Ordinarily the judicial officer will dispose of the cases. But in extraordinary cases we would like the Chief Commissioner to sit along with the judicial officer.

52. What are the extraordinary cases? There may be cases of death to be confirmed, in which cases you may have two Judges. But under your proposal you will have the executive officer and the judicial officer sitting as Judges. You have yourself told us that the Chief Commissioner knows every person of the province. He may say, "this man is a rogue" or "this man is a good man"?—What was in the mind of the Sabha is that the Chief Commissioner being a person who knows the customs and habits of the province will be in a better position to guide his colleague.

53. Then he had better sit alone?—We suggest this; not in all cases, but only in a few extraordinary cases.

54. You cannot expect a judicial officer to sit with an executive officer in trying a case. No judge of the High Court will ever consent to that. You are a lawyer yourself. Do you think any judge will ever consent to this course? (No answer.)

55. The next point I wish to ask you is this. You say "the functions of the District Superintendent "of Police and the District Magistrate must not in "any case be confined in one and the same person." That is to say you mean there must a separation of judicial and executive functions?—Yes.

56. Then you say, "The Sabha is also of opinion "that appeals from the High Court must be for a

" Supreme Court of India constituted to sit in some " suitable place in India." You want the establish- " ment of a Supreme Court ?—Yes.

57. The next point that I have not been able to understand is this. You say in paragraph 16, " The question of the cost of administration of the " province in the other departments also needs a " thorough revision in the hands of a capable com- " mittee." Have you had anything like the Inchcape Committee, a retrenchment committee ?—Yes, we had.

58. Did they recommend any cuts ?—Several minor posts were abolished and the higher posts were increased.

59. You think that the retrenchment committee did not do its work well ?—Yes.

60. Can you give me some instances of highly paid appointments which you would like to retrench ? —For instance, the Forest Officer. We have got the Chief Forest Officer on a salary of Rs1,500–2,000 and two other officers on Rs1,000 and Rs800. Instead of these three we would like to have only one officer as before the Reforms.

61. Have you got a development scheme in your province ?—Yes. (*Mr. A. B. Chengappa*) We had one just as a war measure. As a war measure all these posts were created and they are continued even now. The scheme cost 20 lakhs out of which we did not get even one anna. A lot of new appointments even in lower grades were created and they are still maintained.

62. Can you give me any other instance ?—Take the Public Works Department. We do not want the highly paid executive engineer on Rs1,000.

63. You have got no capital works ?—No. It is all ordinary road repairs, and any work over Rs5,000 is to be sanctioned by the Chief Engineer in Madras. We have also got two subordinate sub-divisional officers on Rs500 each. Being a small province, and the mileage of the road including the district boards being about 400, I do not think we want such a big establishment with a top-heavy administration.

64. You say on page 293, " The Sabha feels that " with a view to give an impetus to education it may " be made possible to give a vote to such of those " who have gone through the School Final Examina- " tion irrespective of any payment of tax to the " Government." How many people will you enfranchise at this rate ?—About 1,000.

65. You want that the candidates, that is to say, the members of the legislature must possess literary qualification ?—Yes.

66. You say, " It may be found advantageous in " this province to prescribe a qualification of literacy " either in English or Vernacular." Have you got any illiterate members in your council ?—We had one member, a nominated member, in the last council.

67. You want to make it a rule that no illiterate man shall enter the council ?—Yes.

68. You want a higher degree of qualification for the candidate so that you will eliminate the ordinary politician, the man who has got no stake in the country, from sitting in the council and making laws ? —Yes. We would suggest Rs100 assessment or any tax to that amount and we may have about 1,000 candidates to select from.

69. You want to enfranchise women. Have you so far got any woman in the council ?—No.

70. Have you passed any resolution on the subject ? —Yes.

71. And yet they are not enfranchised ?—We have passed the resolution recently.

72. *Sir Sankaran Nair :* What is the language which the ordinary people in Coorg speak ?—(*Mr. A. B. Chengappa*) Coorg language.

73. It is a written language ?—No ; it is a mixture of Malayalam, Kanarese and Tamil.

74. Have you got any written literature of your own ?—No.

75. In what language are the religious books that you read written ?—We read the books written in Kanarese.

76. Your tendency is to make Kanarese your language ?—I cannot say that ; we are learning English and Kanarese, and one is as good as the other as we will have to learn both.

77. In the ordinary schools is English taught ? —Yes.

78. What is the other language which is taught ? —Kanarese and Sanskrit.

79. All of you speak Kanarese ?—Yes. About 60 per cent. of our people can talk Malayalam very well.

80. In the council what language do you speak ? —Mostly English. When a speech is made in Kanarese it is translated into English.

81. In the law courts ?—It depends upon the person.

82. In what language is the plaint written ? Generally in English.

83. Do the vakils ordinarily speak in English or your vernacular ?—In English.

84. In all the courts ?—Yes.

85. *Mr. Cadogan :* Are you, broadly speaking, a religious community ?—Coorg has a small population of 40,000. They have got unity amongst them ; they cannot marry from outside. Even if they go outside Coorg for employment or for business, when they are 55 they come and settle themselves down in Coorg alone in the same way as Englishmen go back to England after retirement.

86. There is no communal question in Coorg ?—No.

87. *The Chairman :* In what language is the newspaper printed ?—The local newspapers are printed in Kanarese.

88. *Sir Zulfiqar Ali Khan :* Would you tell me if in your province there are men of other religions, for example, Mussulmans and Christians ?—Mussulmans are in very small numbers. The population of Christians also is not much.

89. And people of other religions ?—We have got about five to six thousand Brahmins and we have also a class known as Saraswats from Mangalore. A lot of this population includes the travelling population, by which I mean persons who come to Coorg for work.

90. What is the religion of the majority of them all ? —The Hindu religion.

91. Then you have the same religion and the same tradition, social and political, as the Hindus have ? —Yes, but socially we differ because we do not marry our girls before they are 18 and boys before 25 to 30. We have no untouchability ; we can inter-dine with any community. As we have not got any literature of our own we cannot say how these social customs have come in, but somehow or other we have come and settled ourselves between the hills with some unique functions of our own.

92. Have you any tradition among your people that you come from outside ?—The only tradition is that we are Kshatriyas, a fighting race, and that we came and settled down in Coorg. This is what people say, but there is nothing in writing to that effect.

93. I understand that you are as good as the other Hindus ?—Yes.

94. What objection then have you to the amalgamation of your province with Madras ?—As far as Madras is concerned, I think we have serious objections. Our customs will not agree. The well-cultured people of Madras may over-flock us and drive us away.

95. Have you any industries in your province ?—Ours is an agricultural province. We grow coffee, cardamom and pepper and paddy.

96. *Sir Hari Singh Gour :* Sandalwood oil ?—We get our main source of revenue from sandalwood.

97. Do you not extract oil ?—No.

98. *Sir Zulfiqar Ali Khan :* Are there no mines ? —No. We have a small tea plantation.

99. There is no prospect of an increase in your national wealth ?—Not in the near future.

100. If you want to stand alone then your con-

stitutional advance must be according to the measure of your resources ?—Yes.

101. *Sir Hari Singh Gour :* You say "No." Your resources should be supplemented by the Central Government ?—What they have taken from us they must give us.

102. *Sir Zulfiqar Ali Khan :* But they might give it you in a lump sum ?—The interest itself will be a big sum.

Sir Hari Singh Gour : The interest alone will come to double the amount of your revenue.

103. *Sir Zulfiqar Ali Khan :* Would you be content if there is an advisory council with your own president and secretary ?—No.

104. You want a full-fledged council ?—Yes. The budget must be in our hands.

Memorandum submitted by the Ganjam District Peoples' Association, Berhampore (Madras).

When the Reform Scheme under the Government of India Act, 1919, was introduced, it was expected that all concerned would set to work it successfully and in a reasonable spirit. Every great reform is confronted with difficulties, and could be worked only by a firm faith and a practical spirit. Too critical an attitude is never conducive to practical work. A section of the "Intelligentsia" from its inception looked upon the reforms with hostility and pronounced *a priori* as unworkable. But the so-called less advanced and the less educated people undertook the great task in Southern India with a determination to work it to the best advantage of the people in this country. They were ridiculed as amateurists unknown to political work, and the opponents of reforms expected a dismal failure. At Delhi and in Simla the party working the reforms in Southern India were grossly misrepresented and the bureaucracy readily listened to such tales without taking the least trouble to verify the same or scrutinize the source from which those tales emanated, but time has shown that opposition brought out the best in the people, and was a source of inspiration for the self-reliance with which the Reform Scheme was worked successfully for what it was worth. Much useful work was done also elsewhere in other provinces and in the Assembly. Experience has proved that successful working of popular Government does not always rest on the "politically-minded" people nor on those versed in formal rules and regulations. People with capacity and self-reliance receive the necessary training very quickly. Political education of the people is not an easy process, but the soil is now properly prepared. In the Memoranda on the working of the reformed constitution presented to the Reforms Enquiry Committee, 1924, which are published as Appendix III to the Reports of the Local Government (pages 101–113) Sir Rajah of Panagal and Sir A. P. Patro described the defects and difficulties of the present system of Government in the provinces and suggested remedies then practicable. Since June, 1924, there have been many changes in the Government of the country, and the result of the general elections in November, 1926, provided the real test for working the dyarchical scheme in the country. In the course of a debate in the Madras Legislative Council on August 24, 1927 (vol. xiii, pages 183–185) it was shown how the system broke down in the existing circumstances, and how it became possible for a few persons, "Independents," who did not seek election on any political programme or on a political creed, and who had no political organization which appealed to the electorates, could be called upon to undertake the formation of the Ministry without any common bond among them or joint responsibility. The Ministers continued at the sufferance of the "opposition," a majority group or party in the Legislative Council for the time. The moment such a precarious support was withdrawn, the Ministers had to rest on some other prop to maintain themselves in the Council. Thus it became possible for any small group or members to be in office with the aid of official nominated votes and to rely on the internal jealousies of parties to help their position. Such a state of affairs hardly tends to create responsibility in the Council or in the Ministers. Of course the straight course would be for the Ministers to resign or for the Governor to dissolve the Council, not being able to form a stable Ministry out of the existing Council. It must however be remembered that the present situation was brought about by the refusal of the majority party in the Council to take responsibility and perform the pledges made to the electorates. "The basis of the system of responsibility is a lively "and effective sense of sanctity of other people's "rights. The majority must practice toleration and "minorities patience. There must be a real per-"ception of public welfare superior to the individual "or party good." The responsibility of a member elected by a constituency is very great as in the present state of political education, the electorate is not very far advanced to judge for itself and hence places great trust in its representatives to work for the general advancement of the country. By entering the Councils as representative of the people the member agrees to work the scheme of Government to the best advantage of the people. He did not inform the people that he would break up or wreck the existing constitution and obstruct Government. The election manifestoes did not assure the people of his destructive policy. It may therefore be a breach of faith in those cases but there is at present no way by which the electorates could call the member into question until the next general election when the candidates seek the support of the constituency. The policy of obstruction may be justifiable in regard to any particular measure or scheme introduced by Government which is not for popular benefit and obstruction is justifiable in a case where the electorate is fully cognisant of it, and approves the conduct of the member. Our electorates have not got the advantage at present of an organization in each area for such purposes. As such there is a greater responsibility on the member, as Trustee of the interests of the constituency to avoid the destructive policy. It is an important matter to be considered whether the responsibility of the member to the constituency should not be regulated until such time as political education has advanced far enough for the electorate to call upon the member to account for his conduct in any matter. Once elected, the member is now free to act as he likes even against the best interest of the country. It is impossible however, to frame rules in the matter. Discretion must be given to the member and it should be left to his sense of honour and political self-respect. The discipline of the party is however a different matter. We have not been able to find any procedure elsewhere to regulate the relations between the elected member and his constituency. The force of public opinion must guide in the matter. We have to see that the agricultural population is represented by proper men, who are of them, as far as possible. The man in the town or the "professional" man may be better educated or more intelligent but he may not represent real interests of the agricultural population in the Legislative Councils. The solution is to devise a system leading to real representation of the ryot and agricultural population. We recognize however that electorates have just begun to develop responsibility and the growth of proper relations between the member and the electorate is a matter of time.

Analogy is drawn frequently from Colonial forms of government and the scheme of "Provincial Autonomy" is suggested as the remedy for the defects of Dyarchy. Apart from the difficulty of defining "Provincial Autonomy," as each writer or speaker adopts it for the occasion, the theory is capable of a variety of implications. The immensity of the problem must be kept in view, the vastness of the country and the population of varying degrees of civilization differing in different areas from the hill tribes to the highest products of western education. We have to deal with a whole continent. Over all these areas, there has been one Central Government for India and the provinces had only subordinate administration. Indian Constitutional History points to the existence of one Imperial Government which had complete power of direction, superintendence and control over the entire administration and the province had no individuality or independance in the legislative, administrative and financial matters. The constitution of the Central Government was wholly bureaucratic. The various Reforms Acts gradually relaxed this control, direction and superintendence to such a degree that the Act of 1919 prepared the way for the application of the principle of "Full Responsible Government" in the provinces. The most important feature of any system of Provincial Autonomy is the division of functions between

the Central Government and the Provincial Governments. While in the Colonies each one of the States grew up according to its own genius, strength and character and became independent for all purposes, the provinces held their Governments irrespective of the outside control A central Government had to be brought into existence later on, as a unifying force to facilitate inter-state and external relations of the States through a common agency. The Central Government is of later growth. The Provinces or States relaxed or surrendered some powers and vested them in the Central Government and defined those powers that could be exercised by the Central Government.

The present constitution which has taken the federal form is of gradual growth and seems therefore natural and most suitable. This development is different from that of Canada or of the United States or of South Africa. The States in those Governments entered into an alliance to form a Federation each independent of the other, having a separate mechanism of its own. The constitution of the United States enumerates the powers of the Federal Government thus leaving all power of Government not taken over by the Federal Government to be exercised by States Governments. In Canada the Act enumerates the powers of the Provincial Governments leaving all powers not so enumerated to be exercised by the Dominion Government. In India therefore the problem is to define clearly the relationship between the Central Government and the Local Governments. Devolution Rules were made to define this relation reserving certain powers to the Central Government in respect of legislation, finance, foreign affairs, etc. The Central Government or the Imperial Government of India was practically autonomous and its powers of direction, control and superintendence were gradually relaxed until the constitutional stage was reached in the Act of 1919 which embodied the memorable policy of the British Government proclaimed on August 20, 1917—" gradual development of self-" governing institutions with a view to progressive " realization of Responsible Government in India " as an integral part of the British Empire and the " increasing association of Indians in every branch of " administration." " Declaration of rights " of the people may be sound in theory. It should be however sufficient for all practical purposes that the Government of India Bill finally declares and confers upon India the status of a self-governing Dominion making certain reservations regarding the defence of the country and foreign or international affairs. The scheme of self-government should be capable of automatic development in successive stages. What is most essential is to develop self-government institutions in the country with a view to the full realization of Responsible Government in the Provincial and Central Governments. The conditions of this problem were fully dealt with in Chapter VI of the Report on Indian Constitutional Reforms. In paragraph 153, it was observed that the successful working of popular Government rests not so much on status and written constitutions as on the gradual building up of conventions, customs and traditions. These are based on the experience and political thought of the people, but are understood and appreciated by both the governed and the Government. No one who has observed the conditions in India during the last decade can fail to see the wonderful progress made among the rural classes. The appalling state of illiteracy, poverty of the people and their economic helplessness may *prima facie* appear to be desponding. Nevertheless it is encouraging that the enormous country population is slowly becoming conscious of the new system.

" Provincial Autonomy " or Responsible Government in the provinces implies changes in the constitution of the Central Government. Unless there is a corresponding responsibility in the Central Government, the scheme of " Autonomy " becomes incompatible. The executive in the Central Government is now irremovable and is in a minority, though vested with political powers, while the legislature consists of a large elected majority with no power to enforce its resolutions. It is only in the grant of supplies or during the budget demands of the Government, the Legislature can show its resentment or disapproval of policies. The executive is subject to the control of the Secretary of State for India who is responsible to the Parliament. The anomaly of an executive council irresponsible governing the country with an elected majority in the Legislature which has not got the sanction necessary to enforce its decisions, is an irritating and incongruous position. What is the remedy ? Will the constitution of proper electorates bring in a more desirable relation between the executive and the legislature or will the introduction of responsibility in all the " Civil Administration " bring about better results ? Until India gradually attains the stage when she could have control over the army, navy, defence and international relations the Governor-General must have control over the administration of these departments. Even in the Dominions, executive power of the Government of the Dominion of Canada, as also the chief command of the naval and military forces is vested in the King, represented by the Governor-General who is advised by a Cabinet consisting of a Prime Minister.

One essential characteristic of Responsible Government and the main source of its success lies in the development of party system in politics. Responsible Government will not be stable unless based on the party system. If a Government fails there should be the constitutional opposition to form an alternative Government. Ministerial responsibility will be meaningless if there are no parties ready and willing to form and support another ministry and carry on the administration of the country. In India there is a growth of party system though in multiple forms. There are many political parties and they are all tending towards the parliamentary system of Government and constitutional opposition, This is more fully referred to in the Memorandum. The history of the growth of the party system in other countries gives no room for doubt or diffidence in the gradual evolution of party system in India. The principles on which parties are formed will differ in different provinces. Racial or caste or communal antagonism will wear out in course of time. Nationalism must be based on more substantial basis than at present. It is worthy of notice that the rapid development of party system was stimulated by the working of the Reforms Scheme. In the old councils prior to 1919 there was no possibility of forming party system as there was no element of responsibility. There was the Government and all other additional members formed the opposition.

Again the success of representative institutions depends upon the degree of political education in the country It is not only the rights of the people they should know, but they should realize the liabilities which they should shoulder, and this is a condition of sound political progress The countryside is not unenlightened though not literate for purposes of statistics, and there is a great deal of social and political activity among the people. The Reforms have taught the voter that he has power in his hands, though this knowledge varies in degrees in different parts of the country. This is not peculiar to this country alone. The history of other countries shows that the growth of a desire for education among the peasantry is generally slow, while political and economic conditions remains static and the quickening influences come mainly from the better educated sections of the country, which are more sensitive to political and economic changes. A desire for a better state of things exists among the people. The agricultural population were ignored or neglected before, in every scheme of political reform. They are now taken into consideration under the Reforms Scheme. They are at present counted as of some value and use and hence attention is directed towards them and their condition. The ryot at present cares

more fully for his taluq or district and higher problems are beyond his present vision. He is now given a right of vote. The capacity for administration will come through the exercise of political responsibility. It should not, however, be overlooked that there is more intensive work from one side only, more in the direction of making the Government responsible for everything, for acts and irregularities which cannot properly be placed to the credit of the Government. This propaganda created a feeling of sullenness and discontent among the masses. There will be a greater degree of responsibility among the political workers of all parties when they realize that they must make good their promises. This has now dawned on that section of the population that was responsible for thwarting the success of the Reforms Scheme. They are struggling between stagnation and progress and will ere long, accept responsiblity. They cannot be ploughing the sands for all time. It has become a wearisome task in public life. People have begun to realize that the Reforms adumbrated in the Act of 1919 are worth something. The rapid expansion of rural elementary education, through aided and panchayat agency, the construction of village roads and opening of rural medical aid, supply of drinking water and development of co-operative credit system have really opened their eyes to the fact that non-official agency has been doing rural welfare work. The elections for the panchayats and the local boards are becoming increasingly interesting. The percentage of attendance at the polls and the keen contest at the elections show that the people have begun to realise the importance and the power of the vote. On the whole political education has begun on the right lines. There is also an awakening for social justice. The Reform Scheme awakened the lower classes to assert themselves in the march of progress. The cruel injustice done to them under the alleged teachings of the Code of Manu and the inhuman customs established under its authority, are being realized slowly. The evils of caste are many and are deep-rooted in society. Men's minds are being prepared for rapid social changes. In all public schools there is no impediment to the free admission of the boys of the Depressed Classes though we wish it to become universal. The railway, the tram and the canals are doing their own bit. Protected water supply or supply through pipes and fountains in urban areas is breaking down the barriers of cast. Caste system is gradually giving way. The work is great and the time was short for the Reforms Scheme to effect a revolution. A beginning has been made. The farm labourer demands his adequate wages on threat of emigration to Burma, Ceylon or to the Straits Settlements. The old custom of tying the labourer to the land is gradually losing its hold on the farm servant. The workmen in the Municipal and Union areas are now combined. Industrial labour is organizing itself, though slowly. Labour organizations ought to be conducted by representatives of labour and not by those who have no share or lot in labour conditions. Depressed Class missions are now teaching them the right way to assert their rights. The Christian Missions also contribute to the emancipation of these classes. Educational work of non-Christian and Christian Missions is helped by public funds, by providing grants to elementary education in a larger measure after Reforms. We cannot go simply to statistics for the measure of these things. We cannot turn to census tables and tabulate the extent of growth and development so rapidly effected under the Reforms.

The problem of unrest in rural areas is two-fold, political and economic, more of the socio-economic. The governing factors are not all political. The ryot and the agriculturist are exploited when there is economic difficulty or distress in those areas. The solution of the rural problem lies in the economic and agricultural development of the country. Political rights alone will not improve his lot. The extent of relief he could obtain may be gathered from the following among others :—

Relaxation of rules regarding the grant of (1) loans to agriculturists ; (2) of Taccavi and remission regulations ; (3) providing better facilities for using the Land Improvement Act ; (4) opening of grain stores ; (5) facilities for irrigation and opening of communications ; (6) easy access to cheaper money and improvement of agricultural knowledge, urgent provision for improving the village surroundings. Political education will be slow until the ryot is able to get over the economic and social difficulties. Agricultural improvements will perhaps be dealt with by the Royal Commission but the demand is more pressing than appears on the surface. Any scheme of political reform ought not to overlook the present state of the ryot or the cultivator unless relief is provided to improve his surroundings and create self-respect in him. Political reform alone will not be an effective remedy.

We will now note briefly under some of the heads indicated in the Statutory Commission's statement. The term of reference included (1) an enquiry into the working of the system of Government. This subject was dealt with in the Memorandum and the conditions under which the Dyarchic system could be worked. We may again draw attention to the summary of the reports of the Madras Government in the Despatches of the 16th and 28th July, 1924, para. 18, " the above survey indicates in the opinion of His Excellency the Governor-in-Council that the transitional constitution has worked with a considerable measure of success in Madras. The habit of joint consultation in all matters has borne fruit in the smoothness of administration ; there has been little or none of the friction between the different elements constituting the Government which is believed to have hindered the working of the Reforms in other provinces and has eventuated in complete break-down in some, and if an earnest endeavour to work on constitutional lines is a qualification for political advance, His Excellency the Governor-in-Council has no hesitation in asserting that the Madras Presidency has shown itself fitter for an advance than any other province." It is unnecessary for us to take a general survey again and reference is requested to pages 5—117 of the Report. On the question of the extent to which the Council represents and acts on public opinion reference is requested to para. 66 (page 78). In para. 67 the Report deals with the question of " How far and by what means relations have been maintained between members of the Council and their constituences." On the question of the formation of parties within the Council, the Report in para. 68 stated, " If the two contending parties were to be described in political parlance and excluding the few individuals who hold extreme views postulating the absolute disconnection of the country with England, they might be called respectively progressives and ultra-radicals." The opposition now consists of Non-Brahmins, Swarajists, and Independent Nationalists. As regards the progress of Parliamentary practice and traditions it is said, " On the whole the members may be said to have accustomed themselves gradually to the restrictions required by Parliamentary decorum, no less than to the assertion of Parliamentary rights and privileges. In particular, it is gratifying to note that the number of occasions on which members lapsed into unparliamentary language have been exceedingly few." Party organization in the Council is described in para. 72. Since the note was written more definite organizations were formed, whips were appointed and party meetings were frequently held. The whips and party executives are ever on the alert to promote party interests and purposes. The interest evinced by the constituences and the public in the work of the Council has been growing steadily and rapidly. It is becoming increasingly clear that the parties are working through party machinery. The present constitution being transitional, it will naturally give rise to difficulties but

GANJAM DISTRICT PEOPLES' ASSOCIATION. [*Continued.*

the system did result in a great measure of benefit to the people. People who ran away from the responsibility of working it could only speak of it from outside and without experience, criticise it as a failure and as unsuited for the advancement of the people. But for the financial difficulties and the "Non-co-operation" movement there would have been greater success and greater benefit to the people from this transitory and transitional experiment. Suffice it to say, that in the direction of rural reconstruction very good beginnings were made when the finances of the provinces showed some improvement. (2) Regarding the growth of education, it may be confidently asserted that the expansion of mass education among the people was the chief aim of the Government. The vast problem of mass education would not be solved in six years. What remains to be done must not obscure what was done hitherto. Rapid advancement and improvement is demanded on all sides and this means money which can be raised only by taxation. We are all unwilling to be taxed. It is the same all over the world. Therefore those that carry out the work are placed in a difficult position.

A survey of the elementary education was made and the areas unprovided with any school were marked out on the map of every taluq and efforts were directed to supply the need. Local aid and local enthusiasm was stimulated and local panchayats were encouraged to take interest in the work. Villages are associated with schools. It was the object of the Government to awaken real interest in the villagers for the village school. Success has resulted by adopting such a policy. Part-time schools and night schools also were encouraged with a view to bring the principle of compulsory education into operation as early as possible. Compulsory elementary education is working in nearly one-half of the municipal areas. Educational cess is being levied in most of the Local Board areas. The educational councils under the Act are doing useful services. These are non-official bodies created statutorily to help the spread of elementary education, free and compulsory. After spreading schools in all villages a revision or consolidation is necessary to make the school more serviceable. Village libraries were subsidised, panchayats were enabled to open libraries in villages; (*b*) similarly secondary education was overhauled by a Committee and the High Schools were encouraged to adopt a practical bias for manual training in the curricula of the schools to train the hand and eye of the pupils. A special Officer was appointed to advise the schools on the nature of practical and vocational courses which would be useful in the particular locality. Practical education has become popular among pupils and management in many schools. Private enterprise is more largely aided in the development of secondary education. The Madras University was reorganized to make it more a teaching and residential University and a new University was established in the Andhra Desa. With the aid of more money and with revised scheme of elementary education, rural education must be carried on more vigorously. This is a pressing need. Details are not now discussed.

(3) Development of representative institutions has been a marked feature under the Reforms Scheme. The village is slowly and gradually awakening to the sense of self-respect which it had in the old days. The village panchayat, the village forest panchayat, the village irrigation panchayat, the village school panchayat, the village temple committee are some of the agencies which are reviving the old life in a new form; the village is the basis of national life and development. The elections conducted for the various rural organizations are developing a sense of responsibility. The working of the Union panchayats and local self-governing institutions show irregularities and failures, but it is gratifying to note that the work has been of solid and satisfactory nature. A comparative study of local institutions and their working in other countries will make it clear that the Indian institutions have very rapidly developed the spirit of self-help and are capable of greater improvement. There are always men of capacity and self-reliance ready to take up honorary work and they do it well. The elective principle is working its way to create a sense of responsibility in the member elected to the Municipal or Local Board. In the nature of things the voter will take time to be independent and there is every hope of his doing do.

Representative system as applied to British India, e.g. (*a*) the basis of franchise:—We consider that there is no need to radically alter the franchise for the present and introduce needless complications now. But the franchise may be extended to half of the present qualification or tax-paying capacity in urban areas. The power of further extension may be given to the local bodies themselves.

In the Parliamentary system the power of enfranchising population always remained with the Parliament and the Reforms Acts did not prescribe the extent of franchise. By the will of the people franchise is gradually extended. If by a majority of the local body at a meeting specially convened for the purpose it is decided to extend the present franchise they may do so with the approval of the Local Government. The basis of the present franchise is property and income. We would not, for the time being, advocate "Adult Suffrage." The existing rules of procedure may continue with modifications. In the case of the Depressed Classes the franchise may be lowered to enable them to take part in Municipal Elections. Madras Electoral Rules provide for qualification for electors. Rules 4–8 govern rural and urban constituencies. It may reasonably be asked how could Responsible Government be established when only 3 or 5 per cent. of the population is enfranchised and the electorates are illiterate? This is not a novel feature in India. The constitutional development in other countries shows how gradually the franchise is extended till we come to "equal or flapper vote." Moreover India as a whole cannot be considered for purposes of franchise. The present franchise may be broadened to represent the interests of the general population. This will be a gradual process. The conditions are improving and electoral experience is growing fast among the people. The expansion of franchise is indissolubly connected with Representative Government. At the outset it may seem that the masses are poor, ignorant and helpless and the entire population lives in rural areas. The town-dwellers contribute only a small proportion to the revenue of the State and therefore the political advancement must be slow until the rural population has been more fully educated. But as we have made it clear, the awakening in the masses has been very rapid and political education will grow more through the exercise of responsibility. Mistakes may be made and through such mistakes people will learn responsibility. The impetus now given by the Reforms must be continued and carried forward in higher stages of responsibility from the Panchayat to the Councils.

(*b*) The method of election is governed by the regulations for the preparation of electoral rolls for general and special constituences of the Madras Legislative Council and by the regulations for the conduct of elections. These regulations have worked satisfactorily.

(*c*) The existing system of separate electorates is necessary for a time though this is not the ideal system. This has worked well so far. But with regard to the Depressed Classes it is necessary to organise unions or societies for them wherever possible and such organisations should be worked or controlled by leading men of that class. These societies may nominate representatives to a central body in the district which shall advise Government and prepare a schedule of suitable persons for nomination into the various local bodies, Provincial and Central Legislatures. Steps however may be taken

to form electorates wherever it is possible and practicable in urban areas by reserving seats for them. This is only tentative and is subject to revision by the Legislative Councils if the members representing the community demand by a majority vote for a modification of this scheme.

(D.E.F.) GROWTH OF PARTIES AND GROWTH OF INFORMED PUBLIC OPINION.

We indicated in the preliminary remarks that the Reforms Scheme has given stimulus for the party system and for creating informed public opinion. Parties on definite political principles are being formed and there must be some time before a well-developed and well-regulated party system could develop, throughout the country. The destructive creed of the Swarajists had not helped the development of party system on sound lines. If that party had undertaken the working of the Reforms Scheme then there would have been greater scope to form separate groups on special policies and that would have helped the formation of party system. One of the basic principles of parliamentary government is a party system. There are parties with a nationalistic programme and also for communal justice. In this country where communal differences are based on social customs and religious doctrines and sanctions, inequalities are inevitable. Education has progressed in one community more rapidly than in another and facilities therefore must be provided for all others in order that justice may be done to all communities in the administration of the country. The demand for communal justice is real. The growth of informed public opinion may be seen from the number of vernacular newspapers multiplied during the last six years and in the number of new institutions started in the country for carrying on social and political work. The two great political parties in South India, the Congress and the Justice Party have their organizations in every district and conduct party newspapers. Social and political work is carried on in the districts by holding conferences and conventions and by sending out social and political workers to popularise the particular creed and programme of the party. Pamphlets and leaflets and newspapers of all sorts reach the villagers. In the village the more literate among them read out news to the villagers and discussions ensue therefrom. The growth of independent public opinion must take time and it depends upon the dissemination of proper education. The growth of sound principles of Local Self-Government will be an effective agency to awaken the ryot or agriculturalist to the consciousness of his rights or duties.

Nomination of officials and non-officials may be continued but their votes may not be taken into consideration especially those of officials. They should be entitled to sit in the Councils and the Assembly and have the right to address and give the benefit of their advice and knowledge. The nominated officials are always useful in the Council. The nomination of non-officials to represent minority communities and unrepresented classes is necessary until provision could be made for elected representatives. The method by which particular interests or communities could be represented depends upon the extent to which the interests or communities affect the body politic. It seems to us that the present method of representation in respect of special communities or constituencies may be maintained. It is not possible to avoid them in any scheme of Representative Government in India. The problem of representation of industrial labour by "labour" proper is not easy. While there may be a large number of labourers in the mill-areas the railway workers, miners, workshopmen other than railway men also form the bulk of the labouring class. They spread over several districts in the province. What is the representation that will be given to this class? The number of representatives must bear relation to the number of voters and that may be fixed in proportion to the strength of the Councils, every worker of a certain age and of a certain wage-earning capacity may be enfranchised for the purpose. A detailed census of the strength of the districts is preliminary to any calculation in this matter as in the case of the Depressed Classes.

Suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions. The principle of formation of provinces on linguistic basis is sound for administrative purposes but the difficulty lies in procuring sufficient financial support either from the people or from the Government. A detailed examination is necessary before we could state definitely in the matter.

A. LOCAL SELF-GOVERNMENT:—

The provinces are divided into districts and taluqs for the purpose of revenue administration. The taluqs are again divided into firkas, within these firkas are a group of villages; in a largely populated village with a population of three thousand people, a union is established for local self-governing purposes. There are other functions exercised by the panchayats but the main work lies in looking after sanitation, opening of communications within the area and control over markets for the sale of food stuffs. Lighting of the Union area is also undertaken by some Unions. Powers to levy a small rate on property and income are given to the Local Bodies. The Union Boards are constituted on an elective basis, the franchise being payment of half a rupee as house or property tax or an income. In addition to these rural Unions, there are panchayats constituted under the Panchayat Act. These bodies consist of elected and nominated persons and have powers of administration. The Act has been in force for some time and the known defects may be amended in order to create a spirit of service and patriotism. During the year 1924–1925 the Ministry prepared drafts for amending the various Acts. Bills relating to Local Boards and Municipalities and bills for expansion of elementary education and to introduce the principle of compulsion in the rural areas were ready. In the drafts, devolution of powers was proposed and greater responsibility was vested in the Panchayat Taluq or Divisional Boards by the centralisation of functions. Greater financial independence, subject to the periodical audit was proposed. The reluctance of the local bodies to tax themselves was sought to be got over by relaxing the control of the Government. There should be officials connected with all these Boards. The Collector will continue to have certain emergency powers as is now provided in the Acts. The directions in which Government control could be minimised is not an easy matter. While audit is a safe check, there should be certain emergent executive powers in the Government to interfere in cases of misconduct and gross abuse of powers. To what extent this control should be exercised is a matter of detail. Local bodies are now accustomed to look forward to Government subsidies. This must be discontinued. Local rates and taxes may be so adjusted that fixed grants may take the place of the present system and any further demand by local bodies must be met from loans or rates. They must be accustomed to this financial self-reliance. This will lead to the true realisation of the spirit of self-reliance. The institution of local self-government forms the real training ground for many public men. They see therefrom that barren opposition to the administration will do no good to the people. Constructive work and service will alone bring happiness to their constituencies. From the local bodies trained men have come forward for the Provincial and Central Councils. The progress of local self-government in South India is most promising since the Reforms and contributes largely for the successful work in the Legislative Councils. The administrative experience gained in the divisional and district work encourages real responsibility. On the Legislative Councils we find

a large number of elected members who had such training and experience.

PROVINCIAL COUNCIL :—

(*a*) The present constitution of Councils should be more satisfactory in the sense that the real representation of the agricultural population should be more adequate. The change in constitution depends upon the formation of electorates. The question of electorates has a distinct bearing on the constitution of the Councils. It is preferable to have single member constituencies, irrespective of the revenue divisions as they at present exist. The number of representatives may be based on population of the area. In an enlightened and richer division there may be more voters than in a poorer but more populated area. The principle of representation by population seems to be better in these cases than representation based on voting strength. If the franchise is lowered to half of what it is at present, the area of representation will be wider. We said already that the special electorates may be continued and the system of nominations also with modifications. The strength of the Legislative Council may be raised to 200 with power to raise it in case the franchise is further lowered and the electorates become further larger and the Councils also resolve for the purpose. A large addition is likely to lead to greater expenditure and perhaps inefficient work.

(*b*) The working of Dyarchy was described in the Memorandum referred to above.

(*c*) The points referred to in (*d*) to (*k*) were dealt with under sec. 49 (i), clause 2. Business rules framed in this Presidency do not give Ministers sufficient freedom to transact business independently. In the rules framed by the Governor he takes large powers to himself. Moreover under the Act the Minister is to advise and if his advice is not accepted he may resign or if he does not comply with the view of the Governor he may dismiss him. It is a precarious position. The relations between the Minister and the Governor as defined in the rules are not satisfactory and do not tend to smooth working. No doubt it depends upon the persons and personalities to a large extent. Even a nomination to the local bodies must receive the approval of the Governor. In the Transferred Departments schemes of development are often delayed and the financial scrutiny does not confine itself to giving advice on the schemes of new expenditure or other functions detailed in the Devolution Rules 37–39. Experience shows that the control should be limited as much as possible. There should be no transferred and reserved subjects. The power of veto may remain in certain cases relating to law and order. When the Provincial Councils are enlarged and when full Responsible Government is conceded to the provinces at once, a second chamber is necessary. The constitution of the chamber will be different from the Councils and shall consist of fifty members and a certain property qualification is essential. Further, one who is not thirty-five years of age shall not be qualified to be a member. The establishment of full Responsible Government in the provinces will necessitate readjustment of the division of subjects into provincial and central. The list now given in the Devolution Rules may be recast. How far should the control of the Central Government be retained after the change ? Sec. 45 (1) of the Government of India Act regulates the relation of Local Government to the Governor-General in Council. There are three ways in which direction or control is exercised : (1) Legislative veto of the bills ; this power is rarely exercised ; (2) Financial, after the release of the province from provincial contributions and a readjustment of the sources of revenue and re-allocation of revenue for the provinces as in the Devolution Rule 14 and with the rules regarding the raising of loans, provinces have practically financial autonomy ; (3) Administrative. This is necessary in cases of emergency where the army will be required to maintain law and order in the provinces. The control over the transferred subjects was limited by Devolution Rule 49 and a similar limitation will be made when all the subjects are transferred and Devolution Rule 13 will consequently be modified as also schedules I and II of the Devolution Rules. It is most important to define the limits of control by the Central Government. In the division of functions there are subjects allotted to the Provincial Government over which superintendence of Central Government is inevitable. The Central Government must have residuary and reserve powers.

CENTRAL GOVERNMENT :—CONSTITUTION, POSITION AND POWERS OF THE GOVERNOR-GENERAL.

" It is no longer sufficient to administer India. It is necessary also to satisfy her political aspirations." This must be the true spirit of Reforms in the Central Government. The experience gained in the past is of great value to the nation, we do not wish to theorize in dealing with the problem ; it is beset with many practical difficulties. We venture to state our views so that they may be carefully considered. The Central Government may consist of experts who have Parliamentary training and experience and other members of the executive council who should be responsible to the Assembly. An irremovable executive was tried in other countries, the conditions of the Assembly may justify a similar experiment, it was no doubt rejected in the Montford Report. A review of the principle seems necessary after the experience of the past years. The position of the Governor-General is stated in Sec. 33 of the Act subject to the control of the Secretary of State for India who is responsible to Parliament. We must take a plunge forward and have faith in the future and in the political capacity and self-reliance of Indians and introduce responsibility in the Central Government. The Assembly may be reconstituted in a manner that one member may represent one district area in British India. This may secure reality in the representation of agricultural population. The qualifications of members may be raised and the electorate may be broader based. The object of our suggestion is to have a more real representation of the people of the country. Similarly, the Council of State also should be enlarged. In the Government of India, the Governor-General shall be responsible for the following subjects :—

1. Defence of India. 2. International relations. 3. Relations with Indian States and all other subjects shall be administered by members responsible to the Assembly assisted and advised by experts where necessary who shall have offices for a fixed term of years. For " it should be the purpose of any scheme, desired for the Self-Government of India to blend together as far as possible the British and Indian Agents in the great task." The Governor-General shall be the President of the Executive Council and shall have reserve powers to exercise in times of emergency. The relations between the two Houses may continue to be as it is now. H.M. The King is the ultimate authority and source of power for the Government of India. The Legislative power of India shall be vested in H.M. The King, and the Assembly. British Parliament will retain power to intervene in matters pertaining to foreign relations and defence. India should have an equal status and shall be a partner in the Empire along with the Colonies. To this end the power of the Secretary of State for India must be totally revised in order that India might have a Secretary on the lines of the Secretary of State for the Colonies. It may be reasonably asked while the present system of Dyarchy is a failure how will it be practicable in the Central Government ? and again while the executive government is now placed in a difficult position with the present strength of the Assembly any increase will it not create greater difficulties ? To the first we would submit that there is no question of transferred or reserved as in the present system. To the second, we are confident from our experience of Madras elections that there will be facilities for more proper

representation of rural population than at present who will be more responsible.

There will be no need for the Council of India. The affairs of India under the changed conditions cannot be administered from Whitehall though the air-craft and radio have bridged over space and time. The large powers and responsibilities of the Secretary of State to superintend, direct and control Indian affairs is a relic of Sec. 21 of the old Act of 1915. Mere delegation of powers to the Government of India is not sufficient. Government of India ought to be responsible to the people of India and to H.M. The King. The Secretary of State shall be the channel of communication to the British Government on Indian affairs. The existing services must be guaranteed all their privileges and rights and the recommendations of the Lee Commission were generally accepted by us. Appointment of a Public Services Commission is not an effective remedy to adjust inequalities in the services. In certain provinces particular classes are predominant and other classes or castes equally qualified with others have yet no chance of entering the services owing to a practical monopoly of the places. Unless there are rules to regulate recruitment in such a manner as to render justice to all classes of people, recruitment through the Public Services Commission will not create contentment. The function of a Services Commission is to select candidates of equal qualifications and prepare a list for the guidance of departments out of which the heads of departments may make the necessary appointments. That is what the Staff Selection Board is now doing in this province. From a re-survey of the situation it seems necessary that the functions of the Public Services Commission as at present defined do not adequately safeguard the claims of people all round.

As long as India depends for her internal peace and external protection on the military and navy of Great Britain it is vain to talk of "independence," or "self-determination," and whatever may be the other constitutional changes that will be made; the Military and Naval independence of India should proceed quicker and steadier, in order that efficient Indian Military units may be developed. Until then the British Parliament is bound to continue to control India's foreign policy. For our part we will fight for our freedom and will fight on the side of Britain. So far as the changes in the Central Government are concerned we have indicated above that responsibility may be introduced in the Central Government and that the administration of defence, foreign relations and dealings with Indian States should be vested in the Governor-General of India. We have also suggested the idea of irremovable executive as in the United States of America, as an alternative principle. The policies in these departments under the Governor-General may be open to discussion in the Assembly, their finances will be non-voted, after the Assembly has had the opportunity of examining their financial condition by an expert committee. We suggest that after the recommendations of this committee are accepted by the Assembly the allotments shall not be subject to reduction but any excess expenditure will be dealt with on its own merits subject however to the certification of the Governor-General on special grounds relating to peace and tranquility and good Government of the country. In the case of other departments the members administering them, be they officials or non-officials shall be responsible to the Assembly. In the case of experts in Finance, Commerce or Railway they will also be equally responsible to the Assembly and would only vacate their seats if a direct vote of "no-confidence" is passed against the Government as a whole by two-thirds of the members of the Assembly. In the case of officials of the Government they revert to their former position as Secretary or Commissioner and in the case of experts they resign and retire with all the terms of contracts duly fulfilled by the Government. These members will bring new ideals and fresh life into the Assembly so that it may carry out the highest traditions and the best ideals of Parliamentary Government. Rules may be made to regulate work in the Assembly but example is far more effective; Swaraj or Responsible Government in India must imbibe the spirit and character of the Parliamentary Government and those who have experience of the art and science of the system are best able to assist us. A blending together of British and Indian elements is absolutely essential for the good Government of the country. Therefore it is that we emphasized the desirability of securing places in the Government for experts of the class. We have also referred to the gradual building up of Responsible Government in India. We propose that a scheme of Government may be framed which will automatically carry forward to the goal, provided the progress is not retarded by causes for which the scheme is no longer responsible. There should be no room for doubt as to the goal to which we are advancing. When the people have gained practical experience and political self-reliance and have proved their capacity and character it should be possible for the representatives of the people to determine the nature and form of Government for the country hereafter. Here again as in the case of Local Self-Government they may make mistakes but will learn from the practical working of the administration. We anticipate difficulties in preparing a scheme which will automatically take all the people of India from one stage to the other and to make provision for necessary conditions of development. Periodical survey by the representatives of the people to determine the further lines of political development assisted and advised by British representatives if necessary may be one of the means of ascertaining whether the people are ready and willing to take the step forward with all its consequences.

The foundation for the whole scheme must be laid in the full development of Local Self-Government, which should provide opportunities to the ryots and the rural voter to realise real responsibility, to learn to vote independently and to acquire experience and knowledge of the methods of the administration. Swaraj will inevitably become possible when that development is reached.

Memorandum submitted by the South Indian Liberal Federation, Madras.

In presenting this Memorandum regarding the future political constitution of this country, the Federation desires to confine itself to making recommendations which can immediately be given effect to, and to suggesting improvements in the constitution which can readily be made, without danger either to the internal peace and security of the country or to the legitimate interests of any section of the people therein. The Federation desires it to be distinctly understood that the proposals herein contained have been put forward after careful consideration and in the hope that if accepted they will result in organising public opinion in favour of the new constitution and giving it such

support as would enable the new constitution to be successfully worked. The main suggestions of the Federation are :—

1. The establishment of Provincial Autonomy with an Executive responsible to the Legislature in the Provinces.
2. The creation of a responsible Executive in the Central Government with reference to certain subjects.
3. The continuance of the control of the Military services in the hands of the Imperial Government.

PROVINCIAL AUTONOMY.

The present system of Dyarchy in the Provinces cannot be worked much longer and it must give place to some better and less rickety constitution. It is unnecessary to dilate on the many disadvantages from which public workers, Legislative Council members and administrators are suffering on account of the somewhat abnormal constitution which exists in the Provinces at present. The system requires exceptional conditions for its satisfactory functioning, and it is becoming increasingly clear that such conditions cannot be predicated of any Province much longer. The only alternative to the present system is taking a bold step forward and granting full responsible Government in the Provinces. Dyarchy must go, yielding place to a Unitary Government responsible to the Provincial Legislature. There have been attempts to speak of Provincial Autonomy with a number of mental reservations as regards what is implied by the phrase. The Federation deprecates any idea of centralising subjects which have now been declared Provincial. Whatever defects may be pointed out regarding the classification of the subjects into " Reserved " and " Transferred " in the Provinces, the classification of central and provincial subjects has, on the whole, been satisfactory. If complaint there is at all, it is in the direction of suggesting that some central subjects at present may easily be provincialised in the interests of efficiency and quick dispatch of business. When, therefore, the Federation speaks of responsible Government in the Provinces, it means a Government responsible to the Legislature for the administration of all those subjects which are now in the charge of the Provincial Government and which have been declared as provincial subjects.

LAW AND ORDER.

The Federation is aware that difficulties have been suggested in the way of granting such autonomy to the Provinces, particularly in relation to the administration of the subjects of Law and Order. It has been pointed out that these are subjects which require a higher degree of unbiased efficiency in the administration and that it is difficult, if not impossible, to expect Ministers responsible to democratic assemblies to administer them in that manner. The Federation would like to reply by pointing out two distinct and different considerations which may negative the force of this criticism. In the first place, this kind of reasoning involves a want of confidence in the sense of responsibility which Ministers may have, and will naturally lead one to the conclusion that Provincial Autonomy and much more Dominion Status is an impossibility in this country. The history of Ministerial administration throughout the country and particularly in this Province does not justify one in entertaining these fears regarding impartial and efficient administration. It may also be pointed out that the administration of Law and Order has, at least in this Presidency, been in the hands of Indian Executive Councillors during the past few years, and there is no suggestion whatsoever that there has been a slackening of effort to administer Law properly or to maintain Order in the Districts. If the argument is seriously raised that an Indian Executive Councillor is, after all, not directly responsible to the Legislative Council and that his seat in the Government is secure and is unaffected by decisions of the Legislature it may be pointed out that Indian Executive Councillors have shown themselves as much liable to be influenced by the legitimate wishes of the Legislative Council and have shown an anxiety, with rare exceptions, to obtain the goodwill of the Legislative Council and its moral support in the administration of their subjects. In fact, it would be equally fair to suggest that, with some few exceptions, Executive Councillors, whether Indian or European, have been as popular with the Legislature as Indian Ministers and that they have often tried to concede to the wishes of the Legislature without detriment to efficiency and without the officers of the Police Department being under the fear that they may not receive support from their superiors on critical occasions.

THE MADRAS RECORD.

The records of the Legislative Council, also, will amply establish the fact that a sense of responsibility has been shown on numerous occasions by the Provincial Legislative Council in regard to this very question of the maintenance of Law and Order. Madras has had its problems in relation to this vexed question and they have been problems not certainly inferior either in complexity or in their far-reaching consequences to problems elsewhere. The Moplah rebellion, which broke out early in 1921, the Non-co-operation Movement which convulsed the entire Presidency by an unprecedented agitation, the Bardoli programme of non-payment of taxes which had its echo in the Guntur District, where there was a refusal of payment of taxes and the whole system of Revenue administration was in danger of breaking down, the passive resistance movement with reference to the establishment of a municipality at Chirala, the determined stand of the landholders of Tanjore against the proposed enhancement of taxation due to resettlement—these were some of the problems which faced the Member in charge of Law and Order and presented themselves to the Legislative Council. What was the attitude of the Legislative Council with reference to every one of these problems ? Even at that time when the subjects were reserved, when the Legislature could have afforded to remain as if unconcerned with these problems and to have taken up an attitude of antagonism to Government in the safe belief that ultimately extraordinary powers will be brought into use if necessary—even at such a stage when the path of ease and popularity lay in the Legislature not supporting the Government in the drastic action that it sought to adopt to combat these problems—the Madras Legislative Council by a very large majority supported every measure which the Government advocated with reference to these various problems. It seems to the Federation that it is unfair to such a Legislature to suspect that, when its powers are greater and its responsibility more direct, it would not rise equal to the occasion.

INFLUENCE OF MINISTERS.

There is another consideration which the Federation would like to place as an affirmative reason for transferring the subject of Law and Order to the control of popular Ministers. It has been the experience not merely of the Madras Legislature, but of practically every Legislature in the Provinces that Ministerial administration helps to create a body of public opinion in favour of measures which Ministers desire to adopt. So far from the Ministers yielding to the clamour of the Legislative Councils without regard to their responsibilities or the interests of the country, it will be found from an examination of the proceedings of the Councils that Ministers have stayed the Legislatures from rushing into the adoption of policies which do not bear a thorough and careful scrutiny. The Federation would like to instance the administration of the Excise Department in the various provinces as a test case of how Ministerial responsibility tends to promote a steady policy in the administration of such Departments.

When Excise became a transferred subject, it was generally felt that the keenness with which the Indian public, and particularly the educated section which is generally prohibitionist, desired to pursue a policy of total prohibition, would result in the extinction of the Excise Department and the total abolition of the excise revenue; and nothing stood in the way of the Provincial Legislatures declaring themselves immediately for total prohibition, and in fact moves of that kind were made by individual non-official members of the Legislatures, sometimes from enthusiastic reformatory motives and sometimes with devious political objectives. But it must be acknowledged to the credit of the Legislatures and to the support which the Ministers enjoyed, that these motives proved futile. If the history of the administration of the Excise Department during the last ten years is any indication at all of how policies will be changed by a popular Legislature, the inference is clear that responsibility to the Legislature will strengthen the hands of the administrator in stabilising the policy of the Government.

The Federation feels, therefore, that as far as it is humanly possible to foresee the trend of events, there is no reason to fear that, either with reference to the administration of Law and Order or with reference to any other subject, chaos or want of sound policy will characterise the working of Government if these subjects are transferred to the control of the Legislature. At the same time, the Federation realises that the constitution must make provision for all eventualities, however unlikely, and for emergencies, however rare. The question of providing for safeguards when Provincial Autonomy is guaranteed is, therefore, a question which the Federation must squarely face.

After giving the subject its most anxious consideration, the Federation has come to the conclusion that the only safeguard it can think of is the vesting of extraordinary powers in the Governor of the Province to intervene on occasions of emergency. These occasions would, naturally, be extremely rare, and it is the hope of the Federation that they may never arise at all. But still, as the Federation has already observed, it is a provision or an insurance against extreme contingencies.

The Federation would only like to observe, finally, with reference to this aspect of the question, that anything short of full Provincial Autonomy in the sense suggested above would fail to satisfy any section of the people and would lead to greater complications than exist at present; and it is the fervent hope of the Federation that the Commission will recommend, and the Parliamentary authorities will accept, this recommendation.

CENTRAL GOVERNMENT.

The position of the Central Government *vis-à-vis* the Central Legislature is at present one of great anomaly. The learned authors of the Montagu-Chelmsford Reforms gave the most convincing arguments against the creation of a Legislature with mere critical powers and with no responsibility for actively shaping policies. It is inexplicable why, with the lesson so well learnt from the Minto-Morely system of Reforms, the same system should have been continued in the Central Government. The time has come when responsibility should form a feature of the Central administration also. The argument that the present Central Legislature has, by its irresponsible methods of dealing with subjects, shown itself incapable of developing a sound system of democratic constitution is, even if correct, an argument round a vicious circle. The Central Legislature has the record it at present possesses merely because no power and no responsibility has been conferred on it, and so long as that system continues so long will irresponsible criticism be the main characteristic of any Legislature. The Federation is aware that there are two schools of extreme thought diametrically opposed to each other on the question of introducing responsibility in the Central Government. On the one hand, there is a school of thought which believes that the entire Government can be made totally responsible to the Legislature and that immediately. On the other hand, there is a view that no sort of responsibility can be introduced in the Central Government and that the Central Government stands for order and for the prevention of that chaos which will overtake the country if the prestige and authority of the Central Government is in any way weakened, that the line of reforms is not to dilute responsibility in the Central Government, but rather to stiffen and strengthen that responsibility and make it more absolute than it is at present and less liable to have its policy affected by considerations of respect and regard for public opinion as expressed in the Indian Legislative Assembly. It has been freely stated that, though under the present constitution there is no responsibility given to the Legislative Assembly and that the members have only the free right to criticise, still the intangible and imperceptible, but none-the-less real, pressure which the Legislative Assembly exerts on the Government has acted to the detriment of the administration and made it weak and to a certain extent unstable. These are views with neither of which the Federation is in a position to agree. The Federation has stated at the very commencement that its object in presenting this Memorandum is to put forward a system which is as close to the practical realities of the situation as any system can be and that it has taken into its consideration every difficulty and tried to find methods by which these difficulties can be obviated. The Federation recognises that there are branches of administration which cannot at the present moment be handed over to the control of a popular Legislature. The difficulty and complexities that surround the administration of the Army and the Navy, the relation of the Indian Government with Foreign Powers, the relation of the Government with the Indian States, are subjects of such vast and obvious importance that the Federation feels it would be neither statesmanship nor political wisdom to suggest that complete responsibility in the management of these subjects should under the present circumstances be vested in a Government under the control of a popular Legislature. On the other hand, the Federation feels that those who advocate a policy of reversal, or at least a policy of standstill with reference to the Central Government, have not taken into account the spirit of the times, the mentality of the people, the political advance the country has made, and the dangers of a policy of stagnation. A policy of reversal carries with it its own condemnation. Public opinion, which has been accustomed to express itself in the manner in which the Legislative Assembly has done, cannot be shut out by statutory enactments. The Federation is, therefore, forced to the conclusion that a policy of progress is as much needed with reference to the Central Government as with reference to Provincial Governments. It is strongly of opinion, therefore, that a certain amount of responsibility ought to be introduced in the Central Government. It may, however, be asked whether it is not illogical to suggest Dyarchy in the Central Government while condemning the very system in the provinces. The scheme that the Federation suggests tries to eliminate as far as possible the element of Dyarchy as it is now understood. The future Legislative Assembly, the Lower House of the Central Legislature, would have control over all subjects now classed as Central subjects, except the Army and Navy, Foreign and Political Relations, Relations with the Indian States and allied subjects—these subjects will be entirely withdrawn from the purview of the Legislative Assembly. No resolution will be permitted with reference to these subjects. No budget grants will be moved for finding money for the administration of these subjects. The Lower House will have no connection, directly or indirectly, with the administration or financing of these services.

ARMY AND NAVY.

The question then arises how these subjects will be administered and whether at some stage or other public opinion should not express itself even by way of criticism with reference to the administration of some of these subjects. It will be readily pointed out that the proposal of the Federation involves a resiling from the existing state of affairs, that the Assembly now has a right to criticise the Army Budget and move resolutions regarding the administration of the Army and move special motions regarding the conduct of any particular sub-department and in other ways try to influence the administration with reference to these subjects. These are valuable rights, however ineffective they may prove themselves to be in the ultimate, which the present proposals would deprive the Legislature of. The Federation realises the force of this observation, but feels that there is no help for it, particularly if, as is very desirable, the pitfalls of Dyarchy should be avoided in the Central Government. But, at the same time, to give scope for the ventilation of public views in some form or another and at some place or other, the Federation suggests that these subjects may be discussed in the Council of State and in the Chamber of Princes. The subjects, which the Federation wishes to remove from the purview of the Lower House, concern not merely British India but also the Indian States. The Indian Princes are as much interested in the question of an adequate Army and a proper Navy and Foreign relations as the people of British India, and both are interested in a proper understanding of the relations between British India and Indian States. The Federation, therefore, proposes that besides the Legislative Assembly and the Council of State, a third Chamber—a Chamber of Princes—should be constituted by a statutory enactment and that the subjects referred to herein should be discussed at a Joint Session of the Council of State and of the Chamber of Princes. Over this Joint Session of the two Houses His Excellency the Viceroy will preside. At this Joint Session the power of moving resolutions regarding these subjects and the budget relating to them will be exercised.

The financing of these services, which have been removed from the control of the Indian Legislative Assembly, is naturally a question which has to be solved. The Federation suggests that a Commission should be immediately appointed to fix the amount that is required for these services and that this amount may be treated as the maximum amount which can be utilised without the sanction of any authority for the administrative departments, subject, of course, to the control of public audit and other departmental controls for a definite period of time, say 10 or 15 years. Over and above this, His Excellency the Viceroy will be given the power to allot, in cases of emergency, such amount as may be required in excess of the maximum fixed by the Commission. The revenue of the country will be allocated in the manner suggested above, and, after the amount required for these subjects is appropriated the balance will be distributed among the different departments and the budget so framed with reference to those departments alone will be placed before the Indian Legislative Assembly for its consideration.

FRANCHISE AND ELECTORATES.
PROVINCIAL.

The question of franchise and creation of electorates is not the least difficult of questions that face those who desire to formulate a constitution for any country. The Federation is in favour of continuing the special and separate electorates existing at present, so long as there is no move either from the interests which have received special representation or from the communities who enjoy separate electorates that this system be changed. The experience of the Federation of general electorates has not been so happy nor of the separate electorates so bitter that it could readily join in the cry for the abolition of the latter or the perpetuation of the former. The Federation does not agree that all communal evils existing in the country at present are due either wholly or in a very large measure to the creation of separate electorates. In particular with reference to the Hindu-Moslem representation, the Federation feels strongly that so long as there is no desire among the general mass of the Moslem public to change the system of separate electorates into one of Joint electorates, either with reservation or otherwise; so long as the Moslems feel still doubtful whether their interests will be safeguarded under any other system of electorates; so long as there does not exist complete trust and confidence in the larger communities; so long will it be neither wise nor politic to insist on the creation of joint electorates. The remedy for the removal of communal evils is not the mechanical substitution of one system of electorates for another, but the more difficult psychological process of creating mutual trust and confidence. The Federation must unreservedly state it as its opinion that in the country as a whole, and in this Presidency in particular, Moslem opinion continues to be strongly in favour of separate electorates. Even those Moslems who agree to the system of general electorate with reservation couple it with conditions which clearly and conclusively prove that it is not so much the advantage of general electorates that they have in view as the advantage of adventitious and subsidiary conditions which they propose in consideration of their accepting joint electorates. The Federation is, therefore, clearly of opinion that till the Moslems make a definite move on their own initiative for the abolition of separate electorates and their substitution by joint electorates, the present system should not be disturbed.

HINDU-MOSLEM QUESTION.

It should also be remembered that the system is the result of a definite compact or compromise between the two high contracting parties, the Moslems on the one hand and the Hindus on the other, arrived at at Lucknow and ratified by the Imperial Parliament itself. It has been put forward and very rightly by Moslem delegations that this pact should not be reopened without the complete concurrence of both the contracting parties and that separate electorates should not go unless the Moslems are willing parties to general electorates. The logical corollary also follows that any change in the present system like the variation of the strength of the two communities in any of the legislatures ought not to be made either to the detriment of the Moslems or that of the Hindus without the consent of the contracting parties. The Federation feels that this is wholly the crux of the problem and trusts that the Commission will leave matters in *status quo* till there is a determination on the part of both the communities to adjust their mutual rights and obligations to the satisfaction of each other. Till then, the Lucknow pact ought to be continued and no political party will be justified in advocating its disturbance. In this Presidency the Moslems have had representation in excess of their number whether population is the basis for electoral rights or whether the voting strength according to property qualification is considered the basis. The province has adopted it during the last decade and the Federation does not feel justified in advocating a change under the circumstances stated above. The same observation applies, though, perhaps, to a less degree with reference to the European, the Anglo-Indian and the Indian Christian special electorates which exist in the Province. The Federation does not also propose to disturb the special electorates of the landholders and of commercial interests. It recognises the need for such representation and feels that there is nothing opposed to a democratic system of Government in a fairly balanced representation of all interests and of all classes.

FRANCHISE.

Having advocated an extension of responsibility the Federation may be asked whether it proposes to

widen the basis of that responsibility and, if so, to what extent? The Federation undoubtedly believes that adult franchise is the ideal, but no country has jumped into adult franchise—at least in the British Isles—and unless one is prepared to face a possible breakdown of the electoral machinery and the creation of forces the exact scope and nature of which it is impossible to forecast, one is bound to be cautious in the advance towards broadening the basis of democracy. The Federation feels that reducing the present qualification by half will be sufficient broadening of the electorate for all practical purposes, and puts forward the suggestion in the hope that it will be acceptable to reasonable opinion throughout the country.

THE DEPRESSED CLASSES.

The question of representation of the Depressed Classes in the Legislatures has engaged the very serious and anxious consideration of the Federation, and the difficulty of the problem has not been lessened by the obvious fact that the Depressed Classes themselves have naturally felt that the complexity of the problem is such that they cannot put forward a ready-made system. There are some considerations however, which ought to prevail and regarding which there seems to be unanimity of opinion. That the present system of nomination of Depressed Classes should go admits of no doubt whatsoever. That it should give place to some system wherein an element of election would exist, and that the will of these classes should somehow be ascertained equally admits of no doubt. What exactly is that system which can give the right of election to the classes and yet not involve the expenditure and other consequences of a wide and vast electorate—consequences which would fall particularly hard on members of a community situated as the Depressed Classes are—that is the problem which has to be solved. One possible solution is the division of the Depressed Classes under different groups and according to their residence in different geographical areas, and the formation of Unions among them recognised like Trade Unions under a proper statute and the giving of power to these Unions to send representatives to an electoral college which in its turn will choose the required number of members of Legislative Council. Another suggestion is to get the various registered Unions to suggest names and out of the panel to get the requisite number of representatives by selection by the Government—a process which involves a limited right of nomination. These are suggestions which the Federation has put forward with great diffidence. The Federation is agreeable to accept any reasonable proposals which the affected classes themselves put forward for their proper representation. It may, however, be observed that in the general Hindu electorates these classes will continue to have their votes under the lowered franchise and will continue to exercise their general influence in the elections which as the franchise gets lowered more and more will be greater and greater. As regards the number of representatives from these classes, it should be remembered that at present there are ten members nominated from these classes in a Legislative Council of 134. That it is not altogether an inadequate number will be realised from the comparative strength of other communities. The Federation is, however, agreeable to a maximum of ten per cent of the elective strength of the Council being reserved for members of the Depressed Classes, in which category come the Adi-Dravidas, the Adi-Andhras, the Arundhateeyas, the Yeluvans, the Mukkavans, the Oobravas and other communities which are really depressed.

LABOUR.

The question of the proper representation of labour in the Councils has been prominent before the Federation, and the Federation has come to the conclusion that, apart from the lowering of franchise, a special effort should be made to get certain classes of labour more directly represented in the Councils. Labour in this Province may roughly be divided into two classes, the agricultural labour and the industrial labour. So far as agricultural labour is concerned, not merely by the reduction of the franchise suggested above, but by direct representation of the large body of the Depressed Classes, the Federation feels that adequate representation has been secured for it. Agricultural labour is very largely constituted of the Depressed Classes, the term being used in the extended sense referred to above. In rural areas, moreover, the petty proprietor who is proposed to be enfranchised under the scheme of the Federation, is the actual manual labourer, and the reduction of the franchise leads to his vote being recorded at the elections. The class of labour that may not get representation is the labour employed in industries in urban areas. To the extent that even here the franchise has been lowered, to that extent the industrial labourer will share in choosing representatives. But that by itself would not ensure a representative of his solely devoted to the interests of labour finding a seat in the Council. The Federation, therefore, proposes that industrial labour in urban areas should have separate representation by forming special electorates in selected areas consisting of actual labourers, or by recognising registered Trade Unions as electoral colleges for the choice of labour representatives to the Councils.

STRENGTH OF THE COUNCIL.

The system of responsible Government in the Presidency advocated by the Federation naturally involves the removal of all those elements which lend strength to whatever party is in office. The system of nomination of officials and of non-officials ought, therefore, to go. The present strength of the Council is 134 in this Presidency and the Federation proposes that the strength should be raised to 200. The lowering of the franchise naturally leads to a larger number of electors being on the rolls and the need for a greater number of candidates representing them and the re-distribution of electoral areas so that they may be more compact, less unwieldy and more manageable. It is impossible to expect a candidate or representative to be in touch with the entire electorate when by the extensiveness of the area and by the vastness of the number of voters he is physically unable to do so. The Federation advocates the division of electoral areas into compact tracts and the increase of the number of elected members to two hundred as suggested above. The proportions between community and community and between interest and interest which have been standardised at present will continue in the new Council.

So far as the strength of the Government in the provinces is concerned, the Federation suggests that there ought to be seven Ministers including the Chief Minister, and that the principle of Joint Responsibility should be recognised in the Cabinet.

TERM OF COUNCIL.

A question of some importance which was not appreciated in 1919 when the system was introduced is the question of duration of the Councils. It is generally felt that the present term of three years is altogether inadequate for any constructive policy to be carried out by a Ministry and that the Council should have its life for a period of five years as the House of Commons. The Federation, therefore, suggests that the term of life of the future Councils may be fixed at five years.

CENTRAL LEGISLATURE.

The arguments addressed above with reference to Provincial Legislatures apply in a very large measure to the Central Legislature, particularly arguments relating to separate electorates and special electorates and the representation of the Depressed Classes. The term of the Central Legislature has also to be of five years. There is one question relating to inter-provincial representation in the Central Legislature which the Federation would like to emphasise. It is

perfectly true that when once the Central Legislature is constituted, representatives should begin to think not in terms of provinces, but in terms of the country as a whole. This feeling has to be promoted, whether ultimately the Unitary system of Government or the Federal type is adopted. But that does not imply that unequal representation as between the provinces ought to be permitted in the Central Legislature. According to the present system, we feel that the different Provinces are not given the same amount of representation. The only basis for that representation being population, the Federation suggests that in the future constitution of the Central Legislature this basis should be adopted, and seats allocated to each Province according to the strength of the population in that Province.

PUBLIC SERVICES.

One of the most important political issues in this Province is the question of proper recruitment to the Public Services of the province. It is freely stated by those who have not understood the part that to this day the Public Services have played in shaping the many activities of the people directly and indirectly that the question of Public Services is a very simple question, that all that is required is the securing of efficiency, and that by the magic test of a competitive examination efficiency can always be secured. Every one of these statements expresses only a half truth. The Federation feels strongly that in framing rules for the recruitment to Public Services under the powers given by the new constitution regard should be had to the fact that the predominance of any particular community should be avoided in any service, Provincial or Central. The Federation is thankful to see that after all this principle has been recognised by His Excellency the Viceroy and by the Central and Provincial Governments. But it desires to be assured that the principle will continue to receive the same recognition in future, and, what is far more important, that besides a theoretical recognition it will be carried out in practice.

CONCLUSION.

As has been already stated, the Federation has very carefully considered the question of constitutional advance at various Confederations and particularly at a Special Meeting of the Executive Body of the Federation, and has put forward the suggestions with due regard to all aspects of the question and not ignoring the difficulty, or the precautions to be taken, in making an advance. The Federation feels that the country is at the parting of ways, and while there is a strong section determined to do constructive work, believing in the fulfilment of a higher purpose that India and England should work in political union and believing that every legitimate political aspiration of Indians could be satisfied by the continuance of that union, there is another section growing in numbers which is out for ruthless destruction of all that is held dear by those who put their faith in constitutional principles. It is not the line of wisdom merely to preach to the country to pursue a policy of peace, of goodwill and of good understanding, and not to strengthen the hands of those who are pursuing this very policy by adopting their reasonable suggestions. The Federation feels certain that with the larger experience which the Commission has gained of the country during its extensive tour and with the materials gathered by it, it would have arrived at two conclusions—first, that there is a large body of opinion in favour of political advance by constitutional methods; and, secondly, that, unless the faith which that party has placed in constitutional methods of agitation is vindicated in the very near future, the result will be a landslide in the direction of the gathering forces of disaffection and disorder and the weakening of the hands of those who desire to arrest such a process. The Federation is hopeful that such a catastrophe would be avoided and its good wishes go with the Commission for a successful solution of the many problems that face the Commission.

The Federation has nominated Mr. A. Ramaswami Mudaliar, President of the Corporation of Madras, and Mr. A. T. Pannirselvam, President, District Board, Tanjore, to appear as witnesses on behalf of the Federation before the Commission.

MADRAS.

1st March 1929.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE MADRAS PROVINCIAL COMMITTEE.

CHAIRMAN:

SIR JOHN SIMON (for part of first deputation only).
LORD BURNHAM (for remainder of first deputation).
COLONEL LANE-FOX, (for second deputation).

Deputation from (a) the Ganjam District Peoples' Association (b) the South Indian Liberal Federation.

The deputation consisted of :—

(a) **Mr. KOKA APPA RAO NAIDU, Advocate, Joint Secretary, Ganjam District Peoples' Association.**
Mr. W. V. B. RAMALINGAM PANTULU, Vice-President.
Mr. BHUVANESWAR RUTH, Advocate.

(b) **Mr. A. RAMASWAMY MUDALIAR, President, Corporation of Madras.**
Mr. A. T. PANIRSELVAM, Barrister-at-Law,

1. *The Chairman:* We have a Memorandum from the Ganjam District Peoples' Association, and also a Memorandum on constitutional reforms presented by the South Indian Liberal Federation of Madras. The two run very much on the same lines, and it is a good plan to take them together. We notice that both of them take the broad line that provincial autonomy is desired. When you use that phrase, are you thinking of self-government in the province, as opposed to subjects being reserved to members, or are you thinking of the relation of the province to the Central Government?—(*Mr. Mudaliar*) I am thinking of both.

2. So you propose that the province should be quite separate from the Central Government?—To the extent that subjects are provincialised.

3. Do you think that the provincial authorities should have an exclusive responsibility; exclusive, I mean, of the centre, on all matters connected with keeping order?—Yes.

4. You do not want any assistance from the Army?—No, that is not the meaning. The assistance from the Army would be obtained on application by the province to the Central Government, if necessary; but the determination of whether that assistance was necessary would be the determination of the Provincial Government.

5. The phrase is constantly used in these controversies in two quite distinct senses. Many people use the words, "provincial autonomy" when what they mean is that they want to end Dyarchy, and they want to have a Provincial Government which is wholly responsible to the Provincial Legislature. That I follow, quite, of course; but the other question is the relation of the province, however it is governed, to the centre, however it is governed. Then when one comes to some specific things—I am taking the Ganjam document—on page 303, you deal first of all with local bodies. I am not quite clear what your suggestions or proposals are. Apparently it is this, on page 303: "We consider that there is "no need to radically alter the franchise for the "present and introduce needless complications now. "But the franchise may be extended to half of the "present qualification or tax-paying capacity in "urban areas. The power of further extension may "be given to the local bodies themselves." Is that referring to the franchise in the local bodies?—No, I think that needs correction. That was with reference to the local Council itself. So far as the franchise for local bodies is concerned, that would naturally be adjusted by the local Council.

6. That is rather what occurs to one. It may be that whatever the constitutional changes are likely to be, as far as the Conference is concerned or the Imperial Parliament is concerned, it will not itself attempt to prescribe what should be the franchise in the local bodies?—No.

7. Then I am to read this passage, on page 303, as referring to the franchise for the provincial Council?—Yes.

8. *Sir Hari Singh Gour:* "But the franchise "to the local Council may be extended," and so on?—Yes, and certain areas may be cut off. This other Memorandum makes the point clear.

9. *The Chairman:* You mean the Memorandum of the South Indian Liberal Federation?—Yes, at page 310.

10. Quite right. "The Federation feels that "reducing the present qualification by half will be "sufficient broadening of the electorate." Then the next point is on page 303 of the Ganjam document, where you say, near the bottom of the page: "The "existing system of separate electorates is necessary "for a time, though this is not the ideal system. "This has worked well so far." I gather that that is the view, also, of the South Indian Liberal Federation?—Yes.

11. It is on page 309 of the Liberal Federation's document?—Yes: "The Federation is in favour of "continuing the special and separate electorates "existing at present, so long as there is no move "either from the interests which have received "special representation or from the communities "which enjoy separate electorates that the system "be changed."

12. I see you go on to say: "The Federation "does not agree that all communal evils existing "in the country at present are due either wholly or "in a very large measure to the creation of separate "electorates." What is it to which you do attribute for the most part the communal evils of which you speak?—Mainly it is due to the desire of either community to gain a place in the administration—to gain political power.

13. I dare say you are right. You think it really is a competition for power?—Yes.

14. And perhaps preparation for the future?—Yes; and that competition will be there whether there are separate electorates or not.

15. I do not want to argue it; but if you say it is not due to one thing it naturally occurs to one to ask whether it is due to the other. Do you consider that this communal tension is materially affected by the desire to secure appointments for members of a particular community?—I would rather put it slightly differently. It is due to the apprehension that members of other communities may gain an undue advantage.

16. Anyhow, apparently the view is that though it is not an ideal system, you think separate electorates are necessary for a time?—Yes.

17. Have you anything to tell the Conference as to how you think that time will come to an end? I do not ask you to fix a date; that is a thing nobody can do; but you speak of it being necessary for a time, which means that you do not regard it as necessary for always. Well, what is the change that is going to make it unnecessary?—Supposing full responsible government is given in the provinces, both the communities have to work together in a joint cabinet where members of each community must find a place, and that would certainly pave the way for a better understanding between the two communities through the leaders of the two communities working together.

18. I quite appreciate that you have not got it extending over every department, but you have at present a minister of one community and a minister of another community working together?—That is true; but at the present time the responsibility is not entire, and the ministers are appointed more because members of each community have to find a place than because they have a joint responsibility as between themselves.

19. Then, what you contemplate, apparently, in the future, is that the provincial cabinet should contain ministers drawn from the different communities?—It must necessarily contain members drawn from different communities, but acting as a joint whole with undivided responsibility as between themselves.

20. But when you say they must necessarily be drawn from different communities, you are not proposing to provide that in the constitution?—No, I take it that the natural course of things will be that.

21. Would it, do you think?—I think so.

22. Then I think you are also disposed to recommend that the present special representation, for instance, of landholders, and so on, should continue?—Yes.

23. We have had this point up before. Why do you think that the special representation of landholders should continue?—In the first place, they have certain rights which have accrued to them through the process of time, and it is only fair that they should be given every opportunity to express their viewpoint, and it is not unlikely that if that special representation is not given to them they may not have a proper share in a wide, democratic electorate; and in framing the scheme of reforms every interest has to be protected as far as possible. The whole success of the future depends upon

removing apprehensions as far as possible, without in any way diminishing the vital principles of the scheme itself.

24. I would like to ask your view on the subject of retention of university representation ?—I am not in favour of it as it obtains at present. I am for university representation, certainly, and that is representation by the senate of the Universities, for two reasons. Even in England, before the Parliament Act of 1918, it was the senate that was given representation in Parliament, and it was only in 1918 that the graduates of the University were given representation; and more particularly in this country, the graduates have no direct connection with the University, and there is not that feeling of corporate interest among the graduates who leave the University. If the representation of Universities in the Council is to mean anything, the proper thing is to give to each of these Universities a direct share in that representation through that corporate body which manages the administration of the University, that is, the senate of each University. I am entirely in favour of giving one seat to each of the senates of the Universities that have been formed in this Presidency, or in any Presidency.

25. One seat to each ?—To each of the Universities in the province.

26. You mean that you want three University members ?—Yes.

27. How long has the third of these Universities existed ?—It has just come into existence, but I do not know when the next scheme of reforms will come into existence.

28. We none of us know that ?—Probably it will be two or three years old by that time.

29. Perhaps there will be two or three more Universities ?—Well, it can be stated that any University of five years' standing should get representation automatically.

30. However, you are not, apparently, disposed to support the present method of University representation ?—No, I am not.

31. Do you consider that the present method of University representation secures as University members—I am not speaking of any individual, of course—persons of particular gravity and sobriety of thought and expression ?—Well, it is very difficult to say that, especially of one's own colleagues in the Council, but I think from the University point of view it would be far more satisfactory that the senate should have representation. As it happens, the Corporation of Madras has a seat given to it from the University, and the member of the Corporation of Madras is elected by the senate.

32. You regard that as the proper method of election ?—I think so.

33. Now, let us turn to the Depressed Classes. Here you make a very interesting suggestion. You suggest that special Depressed Class organisations should be formed, and they would prepare a list—I think you call it a schedule—of suitable persons to be nominated, or from whom the nominations should be made ?—Yes.

34. That is an interesting suggestion. Then you say that in some areas it might be possible to form an electorate of the Depressed Classes ?—Yes.

35. You think they are sufficiently numerous and living sufficiently together ?—In a compact area, yes.

36. Will that be so in Madras city ?—Yes.

37. There is an interesting feature on page 304 of the Ganjam document. Your proposal there is that officials should continue to be nominated as members of the Provincial Legislature ?—That has been corrected since.

38. I know nothing of any corrections. Do you mean that some corrections have been sent to the Secretariat ?—I am not sure.*

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* See also Q. 118–122 on page 316 below.

43. On page 305, I see you say: "There "should be no transferred and reserved subjects." You mean, I suppose, that there should be no division between the two. Then in the next sentence you say: "The power of veto may remain "in certain cases relating to Law and Order." I may be wrong, but I do not think there is anything in your document which explains that. What do mean by that ?—We are referring to the emergency powers, which His Excellency the Governor may exercise in certain special cases by way of certification.

44. What are they ?—If a grant which the Governor considers absolutely necessary for the proper administration of the subject is denied by the Council.

45. You propose to retain that power ?—To retain the power of certification so far as Law and Order is concerned.

46. "Law and Order" is a phrase which is very frequently used, but it is not very clear to me. What does it mean ? Police ?—Really, it means the Police.

47. Does it mean anything else ? Does it mean subordinate magistracy or jails ?—It means jails, the magistracy, and even civil justice.

48. Then it means much more than the Police. We have now the Police, jails, the subordinate magistracy and civil justice ?—But the power of certification or veto has special reference only to the Police.

49. Now I understand what you mean by certification; it apparently has to do with the grant of money. But what is veto ?—The power of veto can be only with reference to legislation.

50. That is what occurs to one. For purposes of a grant or for purposes of legislation there should be a power of certification or veto, but of course, as you will appreciate, the real anxiety about such a subject as the Police largely turns on questions of administration, and the possibility of what some people call a breakdown. A breakdown is not legislation ?—A breakdown may be caused by withholding grants for necessary expenditure.

51. It might be, but it is not necessarily so caused. Is there anything more you want to tell us about this statement that the power of veto should remain in certain cases relating to Law and Order ?—No.

52. The Liberal Federation document deals with the subject on page 308, but naturally uses slightly different language. In the second paragraph, on page 308, they say: "The Federation feels, therefore, "that, as far as it is humanly possible to foresee "the trend of events, there is no reason to fear that, "either with reference to the administration of "Law and Order or with reference to any other "subject, chaos or want of sound policy will "characterise the working of Government if these "subjects are transferred to the control of the "Legislature." I want to know about the next sentence: "At the same time, the Federation "realises that the constitution must make provision "for all eventualities, however unlikely, and for "emergencies, however rare. The question of "providing for safeguards when Provincial Autonomy "is guaranteed is, therefore, a question which the "Federation must squarely face." And then: "After giving the subject its most anxious con-"sideration, the Federation has come to the con-"clusion that the only safeguard it can think of is "the vesting of extraordinary powers in the Governor "of the Province to intervene on occasions of "emergency," and you say you hope the occasions will be rare. Will you tell me, then, as far as the Federation is concerned, what is the nature of, and how you propose to define, the emergencies in which the Governor may intervene ?—If there is communal trouble or rioting in any district, and it so happens the minister is unable to carry the Council with him in regard to the necessity of having special Police to quell the riots.

53. What is to happen then?—The Governor will have to intervene.

54. You will agree, "to intervene" is rather a general phrase. Imagine you are the Governor. What is it you would do?—He will order, through his ministers, the necessary Police to be dispatched to the place to prevent the riot.

Sir Hari Singh Gour: But the despatch of Police is done without consulting the local Council; it is an administrative act.

55. *The Chairman:* That is what I mean. I am not in the least seeking to criticise; I am only trying to follow what it is that you propose. It seems to me, as it seems to my learned friend, Sir Hari Singh Gour, that if that is what you have in mind it is not a question of over-ruling the local Council, but of removing the discretion from the minister?—May I give an instance of what is meant? We had riots in Malabar, and it was felt necessary, after the riots were put down, that special Police should be mobilised for the district. The grant for these special Police came before the local Council, and if the grant had been cut down or reduced or thrown out by the local Council it would not be open to the minister to do anything, as it would be a transferred subject. If it is transferred it will be the Governor who will have to intervene and restore the grant, so that special Police may be stationed in such a district.

56. Are not you proposing to keep the Governor in reserve in case anything goes wrong, and are not you going to put him in a position which it is rather difficult to ask anyone to fill?—It is difficult.

Sir Hari Singh Gour: The ultimate control of policy would then rest with the Governor in any case.

57. *The Chairman:* I agree. If other people are going to drive a motor-car downhill, it is a little difficult to say that however unlikely it is we must provide for the eventuality of the car running away, and that in that case the Governor has to begin to drive?—If I might respectfully say so, it seems very much like arguing round a circle. If I do not give such power to the Governor you may well turn round and ask what are you to do to prevent the car running downhill?

58. I quite recognise you are dealing with what you think is an unlikely event, but I am interested in the constitutional scheme. However, I quite see the difficulty. The Federation realises that it must provide for this eventuality and must provide for emergencies, and it thinks the best thing to do would be to transfer all the powers to ministers and to the Council and then provide that if things go seriously wrong the Governor of the province shall intervene?—It is an anomalous position, but it is meant to meet an anomalous situation.

59. What is the anomaly?—That having given Provincial Autonomy and responsible government the Governor should intervene on these occasions against the advice of the ministers or in contravention of their advice, or in any case against the advice of the local Council.

60. I gather that your Federation is taking a very responsible view; you think, however anomalous, such provision must be made?—Yes.

61. I notice that on page 305 of the Ganjam document you propose a Second Chamber?—That proposal is not consistent with the proposals of the Federation.

62. I am not seeking to play one off against the other, but that is so, is not it? It is proposed that there should be a Second Chamber. Just below that I see you say: When the Provincial Councils "are enlarged and when full responsible government "is conceded to the provinces at once, a Second "Chamber is necessary." Why do you think a Second Chamber is necessary when full responsible government is conceded to the provinces?—For the usual reason that a Lower House based on an absolutely democratic franchise is considered in all countries to run a little wild on occasions, or there is the possibility that it may run wild, and a check is necessary by a more sober body.

63. On page 305 you deal with the Central Government, and just above the passage which is headed "Central Government" you say: "In the "division of functions there are subjects allotted "to the Provincial Government over which the "superintendence of the Central Government is "inevitable." I do not know if you have thought out what those subjects are? I am rather disposed to agree with you, but I wondered what subjects you thought fell within that category?—My friend, the Secretary of the Ganjam Association may explain it.

64. Perhaps it may occur to somebody later on; at present I do not quite follow it. A little lower down on page 305 you suggest, apparently, that the Governor-General himself, as an individual, is to be responsible for the defence of India. Is that right?—Ultimately the responsibility will be his.

65. I was referring to the passage on page 305. You say: "We must take a plunge "forward and have faith in the future and in the "political capacity and self-reliance of Indians and "introduce responsibility in the Central Govern-"ment," and a little lower down, "In the Govern-"ment of India, the Governor-General shall be "responsible for the following subjects: (1) Defence "of India, (2) International relations, (3) Relations "with Indian States," etc.?—I conclude it means the Governor-General with the help of councillors who are not responsible to the Assembly.

66. Is that proposing dyarchy at the centre?—In this Memorandum.

67. Do you think dyarchy has succeeded in the provinces?—No. Personally my opinion is that it has not.

68. But you are proposing it for the centre?—In this Memorandum.

69. On page 306 you refer to the Services, and you say: "The existing Services must be guaranteed "all their privileges and rights, and the recom-"mendations of the Lee Commission were generally "accepted by us." Will you explain that to me? You are proposing, as I follow it, that there should cease to be any reserved subjects in the provinces, and therefore, of course, all departments would be under Ministers?—Yes.

70. Will not the future recruitment be recruitment by the province?—The future recruitment will be recruitment by the province, but the existing incumbents must be guaranteed all their rights.

71. I quite understand that people with a vested right will be given either the opportunity to retire or protection, but that is not what I am talking about; that is not what the Lee Commission proposed. The Lee Commission proposed that there should continue to be recruitment for the All-India Services?—The reference to the Lee Commission proposals has regard to the privileges and rights of existing incumbents in the Services.

72. Is that all?—Yes.

73. When you say "the recommendations of the "Lee Commission were generally accepted by us" you are not referring to the proportions of recruitment in the future at all?—No, but to the emoluments that were recommended by the Lee Commission.

74. *Sir Hari Singh Gour:* And not even that, if your statement is correct that all you mean is they were accepted as regards the existing servants?—Services.

Sir Hari Singh Gour: No, servants; not Services.

75. *The Chairman:* I think that is what he means. He means that whatever changes this document proposes, it does not propose to disregard the rights of individuals already in the Services?—Yes.

The Chairman: That is hardly what one would

describe as the recommendations of the Lee Commission.

76. *Major Attlee :* I should like to clear up one or two points about representation. On page 305 of the Ganjam Memorandum you say the number of representatives may be based on the population of the area ; that is your general principle for provincial councils ?—Yes.

77. On page 305 you say : " The Assembly may be " reconstituted in a manner that one member may " represent one district area in British India." Do you mean one representative for each district without considering the population of the district ?—So far as the Assembly is concerned.

78. You take your district, then, definitely as the unit ?—As the unit.

79. You do not think there would be any objection owing to the fact that, let us say, Mymensingh has 4,500,000 population, while another has only 123,000 ? —It is possible that some of the district may get more than one member. I mean at least one member for each district.

80. Do you realise what sort of a sized House that would give you ?—Yes.

81. How many do you think you would have ?—About 250 members.

82. Oh, no ; if you are going to give at least one to each district, you will have to take your smallest district, will you not ? There are districts with only about 120,000 ; that means for every 120,000 of the people you must have one member ; that means a House of rather over 2,000. I was wondering whether you were getting over that difficulty—whether you thought districts should stand by themselves ?—Both these principles cannot be worked out ; both the district and the population basis. If you take the population basis, then each district may sometimes have six or eight members, if you take the smallest district as the unit of representation. That is not the idea of this Memorandum. The idea is to make the maximum district the area of representation. Now we have two or three districts as the area for a single constituency.

83. I wanted to follow on from that. You do not intend to go on the population, but you are taking the district as the particular area ?—At the same time, districts cannot be treated alike, whatever their size or population may be.

84. What principle will you adopt for giving more ?—Take an average district, not the least or the most populous.

85. I do not think there is really an average, because they vary from province to province. If you are going to take a district area there is nothing to stop Madras cutting up its districts in order to get a larger representation ?—That is possible.

86. You have not thought, by any chance, of forming the Central Government by representatives from the provinces as provinces ?—From the provincial legislative councils ?

87. Yes.—A certain proportion of the central legislature may be constituted like that.

88. Do you think you could combine the two ? —It would be advisable to constitute a certain proportion of the legislature by indirect representation from the provincial legislative councils, leaving the other proportion for direct election from the general constituencies.

89. But the more you do by indirect election it is obvious that your constituencies for direct election will be even larger than they are at the present time ?—I expect that the Legislative Assembly will be very much increased in numbers.

90. But there is a limit. We are fairly near the limit at Home, with 600.—I do not suggest an exact half-and-half division, but a certain proportion from the Provincial Councils, and the rest from direct election.

91. *Colonel Lane-Fox :* There is a rather interesting suggestion on page 309 of the South Indian Liberal Federation's Memorandum, dealing with the representation of communities. You suggest that the position should be left in *status quo* " till there is " a determination on the part of both the com- " munities to adjust their mutual rights and " obligations to the satisfaction of each other." How do you suggest that that should come about ?—It will be brought about by a pact similar to the Lucknow pact, arrived at by the leaders of both communities.

(*Lord Burnham* here took the chair.)

92. Then you would leave that to the Governor ; he must be satisfied that both communities were actually taking their part, and if he was satisfied you would give him the power to bring in legislation ? —The Governor-General must be satisfied that a real pact has been arrived at between the two communities, provided it is fairly unanimous. Absolute unanimity is not to be expected.

93. Are you speaking for the Madras Presidency only, or for the whole of India ?—For the whole of India.

94. The Governor-General in Council, I suppose, would have to deal with it ?—Yes.

95. In the same way as the Lucknow pact was recognised ?—Yes.

96. *Raja Nawab Ali Khan :* On page 309, under the heading " Hindu-Moslem Question," you say : " It should also be remembered that the system is " the result of a definite compact or compromise " between the two high contracting parties, the " Moslems on the one hand and the Hindus on the " other, arrived at at Lucknow and ratified by the Imperial Parliament itself." Then comes the next sentence, which I do not understand : " It has been " put forward and very rightly by Moslem delega- " tions that this pact should not be re-opened " without the complete concurrence of both the " contracting parties." I think you are not very accurate when you say that all the Moslems in all the provinces want to elect the proportion of representations allowed to them by the Lucknow Pact because you might remember that the delegations in the Punjab and Bengal want representation on a population basis ?—My next sentence would make the position clear : " and that separate electorates " should not go unless the Moslems are willing parties to general electorates."

97. We are not talking about separate electorates. The defect in the Lucknow Pact is that it keeps the Moslems in a minority in all provinces ?—Yes.

98. And this is what the Bengal Moslems want ; they want proportional representation on a population basis ?—But what I was referring to was this. So far as separate electorates go, apart from the question of the numbers of the two communities, the Moslems, even in the Punjab and Bengal, have put forward the claim that separate electorates should not be abolished. There are two points under the Lucknow Pact. The first is the question of separate election, and the second is the question of the number of representatives of the two communities. So far as the first point is concerned, even those Moslems who want variation of numbers say that this was arrived at by a pact, and it cannot be shifted without the consent of the community affected. Now, so far as the numbers are concerned their argument is that they should be varied, and I say, as it would be unfair to abolish the Lucknow Pact without the consent of the Moslems, so it would be unfair to alter the numbers without the consent of the Hindus. The two things stand together.

99. *Sir Hari Singh Gour :* You have spoken about the Governor's power of veto. I am not quite clear about the position you wish to assign to the Governor. Do you wish to give the ultimate control in the determination of policy and of day-to-day administration to the Governor because an emergency may arise not only as regards policy, but also as regards day-to-day administration ? Then you place a very heavy burden upon the Governor, do you not ?

—I do not contemplate the Governor dealing with any question of policy at all, or altering the policy of the Ministers. That must stand on the decision of the council. What I propose is an extraordinary case, where the safety of the province is endangered. It was then that I thought the Governor ought to intervene.

100. You say that the Governor should have the power in case of emergency. Who should be the judge of emergencies ?—The Governor.

101. Therefore the ultimate control rests with the Governor ?—Yes, in case of emergency.

102. Of which he is the sole judge ?—Yes.

103. Therefore you keep the autocratic power of the Governor absolutely intact, and reduce your local council to the position of a mere advisory body ? —That depends on what you mean by a responsible Governor, with responsible ideas.

104. I may have a very sharp sword, but I may not use it ; still, I have got it if I want to use it. Therefore the ultimate power is with the Governor. He may be a very good man, and he may not use it ; but so far as his power is concerned you perpetuate autocracy, and so far as the local council is concerned, you give it only a semblance of autonomy ?—I do not look upon my suggestion in that light at all. I take an ordinary Governor, and he is not an autocrat.

105. I want you to explain why you do not agree with me, because that seems to me inevitable ?— If I might put a similar example, it is always open for His Majesty the King-Emperor to veto every piece of legislation that passes the House of Commons and the House of Lords ; and you will turn round and say that all legislation by the Parliament is impossible.

106. Again, you forget altogether the main point. His Majesty the King has not got that reserved power of taking over the government of England in case of emergency.—I was referring to the power of vetoing legislation.

107. We are not talking about the same thing. I am talking of the power of taking over, not of the question of legislation. You said the Governor shall have complete power in case of emergency. I want to see, *vis-à-vis* the minister, who is supreme, the Governor or the Minister. You place the Governor on the one side with the ministers and the legislative council on the other side in a position of extreme delicacy, which might create a deadlock, and a very serious deadlock ?—The Governor would be responsible for the deadlock if it was due to his fault.

108. Who is to be the judge of it—the Governor ? —At the time, and subsequently, events.

109. As regards the second chamber, you say that when there is a full provincial autonomy there should be a second chamber, because it will provide a sobering element ?—That is not in the South Indian Memorandum.

110. Are you giving it up ?—I do not refer to second chamber in the Memorandum.

111. *Sir Hari Singh Gour :* In one Memorandum there is a second chamber referred to. Are you now abandoning the position as regards the formation of a second chamber ?

Sir A. P. Patro : No, what they mean is this. When the provincial councils are enlarged, and on a wider basis, and when full responsible government is conceded to the province, a second chamber is necessary. That is only when you have got a wider franchise and councils strengthened. Then a revising chamber would be necessary.

112. *Sir Hari Singh Gour :* No. Here again, if you will pardon me, the provincial councils are going to be enlarged already under your scheme. You want a larger number of members in the provincial councils, and when full responsible government is conceded, you want a second chamber ? —Yes.

113. Therefore these two contingencies that you contemplate are in the immediate future ?—Yes.

114. Therefore the second chamber immediately follows. You are at liberty, of course, to say that on reconsideration you do not want a second chamber? —May I explain the position ? The Liberal Federation, which I at present represent, does not want a second chamber, and has not asked for it. It is because we have not asked for a second chamber in this Memorandum that I have suggested emergency powers in the Governor.

115. So I take it that there is a conflict of view between the two deputations ?—I would not call it a conflict. There are two ways of having safeguards. One is content to leave emergency powers to His Excellency the Governor, and the other wants a second chamber ; but both realise that there must be a safeguard.

116. But you cannot reconcile the two views, for this reason. A second chamber is not only a chamber in which are reposed the emergency powers ; it is a second chamber which has co-ordinate rights and powers and privileges with the originating or first chamber ?—Except on financial matters.

117. Even with that. We have got the Council of State that deals with the Finance Bills equally with the Legislative Assembly ; so that to that extent the second chamber is even a revising chamber, though somewhat indirectly, in matters of finance. Consequently, when one deputation asks for emergency powers reposing in the Governor, and the other for emergency powers to be transferred to the second chamber, those are not merely differences of detail, they are differences of vital principle. Then do I take it that the two deputations differ on that point ?—Yes.

118. As regards local councils, in answer to the Chairman, page 304, you said that statement requires to be corrected or modified : "Nomination of officials "and non-officials may be continued but their votes "may not be taken into consideration, especially "those of officials." Will you kindly state to the Conference in what respect that should be modified ? —The whole of that has to be revised. Naturally their votes will not be taken into consideration.

119. Then you want to cancel the whole of that paragraph ?—Yes ; there will be no nomination at all.

120. You are against the nomination of officials ? —Or of non-officials.

121. You are against the nomination of both officials and non-officials ?—Exactly.

122. I suppose you would naturally allow the nomination of experts, supposing some great irrigation scheme or university legislation is undertaken ? —On special measures there should be power to nominate ; not ordinarily.

123. Then as regards the central government, you are for the creation of dyarchy, which you have condemned in the local governments in the provinces. Is not that so ?—There again I would refer you to the South Indian Liberal Federation Memorandum. At page 308 it is dealt with.

124. I have it before me. You begin from page 308 ?—Yes.

125. And then you go into the question of the central government. There you do not say as to whether your central government would have certain powers. You want to introduce responsibility into the central government by transferring all subjects ?—Except the few that I have mentioned.

126. It is only with reference to those few that I wish to have your attention. I want to see whether you are in agreement with the Ganjam Memorandum or against it. What you mean is that so far as those specific subjects are concerned no discussion of any kind should be permitted in the central legislature. On page 308 of the Liberal Federation document you say : "No resolution will be permitted with reference "to these subjects. No budget grants will be moved "for finding money for the administration of these "subjects." In other words, you will not even permit a discussion ?—No.

127. You are therefore taking away powers which the Legislative Assembly virtually possesses at present ?—I recognise that.

128. And which the old Imperial Legislative Council used to exercise ?—I recognise that; I say so.

129. You want to take away those powers ?—Yes.

130. You go on to say that while you would take away the power of the popular House, you want to transfer that power to the Council of State and the Chamber of Princes ?—Yes.

131. Therefore the position is this: the general taxpayer pays the money, and the policy may be modified by discussion in the Chamber of Princes, who do not pay anything at all for it, or by the Council of State, which is not financially responsible under your scheme. Two irresponsible bodies discuss a scheme, while the third and responsible body has to find the money ?—You do not expect me to agree with that !

132. I am describing what you say on page 309 ? —I do not regard the Council of State, even as at present constituted, as an irresponsible body; much less the future Council of State.

133. It is irresponsible in this sense, that it has no power to levy taxes and therefore it does not find the money. I am not dealing with its responsibility in any other sense. In regard to these subjects, the Assembly finds the money ? —Not even the Assembly, according to my scheme. They find the money, of course, in the sense that the taxes are levied by them.

134. The Assembly finds the money, and the Council of State and the Chamber of Princes dictate the policy. The Assembly pays the piper and the Council of State calls the tune ?—Yes, and for the transitional period that is necessary. Now neither of them call the tune. This is an improvement on the present situation.

135. Do you think the country at large would accept a scheme of this kind ?—I want to improve the present conditions, and I think my scheme is an improvement on present conditions.

136. You call that an improvement ? All right. Then on page 309 you fix a time-table. You say: "The Federation suggests that a Commission should "be immediately appointed to fix the amount that "is required for these services and that this amount "may be treated as the maximum amount which "can be utilised without the sanction of any authority "for the administrative departments, subject, of "course, to the control of public audit and other "departmental controls for a definite period of time, "say ten or fifteen years. Over and above this, His "Excellency the Viceroy will be given the powers to "allot, in cases of emergency, such amount as may "be required in excess of the maximum fixed by "the commission." So that if the Viceroy wishes to paralyse the Assembly, he may grant such a large amount that there may be a very heavy deficit ? —I do not foresee the existence of perverse Viceroys.

137. It is not a question of that. I will give you an example. The Assembly may think a certain course of action unnecessary and not dictated by sound financial reasons; the Viceroy may think otherwise. You want popular control to control the Viceroy and the Governors; otherwise, if that is not necessary, you do not need an Assembly or any councils ?—I think self-government is better than good government.

138. Is this a case of self-government or good government ?—It is a case of self-government.

139. No, this is a case of good government superseding self-government ?—The only point of view I had was whether it was practicable now in India to ask for control of the Army and Navy, and if anybody suggests it is practical all I can say is that there is a difference of opinion on the subject. I want to approach the subject from a practical point of view. This is a transitional stage, as I have pointed out.

140. When this scheme goes before the public, the public will criticise it ?—Naturally.

141. Is it not better that you and I should see the criticisms to which it will be subjected here, rather than that the wider public should decide ?—That is true, but it seems to me there is only one scheme which will not be criticised by the public, and that is one which gives complete self-government, full swaraj, to-morrow; and I am not in favour of that.

142. No more am I. The next point is this. You said in answer to the Chairman that at the present moment communalism is a race for power ?—Yes.

143. Do you think the perpetuation of communal electorates will strengthen the national bond, the feeling of common citizenship ?—I would say that their continuation, not perpetuation, will strengthen the national body.

* * * * * * * *

147. *Sir Zulfiqar Ali Khan:* You say on page 309 of the Liberal Federation Memorandum that the Lucknow Pact was "ratified by the Imperial Parlia- "ment itself" ?—Yes.

148. When was that ?—When the Government of India Act was passed, and later by the proposals of the Franchise Committee, whose recommendations were accepted by the Secretary of State and by the Imperial Parliament. The rules were placed on the table of the House of Commons, and there was no dissent expressed, and according to the provisions of the Government of India Act that means acceptance by the House of Commons. There are two processes by which rules can be made under the Government of India Act and accepted by Parliament; one is a positive process, by which they must be specifically passed by Parliament, and the other a negative process, by which papers are laid on the table and regarded as agreed to if dissent is not expressed. These regulations became operative as statutory rules after being accepted in the negative manner.

149. But does the Government of India Act, 1919, say that this pact is ratified ?—No. The Government of India Act said rules for the qualification of electors might be made under such and such sections, and the rules were made by the Franchise Committee.

Sir Hari Singh Gour: That was mentioned in the Montagu-Chelmsford report.

150. *Sir Zulfiqar Ali Khan:* Did both Houses of Parliament solemnly ratify that pact ?—They ratified the report of the Franchise Committee, which incorporated the Lucknow Pact, and therefore they ratified the pact.

151. That is your own opinion ?—It is a question of fact.

152. I wonder whether it is a question of fact. Do you know that the Punjab never accepted that pact ?—I do not know what evidence they tendered before the Franchise Committee, but as far as I know it is only within the last four or five years that the Punjab has questioned it—since 1923.

153. No, the Punjab never accepted it, because in the Punjab we have a majority, and we cannot be reduced to a minority, so the Punjab cannot be expected to accept that pact ?—My impression is that in the years 1917 to 1920 the Punjab did not question it.

154. My recollection is the other way ?—You ought to know better than I do.

155. *Dr. Suhrawardy:* You say the pact was ratified by the Imperial Parliament ?—Yes.

156. Are you quite sure the Imperial Parliament gave the Punjab Moslems the representation recommended under the Lucknow Pact ?—That is my understanding of the subject.

Dr. Suhrawardy: You can take it from me it is not so.

157. *Sir A. P. Patro:* Sir Hari Singh Gour argued with you that emergency powers are inconsistent with responsible government and the Governor becomes an autocrat if he is given such

powers. Do you remember the alternative suggested in the All-Parties report is that the power should be vested in the Government of India ?—Yes.

158. That in case of emergency the Government of India should intervene ?—Yes.

159. It is suggested that either there should be the interference of the Government of India in case of emergency or, if the veto is taken away and no such power given, there should be a revising chamber ?—Yes.

160. Which of these three alternatives do you prefer ? Do you want the power to be vested in the Government of India, or the power to be with the Governor, or a revising chamber ?—I am distinctly against the power being vested in the Government of India, for the reason that it is out of touch with the provincial Governments and it will really mean the exercise of that power on the advice of the Governor of the province, so you might as well make the Governor of the province directly responsible. That is why we have suggested the Governor should have these powers. As for a revising chamber, it seems to me either that or the giving of powers to the Governor would be suitable for the purpose.

161. Do you not think that if the Governor differed from his ministers, then he could dissolve the council and ask the executive council to carry out the administration ?—I do not contemplate that any Governor who had respect for the constitution would do that ; but it is possible that the second council will be of the same opinion as the first, and the Governor might still think that his responsibility was so great that an emergency had arisen when his special powers had to be utilised.

162. Do not you think in cases where a provincial Government broke down on account of a conflict between the executive and the legislature, it should be an outside power which should intervene in order to take over the administration ?—No, it is not a question of resuming administration really ; it is a question of having a specific act done or not done under particular circumstances.

163. I am putting the case of the breaking down of the administration ?—By a refusal of any recognised party to work the administration ?

164. Yes.—That will really mean that the whole thing will have to be resumed, as it is being done now.

165. In regard to representation on the Assembly when full responsible government prevails in the provinces do not you expect that there should be some relation between the provincial councils and the central Assembly, and therefore representation from the local councils will become necessary in the Assembly ?—I cannot say that it becomes necessary, but I am not against a certain proportion of the Assembly being elected by the provincial legislative councils.

166. Under the proportion to be elected by direct election ?—Yes.

167. In the Lee Commission recommendations you find that in all the transferred departments they recommended provincialisation of the services ?—Yes.

168. So ultimately, when there is full responsible government, according to the recommendations of the Lee Commission all of the services should be provincialised ?—Yes.

169. Both the Memoranda ask for responsibility to be introduced in the central legislature ?—Yes.

170. Do you think that public opinion in southern India would be satisfied if no responsibility was introduced in the central legislature ?—I think no section of the public would be satisfied if the central legislature had no element of responsibility.

171. That is, no section would be satisfied if no element of responsibility was introduced into the central legislature ?—Yes.

172. In answer to Sir Hari Singh Gour you stated that with regard to the financial element—or rather, I think Sir Hari Singh Gour said—one has to find the money and the other has to play the tune. Instead of that, for all these subjects that ought to be administered by the Governor-General in Council, do not you think that if the Commission is appointed to find out the average expenditure on those subjects, if the Commission fixes a certain average of expenditure annually, that may be non-voted ?—Yes, that is my idea ; it will be treated as non-voted.

173. Will you please explain that ?—So far as the subjects for which I have suggested transfer to the control of the ministers in the central government are concerned, they will pay the piper and they will also call an excellent tune, which they are not at present in a position to call for ; so that is a distinct advantage over the present circumstances. With reference to the army and allied subjects, I have suggested that a Commission should allocate the amount that should be necessary for the next ten years by taking into consideration what has been spent in the past, and getting expert advice on the subject. That amount will be deducted from the budget of the central legislature, and to that extent the legislature will have no power.

174. At the same time, you admit that there may be resolutions and discussions of policy concerning those subjects ?—According to the scheme I have suggested, there will be resolutions and discussions in the Council of State on that.

175. So that under your scheme discussion of those matters is not precluded in the Legislative Assembly ?—It is precluded in the Legislative Assembly, because I do not want to introduce dyarchy in the Legislative Assembly. I want to have certain subjects to be entirely under the control of the Indian Legislative Assembly.

176. *Raja Nawab Ali Khan :* I cannot follow that. You say you keep special subjects, and you do away with dyarchy ?—Yes. Those who are in charge of the army and navy will not be before the legislature at all.

177. If you said that these reserved subjects should not be touched anyhow, then I could understand the position ?—I see what you mean.

178. *Sir A. P. Patro :* Please turn to page 306 of the Ganjam Memorandum, "We have also "referred to the gradual building up of responsible "government in India."—I have it.

179. You go on to say : "We propose that a "scheme of Government may be framed which will "automatically carry forward to the goal, provided "the progress is not retarded by causes for which "the scheme is no longer responsible." What you mean is you want a scheme to be prepared which would automatically lead to full responsible government ?—Yes ; what we have suggested is that we should have full responsible government at the very next stage.

180. *Diwan Bahadur Reddiyar :* Your proposal is that the Governor should be vested with certain extraordinary powers so that he may intervene on occasions of emergency ?—Yes.

181. Has the Governor got similar powers of intervention even under the present Government of India Act ?—He has.

182. Under Section 72D of the Government of India Act the Governor has got the power, in case of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety and tranquility of the province or for the carrying on of the department. And similarly he has the power to adopt, suspend or reject any measure when he thinks it necessary in the best interests of the province ?—Yes.

183. Powers similar to these must be vested in the government ?—Yes, analogous powers.

184. So there is nothing new or novel in the suggestion ?—I do not claim any novelty for it.

Sir Hari Singh Gour : The novelty is the introduction of responsible government.

185. *Diwan Bahadur Reddiyar :* With regard to the Ganjam District People's Association, on page 303 you say : "The franchise may be extended to half

" of the present qualification or tax-paying capacity " in urban areas." I understood you to say that must be corrected ?—Yes ; it should be both for rural and for urban areas.

186. So you would recommend that there should be no distinction with regard to the franchise between urban and rural areas ?—The existing distinction will continue. In each case it will be half the existing limit.

187. *Mr. Thomas :* You just now said, in answer to my friend's questions, that the powers which are now conferred on the Governor under Section 72 of the Government of India Act should be continued ? —Yes.

188. I take it that you confine those powers only to Law and Order ?—Yes.

189. Under the present Act he has power to carry on any department ?—Yes.

190. In connection with the carrying on of peace and tranquillity ?—If peace and tranquillity impinge on any department, naturally he must have the power to take over ; but that is not the primary object. It might concern any department at any time.

191. So that you would have the powers in those general terms ?—Yes.

192. With reference to the autonomy of the provincial government, you know that, under the present Government of India Act, for legislation on certain matters the previous sanction of the Governor must be obtained ; on certain other matters the power of veto is conferred on the Governor-General ?—Yes.

193. Would you continue those powers ?—I would certainly have the veto continued up to the King-Emperor, but the previous sanction I would remove where autonomy is concerned.

194. Supposing a question arises as to whether a subject which forms the subject-matter of legislation before the legislative council is a matter which falls within the provincial subjects or within the central subjects, what authority would be fixed for determining such disputed points ?—The Governor-General or the Secretary of State. He would be the authority to determine.

195. I take it that with reference to all moneys granted for provincial subjects there would no power of interference according to your view ?—Yes.

196. You would not consider that in certain circumstances it might be an advantage to have the disinterested view of a distant authority ?—In practice it happens to-day. In practice it really depends on the view which is adopted on the recommendation of the man on the spot. It is not going to be as disinterested as in theory it may appear.

197. But is it not possible that in certain cases an occasion might arise where a disinterested view of a distant authority might be more advantageous to the public interests, rather than the biased view of a local authority ?—That is a possibility.

198. Do you not think it would be advantageous to have a power over the Governor on certain matters ?—I think that would be fettering the responsible government far too much.

199. With reference to the question of the minority communities, you are in favour of the continuance of separate electorates ?—As at present, yes.

200. You said so far as the Moslems are concerned the number has been fixed by the Lucknow Pact, and therefore there can be no variation of that pact without the consent of the Hindu community ? —Yes.

201. I take it that the Indian Christians are not parties to that pact ?—No, there is no question of the Indian Christians in it.

202. You know that the number reserved for Indian Christians in provincial councils is five ? —Yes.

203. You know there are two great Christian communities, the Catholics and the Protestants ? —Yes.

204. And in the first council and the second council a Catholic and a Protestant respectively were nominated, to make up equality as between Catholics and Protestants ?—Yes.

205. And usually the depressed class representative who has been nominated has been a Christian ? —Yes, but that was done as a depressed class member, not as a Christian.

206. But it happened ?—That is an accident.

207. It has happened in the last three years. Very well. You know that in the present conditions there are a certain number of official representatives who may perhaps hold the scales even in conflicts between communities ?—I do not know that, because officials always vote to order.

208. Under the Government's instructions, you mean ?—Yes.

209. But you may also take it that the minority communities may look upon the Government as trying to hold the scales even ?—Quite so ; and I hope they will continue to look upon the Government in a similar way, though they may be ministers.

210. May I suggest this to you. Supposing there is a representation of five or six Christians, and supposing the number of seats were doubled, may I take it that when the large minority is a large proportion, the small minority has to be increased in more than the regular proportion in order to keep their former position intact ?—It is a very difficult problem in permutations and combinations.

211. You will bear with me if I read to you a certain suggestion which has been put before the Conference by the All-India Conference of Indian Christians, in their Memorandum* : " The real " point in joint electorates is that the represen- " tative should be elected with the voice and support " of others than that of his own co-religionists. " This can be accomplished through specially devised " constituencies. We will suggest that in these " constituencies the voters should be all Indian " Christians who are qualified electors for the pro- " vincial legislatures, and such members of other " communities who are voters to the Council of State. " The Indian Christians will continue to have the " right to vote in other constituencies, but will not " be eligible to stand as candidates." What is your opinion on that subject ?—That is having the cake and eating it too. You cannot have it both ways. Either you trust your Hindu community or you do not.

212. *Khan Bahadur Khalif-ul-Lah Sahib :* Much is talked of communal tensions and communal evils as being due to separate electorates. I want to know whether these evils were in existence even before the Reforms ?—Yes, they have always been in existence.

213. They have not increased since the Reforms, I think ?—I cannot say that.

214. I am referring to the whole of India ?—In certain provinces they have become more aggravated since the Reforms.

215. So far as our Presidency is concerned, is there much of this communal tension here ?—It is much less since the Reforms than before.

216. Therefore certainly the Reforms have nothing to do with these tensions ?—In this province, no.

217. *Mr. Siva Rao :* One question on page 310 of the Liberal Federation's Memorandum. You say there that what applies to provincial legislatures applies also in a large measure to the central legislature ?—Yes.

218. It follows that the present representation of the depressed classes in the Assembly is very, very poor ?—Yes.

219. Very negative ?—I contemplate the same sort of representation for the depressed classes in the Assembly as I do in the legislative councils ; the same sort of electorate.

220. I am talking about the number of seats ?

* Vol. XVI, page 326.

—That has to be taken on an All-India basis. I cannot give the number.

221. With regard to the public services, you make a recommendation that there ought not to be a predominance of any particular community ? —Yes.

222. Am I to understand that you want a statutory recognition of that principle in the constitution ? —No ; the rules framed thereunder may provide for it.

223. Then it is entirely a matter for the local Government ?—Yes.

Memorandum submitted by the Indian Christian Association, Madras.

The Indian Christian Association of Madras was established in the year 1888, and was registered as a corporation the following year. It is the premier Indian Christian Association in the whole of India and is a Provincial Organisation affiliated to the All-India Conference of Indian Christians. Its membership is not confined to the geographical limits of the City of Madras, but is open to members of the Community residing in any part of the Province of Madras. The number on rolls at the present moment is 450, and the following are the Members of the Executive Committee for the year 1928 :—

President :
Dr. A. C. Asirvatha Nadar.

Vice-Presidents :
Dewan Bahadur W. L. Venkataramiah, B.A., B.L.
Rao Bahadur Paul Appaswamy, M.A., LL.B., Barrister-at-Law.
Rao Bahadur V. Ponniah, B.A.
Mr. J. P. Cotalingam, M.A.
,, J. R. Sivasubramaniam, F.I.S.E.
,, J. E. Hensman, B.A., A.M.I.C.E.

Secretary :
Mr. S. Balasingam Satya Nadar, M.A., M.L., LL.M.

Treasurer :
Mr. S. M. Doraiswamy.

Members of Committee :
Mr. S. Ambrose.
,, S. J. Augustus, B.A.
,, Y. Devanesan, F.C.I.
,, O. F. E. Zacharias, B.A., L.T.
,, S. P. Arumainayakam, B.A., L.T.

On the Council of the Association are represented all interests affecting the Indian Christian Community of Southern India.

This Association has been carrying on its work without a break from the time of its establishment. The part that it has played in all the activities of the Indian Christian Community during the past forty years, and the close contact that it has maintained with all the sections of the Community in this Province confer upon the Association a right to speak with considerable authority not only on its own behalf but also on behalf of the Indian Christian Community in general. The Association has, in the past, made itself heard on matters political affecting the community.

The needs of our Community and the special disabilities it suffers from cannot be rightly appreciated unless its peculiar position among the non-Christian communities of the Province is rightly understood. Unlike our sister communities, we have come into existence through a change in religious belief. We are the product of Christian Missionary effort. Our members have been drawn from the various strata of society. Two adverse results have accrued from the peculiarity of our origin.

The earlier generations of our Community, by embracing a new religious faith, have had to forfeit what claims they had to a share in the property and possessions of the non-Christian families to which they belonged. They had to start life as Christians often in destitute circumstances. In most cases our Community has had its beginnings in material bankruptcy. Our economic condition has not improved much in spite of the rapid advance we have made in education. Many of our educated young men and young women could obtain situations only as teachers, largely in private and rarely in state-managed schools. The other branches of service were, for long, beyond their reach, because they had not the influence of wealth or position to open to them the doors to the higher grades of public service. It is a notorious fact that teachers in this Country are paid absurdly low salaries. About eighty per cent. of the ordinarily educated men and women of our Community are either teachers in schools or preachers of religion, and the community has no prospect of material salvation until the economic condition of teachers is bettered. Poverty has affected the Christians in the villages also. Except in the case of some districts, they are dependent upon non-Christians either as farm-hands under non-Christian landowners or as tenants under non-Christian proprietors. Social disadvantage which they experience as followers of what is looked upon as an alien religion, has stood in the way of the material advance of our Community both in the village and in the town.

The second result has been this. While we share in the common disabilities of other minority communities of this Province in the matter of securing positions in the Indian and Provincial branches of the various services, and in the Judiciary of the Province, we, Indian Christians, labour under an additional disability regarding rules governing the age of candidates entering Government service. The baptismal certificate prevents the possibility of any alteration in date of birth. While, in the case of some others, there is considerable difference between the "official" age and the "natural" age, in the case of the Indian Christian the "official" age is the "natural" age also. This fact has not been recognised in the past by those who are responsible for appointing candidates to various departments. On this account, Indian Christian applicants have had to face unfair competition. We are compelled to ask for reasonable exemption from the application of age rules in the case of Indian Christian applicants who may be otherwise qualified.

Educationally the Indian Christian Community is ahead practically of every other community in this Province, and yet it is not represented in the higher ranks of public service proportionate to its educational qualifications. This injustice the Community has been feeling for years, and the remedy has to be found, not by the Community, but by the Government. If a few among us have reached positions of importance in Government service, they are highly qualified men of exceptional merits who have had to make their way in spite of many an obstacle. We have the right to be represented also on popular self-governing bodies such as Municipal Councils, Taluq and District Boards, etc. We shall not ask for preferential treatment for charity's sake. We ask for what in justice ought not to be denied to us.

We are a minority Community whose voice has rarely been heard, but, when we do make ourselves heard, we expect that it shall not be in vain.

We feel with the rest of the country that the time is ripe for the granting of Dominion Status to India and for the establishment of complete Provincial Autonomy. No political reform short of this will satisfy the legitimate aspirations of our country.

I. The Representative System as applied to British India.

(a) *The basis of franchise.* In this Province, franchise based on property qualification alone has not proved a success. It is an altogether untenable position that owners of property are alone competent to exercise the right of voting or that they are necessarily competent because of property qualification. In this country there are as many illiterates among them as literates. While many graduates of the universities do not possess a vote, many an illiterate man does, all because the latter owns some property, whereas the former does not. The basis of franchise must therefore be altered to make it possible for persons other than owners of property also to secure the right of the vote. So far as the Provincial Council is concerned, we suggest that the franchise may be extended to include all those who hold degrees or diplomas of recognised universities or Completed Secondary School-leaving Certificates issued by the Government of Madras or the South Indian States.

INDIAN CHRISTIAN ASSOCIATION, MADRAS. [*Continued.*

The franchise in the case of the Second Chamber or Senate of the Province and the House of Representatives of the Central Government—the Legislative Assembly, as it is called now—shall be based on the following qualifications:

Those who pay

(1) a Land revenue of Rs. 50 per annum;
(2) House rent of Rs. 300 per annum or own a house of that value;
(3) Income Tax;
(4) Profession Tax of Rs. 10 per annum, and all graduates of recognised Universities.

In the case of the Upper House of the Central Government (the Council of State, as it is known at present), the qualifications for the franchise shall be higher and shall include

(1) All members of Municipal Councils, Taluq Boards and District Boards.
(2) Those who pay a land revenue of Rs. 500 per annum.
(3) Those who pay Income-tax on Rs. 3,000 per annum.
(4) All Graduates of recognised Universities.

(b) *Methods of Election.* Communal representation on the basis of separate electorates has not been successful in the case of the Indian Christians. This has led to friction between the Roman Catholics and the Protestants. It has not, so far, been possible for these two sections of the Community to come to any definite understanding. There are now five seats on the Provincial Legislature allotted to Indian Christians, two of which will never be accessible to Protestants and one to the Catholics. The Protestants, under ordinary circumstances, can never be sure of capturing more than one of these five seats. In the four constituencies where the Roman Catholics preponderate, no Protestant Candidate has the chance of being returned, for the reason that Roman Catholic priests exercise great influence over the voters.

Communal Electorates have led to political separation between us and the non-Christian Communities. In a country where social and religious differences are rampant, political separation will do more harm than good to national solidarity. As a highly enlightened community, we would desire to be represented in excessive proportion numerically. If that is not practicable for any reason, we claim representation to our numbers and to our educational qualifications—a point conceded by the Lucknow Pact of the Indian National Congress of 1916 and also accepted by the framers of the Montagu-Chelmsford Report.

We are of opinion that adequate representation can be secured for us by the reservation of seats in the general electorate. This will avoid conflicts between Roman Catholics and Protestants.

(c) *Number of Seats.* Indian Christians are now entitled to five seats on the Legislative Council. This number is out of all proportion to our deserts. On the basis of numbers alone we are entitled to more seats, and, when our educational qualification is also taken into account, the inadequacy of our representation becomes obvious. Our numerical position in the Province is as stated below:

Madras Province—Proportion of population.

Hindus	89·0%
Moslems	6·5%
Christians	3·2%
Tribal Religions	1·4%

Proportion of seats on the Madras Legislative Council.

Hindus	65·5%
Moslems	13·5%
Christians	5·5%
Special Interests	15·5%

It is clear from the foregoing that we are entitled to nine seats at present apart from the fact that educationally we are the leading community.

THE INDIAN STATISTICS.

(1) Proportion of communities per 10,000 of the population.

Hindus	6589	..	70·7%
Moslems	2407	..	24%
Buddhists	465	..	4·1%
Christians	123	..	1·2%
Sikhs	96	..	about ·8%

(2) Proportion in respect to Education.

	Literates.	Literates in English.
Hindus	14%	1·5%
Moslems	10%	1·1%
Christians	23%	8%

From the above statistics it is clear that the Indian Christians of this Province are entitled to fifteen per cent. of the total number of seats in the First House of this Province.

The Second Chamber or Senate of the Province ought to consist partly of elected and partly of nominated members. Here also we claim fifteen per cent. of the total number of seats.

Legislature of the Central Government. The Assembly as it is constituted at present ought to have provided for the adequate representation of the Indian Christian Community. According to statistics we are entitled to at least four seats, two being chosen from this Province. The single nominated seat allotted to us is unfair to the Community. In the new House of Representatives or Central Legislature we claim at least four per cent. of the total number of seats.

Council of State. The present constitution of the Council of State is unsatisfactory, for the reason that the nominated seats are in excess of the elected ones. In this Upper Chamber of the Central Government also we claim four per cent. of the total number of seats.

Self-governing Institutions. We claim adequate representation on self-governing bodies, such as Municipal Councils, Taluq Boards and District Boards. In some of the districts such as Tinnevelly, Madura, Trichinopoly, Tanjore, Madras, North Arcot, Salem, Coimbatore, Malabar, South Canara, and Guntur, where the Christian population is considerable, we claim twenty per cent. of the number of seats.

Minor Interests. We feel strongly that commercial interests and the Depressed Classes ought to be adequately represented in every representative body.

(d) *The relationship between Representatives and Constituents.* The question whether the elected representatives are guided by a sense of responsibility to the constituencies that return them is not easy to answer. Evidences are not wanting which point to a growing sense of responsibility on the part of elected representatives of the people. This consciousness is bound to grow in proportion to the measure of political privileges that are granted to the country and the extension of the franchise to educated persons as such.

(e) *Growth of Parties.* The growth of parties is the direct outcome of the formation of strong public opinion. Party system is an essential factor in the working of cabinet Government. The existence of parties is an effective check on the ministry, and party system worked on right lines contributes to efficiency in government. It is also helpful in choosing suitable candidates at elections. We, however, favour the formation of parties on the basis of differences in shades of political opinion only, and not on other considerations such as communal or sectarian.

(f) *Growth of Informed Public Opinion.* Political advance depends largely on the growth of informed public opinion. But of no country in the world can it be said that public opinion is so widespread as to cover the whole population. Much less can this be said of India with its manifold languages, castes and creeds. Increasing political consciousness resulting from enlarged political responsibilities will help the growth of informed public opinion. Experience gained from success or failure has educative value in the formation of public opinion.

Nomination of Officials and Non-Officials. Popular opinion regarding nomination of members to the legislatures is that it is a method of securing a Government majority in the bodies; and nominated members are, for that reason, looked upon as Government creatures. Whether this view is right or wrong, we Indian Christians are not in favour of nominations, except when minor interests, such as those of Commerce or Depressed Classes have to be safeguarded. Officials are not expected to represent the feelings of the people.

II. THE SUITABILITY OF EXISTING AREAS FOR LEGISLATIVE AND OTHER PURPOSES.

We see no reason why there should be a re-distribution of areas for political purposes at present.

III. THE LOCAL SELF-GOVERNING BODIES (MUNICIPALITIES, DISTRICT BOARDS, ETC.) AND THEIR RELATIONSHIP WITH THE PROVINCIAL GOVERNMENT.

Local self-governing bodies, such as Municipal Councils, Taluq Boards and District Boards, have done good work in this Province during the period in which they have existed. Drawbacks there are and failures there have been. In a country where there are many conflicting interests like India, failures are bound to occur at the initial stages of political privileges. The remedy for this is not curtailment of such privileges but the provision of safeguards against the abuse of privileges. The basis of franchise being property qualification only, the right of voting is held by a large number of illiterate persons. This gives room to the sinister influence of wealth at elections.

One of the remedies we would suggest is that literacy, not necessarily literacy in English, ought to be insisted upon in the case of every voter. This remedy, while minimising evils in the administration of local self-governing areas, will also prove an incentive to education.

Another suggestion we would like to make is that nomination to self-governing bodies should be resorted to only to secure the representation of such minorities as the Depressed Classes and others. In most cases where nominations are now made on communal or other grounds elections would be preferred, seats being reserved in the general electorate.

We favour the continuance of the provisions for the control by the provincial government of the conduct of local self-governing bodies. Such control may be specified more definitely than it is now. It should not be possible for the Collector of a district to interfere with the working of a local self-governing body unless there is danger of a conflict between that body's policy and the policy of the Government. The Provincial Government's control should be so extended as to include finance also.

IV. THE PROVINCIAL GOVERNMENTS.

Constitution. The Provincial Government shall be constituted on the lines of the States in the Australian Colony.

The government shall be in the hands of a Governor appointed by His Majesty. He shall act entirely on the advice of the Ministers, except in such matters as are specially reserved for the exercise of his discretionary powers to maintain the safety and tranquillity of the Province.

The Ministry shall consist of a Prime Minister and five other Ministers. The Governor shall appoint the Prime Minister and call upon him to form a Ministry.

The status and duties of the Ministry shall be the same as those of the Ministries in the Dominions. The Governor shall occupy the position of a constitutional Governor of a Dominion. The Ministers shall be collectively responsible to the people through the Legislature for the administration of the Province.

The Legislative body shall consist of two Houses on the model of the Australian Government. The Lower House shall be elected, and the Upper House or Senate partly elected and partly nominated. No bill shall be enacted until it has passed through both the Houses. The provincial laws shall relate to provincial subjects only, and laws which affect the whole of India shall be enacted only by the Central Legislature. Provincial legislation, inconsistent with any Indian or British Act shall be *ultra vires*. The relation between the two Houses shall be the same as is obtaining in Australia.

Working of Dyarchy. There shall be no dyarchy in the Provincial Government, though it may be necessary for some time in the Central Government.

The transferred subjects and the reserved ones, as they exist at present in the provinces, are interdependent and cannot be separated in actual administration. Agriculture is now separated from its ally, Irrigation, and Industry from Mines and Factories. Such artificial separation cannot but affect the smooth working of the machinery of Government.

The Secretaries to the various departments which are under the control of the Ministers are often found to differ from the declared policy of the Ministers, and this results in friction between the Ministers and the heads of departments.

It is an established principle of democratic Government that there should be close correspondence between the legislative bodies and the executive, and that there should be political homogeneity in the administration. At present the Cabinet is formed of the Ministers and the Members of the Executive Council who control the reserved subjects. The purse is in the hands of both. Unfortunately this arrangement disturbs the homogeneity and the collective responsibility of the Cabinet.

It is a common principle that Ministers should be subordinate to the Premier. This condition is practicable only when there is collective responsibility in the executive, which is destroyed by the existence of the dyarchy.

One of the reasons why we favour dyarchy in the Central Government is that dyarchy will be a check in extreme cases where there may be danger to law and order. Besides, the subjects controlled by the proposed Central Government will be mainly Imperial, and they do not, as a rule, interact on each other.

Position and Powers of Governor. The Governor shall be the constitutional head of the province, and if he does not adapt himself to constitutional usage, he shall be removed by His Majesty the King if a clear majority of the two Houses of the Province vote that they will not work with him.

Departments of Government. There shall be two main departments, viz. Provincial and Central. There shall not be any reserved department so far as the affairs of the province are concerned.

The Central subjects shall be:—(1) Defence of the country—naval, aerial, and military departments; (2) External relations with the Native States; (3) Inter-relations with the Provinces; (4) Posts and Telegraphs; (5) Railways, Navigation and Commerce; (6) Ports and Lighthouses; (7) Public Debt of India; (8) Currency and Coinage; (9) Penal Law and Procedure; (10) All-India Services, etc.

The central subjects shall be subdivided into Ministerial and Imperial: the Imperial subjects being Military, Ports, Railways, etc.

The Provincial subjects shall be controlled entirely

by the Provincial Government, and the Central Government shall have no right of interference.

Finance. There shall be a separate purse for the Central subjects and another for the Provincial subjects, so as to avoid friction between the Provincial Government and the Central. The provincial finance shall be controlled by the Ministers. In pre-reform days the Central Government had the right of using the funds of one province for the needs of another. Even after the introduction of the Montagu-Chelmsford Reforms, which provided that the revenues of the provinces are to be kept separate, we are often told that all the revenues are Indian for the reason that the Accountants-General of the provinces are Officers of the Government of India. We hear of " the appropriations " by the Governor-General, and understand thereby that the cash balances of a province are liable to be utilised elsewhere, though the accounts show separate revenues. There shall therefore be complete separation of the provincial funds from the central, and each province shall have freedom in the use of its funds for purposes of the province.

Constitution of the Central Government. The constitution of the Central Government shall be the same as in the Dominions.

The Governor-General and the Indian Cabinet shall be responsible to the Secretary of State and the British Parliament only so far as the Imperial subjects are concerned.

The Central subjects shall be divided into two groups, viz. (1) Indian—which shall be completely under the control of the Ministers, and (2) Imperial—which shall also be controlled by the Ministers, but subject to the supervision of the Secretary of State and the British Parliament.

The Ministry of the Government of India shall consist of a Prime Minister and at least seven Ministers.

The portfolios of the Imperial subjects shall be entrusted to the Executive Councillors, half of whom shall be Indians and the other half Europeans.

The Parliament of India shall consist of the Governor-General, the Upper Chamber of the Central Government, and the House of Representatives, as in the Dominions.

The Governor-General shall give his assent to or withhold it from Bills passed by the House, but he shall not interfere with matters which do not affect Imperial interests.

The relation between the two Houses of the Central Government shall be definitely specified in the new Government of India Act so as to avoid deadlocks, especially in financial matters.

The Position and Powers of the Governor-General. The position of the Governor-General shall be similar to the position of the Governor-General of Canada. He shall have power of ordinance-making, which shall be exercised only under extraordinary conditions, but he shall not have the right of certification.

Relation between the Central and the Provincial Governments. The extent of the power of superintendence, direction and control of the Central Government can be determined only after careful investigation.

Federal India. The Indian National Congress fears that a Federal India may not be a success, and would prefer a Unitary Government. Bearing in mind the multifarious differences and conflicting interests which characterise this country, we prefer a Federal to a Unitary Government for this country. Powerful influences may turn a Unitary Government to an autocratic one. A Federated India is a more logical growth of the present system than Unitary Government. Federation has led to the wealth and influence of the United States of America. There is no reason why the United States of India should not bring prosperity to the country.

The Courts and Judiciary. There shall be a Supreme Court in India to which appeals from the Provincial High Courts shall lie. Judges of this Court shall be appointed by His Majesty the King, and they shall hold office during His Majesty's pleasure. Judges of this Court should have practised at the Bar for not less than seven years, at least three of which having been spent at the Bar in India. The powers of this Court shall be decided by His Majesty, while its jurisdiction shall be determined by the Central Government of India.

There shall be a right of appeal from the Supreme Court in India to the King in Council under conditions specified in the Judicial Committee Act.

The majority of Judges of all courts shall be recruited from the Bar, five years' practice at the Bar being the minimum qualification. We specially urge the claims of Indian Christian lawyers in the matter of appointments to the judiciary.

No officer of Government shall hold judicial and executive powers at the same time. These two powers should be separated without any delay.

Justice in British India. Justice shall be dispensed in India with an even hand. There shall be no distinction between man and man.

The freedom of speech and the freedom of the press, the elementary rights of all self-respecting peoples, shall not be denied to India.

No man shall be arrested and kept in custody longer than a week without a trial. Every accused person shall be informed of the nature of the charge against him within twenty-four hours after his arrest, and every opportunity shall be given to him to defend himself.

Defence of India. It is a discredit to the citizen of any country that he has no share in its defence. More is the pity when he is denied this privilege. Apart even from this, a sound military training has physical and moral value in the development of a nation. Educated young India ought to be given the chance of choosing the army as a career. The educated youth of this country has very limited scope for the choice of a profession. This defect would be remedied if the Army and the Navy are thrown open to deserving young men of this country. There are many Indian Christian young men who have the abilities and the inclination for a military career, but are denied entrance into the army. Large numbers of our Community have served the country and the Empire on many a battlefield in the Great War, and not a few of them have laid down their lives. We feel that the time has come for throwing open the commissioned ranks of the Army and the Navy to deserving young Indians.

We feel very strongly that the Government should not have turned down the modest recommendations of the Skeen Committee. We expect that the whole question would be reconsidered and that the recommendations of the Skeen Committee would be given effect to without delay.

Social Progress in British India. India has had a chequered history. Many influences, indigenous and foreign, have affected Indian society in the past, and are affecting it even to this day. Differences resulting from the existence of many religious faiths and social orders have not disappeared. Bearing the same political burdens and sharing in the same political privileges will, in course of time, bring the various communities of this country together and ensure national solidarity. The caste system, which is one of the most distressing features of Indian society, had its origin in a division of labour. Increasing political responsibilities are likely to effect divisions apart from caste differences, and the barriers of caste which appear insurmountable may become surmountable. The influence of the West in this direction has been most helpful. One unified Indian society may be more than the dream of the optimist.

The status and position of India in the Empire. In area and population India occupies the first place in the British Empire, but this place has not been

given to it yet. A Federal India may reach that position. But the least that can be granted to India is a position similar to that of any of the Dominions.

THE POSITION OF THE SERVICES.

The Indian Civil Service. It ought to be said to the lasting honour of the Indian Civil Service that much of what India has achieved in the fields of politics and education she owes directly or indirectly to the Indian Civil Service. That service has maintained without a break the traditions of British justice and sense of fair play all through the changing conditions of this country. But the members of this service have, for long, been holding almost autocratic powers. Such powers might have been necessary in the past. But times have changed, and the angle of vision of the Civil Service also must undergo a change. If the members of the Indian Civil Service will realise that they are the servants of the country, and give of their best ungrudgingly, they will contribute in a larger measure to the growth and progress of the country than in the past.

In the matter of recruitment to the Service, we would urge two considerations, viz. (1) There ought to be steady increase in the number of Indians, and (2) The qualifications shall be both intellectual and moral. We might suggest a character test, should such a test be possible.

Other All-India Services. All appointments to the All-India services shall be made by a body specially appointed for that purpose. The Legislature of the Central Government will appoint the members of such a Board. In every province there shall be a Committee appointed by the Provincial Legislature. These committees shall nominate candidates for the All-India services and choose candidates for the Provincial services. The central staff selection board shall not ordinarily appoint to the All-India services candidates not recommended by the Provincial committees.

In order to secure the representation of minority communities in these services, preference ought to be given to candidates belonging to such communities, other things being equal.

In this connection we urge the claims of our Community, especially with reference to appointments made to the provincial judiciary.

Indianization. Indianization of all the departments of public service, including the Army and Navy, is the ultimate end to be achieved. We desire to see this policy pursued steadily, and not by fits and starts and in answer to any agitation.

The growth of Education. That education has advanced by leaps and bounds in the last decade or two is amply borne out by statistics. Yet a fringe of the country only has been touched. The masses still need schools. The introduction of free and compulsory Primary Education is the crying need of the country. Critics are again and again condemning the methods of education and the system of education in vogue in this country. But few of the critics have quite realised where the fundamental weakness of Indian education lies. Unless a better type of teachers is secured, education is bound to fail in spite of new methods. And a better type of teachers cannot be obtained unless better terms are offered to them. An elementary school teacher is paid less than a coachman, and a teacher of the secondary grade is paid only as much as a postman. And these teachers are expected to possess a certain standard of general educational qualification and have to undergo a couple of years' professional training. Besides, they are expected to be a pattern to their pupils in every respect. The graduate teachers in secondary schools and members of college staffs are not treated any better. In India education is neglected to a culpable extent.

In this country, and especially in this province, education is largely in the hands of private agencies. Aided schools are larger in number than State-managed ones. And yet these generous private agencies are not given the support that they need. If the present state of affairs is permitted to continue, many aided institutions will perish for lack of funds.

We suggest the following remedies:

(1) The immediate revision of the grant-in-aid code, providing for a Government grant to each aided institution equal to the difference between its fee-income and its expenditure.

(2) Introduction of scales of salaries for teachers of all grades, these scales being double what are in force at present.

(3) Revision of rules regarding recognition of aided schools and colleges, making it obligatory on the part of the managements to guarantee

(*a*) security of tenure,
(*b*) adoption of Government scales of salaries, and
(*c*) steady Indianization of the staff.

(4) Appointment of only teachers of considerable experience as Inspectors, fifty per cent. of these posts being reserved for experienced headmasters of aided schools.

About eighty per cent. of the educated men and women of our Community are, as has been said before, teachers, and we would urge their claims to be appointed to responsible positions in the Government educational department.

We demand a thorough investigation into the educational needs of the country. The reforms we have urged would mean a much larger expenditure on education than is provided for in the present Budgets. But what additional money may have to be spent now will come back as saving on the expenditure for sanitation, medical relief, and police. When the masses are educated and a large majority are given a University training, public morality will improve and social evils disappear. It is the duty of a civilized Government to make education the first charge on its revenues.

Deputation from the Indian Christian Association, Madras.

(COLONEL LANE-FOX IN THE CHAIR).

The deputation consisted of :—

Rao Bahadur PAUL APPASWAMY, M.A., LL.B. (Spokesman).
Dr. A. C. ASIRVADHA NADAR.
Mr. S. BALASINGAM SATYA NADAR, M.A.
Mr. O. F. E. ZACHARIAS, B.A.
Mr. Y. DEVANESAN, F.C.I.

225. *The Chairman :* * * * May I ask first of all whether you represent only the Protestant side or have you any Roman Catholics among your members ?—We represent only the Protestant community.

226. You have no Roman Catholic members ?—No.

227. Are there any other denominations ?—We

represent all the Protestant denominations; all Christians except Catholics.

228. You have 450 members?—Yes.

229. On the question of franchise your view is that there should be an additional, educational, qualification for the vote?—We are very anxious about that point, because the special qualification of the community is that it has taken full advantage of the opportunities for education now available; there are large numbers of graduates in the community who do not have votes at present. We want them to be given votes, so that they may bring their education and trained intelligence to bear upon matters of government.

230. You mean there are a great many graduates who do not possess the property qualification?—Yes.

231. You would put it solely on the basis of literacy?—No; on some qualification midway between mere literacy and graduation, such as the passing of the School Final examination.

232. Would you admit some property qualification?—In addition to the usual or existing property qualification, we want the vote for all who have reached a certain educational standard.

233. *Sir A. P. Patro:* That is for the Christian constituencies?—Yes. I may mention here that we have 4,000 graduates in our community, while the great non-Brahmin community has only about 8,000; but, it so happens, we are nothing like proportionately represented in the legislative council.

234. *The Chairman:* That is rather a different point, is not it? You limit your suggestion about making literacy a qualification to the Christian community?—We are speaking mainly about Christians; as it is, the non-Christians' electorate is very large, and if an additional qualification was introduced probably it would become very much larger; but in our community the electorate is only about 5,000 in each electoral district, and so it admits of expansion.

235. I see you say you have found that a system of communal representation on the basis of separate electorates has not been successful in the case of Indian Christians, and has led to friction between the Roman Catholics and the Protestants?—On that point I should like the permission of the Conference to modify what is said in the Memorandum. Since this Memorandum was submitted we have taken the views of a large number of people belonging to the community, and especially of some leaders, and I have now been instructed to say that we would much rather have the present communal electorate system continued, in preference to any other method of election.

236. In the Memorandum I see you advocate a system of reservation of seats?—We do not stand by that now.

237. You wish to withdraw that?—Yes. I am instructed to ask for communal electorates.

238. You prefer the present system to remain, in spite of possible differences between sections of your community?—In regard to those differences I want to make a suggestion to which the Catholics are also agreeable. It is this. Friction has arisen because in four out of the five Christian constituencies Catholic candidates usually come in by election as Catholics are in the majority; it is only in one constituency that the Protestants are in a majority. We propose, in agreement with the Catholics (I believe the Catholic representatives will support us in this when they come before you), that the whole Presidency should be divided into at least three Christian constituencies, each to return one Protestant and one Catholic.

239. That is an agreement you have come to between you?—Yes.

240. It sounds a very sensible one?—There have been three legislative councils so far. In each instance when the Protestants have been in a majority the Government has nominated Catholics to make up the balance, and *vice versa*. Instead of artificially making up the balance like that, we propose a regular arrangement by which each constituency (whether there are three or four or more) returns a Protestant and a Catholic.

241. That sounds a very admirable and much more dignified arrangement. I notice on page 322 of your Memorandum you say your representation is not sufficient, and you claim you are entitled to nine seats. You say you are 3.2 per cent of the population and you have 5.5 per cent of the seats on the council. It seems to me that it is not an inadequate representation, but you are not satisfied with it, and you say you ought to have nine seats?—This is a point on which we are very keen, so I want to address the Conference with some particularity about it. The Conference will notice that the Muhammadans are just twice as numerous as ourselves; they are 6.5 per cent of the total population, and they get 13.5 per cent of the membership of the council, whereas we, who are 3.2 per cent of the population, get only 5.5 per cent. If I may put it in figures, their numbers in this Presidency are just 2,800,000, and we are just about half that. Looking at that proportion, if they are to have 13 seats, we should have 7, but there are other considerations which we should like to urge. I take it the Muhammadans are given rather more representation than they are entitled to numerically because they are a minority community, and are likely to go to the wall unless they are adequately represented. We are still further in a minority; of the three great forms of faith, Hindus are ninety per cent of the population, Muhammadans about six per cent and we are about three per cent.

242. These figures are all in your Memorandum, so we have got them?—Yes. A further consideration I want to mention is that in the matter of education we are very much more likely to help efficiently in matters of administration than other communities because of the very large advance in education which, as I have pointed out, our community has made. I have already mentioned that we have 4,000 graduates as against 8,000 in the non-Brahmin community. The Muhammadans have only 500 graduates. In regard to simple literacy, both in English and the vernaculars, our people are very much ahead of the Muhammadans. Further as a community we stand for peace: and if Hindus and Moslems are in conflict, we will be the only persons interested in keeping the peace.

243. I think the Conference will probably feel there is something to be said for your claim on the ground of having better education, but as regards your claim that because the Muhammadans are given representation in excess of their proportion of the population therefore you ought to have it on the same basis, is not it obvious that if every minority community claimed a much larger percentage than it was entitled to there would be no room left for the majority at all? At present the Hindus form 89 per cent of the population and have a representation of only 65 per cent. What do you think the Hindus will say if every minority community takes the view you put forward?—I do not claim larger representation merely because the Muhammadans have larger representation, but on the ground that we are a separate community, and the principle behind all these legislative councils is that no community should be bound by laws to which it is not a party. Any great community should have an effective voice in making the laws by which it is going to be bound, and if our minority is given representation only in proportion to its numbers its representation will be so ineffective that in any conflict its interests will go to the wall, so that it is no good giving us representation. Communities ought also to have representation according to their value or importance and the place they fill in public life. A community like ours which is in the forefront of matters of education, which has done much to elevate and educate the lower classes and served to interpret the West to the East, the Englishmen

and his ideals to the Oriental, ought not to be placed in such a position that they do not count for anything.

244. Let us now come to the next point about adequate representation on self-governing bodies. You do not say how you propose to get it ?—All that we can say is that in every taluk board or district board where Christians are to be found in considerable numbers they should be given one elected seat at least. As a matter of fact we have not actually suffered much by the present system because a fair number of Christians do get elected to taluk boards and municipalities, but in a time of conflict, or in a time when communal feelings run high, one can imagine a Christian not getting any seat at all. So in any taluk or sub-division where the Christians are to be found in considerable numbers a certain proportion, say 10 per cent of the seats should be reserved for them.

The Chairman : Then you go on to deal with the general constitution and on that subject we had evidence from a great many deputations and it has been the main thing we have been considering all through.

245. *Mr. Cadogan :* On page 321 you say, " Educationally, the Indian Christian community " is ahead practically of every other community " in this province, and yet it is not represented in " the higher ranks of public service proportionately " to its educational qualifications." But surely the public services are open to your community ? —They are open, but we are getting nothing like the proportion to which we are entitled in the higher ranks of the public service.

246. Why not ?—In the matter of appointments, the appointing authorities yield to the community which pulls the strongest weight and as we are a minority community we scarcely pull any weight.

247. There is a prejudice against you ?—There is, very distinctly. Not only prejudice, but as we do not have sufficient people of influence we do not get a large enough number of our people in the higher branches of public service. Take, for instance, the people who have got B.L. degrees. We have got five times as many people who have got the B.L. degree as compared to the Muhammadans and yet they hold exactly the same number of appointments as we hold in the judicial service. In fact, I have heard a European say that he would much prefer to be a Muhammadan, because he will then get into the higher ranks more easily. In fact, men of very much less qualification from other communities do get in and those of us who have got higher qualifications are left behind.

248. You say on page 325 " In order to secure the " representation of minority communities in these " services, preference ought to be given to candidates " belonging to such communities, other things being " equal." Why ?—We do not want more than what we are numerically entitled to, that is, according to the number of educated men in our community.

249. *Khan Bahadur Khalif-ul-lah-Sahib :* Comparing the Moslem representation and Christian representation in this province, you have been saying that you are not adequately represented proportionately. May I know if in addition to the five seats which you get by election you have not been given one or two seats more by nomination consistently in all the three councils ?—In the last two councils we have had two nominated members, but they were nominated to represent other interests. Of the two people who are there now the one represents railway and labour and the other the depressed classes. They have nothing to do with the Christians and they are not put there as representatives of Christians at all.

250. But the fact remains that there are two more Christians nominated in addition to the five elected ?—Because our community has got many educated people the Government find it easy to get representatives from our community.

251. In the matter of services you have been saying that there are not the same number of Christians in the public services as the Muhammadans ?—In the higher branches of the public service. I can give the exact figures. Of the gazetted posts the Muhammadans are holding 68 and the Indian Christians 125, while of the higher posts, we are holding 30 and the Muhammadans 32.

252. So far as the population is concerned the Muhammadans are double your number ?—Yes.

253. And in spite of that they are holding only as many posts in the higher services as the Indian Christians ?—Yes. But in literacy and education we are far in advance of them ; as regards law graduates for example, as I have mentioned already we have five times as many law graduates as there are among the Muhammadans. As for ordinary graduates we have got 4,200 graduates, while the Muhammadans have 500 only.

254. Do you concede that the Muhammadans have a better history and political importance ? —Antiquarian considerations are very good from the point of view of sentiment, but they should not weigh in matters of the Government.

255. *Mr. Thomas :* As regards the education of women I suppose the Indian Christian women stand far above all other communities ?—Looking at the figures I find that among the Muhammadans and Hindus there is one woman educated for every ten men educated, whereas in the case of Christians there is one woman educated for every two men educated.

256. How many women's institutions in this Presidency are manned by women teachers ?—Not only the missionary colleges and schools, but also the Government institutions have got Christian women teachers, and most of the Inspectresses are also Christians.

257. The mission institutions in the Presidency are also educating all classes of people, in primary, secondary and college institutions ?—Yes. That is another reason why we are asking for adequate representation. We very much fear that the large opportunities of education that are now available in the country owing to Christian missions may be cut short if, owing to any wave of feeling against the Christians, grants to maintain these institutions are not given and Christian institutions are snuffed out or starved. Even now very often a taluk board or district board starts a school just close to where a Christian school is already in existence and the Christian school is snuffed out. That sort of fear we undoubtedly have ; adequate representation in the legislative councils would help us to make a stand for the continuance of the existing schools or the increase of them.

258. One of the things which the mission institutions stipulate is to give Christian religious education in the schools ?—Most Christian institutions (except Catholic schools) give religious instruction.

259. And there is a growing tendency not to give public support for such institutions as give religious instruction ?—There was a movement some time ago that pupils who go to Christian schools should have the option of saying whether they would attend the religious instruction or not. That was about six or seven years ago. But I do not hear much cry about that now, but at any moment it may rise again.

260. Is that one of the reasons why you ask for adequate representation in the council ?—We feel that public education, which is the thing which has been the main plank among Christians, would suffer greatly if there is no adequate representation in the legislative council. Our mission schools and the grants made to them would suffer if a majority community makes up its mind that they have no reason to exist.

261. In the constitution of the present council there is a certain official *bloc* which may be expected to hold the scales even among the various communities ; is that so ?—Yes. At present, though an European official is supposed to be neutral, we

know that he will at least see that no harm or injury is done to the minority community.

262. *Colonel Lane-Fox* (from the Chair): You advocate in your memorandum the abolition of the official *bloc* ?—Yes. I say that because it is going to be abolished we ought to be put in a stronger position, because the official *bloc* was helping us and standing behind us and will hereafter disappear.

263. *Mr. Thomas:* Do you want representation in the Legislative Assembly ?—At present we have no elected member at all. We have only one member who is nominated. For a community of 5,000,000 in India I think this is not fair and just. We ought to have some elected members. Even on a numerical basis we are now entitled to three seats; if the councils are enlarged we would like to have more.

264. You know the Madras Government has issued a G.O. fixing certain proportions of all communities in the public services ?—Yes, according to the latest G.O. the Christians and Anglo-Indians together will have 10 per cent. of the appointments.

265. Are you satisfied with being grouped together with Anglo-Indians ?—We are very much dissatisfied, because when an Anglo-Indian and an Indian Christian come into competition I fear the Indian Christian will not succeed. So we would rather like to be put on a separate footing, say 8 per cent. for the Indian Christians and 2 per cent. for the Anglo-Indians or something like that.

266. You have stated that the Christian community is advanced educationally ? What is their economic condition ?—I am afraid that the vast majority of our community are still very poor, because many of them are still doing agricultural work. Whereas among the Hindus 3 per cent. of the people have the property qualification, only 1 per cent. among the Indian Christians have the property qualification. That shows that we are at least twice as poor as the Hindu community.

267. The Christian community has to meet social and religious disabilities ?—There are a number of social disabilities suffered by the depressed classes in this Presidency, and with one exception all these disabilities also apply to the Christians, *vide* my book.

268. *Sir Hari Singh Gour:* On page 322 you urge for reservation of seats. That is going back to communal representation. Would it not retard the growth of the party system ?—What we feel about it is that there would be injustice otherwise; and probably also practical difficulties in the way of reservation of seats for Christians. This is the objection on principle. The Christian who is returned in a general electorate will be one who is acceptable to the general electorate, that is to the Hindus. He may not represent the Christian feeling at all. He may be a man who may be a Hindu in tone, in spirit and in thought. He may be unpopular among the Christians. He may be an excommunicated man. If on the principle I have enunciated a community should be bound by law to the making of which it is a party, it is better to make these people elected representatives who are acceptable to the community, and not people acceptable to somebody else.

269. That is not certainly the view of the Christian community of Northern India. Mr. Chatterjee, who was speaking for them, has told us that he supported national claims in preference to claims of particular communities ?—I have got here the All-India Memorandum submitted by them. I have marked two or three sentences therein. They say that they would want it as a future eventuality. But at present, they say, that if any other community is to have separate representation they should also like to have a communal electorate.

270. You stand by that ?—Yes.

Memorandum submitted by the Catholic Indian Association of Southern India.

On behalf of the Catholic Indian Association of Southern India, we have the honour to present the Memorandum to the Indian Statutory Commission.

This Association, established in the year 1899, claims to represent the Catholic Christians of the Madras Presidency. It possesses the confidence of the Catholic Hierarchy and has for its President, His Grace the Most Rev. Dr. J. Aelen, till recently Archbishop of Madras, and has ever since its establishment been recognised by Government as the representative of the Catholic population of this Presidency.

This Association welcomed the passing of the Government of India Act of 1919 as a first step on the road to Responsible Self-Government, the goal of Indian policy that was announced in the famous declaration of August, 1917, made by the Secretary of State for India and accepted by the British Parliament and people.

While the Association and the community which it represents have co-operated with the Government and other political communities in the working of the Act of 1919, the Executive Committee is clearly of opinion (1) that the time has arrived for still further steps being taken in the direction of responsible self-government; and (2) that the actual working of the constitution of 1919 during the past eight years has revealed defects which have prevented that constitution from working smoothly and realising the end of responsible self-government.

This Committee would make its observations and recommendations on the various questions of the Indian constitutional problem under the headings indicated by the Statutory Commission in their invitation to submit memoranda published in the *Gazette of India* of March 10, 1928 (Notification Public No. F. 143/28).

The Committee would like to preface its statement with the view that without losing sight of the needs and general progress of the country, its observations and recommendations would be made from the particular standpoint of Indian Christians of whom Catholics form, and are recognised to be, a political part. It would also introduce its statement with the observation that the total number of Indian Christians is 1,327,215, of which the Indian Catholics are 730,911; and the total number of Christian voters is 24,860.

1. The representative system as applied to British India.

(*a*) *The basis of the franchise.* The committee are of opinion that one basis of the franchise should continue to be a property qualification; literacy in the vernacular should be made an alternative electoral qualification. The property franchise might be slightly lowered although the present rate is low enough.

Even with the present qualification, the committee think that the number of voters could be appreciably increased if Government take upon itself the duty of registration of voters instead of leaving it to candidates and parties as at present. Under the present system it may be also pointed out that the votes are given to holders of pattas, and as the joint family system obtains even among Catholics in rural parts, a large estate may bear only one vote, while the number of managers and cultivators of the estate may be more than one.

(*b*) *Methods of election.* The present system of communal electorate for the Indian Christians should be retained.

In view of the large size of the average district and the lack of communications, the Committee would recommend that the district be divided into sub-districts or wards and each sub-district or ward be allowed to elect one member instead of the whole district being allowed to elect 2 or 3 members as at present.

We think that for provincial and central legislative bodies the system of communal electorates should be preserved for the representation of particular and communal interests; this system is not necessary for representation in local bodies like municipalities and district boards, as, with proper organisation and combination, it would be possible for Muhammadans and Christians to be elected as they have been, in the past, in this Presidency; if the number of seats in these local bodies were considerably increased and properly "redistributed," it would be possible to get most of the minority communities represented. As it would be desirable that, at one stage at least of Government, the largest number possible of people should have some share in the business of Government, we would advocate a very considerable lowering of the present franchise, i.e., any adult male occupying a part of a brick-built house in town or country part should be given the right of electing to these local bodies.

We would recommend that the direct methods should be introduced in all these elections; the present system of indirect election to District Boards in Madras should be given up.

We think that the present constituencies for Indian Christians are rather unwieldy, the central constituency for instance including as many as nine districts. The number of Indian Christian constituencies electing members to the Madras Legislative Council should be increased to ten, no Christian constituency being allowed to include more than three districts. We are of opinion that the strength of the Legislative Council should be increased to 300. In which case, the number of Indian Christians should proportionately be increased.

(*c*) *The relationship between representative and constituents.* In the opinion of this committee, the relations between members and their representatives are not what they should be; on account of the large size of the constituency, the political indifference of the people, the difficulty of fixing responsibility under the present system of dyarchy, communication between member and constituent is infrequent and does not lead to political education or training in responsibility in either party. It is very rarely that members tour their constituencies except at election time. Especially in Indian Christian constituencies, including six or seven districts this communication is even more difficult and infrequent.

(*d*) *The growth of parties.* The party system has little chance of establishing itself in this Presidency on account of—

(1) The difficulty of fixing responsibility under dyarchy, (2) the anti-Brahmin feeling resulting from the monopoly of political power by the Brahmins which has brought into existence in Madras ever since the Reform a non-Brahmin party, called the Justice party, which has refused up to the present to admit Brahmins as its members, (3) the refusal of the Swarajists to accept office giving them an electoral advantage to obtain which other parties are tempted to drop their original principles and form themselves into a more or less permanent opposition to the Executive Government; thus in Madras the Justice party has been obliged to jettison one or other of its old political principles of conservative progress and co-operation with the Government, (4) the scramble for appointments, either paid, as in the judiciary, or honorary, as memberships and presidentships of local bodies, school committees, temple committees, which results in individual members of parties changing their political creed, to gain the favour of the Minister who has such appointments in his gift. (5) Catholics have to this extent contributed to the growth of the party system, that they are to be found in almost all the political parties in Madras.

(*e*) *The growth of informed public opinion.* There is only one English weekly for Catholics in Madras which deals with political questions; the vernacular papers hardly concern themselves with political

questions; the political opinion that expresses itself in the press and on the platform is confined to the educated minority; in regard to general public opinion there is very little of it in the districts; there are very few district vernacular papers. Administrative policies of the future might well aim at the provocation of public opinion in the rural parts by the use of the district gazettes as media for publicity propaganda on behalf of Government.

(*f*) *Nomination of officials and non-officials as additional members of elected bodies.* The number of officials belonging to the permanent service of Government nominated to legislative bodies ought to be considerably diminished or even abolished; administrative experience ought to spread among the elected non-officials who should as secretaries or under-secretaries take the place of the present officials partially in the central and provincial legislatures; in local bodies an official or two may be kept to bring into contact the official and non-official agencies of Government.

2. The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions:—

(*a*) *Local self-government.* The present local areas would be manageable if only the communications by road were developed; the lack of village roads connecting villages with first and second-class roads is a great obstacle to the progress of villages and to administrative efficiency.

(*b*) *Provincial.* In the Madras Presidency, we think Coorg is advanced enough to have self-governing institutions introduced to a partial extent; with regard to proposals for division of existing provinces, we are against any such divisions being based on linguistic grounds; for we think that would be a backward step and strengthen that tendency towards division which has been the bane of Indian political life: we are against the division of the Madras Presidency into Andhra and Tamil provinces, as the interests of administrative efficiency do not require it.

3. Local self-governing bodies.

(*a*) *Constitution.* They ought to be almost wholly elected except for a very few to ensure the proper representation of depressed classes.

(*b*) *Functions.* There is no need for adding to their present functions.

(*c*) *Relationship with officials of Provincial Government.* One official, generally the collector of the district or his deputy ought to be a member of these local bodies to ensure harmony and efficiency in administration.

(*d*) *Control by Provincial Government.* The present control ought to be relaxed and local bodies given a free hand in administration within the scope of their powers liable to punishment by suspension in the case of gross maladministration.

(*e*) *Finance.* The powers of taxation of local bodies ought to be increased.

4. The Provincial Government.

(*a*) *Constitution.* The time has come for making Provincial Government wholly or almost wholly "responsible." All subjects except perhaps Law and Order should be transferred to Ministers responsible to the legislature which is in turn responsible to the people.

(*b*) *Dyarchy.* Dyarchy, although workable with goodwill on all sides, has not succeeded in teaching responsibility, as responsibility has been difficult to fix on account of a common purse and common legislative council and one half of the Executive not being responsible to the legislative council; whatever development takes place, Dyarchy should be scrapped; whatever degree or extent of responsible self-government is granted, it should be real and effective; this can be done only by the responsible ministry being made responsible to a wholly elected legislature and by its having a purse of its own and a civil service amenable to its control and discipline.

(*c*) *Position and Powers of Governor.* In view of the large measure of self-government advocated in (*a*) and (*b*) the Governor for the defence of minorities or administrative reasons should have a real power of veto; if Law and Order are not "transferred," he should administer it through an Executive Council responsible to him and through him to the Central Government and British Parliament; to provide against obstructive tactics and deadlocks, the Governor should have real powers of administration of taxation and collection of revenue, in case the Ministers and the Legislative Council refuse to function.

(*e*) *Relationship of Ministers to each other.* Joint and collective responsibility must be insisted on from the beginning as in Madras, and not left to the will of particular Governors as in Bombay, United Provinces, etc.

(*f*) *Growth of party system in the Provincial Councils.* Already dealt with in 1 (*e*).

(*g*) *Working of particular departments.* No observations to offer.

(*h*) *Classification into reserved and transferred subjects.* All subjects should be transferred except Law and Order (i.e. police).

(*i*) *Desirability of Second Chambers.* The Committee is strongly of opinion that Second Chambers should be established in the provinces, if full provincial self-government is to be granted; the provincial legislature will become very powerful and its power in the interests of liberty ought to be divided and distributed; the governor's power of veto is not enough, it ought to be supported and backed up by the power of possible veto of a Second Chamber. To secure full representation of the provinces also, Second Chambers are desirable. Minorities, interests and individuals also which cannot find their way into the more popular branch of the legislature ought to find a place in it. Moreover, if "law and order" are not to be transferred, this Second Chamber would be the forum in which the acts and policy of this branch of administration could be surveyed and discussed by the representatives of the people.

(*j*) *Question of Provincial Autonomy.* Provincial autonomy in our opinion means not only responsible government, i.e., the responsibility of a provincial executive to the provincial legislature and electorate; it means also freedom in ordinary circumstances from the jurisdiction of the Central Government in regard to all transferred subjects, but as a perfect division of subjects is not possible, the Central Government may be given the power of putting an end to deadlocks and conflicts of jurisdiction.

(*k*) and (*l*) *Finances of Provincial Government and Financial Control.* A joint purse has not allowed responsibility to be easily fixed; if there are to be reserved and transferred halves of the Executive, they ought each to have their own revenues and full power of control over their expenditure.

5. The Central Government.

(*a*) *Constitution.* In view of the incomplete political unity of the country, the lack of a real national army and a national civil service, it would not be possible to introduce complete "responsibility" in the Central Government; but some measure of responsibility must be introduced if only to avoid the "impasse" at which the relations between an almost wholly elected legislature and an "irremovable" and "irresponsible" Executive have arrived. We would recommend that the subjects of Education, Agriculture, Industry and Law be transferred to an Executive responsible to a wholly elected Legislative Assembly, while the subjects of Army, Foreign and "political" relations, Railways and Commerce may be retained in the hands of an Executive Council and responsible to the Secretary of State for India and the British Parliament as now. The Council of State would serve as the forum of discussion for these branches of administration. Each half of the Central Government would have its own Finance Ministry and purse.

(*b*) *Position and Powers of the Governor-General.* His power of veto ought to be real; he ought not

to continue to be his own Foreign Secretary as at present.

(*c*) *Governor General's Executive Council.* We think that all the Executive Councillors except those in charge of the Army and Foreign relations ought to be Indians; the Commander-in-Chief ought to be replaced by a civilian Executive Councillor; the practice of Secretaries having access to the Governor should cease; the Executive Council should be a real Cabinet; and all relations between the Secretary of State and the Government of India should be with the Governor-General in Council.

(*d, e* and *f*) already dealt with in *a, b* and *c*.

(*g*) *Relationship between the two Houses.* They ought to have equal and co-ordinate powers except that money bills should be initiated in the popular Legislature.

6. Relationship between Central and Provincial Governments in regard to:—

(*a*) *The extent of power of superintendence, etc.* Jurisdiction only in extraordinary cases to prevent deadlocks or in All-India interests.

(*b*) *The Classification of Subjects.* The present classification may continue.

(*c*) *Financial Relations.* Freedom and autonomy of each Government ought to be the rule with separate purses; provincial contributions ought to go, the Central Government having the residuary power of taxation.

7. The Courts and the Judiciary.

A Supreme Court ought to be established in India to promote the legal unity of the country. We do not think the courts ought to have jurisdiction over constitutional questions.

8. The Constitutional Problem in regard to:—

(*a*) *Law and Order in British India.* Law and Order cannot be "transferred" in the Central Government till the army becomes really national, and political unity more complete than it is now; till Law and Order is transferred in the Central Government, it would be difficult to transfer it in the provinces.

(*b*) *Justice in British India.* In view of the present position and power of the Bar, recruitment to all courts may be made mainly if not wholly from the Bar.

(*c*) *Defence of India.* India cannot be really self-governing till it is largely dependent for its national defences on itself. The gradual conversion of the present racial armies into a real national army and the Indianisation of the superior cadre of officers must be taken in hand and achieved as soon as possible.

(*d*) *Social progress in British India.* Political progress is dependent on social progress. Much more may be done by legislation and administration to speed up social progress than has been done in the past.

(*e*) *Federation in India.* On account of the unequal political development of the various provinces, and the position of the Native States, the establishment of Federal System of Government would be difficult in India. Till the provinces of British India and the Native States reach an equally advanced stage of political progress, the question of federation will not become practical and actual.

(*f*) *The Status and Position of India in the British Empire.* Geography and the politics of the Middle Far East make it imperative that India should continue to be part of the British Empire. The position it acquired by the signing of the Treaty of Versailles makes her Imperial status equal to that of the self-governing dominions whatever her internal constitution may be.

9. The relationship between the Central Government, the Secretary of State and the British Parliament.

As the Central Government becomes more and more responsible and to that extent the control of the Secretary of State of India and the British Parliament will diminish.

10. The position of the Services.

(*a*) and (*b*) The rate of Indianisation of these Services will have to be considerably accelerated, if responsible self-government is to be reached within a reasonable period of time.

(*c*) Provincial Service must be largely Indianised in all transferred departments.

(*d*) *Question of recruitment.* The Secretary of State should cease recruiting in all transferred departments. Provincial Civil Service Commissions should be established on the model of the present Public Service Commission.

(*e*) *Indianisation.* Already dealt with in (*a* and *b*).

11. The Growth of Education.

The Commission is expected to make a special announcement as to this branch of inquiry. And the Executive Committee will submit a separate Memorandum when that announcement is made.

Afternoon.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON AND LORD BURNHAM), OF THE CENTRAL COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN, MR. KIKABHAI PREMCHAND AND SARDAR SHIVDEV SINGH UBEROI), AND OF THE MADRAS PROVINCIAL COMMITTEE.

(IN THE ABSENCE OF THE CHAIRMAN, COLONEL LANE-FOX OCCUPIED THE CHAIR).

Deputation from the Catholic Indian Association of Southern India.

The deputation consisted of:—

Mr. S. ARPUDHASAMY UDEYAR, B.A., L.T., M.L.C., Professor, St. Joseph's College, Trichinopoly.

Rao Bahadur A. T. PANNIRSELVAM, Barrister-at-Law, President, District Board, Tanjore.

Mr. V. S. MANIKAM, B.A., B.L., Vakil, Dindigul.

Mr. S. J. RATNASAMY, M.A., B.L., Vakil, Trichinopoly.

Mr. D. XAVIER, Municipal Councillor, Mayavaram.

Mr. A. S. GNANAPREGASAM PILLAI, Retired Police Officer, Madras.

Mr. BASHYAM PAPPIAH NAIDU, Shrotriemdar, Pannur, Chingleput District.
Mr. MALAVARAPPU PAPPIAH NAIDU, Merchant and Honorary Secretary, Agricultural Bank, Kilacherri, Chingleput District.
Mr. P. CHINNAPPA REDDY, Mirasdar, Phirangipuram, Guntur District.
Mr. M. P. A. TAMBY, Professor of Latin and French, Delegue de l'Alliance francaise, Hon. Secretary of the Catholic Indian Association of South India.
Rao Sahib Dr. D. R. COLACO, Secretary, South Canara Catholic Association.
Dr. L. P. FERNANDES, Vice-President of the South Canara Catholic Indian Association, and Municipal Councillor.
Mr. M. S. SRESHTA, B.A., Barrister-at-Law, Retired C.C.S.
Rev FATHER R. F. C. MASCARENHAS, Consular of the Diocesan Council, Mangalore.

1. *The Chairman (Colonel Lane-Fox) :* I understand that Mr. Udeyar is to be the spokesman of the deputation, and that you represent the Catholic Indian Association of South India ?—(*Mr. Udeyar*) Yes, sir.

2. We have got your memorandum and I will just go through some of the points contained therein. I see that there are 730,911 Roman Catholics out of 1,327,215 Indian Christians in the Presidency ?—Yes, sir.

3. So you are a little more than half of the total number of Indian Christians, and I gather that your body is entirely composed of Roman Catholic Indian Christians ?—Yes, sir.

4. You suggest that the property franchise might be lowered ?—It might be slightly lowered. At present it is Rs10 in rural areas while it is Rs8 in urban and municipal areas. It may be brought down to, say Rs8 in rural areas.

5. You think on the whole that the present rate is low ?—Yes, sir.

6. And you suggest that some literacy qualification might be added ?—Yes, sir.

7. Those who have not got property qualification, but have got literacy qualification should be allowed to have a vote ?—Yes, sir.

8. I do not quite understand what you mean when you say on page 329 of your Memorandum : " The number of voters could be appreciably increased " if Government take upon itself the duty of " registration of voters." I take it that the Government provides the machinery and it is for the voters to go and get their names registered ?—We think it would be better if the Government were to take upon itself the duty of registration of voters, because especially in the Indian Christian constituencies which extend over 3 or 5 districts, morally speaking, it is impossible for the candidate to go round and get the names of those electors whom the officers have left out included in the roll.

9. Do you mean to say that the Government ought to carry out the whole investigation to find out the qualified persons ?—It is usually done by the village officers and by the staff of the municipality. So if Government could appoint some one to supervise the work and do the needful it will be better, sir. It is only a suggestion.

10. What kind of supervision have you in mind ? —The officer who is usually appointed is a revenue divisional officer. He may send for these lists and scrutinise them, and if he finds that the complaints made by the electors or the candidates are reasonable he may insist upon a further revision of the lists. We want a little more help from the Government.

11. You wish to retain the present system of communal electorates for Indian Christians. We heard this morning a deputation from the Indian Christian Association, who told us that they have made an agreement with you that there should be three constituencies for the Indian Christians, each of the constituencies returning two candidates, of whom one should be a Roman Catholic and the other a Protestant. Is that so ?—We know nothing about this. Our contention is that we should have more than three constituencies. We should like to have 8 to 10 members.

12. *Sir A. P. Patro :* Did they discuss this proposal with you ?—They did not meet us at all.

13. *The Chairman (Colonel Lane-Fox) :* Anyhow, that seems to be a reasonable arrangement which could be made amongst yourselves ?—(*Mr. Sreshta*) The Protestants and Catholics are not equally distributed and so there will be difficulty in working it out. (*Mr. Udeyar*) I think there can be no objection in giving them 3 or 4 seats, though not exactly an equal number of seats.

14. It is clearly a matter for arrangement amongst yourselves ?—Yes, sir.

15. You wish to have direct election for district boards instead of the indirect election which you have now ?—Yes, sir.

16. Why do you say that ?—At present one has to be dancing attendance on the president or the minister, whereas if we have direct election with smaller wards there is a possibility of more members being returned to these boards. Members of district boards are elected from the taluk boards. It happens that some members group themselves together, making it impossible for members of minority communities to be returned.

17. I see you say that the present constituencies for Indian Christians are rather unwieldy and that you want your representation in the Madras legislative council to be increased to 10. I think you are only about 3 per cent. of the population while you demand about 10 per cent. of the seats in the Council ? —It is not only a question of proportional representation, but also a question of adequate representation. In a body of 120 strong 6 members may exert some influence, but if the strength of the council is increased to 300, even 7 or 8 cannot make their influence felt. It is only a question of adequate representation of minorities. We want 10 seats because we have recommended that the strength of the Council should be 300.

18. I do not think that your remarks in the Memorandum convey that meaning. You say that your number should be increased to ten and remark : " We are of opinion that the strength of the Legis- " lative Council should be increased to 300, in which " case, the number of Indian Christians should " proportionally be increased." You ask for more than ten seats in case the number of the members of the Council is increased. If it is increased to 300 you want roughly, 30 seats ?—(*Mr. Sreshta*) May I give you some figures on this point, sir ? At present there are about 38 million Hindus. On that basis and assuming that we get 100 Hindu members, each Hindu member will represent $3\frac{3}{4}$ lakhs of Hindus ; on the same calculation each Muhammadan member will represent about 2 lakhs of Muhammadans.

19. What about the Hindus ?—Hindus, $3\frac{3}{4}$ lakhs ; Muhammadans, 2 lakhs ; and Christians, $2\frac{1}{4}$ lakhs. Our position is that if we follow the same ratio as has been taken for the Hindus we certainly get a lower representation, but we get a larger representation if we take the ratio adopted for the Muhammadans. It is not clear what principle has been followed in giving more representation for the Muhammadans. Apparently they have been given more representation on the principle that the smaller the body the larger the representation should be to make the representation adequate. I have one other point to state, the point of literacy. The total number of English literates among the Christians is more than among the Muhammadans in the Presidency. Nevertheless, we are to be given only six members as against fifteen for Muhammadans. If you consider ordinary literacy, there, too, our numbers almost equal the number of Muhammadans. Taking into consideration all these factors, it strikes

me that a mean may be drawn and that the number ten may be roughly fixed as adequate.

The Chairman (*Colonel Lane-Fox*) *:* We will consider the views put forward.

20. Then, on page 330 of your Memorandum, I see you say that you wish to see the number of officials nominated to legislative bodies either considerably diminished or even abolished. Has it ever occurred to you that the Christians get considerable support from the official *bloc* in the Legislative Council ?—(*Mr. Udeyar*) It is in no way connected with lack of sympathy or encouragement on the part of the official element. They are invariably sympathetic towards us. But we want the Council to be made responsible, therefore, we want to see the official element reduced as much as possible. There is no connection whatsoever between this suggestion put forward by our community and any lack of sympathy or encouragement shown by the official *bloc*. They are always sympathetic towards us.

21. Then, I see, you are against the Madras Presidency being divided up on linguistic grounds. You think it would be a backward step. I can quite see the financial difficulty. But what is your particular objection ?—Not only financial difficulties, but also we do not want to see some separatist tendencies asserting themselves. Our endeavour should be to promote national unity and work for it. We should think not in terms of Karnataka or Telugu, but in terms of nationality. And then, setting up so many provinces will mount up the cost of establishments and things like that.

22. Then you think that the power of taxation of local bodies ought to be increased. What particular sources of taxation have you in view ?—Excise may be transferred to local bodies. Excise revenue.

23. You will increase the excise duty ?—No. It may be transferred to the local bodies. It is provincial now. It may be localised.

24. Then you wish to have a Second Chamber established in the province ?—Yes, sir.

25. You suggest that a safeguard for better government in the future will be the Governor's veto, but that it should be strengthened by a possible veto of the Second Chamber. You propose giving a veto to the Governor as well as to the Second Chamber ?—If there is a Second Chamber there will be no need for His Excellency the Governor to veto.

26. That is an alternative then ?—Yes, sir.

27. And you want to have some system of dyarchy in the Central Government ?—Only for the subjects, Army and Foreign relations.

28. Even though you think that dyarchy in the provinces has been a failure you will advise it for the centre ?—In the centre, only for a few subjects.

29. Though you think in the provinces it has been a failure you believe that it is likely to be a success in the centre ?—In this sense. We have no Indian Army and Indian Navy. Until these things become accomplished facts there must be control exercised by His Excellency the Viceroy over the Army, Navy, and Foreign relations. So, we say that these external subjects may be reserved.

30. *Lord Strathcona :* You say, on page 330, "Classification into reserved and transferred sub-"jects :—All subjects should be transferred except "Law and Order (i.e., Police)." Could you very shortly explain the reasons why you are opposed to the transfer of Law and Order ?—If you refer to the other paragraphs, too, sir, you will see that is proposed more or less tentatively. If you are going to reserve any subject, let it be Law and Order. We do not insist on it in the Memorandum.

31. It is a suggestion ?—Yes, a suggestion.

32. *Khan Bahadur Khalif-Ul-Lah Sahib :* You just now said that excise should be made a source of revenue for the local self-governing bodies, namely local boards and municipalities. You have got a wide experience of the administration of the province. Do you mean to suggest that excise is a fit subject for the local bodies to have a proper control of ?—There is no question of control. I mean a portion of the revenue.

33. *Mr. Thomas :* It was mentioned to you that you have suggested dyarchy in the Central Government, though it has been found to be unworkable in the province. May I suggest to you that whereas in the provinces dyarchy has been introduced in regard to subjects which are all internal, the subjects in the centre for which you suggest dyarchy are all external administrative subjects ?—That was my meaning.

34. Does not that make a difference between the working of dyarchy in the provinces and the suggested dyarchy in the centre ?—It does.

35. With reference to representation of Christians in the Legislative Assembly, may I know what your ideas are ? Would you ask for a separate electorate ?—For the Assembly ?

36. Yes.—We shall ask for it, because past experience shows that up to now we have not been able to return a single member.

37. During the last three periods, not a single Indian Christian has been returned to the Assembly by means of election ?—That is so.

38. So you want separate election for the Assembly also ?—Yes.

39. *Mr. Hartshorn :* Are you running candidates in the general electorate ?—There was one candidate, but he was defeated. That was Mr. Cotelingam. (*Mr. Mariham*) Mr. Lazarus also.

40. *The Chairman* (*Colonel Lane-Fox*) *:* Can you take part in the general electorate ?—(*Mr. Udeyar*) For the Assembly we have not got a separate electorate.

41. You cannot take part in the general electorate for the Local Council ?—No, not for the Local Council.

42. *Mr. Thomas :* In fact the general impression was that Mr. Chakkarai Chetty, who also stood for election, would have been returned if he had not been a Christian ?—(*Rao Bahadur Pannirselvam*) One of the arguments against his election was that he was a Christian.

43. In the Local Council—in the present Council and also in the last Council—you had five members returned and two Indian Christian members nominated ?—Yes.

44. And supposing the number of candidates for general constituencies is increased by 50 per cent., you also would expect that 50 per cent. increase to be given to Christian representation ?—Yes, especially because if nomination goes we lose these one or two Indian Christians who are nominated now. Therefore the number is put down as 10 in the Memorandum.

45. The Chairman was saying that you suggest that in the proposed reforms the official element should be abolished, that there should be no nomination of officials ?—Not exactly abolished ; very much reduced.

46. May I suggest to you that the presence of the nominated officials may be looked upon as a sort of influence which tends towards holding the scales even between the various communities ?—I do not know whether their presence actually contributes to that effect.

47. So you think that so far as the position of the Christian minorities in the Council is concerned, the abolition of the official element would not make any difference ?—I do not think it would make much difference.

48. With reference to the Services, are you satisfied ? Do you know the proportion which is allotted to the Indian Christians in Government service according to the Government orders ?—According to the new Government order, I am sorry to find that Indian Christians are bracketed with Anglo-Indians. So my contention is that Indian Christians should be regarded as belonging to a distinct community. Indian Christians should continue to be regarded as a distinct community as hitherto, and should not be merged with Anglo-Indians, who certainly form a different community.

The proportion also ought to be more satisfactory.

49. The Chairman asked you whether you were agreeable to a division of the constituencies, each constituency returning a Protestant and a Catholic. May I ask you whether that course will not promote harmony between these two great communities ?—Yes, an agreement on these lines—if it is not exactly half and half, very nearly half and half, say, 6 and or 5 and 4—will make for harmony.

50. Who is to make the agreement ?—Government itself may divide these districts or form these constituencies in such a way as to see that in the usual course this number is elected.

51. I am suggesting to you that according to your suggestion certain constituencies will always return Protestants, and certain constituencies always Catholics. I suggest to you whether a better course would not be for each constituency to return both a Catholic and a Protestant, which may lead to the Catholic section being interested in the Protestants, and *vice versa*. Each constituency will then feel that it is represented not only by a Catholic but also by a Protestant.—Is it practicable ? Is it feasible ? I think it will be as difficult to work it as reservation of seats in the case of minorities. So the better arrangement would be for these constituencies to be so formed as to be able to return a certain number of Catholics and a certain number of Protestants. If that is not workable, then the old kind of arrangement, a sort of domestic arrangement, may be entered into by these communities for the sake of harmony and peace.

Deputation from the Christian Depressed Classes.†

The deputation consisted of :—

Mr. S. M. GNANAPRAKASAM, B.A., B.L., Vakil, Saidapet, (Spokesman).

Rao Sahib M. R. MAHIMAI DOSS, Retired Deputy Presidency Post Master and Honorary Presidency Magistrate, Madras.

Mr. G. DAVID, Proprietor, the Hotel Mercantile, Egmore, Madras.

Mr. C. V. THOMAS, Contractor, Messrs. Mothavez & Co., Madras.

Mr. P. M. GOPALAKRISHNAN, Secretary for Economic Service, American Arcot Mission, Katpadi.

Mr. F. M. LOUIS, Teacher, Saint Xavier's St., Dindigul.

Mr. S. A. S. THANGAMUTHU, General Secretary, The South Indian Oppressed Classes Adi Dravida Union, Chingleput.

52. *Colonel Lane-Fox :* I understand that your chief difficulty is that, though you are Christians, you still suffer very largely from the disabilities of the Depressed Classes ?—Yes, sir.

53. That you do not find your position as Christians has improved it in any way ?—No, sir.

54. And that you are really not in any better position than the Hindu Depressed Classes, and you say that no Christian can hope to stand for a general electorate ?—Yes.*

55. What do you actually suggest as a remedy for that ?—The chief remedy is that we should be given equal privileges with the Hindu Depressed Classes ; that is, the present Hindu Depressed Classes are at present enjoying certain privileges, and if these privileges are extended to us also, our position will really improve, because we are living side by side with the Hindu Depressed Classes. Though we have been converted to Christianity, yet we live in places where these Hindu Depressed Classes also live side by side as neighbours, and even under the same roof members of the same family belong to Hinduism and also to Christianity.

56. Do you mean to say that there should be representation to the Christian Depressed Classes separately and specially in addition to what is given to the Hindu Depressed Classes ?—Yes ; as soon as we become Christians, the so-called caste Christians also oppress us ; they do not want to treat us as brother Christians, as members of the same religion.

57 You say that the caste distinction goes on even in the churches ?—Yes, sir.

58. Does that obtain in an acute form ?—Yes, sir, in an acute form. We are treated as untouchables by Christians themselves.

59. Do you mean to say that in a Christian school your children will be denied access ?—Yes, in such Christian schools where there are caste Christians also. There are no doubt certain elementary schools meant only for the Depressed Class Christians, but where there is a commingling of both caste Christians and non-caste Christians, there there is oppression and seclusion.

60. I think what you are asking for is special representation for yourself. Is that so ?—Our interests must be safeguarded.

61. Do you ask for special representation on the local Councils ?—Our grievances must be represented there and the method we suggest is this, that is the communal electorate which is existing now will not solve our problem.

Sir Hari Singh Gour : What they want is that they should be asked to vote in the general electorate and that their representative should be nominated to the Council.

62. *Colonel Lane-Fox (from the Chair) :* You say you wish to see the end of the communal Christian electorate so that you may have a vote in the general electorate, on the ground that in that case your weight of numbers will be felt and that those whom you elect will feel it their duty to look after your interest ?—Yes.*

63. At the present moment you are only a small party in the general Christian community, and you feel that you do not get your interests looked after as they should be ?—*Yes, in the case of the general electorate our grievances will be better represented.

64. You say, at page 339 : " We are thus against " this communal Christian electorate which has " created only an artificial Christian community and " concealed the yawning gulf of our distress under a " deceptive layer of 'Christian' body-politic " ; and you say, lower down : " We have mentioned " before how the dependence of caste-men on the " votes of the Depressed Classes forces the former to " seek the latter, study their conditions and alleviate " their distress ; and when the majority party in the " legislature furnishes the Government of the day " with the Transferred Half of the executive, the " men in power do not forget that they owe their " position to the votes of the Depressed Classes also, " and initiate effective measures themselves or " respond quickly to the appeals of the leaders of " the Depressed Classes for relief and redress." Anyhow, that is your ground for wishing to do away with the present communal Christian electorate and take part in the ordinary general electorates ? —Yes.

* Vide Appendix.

† In this case the Memorandum is printed *after* the evidence, on pp. 337–340.

65. In addition to that, you still wish to have a nominated seat ?—Yes.

66. As a matter of fact, if you have the power to vote in the general electorate, what sort of proportion of votes would the present franchise give you ; a large number of votes ?—The present franchise may not give us the same number of voters, because the electors being illiterate do not know how to exercise their rights.

67. You do not suggest a lowering of the franchise, do you ?—As it is, it is all right.

68. *Mr. Cadogan :* You belong to the Indian Christian electorate, and you have got a right to vote for a candidate in that electorate to represent your cause. But you say, on page 339 : " The few " Christian representatives who snatched our votes " for seats in the legislatures were lost in the vortex " of the Council politics and diffused themselves " almost unrecognised in the several parties with " little influence on the majorities." It is a general complaint, therefore, and we might leave it there. All the same your interest is there ; but I take it that your contention is that even those Christians whom you elect do not represent your cause, but that they represent only the high-class Christians ; is that so ?—Yes, sir.

69. *Sir A. P. Patro :* Your representation is that you are in the same position as the Hindu untouchables and, therefore, you want to be included among the Hindu untouchables in order that you may have proper representation ; is that so ?—Not as Hindu untouchables, but as Depressed Classes.

70. You want still to be treated as Depressed ? —Not to be treated as Depressed, but to be given the same privileges as the Depressed Classes have.

71. You want to have the same rights and concessions as are given to the Depressed Classes, though you have become converts to Christianity ; that is your position ?—Yes.

72. *Mr. Siva Rao :* You say, on page 337, that you form sixty per cent. of the Indian Christians of the Presidency. Do you represent the same voting strength ?—No.

73. In the communal electorate now, what is the percentage of your voting strength ?—One-fourth or so.

74. What will be your voting strength if you are included in the general electorate along with the Hindu Depressed Classes ? You think you would be more ?—No.*

75. Then how do you make your influence felt in the general electorate ?—When the candidates come for our votes we can have some influence over them and they, being in a position to form the majority in the Council, will voice forth our grievances also.

76. Cannot you have the same influence over your brother Christian representatives ?—Four out of the five representatives in the Council now belong to the caste Christians.*

77. How many are nominated from the Christian Depressed Classes ?—No one.

78. In the present Council ?—None.

Mr. Daniel Thomas : Dr. Premayya ?

79. *Mr. Siva Rao :* Your request seems to be that you should be classed along with the Hindu Depressed Classes, and you claim a certain proportion of the nominated seats which are now available for the Depressed Classes. What proportion do you claim out of the 10 which are now available for the Depressed Classes ?—One-fifth or one-sixth.*

80. *Mr. Siva Raj :* Do you want to continue still in the Indian Christian electorate even if you are given the right to vote in the separate electorate for the Depressed Classes or even in the general electorate ?—How can there be Christian electorate then ?

81. You now form part of the Christian electorate ?—Yes.

82. You want to vote in both places ?—No.

83. Do you not think that that will weaken the case of the Indian Christians that they want a greater number of seats on the ground of population and so on ?—That is their look-out. We are prepared to merge in the general electorate. Let them stand by themselves. That deputation does not represent us.

84. I am not opposed to your interests at all, but the real position will come to this. If you are treated as Depressed Classes it will be practically substituting the Government in the place of the missionaries which have hitherto been rendering what little help they could to you ?—The Government are bound to help us because we are the subjects of Government.

85. Do you not think that the Hindu Depressed Classes still feel that they would rather have all these disabilities continue rather than become Christians ?—Religion has nothing to do, because religion has not improved matters. In the name of religion everything has been mismanaged or misunderstood. Therefore religion is not the criterion.

86. Do you not think that literacy amongst the Christian Depressed Classes is much better than it is amongst the Hindu Depressed Classes ?—A little better. It is among the caste-Christians.

87. If you are included among the Hindu Depressed Classes, what will be your percentage to the total Hindu Depressed Class population ?—One-sixth, that is about one million.

88. *Mr. Thomas :* Your position is, so far as I understand, this : The Government allows certain privileges to the Hindu Depressed Classes, and your economic condition being practically the same as that of the Hindu Depressed Classes you claim the same concessions and privileges which are shown to the Hindu Depressed Classes ?—Yes.

89. Do you know that in the Council the Christian representatives whom you want to disown have been fighting for the Christian Depressed Classes also, and urging that they should be given the same advantages as are given to the Hindu Depressed Classes ?—They may be fighting. There has been opposition from among the Hindu Depressed Class leaders.

90. But so far as the Christian representatives in the Council are concerned, they have been pressing on the Government that the Christian Depressed Classes should be given the same concessions as are being given to the Hindu Depressed Classes because of their economic backwardness ; are you aware of that ?—A few of them may do so.

91. Some effort is being made by them ?—A few have spoken, no doubt ; I cannot deny it.

92. Of the five seats which are reserved for the Christians in the Madras Presidency, the seat in the Northern districts is held by one who comes from the Christian Depressed Classes ?—We have come to know that he is a member of the Depressed Class.

93. Though he belongs to the Christian Depressed Class you are not in touch with him ?—His influence is not felt.

94. Even a Christian Depressed Class member does not represent you ?—At times.

95. That is a matter which nobody can help ? —That is because of the fear which exists in a man by exposing himself as a Christian or as a Depressed Class man. Very often there is the desire to conceal one's self.

96. Even in the last Council the representative elected by the Northern districts constituency was a Depressed Class Christian, Mr. J. D. Samuel ?—We have come to know that he is a Depressed Class Christian.

97. Even though in the last Council and in the present Council there were Depressed Class Christians they have done nothing for you ?—Not sufficiently.

98. Apart from this you are not aware that members from the Depressed Class Christians have been nominated both in the last Council and in the present Council ?—Dr. Premayya.

* Vide Appendix.

99. You are not aware of anybody else ?—Mr. Vandanam.

100. He was nominated in the last Council ?—Yes.

101. With reference to your position that you want to take your place in the general electorate you have just now said that your voting strength in the Christian electorate would be about 24 per cent. Assuming it is so what do you think will be your voting strength in the general electorate. Would it be one in 400 ?—The same number will be there.

102. What is the proportion ?—Let it be nothing ; but we will have the influence upon the majority.

103. So you say that your present influence on the Christian community, though you hold one-fourth of the franchise, is nothing and therefore you will go to another electorate where you will be 1 in 400 ?—Our influence will be greater there, because there we will be recognised.

104. With reference to education, the attendance of the Depressed Class Christians is opposed in Hindu schools ?—Yes.

105. So that practically what education your community possess has come from the mission schools ?—There are very few highly educated men in our community.

106. Whatever education you now possess comes from the mission schools ?—From some of them.

107. From which district do you come ?—Tinnevelly.

108. Is there any mission school in that district in which the Depressed Class as such is not admitted ? —It is treated as untouchables.

109. Can you point out any mission school in the Tinnevelly district in which a Depressed Class man is not admitted ?—He is admitted, but is treated very badly.

110. The treatment depends upon the individual teacher who is there.—Not on the individual teacher but on the general policy of the Institution. (*Mr. Gopalakrishnan*) The conditions seem to vary between the Protestant Christians and the Roman Catholic Christians. Conditions are not so bad in the Protestant Churches as they are in the Roman Catholic Churches. The Protestant Christians are treated better even in the villages ; that is though the caste system still prevails. Conditions are not so bad in most of our districts.

111. You know Mr. John, who represents the Northern districts constituency. He is a Depressed Class man ?—(*Mr. Gnanaprakasam*) Yes.

112. He holds the position of a Council secretary in the present Council ?—Yes.

113. Do you think that you get the same treatment from a fellow Hindu casteman as you get from your fellow Christians ?—I think our fellow Christians also treat us equally badly.*

114. Is it in the matter of social amenities or in the case of legal rights such as the admission into schools and so on ?—I cannot generalise.

115. You say there are individual cases ?—Yes, in which we are treated as untouchables by our own Christians.*

116. You know there are certain castes just above the untouchables ?—We are untouchables and every body else is above us.

117. You admit that there is a caste just above ? —There may be.

118. Are they experiencing the same disadvantages as you experience from the class above them ?—It may be from the higher rungs ; I am not an authority on that.

119. *Sir Arthur Froom :* There are now five seats for the Indian Christians in the Legislative Council ?—Yes.

120. You never succeeded in securing a seat for the Christian Depressed Classes ?—With regard to the Andhra districts constituency Mr. John is returned as a Depressed Class candidate. He has been successful because a majority of the voters there belong to the same community. That is not the case in the South. The other four seats which are in the Tamil districts are contested by the caste-Christians and they succeed and we have no hope at all there.

121. You have now secured one seat ?—Yes, and that is in the Andhra districts.

122. Your idea is to do away with the separate electorate and join the electorate of the general constituency ?—Yes, we wish to be merged in the general electorate.

123. The caste-Christians will be included too in the general electorate ?—They will have equal privileges if they are also merged.*

124. The Indian Christian cannot vote in a general electorate ?—Yes, he cannot.

125. You do not want a separate electorate either along with caste Christians or as Depressed Classes ?—Not at all. In certain places where the converts are exclusively from the Depressed Classes they are treated as Depressed Classes ; and where there has been conversion from the caste Hindus they are treated as caste people only.

126. An Indian Christian is disqualified from being a voter on the electoral roll in the general constituency, is that not so ?—Yes, till now, certainly.

127. *The Chairman :* (*Colonel Lane-Fox*) You want to do away with the separate Christian electoral roll ?—Our prayer is that.

128. *Sir Arthur Froom :* Christian Depressed Class men are being nominated by Government ?—There is only one now.

129. So, one is elected and one nominated ?—Yes.

130. You have got two seats in the Council ?—Yes.

131. And you want more ?—Yes, but not under the present system.

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* Vide Appendix.

APPENDIX.

Further elucidation of the evidence of the Christian Depressed Classes supplied by them after reading the record of evidence.

54. The answer in the affirmative would be correct if the question would stand thus :—And that you are really not . . . and you say no Depressed Class Christian can hope to stand for election ?

62. The answer in the affirmative would be correct if the question would stand without the words, " That in that case your weight of numbers will be " felt, and."

63. The answer in the affirmative would apply only to the second half of the question which runs, " and you feel that you do not get your interests " looked after as they should be ? " To the first half of the question which runs, " At the present moment " you are only a small party in the general Christian " community." The answer should have been : " We form 60 per cent. of the general Christian " Community," unless the question meant that by being included in the general Christian community we form a small party as against the general Hindu community.

74. The answer in the negative would be correct if the voting strength of Christian Depressed Classes alone was referred to. But it goes without saying that when we are given to vote in the general electorate, the strength of the Depressed Classes as a whole gets augmented by Christian and Hindu Depressed Classes joining hands and voting as one body as against the present disconnection owing to separate Christian communal electorate.

76. The answer would be complete with the addition, " The five representatives in the Council " are a negligible minority as against the huge " Hindu majority who now watch the interest of the " Hindu Depressed Classes.

79. The answer " One-fifth or one-sixth " would be correct if it referred to the proportion of the

numerical strength of the Christian Depressed Classes to that of the Hindu Depressed Classes. But the proportion of nominated seats which the Christian Depressed Classes claim out of the ten now available for the Depressed Classes would be one-fifth or three-tenths.

113. In the answer I mean by "fellow Christians" caste Christians, and the answer presumes treatment accorded to us by both caste Hindus and caste Christians.

115. In the answer "by our own Christians" I mean caste Christians.

123. The answer is not complete. The words "with their own caste Hindu Brethren" are omitted after the word "privileges" and the whole answer must run thus:—"They will have equal privileges with their own caste Hindu Brethren if they are also "merged."

Memorandum submitted by the Christian Depressed Classes of South India.

We, the Depressed Class Christians of South India, take this opportunity to express our unstinted loyalty and devotion to the British throne and abiding trust in the benefits of British rule in India. We are proud of the fact that thousands and thousands of our men (Christian Depressed Classes) have served the cause of the King-Emperor in many of the wars of the Empire and have shed their blood for the victory of British arms. We note with particular gratification that most of the sepoys in the regiments of the Carnatic have been drawn from our ranks.

We offer a wholehearted support and welcome to the Royal Commission on Indian Reforms headed by that large-minded Liberal Statesman, Sir John Simon, and thank His Majesty the King-Emperor for having so graciously granted us the opportunity to represent the grievances and disabilities of particularly backward and oppressed Communities like ourselves.

We are by religion Christians, both Roman Catholic and Protestant. Of the total population of Indian Christians of the Presidency the converts from the Depressed Classes form about sixty per cent. When the Christian religion was preached in our lands, we, the Pallas, Pariahs, Malas, Madigas, etc., embraced Christianity. But others of our stock and origin were not converted and they are known to be the Hindu Depressed Classes, being all Hindus or adherents to the Hindus in religion.

In spite, however, of our Christian religion which teaches as fundamental truths the equality of man and man before God, the necessity of charity and love for neighbour and mutual sympathy and forbearance, we, the large number of Depressed Class converts remain in the same social condition as the Hindu Depressed Classes. Through the operation of several factors, the more important of them being the strong caste-retaining Hindu mentality of the converts to Christianity, and the indifference, powerlessness and apathy of the missionaries, we remain to-day what we were before we became Christians—untouchables—degraded by the laws of social position obtaining in the land, rejected by Caste-Christians, despised by Caste-Hindus and excluded by our own Hindu Depressed Class brethren.

The small proportion of the Christians of South India, whose representatives are found in the Legislative Council, say, in Madras, are Caste-Christians, a term which sounds a contradiction in terms, but which, unfortunately, is the correct and accepted description of high-caste converts from Hinduism, who retain all the rigour and exclusiveness of caste. Particularly in the mofussil parts and the villages, they who ought to be our fellow-Christians follow all the orthodox severity and unreason of caste exclusion; they damn us as "Panchama or Pariah" and ignore our Christian claims and in the fulness of their affluence, power, prestige and position exclude us poorer Christians from society, deny us the use of public wells and streets and rigorously segregate us to cheries and slums where we drag on a miserable existence along with the Hindu Depressed Classes. Frequent outbursts of anti-Panchama activity are the scandal of the South Indian Christian life, and the least attempt on our part to better our lot, forward our progress and assert our elementary rights calls down the wrath and fury of every man—official and non-official—Christian or Hindu, who claims a foolish superiority of birth. Denying the very foundations of Christianity, contrary to all love and charity and brotherhood, our "fellow-Christians" treat us even in the churches as untouchable and unapproachable, and relegate us to separate accommodation removed from their precincts and barricade their portions by means of iron rails and walls and fencings. There are several such churches.

In the matter of reception of the sacraments, a most ridiculous segregation is practised to avoid pollution; our claims to educate our children and train them for life are ruthlessly denied and through sheer prejudice our children are denied access to schools, convents, hostels, boarding-houses, or if admitted assigned an ignominious separate accommodation. Tracing his descent from high caste Hindu progenitors the Caste-Christian looks for social status and position and finds favour in the eyes of his fellow caste-men, the Hindus. He treats the Depressed Class Christians in the same way as the Hindu Depressed Classes are treated by the Hindu caste people.

Our people find their lodgings in "paracheries," despicable slums, full of hovels and huts, the glaring signs of poverty and distress accentuated by social tyranny. These cheries are scattered all over in the City of Madras, as well as in the mofussil towns and villages all over South India. We live with our non-Christian brethren (Hindu Depressed Classes) while the Caste-Christians live in localities where Caste-Hindus are, or in isolated quarters far away from the paracheries, and have nothing to do with us. There are, for instance, more than thirty-five cheries in the City of Madras alone, and about fifty-five in Trichinopoly town, where, under the same roof in most cases, and in closest neighbourhood the Depressed Classes—Christian and non-Christian—live in unity and sympathy, and have so lived for centuries together; and they join as a homogeneous whole, in weal and woe, and share one another's joys and sorrows, being more often than not, related by ties of blood.

In spite, therefore, of our Christianity, we are refused admission into the social fold of the Christians by those who call themselves Caste-Christians, and owing to our birth and origin are treated as untouchable Panchamas, lowest in the social ladder, less worthy of their attention and consideration than the very dog or the cat. We have thus everything in common with the Hindu Depressed Classes and nothing at all, except religion, with the caste-retaining Christians, with whom we are to all intents and purposes associated in political and administrative nomenclature.

While, however, the Hindu Depressed Classes have found favour with the Government of Madras, so much so that their economic and social conditions are being bettered day by day in various ways, by such measures as free education, liberal scholar-

ships to children, hostel accommodations, house sites, grant of lands, etc., and of particular importance, separate political representation in Councils by nomination to Legislatures, Educational bodies, the Senate, District and Taluk Boards, Municipalities, etc., the Depressed Class Christians have been most pathetically neglected, ignored and forgotten for no fault of theirs. The glaring abuses of a social tyranny that is particularly horrible in its working are as much a feature of our lives as those of our Hindu Depressed Class brethren. We suffer from the same disadvantages, degradations, harassing restrictions on our progress as the Hindu Depressed Classes; yet by an anomaly that is painfully pressing upon us, on the one hand the Adi-Dravida representatives in the legislatures and the local bodies do not recognise our claims but ignore us, forgetting that we are their kith and kin and have been so for centuries together, and the Indian Christian representatives on the other, ignore their co-religionists completely and dance to the tune of a caste-ridden electorate which looks with unholy indignation upon any attempt to raise our low position.

The condition of the Depressed Class Christians was not properly gone into at the time of the introduction of the Reforms, through the agency of persons who on the one hand tried to conceal the sores in a supposed united Christian body-politic and on the other attempted to throw us into an obscurity out of which they might make profit; the result was that without our knowledge or consent, we have become merged in the Indian Christian body-politic of Southern India to be subservient to the wishes of Caste-Christians who have no love for us, and to help them with our votes for seats in the Council.

The reasons for the complete lack of Government support to our case, in spite of our numbers, in spite of the glaring abuses and wickedness of the Hindu social system which has lost none of its influence upon us, though Christians, are mainly three.

In the first place it is presumed that we are all Christians, practising a humanising religion which preaches equality and charity and love, that we have been united in common fellowship by bonds of religion with Christians of higher castes, and that we have a Communal electorate which gives us our representatives in the Councils.

A second reason for the public ignorance of our conditions has been the studied attempts of the leaders of the Hindu Depressed Classes to have us excluded from the privileges that they might get from the Government. In spite of the fact that several organisations of the Depressed Classes especially at the outset were largely initiated and supported by leaders of Christian Depressed Classes, the leaders of the Hindu Depressed Classes now argue that we are Christians and should not therefore be admitted to the privileges that they derive from Government help. However, there have been two notable exceptions to this in Rao Sahib M.C. Madurai Pillai, and Mr. R. Veerian, ex-M. L. C. The arguments of the Hindu Depressed Class leaders that Christian Depressed Classes are not entitled to equal privileges and concessions are based on prejudice, envy, personal motives and supreme ignorance of social conditions. To say that because of a change in religion we have become socially and materially important reveals their utter ignorance of our condition. Religion cannot be the criterion or condition of progress, and in our case Christianity has not unfortunately been effective in raising our social or material position. It is the social tradition that tells, and in the case of the converts to Christianity, the social tradition of a non-caste origin has not been removed; and therefore it is futile to quote a religious change to justify a denial of admission to protection and privilege. The Hindu Depressed Classes have been shown special protection because of their pitiable social condition, the result of age-long oppression, and not because of their Hinduism. To deny us those privileges which are justly ours owing to similar social distress, crying for relief, on the plea of our religion is illogical and bespeaks the prejudiced mind of selfish leaders.

Thirdly, it is commonly alleged against our claims that we are the recipients of the missionaries' generosity and are so much helped by missionary organisations that we have no reason to clamour for special protection. But we submit that though we cannot deny that we have gained from the missionary the light of faith and the treasure of Christian truth, the large numbers of our poor people have not otherwise benefited to any great extent. The missionary's doors are open to one and all; furthermore with the best of their intentions they are handicapped by limited resources and it would be injustice to expect them to better our condition in the material sphere to the extent our present depressed condition requires, or in the same measure the civil authority only can provide. Besides, it is a matter of option for the ecclesiastical authorities to help us materially, but never a matter of obligation. Moreover, the missionary's first idea is conversion and he spends his resources in helping the possible Hindu convert and not an old convert.

The most powerful argument against the alleged superior position that we are supposed to enjoy in Christian economy will be the actual condition of our people—Social, Economic, Educational, Political. As to social condition, we have already mentioned the fact of a social tyranny which is no less severe in our case than in that of our Hindu brethren. The idea of Christianity having wiped away these unreasonable rigid distinctions between man and man is not certainly borne out by facts and experience in the Christian tracts of the south, where it is more the rule than exception to find the anomaly of whole Christian congregation most vehemently prejudiced against all non-castemen and inextricably ridden by unreasoning caste observance and cast restrictions opposed to all laws human and divine; and the slightest movement on our part or that of the missionaries to alleviate the misery of the poor Depressed Classes brings down the unholy indignation of these Christian caste men with the inevitable corollaries of rioting, insubordination, unseemly pamphleteering and scandalous schisms. An instance in point is the recent Caste-Christian disturbances in Trichinopoly town where an organised attempt was made in 1926 by Caste-Christians to stand in the way of the uplift of the Depressed Classes and fight the non-caste men through the agency of unscrupulous instigation to riot, vilification, threat and assault.

Economic conditions are obviously very discouraging. Where a social tyranny grinds down the masses, economic elevation and self-assertion are impossible, except of course, through recourse to violent or revolutionary methods. The Hindu Depressed Classes have been suffering from the same social tyranny and the same economic distress, but through the benevolence of the Government and particularly the Labour Department are on the path to a better standard of life as a result of grant of *darkhast* lands and house sites, free education, and provision for more schools and increased number of scholarships to children; however we do not deny that they are far from a tolerably favourable social condition; yet in more respects than one we are worse than they. Too poor to educate their children even to the minimum, our parents send their children to serve in factories, farms or domestic establishments. The large masses of our men in general have not had the advantage of primary education. The number of our men who have had the benefit of a secondary and university education is shockingly meagre, considering the advancing tide of literacy in the higher classes. Our graduates are a mere handful; and they are not in a position to be of good to themselves or their kinsmen; and because of want of encouragement and the successful competition of their more affluent comrades of the higher castes, they have not risen to higher appointments in the State.

As to employment and profession, our people

in the towns largely find their living in domestic and menial service, while the greater majority in the villages lead a servile existence as serfs under the tyranny of a land-owning aristocracy,—high caste, Christian or Hindu—which grinds down the helots into perpetual bondage. Of property in the shape of lands or houses or gardens our men have little or nothing; and not possessing the wherewithal to snatch a sufficient living for the day, they have of course not the savings that would ensure for them a more comfortable existence. The cruel spectre of a low-caste origin follows them wherever they venture and bars them from progress and prosperity. Economists lay down that no progress is possible where restrictions on mobility of labour are rigidly enforced, and our condition as labourers is a standing illustration of how a rigid artificial system can sap the springs of active labour and throw whole communities into poverty and degradation.

Politically, in the matter of representation under the Reforms, we seem to have fallen into an unpleasant anomaly and become the victims of a cruel mistake. We belong in the registers to the Indian Christian electorate and have the right of voting for candidates who can represent our cause. It would seem thus that we can elect our own representatives, but by inexorable custom and horrid caste no Christian Depressed Class candidate can stand for election to the Legislatures with any chance of success, because his caste-observing fellow-Christians would be horrified at the sight of a mere "Panchama" entertaining the idea of becoming a Councillor, an idea shocking to their notions of superiority of birth, privilege and power. Thus, with our votes given at every election, we have the disconcerting spectacle of Caste Indian Christian representatives occupying the seats of the Councils and with little or no exception voicing only the demands of their caste-brethren. We do not deny their intentions to ameliorate our condition, but from an analysis of the results of their representation up to now, they seem to have done little to raise our position or add one single item to the betterment of our condition. Frequently they are handicapped by party influences, personal antipathies and political commitments, nor can we fail to emphasise the strong influence of a caste-observing electorate upon the representation, an influence which is directly of no positive good to us, either in the shape of getting us grants of lands or scholarships, etc.

Our Hindu Depressed class brethren are in this respect in happier circumstances. They have the right of voting in the general constituency for Hindu representatives, which makes the Hindu candidates of the higher castes go and seek the votes of the Hindu Depressed Classes, study their condition, improve it and take effective legislative measures through their majority, in the Council for their uplift. This dependence of the majority community on the Hindu Depressed Classes, a fact which means that the voters have the benefits of those in power, because the latter had risen through the former, is a feature absent in our case, where the Caste-Christian candidate relies more upon the votes of his own brethren than on ours, since by property qualifications and social position they carry greater weight. The Caste-Christian representatives cannot recommend our case because of caste prejudice which however gets strengthened by the excuse that their strength when compared with that of the Hindus is next to nothing. To add to their strength in the Council, the Hindu Depressed Classes have had their number of nominated members in the local Council raised still further. Nominations of their own leaders to seats in the Councils have undoubtedly produced enormous advantages to the cause of the Hindu Depressed Classes. Their special interests have been given particular protection; their social importance has risen to an appreciable degree in the estimation of the higher castes. Their presence in the Legislatures themselves and in the several committees has given them a power and prestige which go a long way to the redress of their grievances and their elevation to the level of the caste people. By means of incessant interpellation, resolutions and bills aimed at the amelioration of their condition, the nominated leaders of the Hindu Depressed Classes have brought the question of their appalling distress vividly before the country and have successfully stirred the age-long oppressive social mind of the people. We have only to instance the facts of the personal activity of untiring leaders of the Depressed Classes, who armed with their authority as members of the legislatures have compelled the executive to remedy long-standing abuses such as the denial of the use of public wells, streets and other amenities to the Depressed Classes, the inaccessibility to public institutions such as post offices situated in caste quarters, the exclusion from schools, hostels, charitable institutions, etc., and forced the weight of legislation to bear upon the apathy of local bodies and boards and grant educational and other concessions and privileges.

We have in the above pages detailed, however inadequately, our conditions and compared them with those of our Hindu brethren, of the same origin. We beg respectfully to submit our needs and to suggest the remedies that will relieve our present unhappy situation.

The question of the Franchise and the representation in the legislatures affects us at least as much as it does any other minority community. We have detailed how, jumbled together with the Caste-Christian in a communal electorate, we are faced with the anomalous position of giving our votes and not getting their due—proper representation.

We are thus against this communal Christian electorate which has created only an artificial Christian community and concealed the yawning gulf of our distress under a deceptive layer of "Christian" body-politic.

Recently we are informed that the Hindu Depressed Class leaders have put forth a demand for "separate electorate" and universal suffrage for *electing* their own representatives; we are against these proposals, firstly, because we are sure a "separate electorate" produces merely the evils of a narrow communal electorate and loses hold of the influence on the majority especially the caste-men who then do not depend on our votes; nor are we prepared to assert that our political or other education is so advanced as to ensure the right understanding and practice of the methods of election and principle of honourable candidature. We are afraid, until a more progressive period, the gift of separate election along with universal suffrage will turn a danger in our hands and lead to the manœuvring of unscrupulous persons and the free play of agencies such as corruption, intimidation, vice and, worst of all, the election of unworthy men possessed with vainglory but incompetent to represent our cause. What we want, therefore, is vote in the general constituency, like the one the Hindu Depressed Classes have now, to elect caste Hindu members of the legislatures.

We have mentioned before how the dependence of caste-men on the votes of the Depressed Classes forces the former to seek the latter, study their conditions and alleviate their distress; and when the majority-party in the legislature furnishes the Government of the day with the Transferred Half of the executive, the men in power do not forget that they owe their position to the votes of the Depressed Classes also, and initiate effective measures themselves or respond quickly to the appeals of the leaders of the Depressed Classes for relief and redress.

It is this lack of contact with the general body of the electorate, a result of the narrow groove of a purely Christian communal representation, that has led to the complete submergence of our people, the Christian Depressed Classes, into sufferings and obscurity.

The few Christian representatives who snatched our votes for seats in the legislatures were lost in the

vortex of the council politics and diffused themselves almost unrecognised in the several parties with little influence on the majorities.

This is the inevitable effect of our having nothing to do with the election of major communities who do not care for us and, not caring, do not know our condition, and knowledge, it goes without saying, is necessary for sympathy and relief. We, therefore, request you to give us the franchise in the common electorate to vote for Hindu or Indian leaders just as the Hindu Depressed Classes do. Our social importance will rise only in proportion to our hold on the majority community.

Secondly, in order that our interests detailed above may find adequate, informed expression in the legislatures, we require leaders of our own class to be nominated to the legislatures. As a protection of their special interests the Government very justly reserves certain seats to the Depressed Classes in the legislatures, but as pointed above our people are not represented, though our interests are identical with those of the Hindu Depressed Classes. The nominated leaders exclude our claims to protection out of motives already dealt with. We, therefore, submit that a few seats may be reserved for us in the legislatures, and leaders of our community fit to represent our case be nominated members. Nomination has, of course, its disadvantages, but we believe that in the present state of our political and social progress, as a transitional remedy at least, nomination is preferable to election within ourselves. Politically unorganised, socially backward, we believe that a system of election within ourselves will produce disruptive influences among ourselves and lead to suicidal rivalry, play of personal antipathies etc.

In other spheres our needs are easily told. Education as was shown above is at an absurdly low level among us, and it is a universal truth that education on proper lines is the panacea of all ills, especially social and economic. We, therefore, submit that our educational progress may be accelerated by the provision for more schools and free grant of scholarships to our children, the remission of exacting fees for examinations and tests. We believe that practical education, technical studies, and industrial classes will lift us up to a high level through successful business employment and engagement in trades, and we request that facilities may be afforded us, as for the Hindu Depressed Classes, for the admission of our children to industrial and technical institutes, and grant of technical scholarships and stipends. The attraction to education is proportioned to the possible benefits at the end of the course, and the Government has it in its power to give special support to the graduates and other members of the community by appointing them to high posts. The fiat of the Government obliterates social distinctions and it is obvious that an official from the Depressed Classes, occupying a responsible position through his merits and through the very necessary encouragement of Government, commands the respect and attention of his subordinates of a higher caste. Much can the Government thus do to raise the influence of the few graduates we have now, and may have in future, by giving them high appointments which are a necessity since they are of good to the man concerned and much more to the large number of helpless people scattered in the province, and by reasonable exemption from rules regarding age, and other restrictive conditions for competitive examinations and official service.

Economic measures which the poor masses need to raise their standard of life are too numerous to mention, and we indicate only a few such as the grant of lands to our people for cultivation, house-sites, redemption from indebtedness through advantageous and speedy loans, inclusion of our men in the Co-operative machinery—Co-operative Societies, banks, etc., encouragement of thrift in our midst through profitable return to our deposits. It is needless to dwell upon these and other measures which are of pressing necessity to us, as we feel that proper nominees from our leaders would from time to time suggest to the Government the ways and means to improve our economic lot. In this connection we submit that proper representatives from our community are necessary in such assemblies as Taluq and District Boards, Municipalities, Educational Councils, etc., for the self same reasons that the Hindu Depressed Classes ascribe for their representation, and it will be easy to understand how proper representation will lead to eventual redress of grievances and satisfaction of our claims.

We are sure that much of the venom of Caste-Christians will be lost when we, the Depressed Classes, make efforts through the support and active patronage of Government to improve our educational position and augment our economic resources and thus knock the fangs off social tyranny. And when the voice of our representatives in the legislatures and municipal bodies, added to the efforts of the parties in the council who may have profited by our votes, cries out for legislation and remedial proposals to remove abuses and restore us our rights, our interests might need no more special protection.

We repeat our heartfelt affection for the British Crown and the person of His Imperial Majesty and our trust in the benevolence of British administration.

This memorandum is submitted to the Indian Statutory Commission on behalf of the Christian Depressed Classes of South India. Some of the leaders of these people were granted an interview by the Commission in Madras. If and when oral evidence will be necessary, Mr. S. M. Gnanaprakasam, B.A., B.L., Vakil, Little Mount, Saidapet P.O., Madras, will be prepared to submit it. He was one of the spokesmen in the Deputation to the Commission in Madras.

On behalf of the said Depressed Class Christians the undersigned have been authorised to submit this Memorandum.

The Rt. Rev. BISHOP AZARIAH, Bishop of Dornakal, called and examined.

132. *The Chairman* (*Colonel Lane-Fox*) : We are very much obliged to you. I think the Commission would particularly like to know how much truth there really is in this idea of caste distinctions in your church. It would be very interesting if you just made a broad statement.—That a distinction is made in church life and in school conditions among Christians themselves is true only to a very limited extent. It is limited to certain areas and certain churches. I think the spokesman of the last deputation belongs to the Roman Church, and that is the church which for some reason or other has for all these centuries been indifferent to the question of abolishing caste in the church. They are taking steps now. In that community the non-caste converts have disabilities in their church life and principally, as he says, in school and educational matters also. But apart from this exception, the statements in the first page or two are not true of most protestant missions and most areas, either in the Tamil or in the Telugu country. In the Telugu country it is absolutely nil. The present member for the Andhra Christian constituency is representative of the Depressed Class converts, and so have been his predecessors ever since the Legislative Council was formed. There are very many of our

pastors and some of our teachers who have been nominated to taluk boards and district boards. So that, that sort of distinction that has been made out here is not at all true of the Andhra area, nor is it true of most Tamil areas, except perhaps in the Roman Church areas, and perhaps to a limited extent in Lutheran Churches. Those are the two bodies where these distinctions are made. But if I may go on to make my statement, it is true on the other hand that the caste system being what it is, at least in working out certain provisions made by Government to help the labouring classes, Christians who come from the depressed classes have been very often neglected both in the Andhra area and in the other areas. In my own personal experience, I have been again and again appealed to by my own people in my diocese, because, though the attitude of the Government is neutrality in religion, yet owing perhaps to the religious prejudice of the men who are called upon to work out the principles, religion has very often been a disadvantage in getting for Christian Depressed Classes, the facilities afforded by Government for the Depressed Classes as such. I remember particularly the instance of a man very high up in office telling a deputation of Christian panchamas that he could only help non-Christian panchama men, and that if they would change their religion he would help them. That is purely religious prejudice, not caste. This is one of the disabilities that Christians undergo because of religious prejudice. I do not know what the remedy is. But what I feel is, the principle of religious neutrality on the part of the Government must be worked out and strictly adhered to by all the officials. That leads me to speak of the Labour Department. The Labour Department ought to help all labour, whether they are Christian, Hindu or Muhammadan. Labour officers are appointed to take special care of all out-caste people, and very many things they do for all alike; but in education, (as one representative of the missionary societies has already stated before another Commission) this department has been neglecting the Christian community. I think the Christian people and the missionary agencies desire that all such disabilities should be removed.

133. *The Chairman (Colonel Lane-Fox):* That is a ground for giving them representation in the council ?—I do not know whether that will remedy the matter I have mentioned.

134. If there is a question of one community being neglected that is a reason why it should be given full representation in any representative body ? —Yes. Whether it will provide the remedy or not I do not know. But I think in framing any constitution the princple of religious neutrality, of the Government and its officers being impartial in their administration, ought to be emphasised. I do not at the present moment speak of representation at all.

135. *Sir A. P. Patro:* May I just explain ? There is a departmental rule that help and grant-in-aid should be given to the Depressed Classes or the backward classes, backward in the matter of education, and all these classes of people who are backward in education are classified in the educational rules for the purpose of free scholarships and grant-in-aid. The result is that the Christian community is classed as a very highly educated community, more educated than other classes. So as soon as a Depressed Class man becomes a convert, for educational purposes he is classified as belonging to a community or class which is highly educated. Therefore the preference which he would otherwise have as a depressed class man is lost to him.—That is what I mean.

136. The Christian community in this province is largely an educated community and it is classed as No. 1 in the rules and therefore as soon as he joins in this community and merges in it he loses that privilege or that concession which he would have received when he was a member of the backward community ?—Yes.

137. *Rao Bahadur Rajah:* But that is not the case now. The rules have been changed.

Mr. Thomas: Not in the Labour Department.

Rao Bahadur Rajah: Sir A. P. Patro referred to the educational rules. He quoted rules mentioned in the grant-in-aid code. It was true that Christians of Depressed Class origin were not given these concessions, but now the rules have been changed and a Government order has been issued that if a proper certificate is attached to show that he was a member of the Depressed Classes before becoming a Christian the concession would be allowed to him.—Not in the Labour Department. The Labour Department has in its hands over a thousand scholarships for technical and primary and secondary studies, and the Labour Department has the order of the Government that they have nothing to do with Christian Depressed Class people. That is the grievance.

138. *Rao Bahadur Rajah:* The point, sir, is this. The money voted for the Labour Department is voted for the untouchable classes and not for the Christians. That is the point.—Of course these people maintain, and I maintain, that religion should not become a disqualification. It is the social and economic condition that ought to determine it.

139. *The Chairman (Colonel Lane-Fox):* Therefore you ask for special grants for Christians ?—Not for Christians as such. In the Telugu country, for instance, during the last ten years hundreds and thousands of people have changed their religion from Hinduism to Christianity. Now, at least in the first or second generation, it is contended, and I believe justly, that these people ought not to be deprived of the privileges that they would have enjoyed if they had not changed their religion. The Government should not place a disadvantage on these people becuase they have changed their religion.

Sir A. P. Patro: Within the last ten years there has been what is called the mass movement in Christian work. Christian aid and Christian endeavour societies have been doing a great deal in the matter of improving the condition of some very depressed class peoples. This elevation work has been very beneficial to them, and the problem is whether they ought not to be treated as depressed classes still though they have changed their religion. They belong to the poorest labouring classes.

140. *The Chairman (Colonel Lane-Fox):* As depressed classes they had certain advantages. Now that they have become Christians they lose them ?—Yes. It is an administrative problem.

Sir A. P. Patro: It is an administrative problem which we began to consider two or three years back. Certain concessions were made, and I believe that is being considered again.

Mr. Thomas: The same disabilities applied in the Education Department also, but that has been cancelled as a result of agitation.

141. *The Chairman (Colonel Lane-Fox):* We are interested in this from a constitutional point of view, and therefore is there any point that you would like to bring before us by which we may alleviate the condition of the Depressed Classes ?—Another point is this. These people have been urging about Christian representation in the Council. I think opinion differs on that subject, but I am one of those who believe that the introduction of communal representation for Christians is not in the interest of either the Christian religion or the followers of the Christian religion.

142. There is a difference of opinion ?—Yes, there is a difference of opinion. Communal representation stereotypes a religious community as a distinct section of the nation, which it is not. I know that it has introduced a great amount of bitterness as between depressed classes and caste people, and between different denominations. From my experience of the Telugu country I would certainly urge that communal representation for Christians

should go and that they should be merged in the general electorate with reservation of seats. I think reservation of seats is really a concession to the present conditions in India. I should not like even that.

143. But you wish to keep reservation of seats? —Yes, I should like that under the present conditions.

144. Will it not be possible to get some agreed arrangement between the Christian communities as to how these seats should be allotted?—Probably we shall divide along Catholic and non-Catholic lines.

145. That is inevitable?—Yes.

146. But you could do it?—Yes, we could do it among ourselves.

147. *Mr. Thomas:* You suggested that there should be reservation of seats for Christians. Is that because you expect that a general electorate would not return any Christians?—Not because I expect, but I think I foresee that in the general electorate probably they will not get even the five seats that are now allotted. I think we have got men who may be on the top in any one constituency or other, but I do not think we will get adequate representation simply by merging ourselves in the general electorate.

148. Are you sure of one at least?—I think so. It is, however, only an opinion.

149. If there are seats reserved, of course you realise that the number of non-Christian votes would be out of all proportion to the Christian votes?—Yes.

150. And you realise that there will be the danger of a man not supported by the community being returned by the strength of non-communal votes as against another who was supported by the community?—I quite foresee that. I think the Indian Christian Association have proposed some remedy for that. They want the community itself to put up a panel, from among whom elections will be made.

151. You want that safeguard so that a man who is not wanted by the community may not be returned by the constituency?—Yes.

152. You also realise that supposing five or six seats are allotted for the Christian community for the whole province one Christian candidate will have to canvass an area covering 3, 4 or 5 districts with a total electorate of something like 3 lakhs?—They do that now.

153. But the number of votes which a Christian candidate will have to canvass for an electoral area will be something like 3 lakhs?—Since Christians are fairly distributed all over the Presidency, certainly the local voters could be instructed and captured by the local Christian people who act on a candidate's behalf. I do not think there is much difficulty.

154. There should be a multiplicity of agents in every district?—There are people who can speak for the Christian nominees. So I do not think you can say that voters in a district may not know sufficiently to vote for a particular candidate.

Memorandum submitted by M. R. Ry. N. SRINIVASA ACHARYA, Avl., B.A., B.L., High Court Vakil, President, All-India Varnashrama Dharma Conference (1927) and Vice-President, All-India Brahmana Mahasabha, Madras.

Sir,

In pursuance of your notification, *re* enquiry into the Reforms, I have the honour to submit the following statement with reference to the matters notified in so far as they are concerned with orthodox Hindus.

2. The All-India Varnashrama Dharma Conference and the All-India Brahmana Mahasabha (which is but a phase of the former) are essentially spiritual and social movements of the orthodox Hindus, Brahmanas and Non-Brahmanas, who constitute the bulk of that community, aiming at their unity and advancement on the basis of their ancient religion. The current party politics is mainly run by persons saturated with notions and ambitions antagonistic to the long-cherished religious and social ideas and practices of the people at large whom they profess to represent in the Councils of the country, but whose opinions they really treat with indifference and often ruthlessly violate. The voice of the people is seldom heard in the Council when religious and social matters are sought to be legislated upon; and so appeal has to be made from time to time to the Executive Government to stay the hands of hasty and revolutionary legislations. I pray that my letter to you dated 22nd February, 1928, enclosing my communication as President of the All-India Varnashrama Dharma Conference forwarding its resolutions to His Excellency the Viceroy and Governor-General of India and His Excellency the Governor of Madras, may be read along with this statement. The Conference requests the Parliament and your Commission that "having regard to the assurances of religious neutrality given by the Queen's Proclamation of 1858 which forms the bed-rock of the constitution and the permanency of the British Indian Government, any Constitution that may be framed now, shall be made with due regard to this fundamental principle," and that you "must not leave the ancient Hindu Religion, the Varnashrama Dharma, helpless to the views of persons belonging to varying and opposing creeds and religions." Further, "the Conference strongly disapproves of the interference of the legislature in matters relating to the socio-religious discipline (Achara) of the Hindus," such as marriage.

I invite your attention prominently to the following passage in Her Majesty's Proclamation :—

"We do strictly charge and enjoin *all* those who may be in authority to abstain from *all* interference with the religious beliefs or worship of our subjects on pain of our highest displeasure." The italics are mine. The word "all" includes those who come to power under the new Constitution through election and so a *provision* should be made in the Statute itself for enforcing strict obedience to this injunction and making the *Executive Government* responsible for its being carried out.

3. In this connection I may quote the following from Lord Meston's article in the January number of "The Asiatic Review" (Page 2) on the Statutory Commission. He says, "Behind and below all the stagey manœuvres of Swaraj is a demand for developing India on their own lines. Those who make the demand are a section of Indians trained in European ways, few in number, compared to the vast ignorant masses of the population, but with a wholly disproportionate power of swaying the proletariat. Their strength lies in the support of orthodox Hinduism, which is going through a period of revolt against Western dogmas."

This is quite true and applies to all phases of the present Indian politics, for they all aim at "Swaraj," their methods only varying.

4. The masses, however, are not *quite* ignorant, although Western democracy is yet new to them. Every village knows something of government. When any measure affecting their religion or social customs is brought forward, their spontaneous voices are loudly heard by government, though the press and the "elected" representative may not publish or heed them. For the rest, it is a fact that not a fair percentage of even the voters, themselves a drop in the population, yet realise the power of the vote or exercise the franchise with a consciousness of it or intend it to be felt on the representative or Government. Votes are still given as a matter of obligation, condescension and such considerations. Voters are approached only at the election and left alone thereafter. Political principles do not sway elections, which go mainly on personal grounds. There is no such thing as "the mandate" of the electorate; and the worst of the Council crises do not necessitate any "appeal to the country." The elected Council only furnishes opportunities for ambitious persons to secure office emoluments and patronage; and they hold on with Government help against the less fortunate, until obliged to go. The Council parties are divided mainly with an eye to ministerships and places of power for its adherents, or to wreck the ministry or obstruct Government. Changes in the ministry or "No-Confidence" motions relate to ministers as individuals rather than to their politics. For the rest, the working of the Reforms is utterly barren of result; and Government has to help ministers to remain in their places. Naturally, therefore, the political principles of the parties in the Council change according to circumstances, from rank hostility to unconditional subservience to Government. The cries, too, of "communal representation" are made only for offices and emoluments; but democratic politics as such is not different for different communities. The events of the Madras Council during the past eight years bear out all these and even more. The race after power and the element of obstruction have ignored the concerns, the wants, and the susceptibilities of the people on whose behalf "responsible Government" is to be evolved.

5. In this state of affairs one is tempted to ask for a return to the order of things *before* the Reforms. That, however, is not to be; and the world-changes cannot be ignored in India. A foreign government over a people of diverse religions and races cannot indefinitely manage as the circus-master does his menagerie of lions, tigers, horses, cows, sheep and monkeys, making them fraternise at lunch, staring at him, and at each other within the railed cage and under the show of his whip and the loaded guns of the attendants! The function is similar, but the methods must differ. The Government must be strong, impartial, and sympathetic; but the loving co-operation of the ruled through the improvement of their material prosperity and scrupulous regard for their religious susceptibilities, must also be secured, alike in their interests and that of the rulers. The changes to be introduced in the reforms should be based upon this fundamental principle.

6. In the above review, it is brought out that responsible government through ministers in the Provinces has failed; but that "responsibility" there must be, and free from communalism, which has brought on bitterness, antagonism and all their woes in an unprecedented degree among the peace-loving people of this Presidency. The virus of communal hatred is now being inoculated even in the school-going population by certain propagandists. To secure the end indicated herein, the following changes in the present constitution are, therefore, suggested. They are briefly as follow :—

I. PROVINCIAL GOVERNMENT.

(*a*) Dyarchy as it now exists shall go.

(*b*) The Governor's cabinet shall consist only of

M. R. Ry. N. Srinivasa Acharya, Avl., B.A., B.L. [*Continued.*

members, five in number—two Europeans and three Indians recruited mainly from the elected Councils. An outsider also may sometimes be desirable. The present cabinet is needlessly overmanned.

(*c*) If among the Europeans the civilian would give room for a non-official elected member, the result is expected to be greatly advantageous.

(*d*) Of the Indian Members there may be ordinarily a Brahmana, a non-Brahmana and a Muhammadan. But this need not be an inviolable rule; for only the very best men fitted by integrity, ability and statesmanship should be appointed to this responsible position of administration. In the words of a Provincial Governor, recently reported, "judges are appointed to decide cases properly and not to represent communities."

(*e*) The system of *ministers* has already been shown to be unsatisfactory. Moreover, the best men have not been always secured on this basis and there is no justification for a top-heavy executive without necessity or adequate return.

(*f*) *Responsibility* to the people may be secured by marking out the subjects upon which the decision of the Council *should be binding* on the executive. The subjects not so marked shall be only a minimum, having regard to the exigencies of the State. If the member in charge of a portfolio is not willing to carry out such a decision, he shall have option to resign, as the late Sir K. Srinivasa Aiyengar did with reference to the Madras Irrigation Bill. If the Governor in Council considers that the decision of the Council in any matter is perverse and detrimental to the interests of the country, the Council may be dissolved, the Governor recording his reasons for the same.

If Indian conditions require special treatment in any matter, it is so pre-eminently in shaping the form of responsible government. Under the ancient Hindu policy the Council or the *parishad* who decided questions on the law (dharma) did not look up for any office or favour and so they commanded universal reverence and obedience.

II. The Provincial Council.

Communal representation means denial of democracy for all time, and perpetuation of differences and promotion of bitterness and unrest in the country. However, to satisfy such demands for the time being, and at the same time to help to develop union among the people and real self-government, it is necessary to have a *bicameral system* in the Provinces also. The Chambers may be named, the "Popular Assembly" and the "House of Representatives," respectively.

(*a*) The "Popular Assembly" shall consist only of elected members. All communities, including the Depressed at one end and the Europeans at the other, should freely compete in the same electorate. The franchise must be based upon property, tax, or rent-qualification, however small. Universal adult suffrage is unworkable and inexpedient. The electorate shall be a rural area, preferably a revenue division of the district, each division returning one member. Electoral divisions may be constituted for large cities, like Madras. A very small number of seats may be kept to be filled up by nominations of experts for any special legislation, when necessary, and by members of the Depressed Classes in case the general electorate does not return them, and *not otherwise*. It is desirable that the candidate must reside or have a place of residence within his constituency. Council parties should be encouraged to eschew communalism *in toto* and crystallise on sound political principles. It should be the duty of the elected members to confer with their constituencies periodically and thereby help the growth of "informed public opinion." Such a Council will bring into existence healthy public organs of diverse creeds on broad principles and exercise a healthy influence on the public in general. It will promote union and goodwill among the various classes of the people and towards government.

(*b*) To the "House of Representatives" may be credited all the virtues claimed for an *Upper* Chamber and the correction of possible wrongs to communities. "Communal," "Social," "Economic" and other particular interests may receive representation in it through special electorates. The franchise and the method of election may be the same as those for the present Legislative Council. The relationship between this and the "Popular Assembly" may be similar to that between the present Legislative Assembly and the Council of State.

(*c*) The members of the Cabinet shall be ex-officio members of both the Houses.

(*d*) The budget and the bills must pass in both the Councils, being first introduced in the "Popular Assembly." The Councils shall have power to alter or vary the several heads of the budgets.

(*e*) The power of Veto and certification of the Governor is to be retained in subjects not marked for the final decision of the Council; but they should be exercised only in cases of extreme necessity, the Governor assigning his reasons for his exercise of such powers.

(*f*) The oath or affirmation of allegiance by the members of the Councils shall include a declaration that they "Shall abstain from all interference with the religious beliefs or worship of any class of British subjects in India."

(*g*) In this scheme the points mentioned in question 4 of your notification practically do not arise.

III. Local Bodies.

It is surprising that after eight years of "popular government" the patronage of nomination to the District and Local bodies has not been given up altogether, although every party wants "Provincial Autonomy." It is, therefore, a matter of first importance to make the local bodies *absolutely* autonomous and elective, with powers to the Executive Government to interfere in the event of corruption, gross neglect or detriment to the public. The local administrative officials may *ex-officio* have a seat in these bodies. The Legislative Councils, of course, have their voice over them.

IV. The Central Government.

From the view-point of this statement, the important matter to be urged is that *Dyarchy* is absolutely untenable in the Central Government as desired in some quarters, as it might give rise to more undesirable results there than in the Provinces. In other respects the principles hereinbefore stated for Provincial Councils may *pari passu* apply to the Central Legislature. The classification of All-India and Provincial subjects, and also finance require revision in the light of past experience.

V. Courts and Judiciary.

The poison of communalism that has of late been allowed to spread in the recruitment to this most important branch of public service should be eradicated *in toto*. Upon the integrity of the courts, the internal safety of India depends. The morbid idea that Government is run to find appointments for the members of communities and in proportion to their population should be fought out with a firm hand. In such a calculation the British proportion would be nowhere. Direct recruitment to Dt. Judgeships is not desirable, except under extra-ordinary circumstances.

7. The other questions do not call for special representation from the standpoint of the bodies to which I belong. A separate statement will be submitted on "Education," when your notification is published.

8. In my communication referred to in paragraph 2

above, it is stated that the Conference over which I had the honour to preside, in December last, contained about 1,500 delegates of orthodox Hindus, Brahman and non-Brahman from all parts of the Madras Presidency and outside, and was thoroughly and truly representative of the people. I herein give the views that I gathered in the course of the elaborate proceedings of the Conference.

9. I beg to offer myself for oral examination by the Commission. If the Commission is to hear inclined, I shall give also names and particulars of other responsible and representative persons who would come forward as witnesses. For want of time I cannot append their list here.

10. If I be permitted, I venture to suggest that in view of the Legislatures' reticence to elect committees to co-operate with your Commission, you may require the Government to nominate a Committee of representative Indians outside, for the purpose. The Council parties and leaders do not necessarily mean the entire public opinion of India. The people in the main are very conservative, as already stated.

MADRAS.

2nd March, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD BURNHAM, COLONEL LANE-FOX AND MAJOR ATTLEE), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, SIR HARI SINGH GOUR, SARDAR SHIVDEV SINGH UBEROI AND RAO BAHADUR RAJAH), AND OF THE MADRAS PROVINCIAL COMMITTEE.

Deputation of Orthodox Brahmins.

The deputation consisted of :—

Mr. N. SRINIVASA ACHARYA, B.A., B.L., Advocate.

Dewan Bahadur V. R. KUPPUSWAMI AYYER, Avl., B.A., B.L., Retired District Judge, Mayavaram, Tanjore District.

Rao Bahadur T. M. NARASIMHA CHARLU, B.A., B.L., Advocate, formerly M.L.C., and President of the District Board, Cuddappah.

Mr. C. V. KRISHNA RAU, Landholder and formerly Municipal Chairman, Ongole, Guntur District.

Dewan Bahadur GOVINDA DOSS CHATHURBHUJA. DOSS, Merchant and formerly Sheriff of Madras.

Mr. A. SUBHA RAU, B.A., District Superintendent of Police, Triplicane, Madras.

Mr. N. SUBRAMANIA IYER, M.A., Retired Dewan Peishkar of Travancore, Mylapore, Madras.

1. *The Chairman :* We have read your document, which is an interesting one. If I follow rightly, you and your friends would be rightly described, would you not, as orthodox Brahmins ?—(*Mr. Srinivasa Acharya*) Yes.

2. The first thing which you are anxious to insist on is religious freedom ?—Quite so.

3. And Government abstention from all interference in religious beliefs or worship ?—Yes.

4. A thing which is important for us as a constitutional conference is this. Do you think that there ought to be some statutory provision for that purpose? —Yes. (*Dewan Bahadur Kuppuswami Ayyer*) That is our object. Of course, such a neutrality is proclaimed in the Queen's Proclamation.

5. As you gentlemen appreciate, there is a difference between saying that a matter should be included in a Proclamation, where the Crown's representatives are enjoined to do this, and trying to put a provision about it into the Statute ?—Yes, that is so.

6. And I gather that your suggestion is that, if possible, something should be put in the Statute ? (*Mr. Srinivasa Acharya*) It must be made positive.

7. I will ask you a question about it in a minute. There is one difficulty. You say in page 343 of the Memorandum, paragraph 2, "A provision "should be made in the Statute itself for enforcing "strict obedience to this injunction," that is to say, abstaining from all interference with the religious beliefs or worship, "and making the Executive "Government responsible for its being carried out." Now I will put the difficulty, so that you may deal with it. It is no use putting words into a Statute unless people who think the Statute is being disregarded have some remedy, some means of enforcing it. Some people have tried to enact for some people that all men are equal. I dare say they are, but you do not get very much further by saying so, and the whole point is, it is no good putting a word into a Statute such as this particular provision is to be strictly observed, unless you have got some machinery—some sanction, as lawyers call it—to secure that it shall be observed, or to enable people who think it is being disregarded to make their complaint effective. Now, how do you think it should be done ?—What we mean by asking for the provision is this. It should be declared that the Council or the Government shall not have power to introduce legislation affecting our religious beliefs.

8. Let us suppose that is done. I can imagine a case where some people will think that the legislation does have that effect, and others will think that it does not. For instance, there is legislation promoted by some people which would raise the marriage age, or something of that sort. Now, some people may regard that—I do not know whether they do—as a religious matter ?—Many.

9. And some other people may regard it as not a religious matter, but as a social matter. Now, supposing there is dispute ?—(*Mr. Subramania Iyer*) Every person entitled to be called orthodox, and every Hindu, looks upon that as a sacrament ; otherwise he is not a Hindu. I am prepared to say that every person who looks upon marriage not as a sacrament is not a Hindu, just as a Christian who does not believe in Jesus and His revelation is not a Christian.

Sir A. P. Patro : But the orthodox Hindus do not allow a sacrament in the case of motherhood other than the Brahmins.

10. *The Chairman:* That is not the point, if you will allow me to say so. The point is not whether one set of people and another set of people deny and affirm it; the point is that there may be controversy on such a thing. Then who is to decide the controversy?—(*Rao Bahadur Narasimha Charlu*) Either the Governor or the Court.

11. Then that would mean, would it not, that you contemplate that if some Bill is introduced which, in the view of anybody in India, conflicts with his religious principles, not limiting the matter to orthodox Brahmins?—(*Mr. Srinivasa Acharya*) Not limited.

12. Then he is to go to the law courts?—Yes; it is the only remedy.

13. I think you face the difficulty quite fairly; but it is a difficulty, you know. Anyhow, I understand what you say, and as an illustration you tell me that in the view of this deputation they would regard any law which sought to raise the marriageable age as in conflict with their religion?—Exactly. I would go further, and say from my observation, from the number of memorials that went to the Viceroy, that the Viceroy's hands are simply being coerced by members of the Council who have no faith in their religion. That is why we ask for such a safeguard.

14. If that is so—and I am not discussing whether it is or not—it is important to discover what the safeguard is. Do you think, for instance, that a law court which might not contain any orthodox Brahmin would be a good body to decide whether or not the religion of the orthodox Brahmin was offended by some Bill or other?—(*Mr. Subramania Iyer*) We do not want an orthodox Brahmin or a Hindu orthodox judge; if he were true to the principles of justice it would be quite enough.

15. We call that a righteous judge, or an upright judge?—Yes, who would act without fear or favour on the issue before him.

16. I entirely agree with you to this extent, and you, no doubt, know many cases which have been decided, I hope rightly, certainly justly and uprightly, which involved many difficult questions of Hindu law and tradition, not always by people who were Hindus?—And in this connection may I submit that the people as a whole, as far as I have been able to observe them, have got more confidence in the judgment of the European Judges than of Hindu Judges. I am very sorry to have to say it, but I find that most of the judgments given in the High Courts which have been repugnant to the traditions, instincts and usages of the Hindu people have come not from Europeans but from social reform minded Indian Judges whose mentality is neither wholly Hindu or wholly Christian.

17. In these matters everybody is entitled to his opinion.—(*Mr. Subha Rau*) May I submit that that is not our opinion.

18. I was just going to say, I should not treat that observation as a thing which bound the deputation; but, of course, each gentleman is entitled to express his view?—Yes, certainly.

19. That is the first point, and I tell you frankly I think the difficulty of finding a machinery is the difficulty of finding one which will secure what you want.—(*Rao Bahadur Narasimha Charlu*) I venture to submit one other point, that members of the Government, whether they be ministers or executive council members, should not by their presence or speeches encourage speeches and meetings which have for their sole object the decrying and the destruction of Hindu religion. For instance, we observed ten days ago a meeting was held which was called the Self-Respect Conference, in which no less than five members of the Madras Government were present, and the cry was "Down with the idols; down with Brahmins; down with Sanscrit"; and what will the people think? That the Government do encourage such conferences, whereas their presence distinctly indicates that they encourage such speeches and conferences. There must be a provision in the Statute that Government members should observe neutrality, whether they are elected members or appointed by Government.

20. We will not go into the detail of it, but when you say Government members, do you mean Indian members?—In the present example I have quoted, all of them were Indians.

21. Now the next point you make is on page 343, and you make a suggestion as to the executive. You propose that dyarchy should go, and that there should be a ministry of five. You think that there should be two Europeans and three Indians recruited mainly from the elected council, and "of the Indian Members there may be ordinarily a Brahmana, a "non-Brahmana, and a Muhammadan. But this "need not be an inviolable rule. For, only the very "best men fitted by integrity, ability and statesmanship should be appointed to this responsible "position of administration." So long as there is an objection as to how you would pick your Indian members, you recognise, according to this document, that you could not put that into the Statute?—(*Dewan Bahadur Kuppuswami Ayyer*) The object was that there should be Europeans in the Cabinet. It is the most important item that we want to press, that unless Europeans are at the top of the administration to a certain extent, the administration is likely to go to pieces, as it has already done in many parts of this country. We Brahmins are interested in seeing that law and order are preserved properly, and unless there is a sufficient and satisfactory European element, both at the top and in the districts, we are afraid that the administration as a whole will go to pieces.

22. I do not think that is the view of all Brahmins, is it?—(*Mr. Subha Rau*) No. (*Dewan Bahadur Kuppuswami Ayyer*) At least of orthodox Brahmins. (*Mr. Krishna Rau*) One thing has to be recognised, that there has been a great deterioration in efficiency since the Reforms. (*Dewan Bahadur Kuppuswami Ayyer*) It has to be recognised. It cannot be gainsaid.

Mr. Siva Rao: It is because there have been no Brahmin ministers so far?

23. *The Chairman:* I should like to know on what grounds you put it. It is an opinion, and we have to listen to all things; but I would like to know one or two things about it. You have been living in this province. Do you think the roads of the province, as compared with ten years ago, have improved?—(*Rao Bahadur Narasimha Charlu*) May I say a few words? I have been in the Council for two terms, six years. I know the working of the Council. I have been chairman of the Cuddappah Municipality and I have been chairman of the District Board for eight years. My experience of local board administration extends over 25 years. I may say that my experience of the inner working of these boards is this, that after the introduction of the Reforms the working has considerably deteriorated, and I may say that we are on the backward step now during the last eight years. That is my considered opinion—that during the last eight years the working of the local board administration is going backward. There is less efficiency, less honesty and less public spirit. I say this with my experience, not merely as an onlooker. I tender that evidence, and if you want me to deal with any particular points I can do so.

24. If that is so, what do you think the deterioration is due to? What is the main cause of it?—The main cause is, we were given the Reforms rather too much; the dose is too much for the infant to feed on, and we have given this liberty of election rather too much. The result is that only people who have got a voice, who have got physical strength, get into the department; it is not the people who have got brains, who have got decency with them. The result is that because it is election, therefore the elected man has to depend upon the good will of those who elect him, and to satisfy them the person elected has to go out of his way to satisfy their needs.

That, I submit, sir, is the real cause of the downward course. The elected man is not a free man now; he is attacked on all sides; every supporter of his comes to him and says, "Well, I put you up to the highest point of the ladder; show me some concession; appoint my friend; nominate this gentleman, nominate that gentleman," and so on. What would the poor head of a department do? He must either resign, or, if he wants power, he must satisfy his supporters; and when he satisfies these people, the result is that efficiency goes down. (*Mr. Krishna Rau*) I may be permitted to say a few words. I find the defect in the representative system itself. The foundation of the administration should be the village, but at the present time in this country the centre of power has been removed from the villages to the town and cities, where the elected members become irresponsible, or at all events have a tendency to act in an irresponsible fashion. The village should be made the unit of administration; village autonomy should be created first, and the centre of power removed from the towns to the village by panchayats being created in every village and being the basis of the administration. There should be complete local autonomy; the taluq should be abolished and after the village should come the district, and after the district the province.

25. I think we must keep to the lines of this document. We have heard a great deal about that from other deputations which have specially dealt with it in their Memoranda?—I was just explaining my position.

26. I do not quite understand from this document what is to be the relation between the executive and the legislature. Is the executive to be bound by the decisions of the legislature or not?—(*Mr. Srinivasa Acharya*)—It is to be bound to carry out the decisions of the Council; it will be bound by Statute. I may quote the analogy of the Madras Corporation, where the Commissioner is bound to carry out the resolutions of the Corporation, but he is not elected by them.

27. I think you are in favour of two Houses, are not you?—Yes, and the second chamber will provide for the representation of commercial and other interests, and if any wrong is done in one chamber it may be corrected in the second. That is the only way of reconciling people who are strong on communalism with democracy. (*Mr. Subramania Iyer*) The only communities to be recognised should not be based on birth, but be based on economic interests and industrial, commercial, agricultural and religious interests.

28. You say community should be recognised on the basis of religion?—It might be. I would not say that of the Hindu, because in the case of the Hindu the position is so vague. It is not an organised religion having some kind of discipline. Anybody can be a Hindu. A Catholic Christian has to conform to certain doctrines and practices, or be turned out and be no longer a Catholic. It is the same with other Christians, but with Hinduism even a man who has definitely thrown off Hinduism and adopted Christianity may pass as a Hindu. This is a great trouble to us.

29. I should like to ask you a question about that. You have been telling us about the views of the orthodox Brahmin, and how far proposals for legislation might conflict with those views. We all listen with great respect to any views sincerely held in the name of religion. I wish you would tell me what would be the view of a body like yours to a resolution which provided that all wells should be available equally to Depressed Classes and to Brahmins?—(*Mr. N. Srinivasa Acharya*) It does not matter at all. We should have nothing to say to it.

30. What would be your view as to what is to be done about the Depressed Classes?—(*Mr. Subramania Ayyer*) It is a large question. Do you mean those castes in regard to whom certain ceremonial rules of pollution now exist?

31. I do mean them?—Will you tell me what you mean?—I understand what you mean by Depressed Classes, but tell me once more what you want to know.

32. What I want to know from this deputation is this. Is it your view that the present condition of those people is satisfactory and that there is nothing to be done except to leave things as they are, or is it your view that this is a very serious problem which has got to be dealt with by very important changes? What do you think?—I am under the belief that India as a whole is a depressed nation, and that every person who is carrying on his old traditional calling, which is not in very much demand by the people and who therefore gets low wages and less honour, is depressed in the real sense of the term. If it is meant that in certain Brahmin streets certain classes do not travel through, and do not touch certain wells, then I say there are certain social rules based upon distinctiveness between class and class which have not only religious but social and economic purposes.

33. What is the economic purpose that is served by providing that members of these classes are not to go down a particular street?—What I mean to say is that Indian society believes in distinctiveness between these occupational groups. (*Dewan Bahadur Kuppuswami Ayyer*) That is an individual opinion; it is not the general opinion of all of us.

34. I do not wish to trouble you unduly, gentlemen. I understand the sort of answer you are giving, and that is your answer to the question whether you think the Depressed Classes (on the general definition of which we had previously agreed; I do not mean the whole of India!) are in a situation which calls for special change?—(*Mr. Subramania Ayyer*) It calls for change.

35. You think it does?—Certainly.

36. What sort of change?—So long as the economic situation of a country is depressed in regard to all sections of people, and added to that certain religious conventions are acting on this economic depression. (*Mr. Krishna Rau*) I may just be permitted to say a word about the actual conditions existing. Ths question of the Depressed Classes is now put as opposed to the higher classes of Brahmins and the non-Brahmins. But there are among the Depressed Classes themselves a number of sub-castes; in my part of the country there are many Depressed Classes who are known as Malas and Madigas——

37. *The Chairman:* We need not bother about that. That is not my question at all. I will just put one other question. Is it your view that the Depressed Classes should be represented separately from the rest of the Hindus, or is it your view that the Hindus should be represented as a whole without any distinction between the Depressed Class and other people?—(*Mr. Srinivasa Acharya*) *:* I have already submitted in my Memorandum that all communities should freely compete in the same electorate. Other people must assist these Depressed Classes to compete in the general electorate, and if they are not returned in larger numbers, they must be nominated. (*Diwan Bahadur Kuppuswami Ayyer*) The Brahmins as a class have the least objection to their being elevated.

38. You say in your Memorandum: "A very "small number of seats may be kept to be filled up "by nominations," and then you say after referring to nomination of experts for any special legislation, "and by members of the Depressed Classes in case "the general electorate does not return them"?—(*Mr. Srinivasa Acharya*) Yes, that is only for one chamber; the upper chamber provides a separate electorate for them.

39. *Lord Strathcona:* Your scheme of the Government as set out at pages 343-4 means that all the subjects will be in the hands of Ministers and there will be no reserved subjects?—(*Rao Bahadur Narasimha Charlu*) So far as the subjects are concerned, we would allow every subject to be under members of Government except law and order, whose ultimate control must be in the hands of the Governor, and also to a certain extent in the matter of finance, if the expenditure

proposed proves to be a wastage, the Governor may interfere; in other respects the members of the Government may have full authority.

40. *Sir A. P. Patro:* Mr. Srinivasa Acharya, you represent the orthodox Brahmin section and you believe in the righteousness of the Code of Manu, do you not?—(*Mr. Srinivasa Acharya*): I believe in the authority of the Code of Manu, sir. (*Rao Bahadur Narasimha Charlu*): Is that question permissible, sir, to ask an orthodox Brahmin whether he believes in the Code of Manu?

The Chairman: I do not think we need go very far into this. This deputation is a deputation of orthodox Brahmins, and it is important to know what it means by orthodoxy.

41. *Sir A. P. Patro:* Orthodox Brahmins as you are, you believe in the righteousness of the Code of Manu?—(*Mr. Srinivasa Acharya*): We would rather like that you do not use the word "righteousness."

42. You accept and follow the rules laid down in the Code of Manu. The Code of Manu which you all obey and carry out in practice lays down that the tongue of the Sudra should be cut if he reads the Vedas, and if he hears the chanting of Vedas molten lead should be poured into his ears?—(*Rao Bahadur Narasimha Charlu*) Manu also said that if a Brahmin ploughs the land, his hands shall be cut off; that is only to preserve each occupation quite distinct from the other. The object of it is that Brahmins must be learned, agriculturists must be agriculturists, the King must be a King; in that way each occupation was kept separate so that one may not overlap the other and quarrel with the other. My learned friend wants to use it as a sort of weapon against the orthodox Brahmins, and while saying that he forgets the context and everything else. (*Mr. Srinivasa Acharya*) In the present day we do not bother with all that.

43. It prescribes the punishment for a Sudra if he reads the Vedas . . . (*Diwan Bahadur Kuppuswami Ayyer*) If my friend will excuse me, I will put him another question. In the old Catholic dogma if it were considered that the world was round, people were being flayed and tormented. Are we to say that that belief is being inculcated by the Catholics to-day?

44. *Sir A. P. Patro:* That is the spirit of the orthodox Brahmins . . . ((*Mr. Subha Rau*) May I submit, sir, that several non-Brahmins read the Vedas now, and no Brahmins have the courage to cut off their tongue?

Mr. Siva Raj: They have not got the power.

The Chairman: It is very interesting to listen to it, but we must pay equal attention to the question and answer. At the same time I see the sort of point you make. Do you not think, Sir A. Patro, that we had better go to specific suggestions?

45. *Sir A. P. Patro.* Mr. Srinivasa Acharya, an orthodox Brahmin as you are, the orthodox Brahmin ought not to do *paricharya*, that is any service; he ought not to be under Government service, or do any other service?—(*Mr. Srinivasa Acharya*) What bearing has it on this occasion?

46. I will come to that presently . . . (*Mr. Subramania Iyer*) We decline to answer such questions.

47. *Sir A. P. Patro:* Mr. Srinivasa Acharya, according to the orthodox Brahmin creed, *Shanti*, i.e., *Kshama*, is your Brahmana Dharma, is it not; that is, he should not do any service for wages, or be a *parichariya:* is that not the orthodox Brahmina Dharma?—(*Mr. Srinivasa Acharya*) Nowhere is it stated that Brahmins should not take up office. Only menial service is prohibited. *Paricharya* is menial service.

48. That is to say, according to your Sanatana Bharma creed, it is the Sudras who have to do menial service, is it not?—My good sir, those were written three thousand years ago for the condition of society existing then. We are talking now about political reforms.

49. But you are the president of the Sanatana Dharma Sabha which wants to preserve all the old dharmas?—Yes, we want to preserve the dharma.

50. And perpetuate the dharma prescribed in your Dharma Shastras?—That is the object of my Association, but what has that got to do here?

51. Is there any Association called the Varnashrama Dharma Association, in Madras?—I said Varnashrama Dharma Conference.

52. When you wanted to hold a meeting in Triplicane to get the approval of the conference to place this document before the Commission, was not that meeting broken up and people protested against it, and as such the document was not accepted at any meeting?—Not for the substance contained in the document, but because they were boycotters who wanted to boycott the Commission. For that purpose they came and quarrelled, but that has nothing to do with the contents of this document.

53. On behalf of the deputation Mr. Narasimha Charlu said that after the Reforms there has been great deterioration in local self-government. Is it because Mr. Narasimha Charlu was defeated by a non-Brahmin at the district board election last year? Has the light dawned upon him only last year when he was defeated by a non-Brahmin?—(*Rao Bahadur Narasimha Charlu*) I think, sir, the question attributes motive to me for expressing an opinion. He says "Is it because you were defeated by a non-Brahmin you are now maligning the efficiency of the administration?" I do not know, sir, whether I should really answer that question. Anyhow, I do answer that question by saying that it is not on account of that. It is on account of the inefficiency, corruption and want of public spirit that I find that I said so. I can show it to you if I take you to the villages and prove by example what I have just now said; and I said so not because I was defeated. (*Mr. Srinivasa Acharya*) I simply invite the attention of Sir A. P. Patro in this connection to what the Local Self-Government Secretary said here, that 50 per cent. of the local self-government is bad; of course that is sufficient for our purpose.

The Chairman: I think the best thing is to treat everybody's views as being views that he holds, but not necessarily, of course, the views of the other people here. We have listened with equal patience to all, but I find that all could not agree with one another.

54. *Sir A. P. Patro:* Mr. Narasimha Charlu stood for election to the legislative council on two occasions, and on the last occasion he was defeated by a non-Brahmin?—(*Rao Bahadur Narasimha Charlu*) No; I think he was defeated by a Brahmin, Mr. Parasurama Rau.

55. Was it not Mr. Koti Reddi who defeated you?—Mr. Koti Reddi was already with me. I was the Brahmin member, and the person who succeeded me is a Brahmin, sir. My learned friend forgets it; he is in the Council and he does not know facts yet.

Sir A. P. Patro: I remember you were defeated both in the Legislative Council and District Board elections.

56. *Mr. Siva Rao:* Mr. Srinivasa Acharya, Rao Bahadur Narasima Charlu told us that the local self-government was not satisfactorily working. Is that view shared by all?—(*Mr. Srinivasa Acharya*) We are almost all unanimous on that.

57. And you were referring to the evidence given here by the Local Self-Government Secretary. He said that it was mostly satisfactory, that about 50 per cent. of them were working on very satisfactory lines and that about 50 per cent. were not quite so satisfactory. Are you prepared to modify your opinion in the light of the evidence given by the Local Self-Government Secretary?—I am not prepared to modify it.

58. One of the reasons given by Rao Bahadur Narasimha Charlu as to why the Local Self-Government was not working satisfactorily was that he was not satisfied with the system of election. Is that view shared by all of you?—That is shared by all, but there is also another and more important reason, namely communal feelings.

59. Is that view shared by all that election is not a satisfactory method of choosing representatives in the Local Self-Government departments ?—We share the view that elections are not properly done.

60. Is the view that election is not a proper method of choosing representatives shared by all of you ? —It is a proper method ; certainly election is good.

61. Mr. Narasimha Charlu, while advocating provincial autonomy or responsible government in the provinces, wants to exempt law and order and finance. Is that opinion shared by all ?—Yes, sir.

62. But you have made no mention of it in your Memorandum ?—I have not ; but we have discussed it afterwards.

63. You are aware that law and order have been in the hands of Indian members for about nine years now ?—Indian or European does not matter. I know . . .

64. Have they not been working satisfactorily under men like Sir C. P. Ramaswami Ayyar, and so on ?—I do not place it on the ground that the Indian is a failure.

65. Has it not been working satisfactorily ?—The question is if it is handed over to a popular body, what would happen ?

66. Therefore, they have been working satisfactorily so far ?—The member in charge of the portfolio may be an Indian or a European ; that would make no difference. We only object to the system which gives it away to the council or the minister, who are always actuated by communal and factious feelings.

67. So far have not the Madras Legislative Council been acquitting themselves well with regard to these subjects of law and order ?—I think they have been doing very well.

68. Can you quote any instance in which the Madras Legislative Council did not support any measures for the promotion of law and order ?—I cannot say definitely that it did not support any such measure ; but then the subject is with the Executive Council Member and not with the Minister ; that gives us all the safeguard.

69. But when those measures came up before the Legislative Council, have they not acted with sobriety and with a full sense of responsibility so far ?—(*Rao Bahadur Narasimha Charlu*) : What were the measures that came up before the council about law and order ?

70. Measures regarding the Malabar Moplah rebellion, the non-Co-operation movement at Guntur and the passive resistance movement in Chirala and Perala, and a number of other question came up before the council, and do you know of any instance when the Legislative Council did not acquit itself well ?—(*Mr. Srinivasa Acharya*) Those were not occasions on which power could have been exercised by the council ; the subject was in the hands of Government members.

71. Do you insist on a European being in the Ministry or do you say it is desirable to have a European ?—In my scheme there is no Ministry.

72. Do you insist on Europeans in the Executive Council ?—I should like to have them so that Indians and Europeans may move on terms of equality.

73. You mean a European elected member of the Legislative Council ?—Or an outsider.

74. *Diwan Bahadur Kumaraswami Reddiyar :* Mr. Narasimba Charlu, you say that you were defeated by a Brahmin in the last Council elections ; was it not so ? —(*Rao Bahadur Narasimha Charlu*) Yes.

75. Was he a man of the orthodox type or of the unorthodox type ?—He was a Swarajist. In that all Liberals were drowned. The elections were not contested on orthodox or unorthodox basis. The question then was whether he was a Swarajist or non-Swarajist.

76. You know the man ; you can distinguish between orthodoxy and unorthodoxy ?—He was neither this nor that.

77. And the electorate chose a Brahmin who was neither this nor that ?—The electorate never considered whether he was Brahmin or not. They were bent on having a Swarajist and they had him.

78. You were the president of the Cuddapah District Board for many years ?—Yes, from 1919 to 1927, both inclusive.

79. So after the Reforms were introduced you were the president for seven years ?—Yes.

80. Was the administration of the Cuddapah District Board efficient or inefficient during those seven years ?—It was efficient during those seven years, but it has deteriorated since. I do not like to boast myself, but the question has driven me to say this.

81. The efficiency during that period was due to the gentleman presiding over the District Board ?—It largely contributed.

82. And the present deterioration is due to the fact that some other gentleman is the president ?—Some other gentleman who finds himself in a dilemma to help his supporters, as well as efficiency.

83. The presidentship of the Cuddappah District Board was thrown open to election very recently, that is in 1927 ?—Yes, very recently.

84. And the present President stood for election ? —Both of us stood for election.

85. You were defeated ?—Yes, by one vote.

86. Mr. Srinivasa Acharya, is it the view of the whole of your deputation that the whole of India is depressed ?—One of your members stated that it is not only the depressed classes, but the whole of India is depressed. It is because the British people are ruling us ?—(*Mr. Srinivasa Acharya*) I understood the answer to mean that the Indians as a class are economically and politically poor.

87. It is the view of the whole of your deputation ? —It is not merely the individual opinion of Mr. Subramania Iyer.

88. Do you really mean to say that the orthodox Brahmins have no objection to take water from a well from which a *panchama* takes water ?—I will put it the other way. We have no objection to the *panchama* taking water from any well. (*Mr. Subramania Iyer*) : From a public well. (*Mr. Srinivasa Acharya*) : There may be a few people who may go away without taking the water from the same well, but they may not trouble you.

89. Would an orthodox Brahmin like yourselves take water from a well which is used by the Adi-Dravidas ?—Even orthodoxy does not prescribe any limits for taking water in a large reservoir. Even in a small one some people take water and some do not.

90. There are different degrees of orthodoxy ?—It does not necessarily mean that. (*Rao Bahadur Narasimha Charlu*) : Is it your point to help the Depressed Classes or is it your point to bring down the Brahmin ? We are prepared to give water to the *panchama*. There is no objection. But what is the meaning of putting a question, Are you prepared to take water along with him ? (*Mr. Srinivasa Acharya*) : In the first Legislative Council of Madras there was a resolution proposed which required the Brahmin and the *panchama* to take water in the same well !

91. *The Chairman :* I want you to tell me this. Does the orthodox Brahmin, who adopts a strict orthodox creed, seriously object to take water from a pipe ?—There are many who take serious objection to it.

92. Because, I suppose, the waterworks employ people of all sorts ?—Yes, and also because it is a pipe.

93. *Diwan Bahadur Reddiyar :* In your Memorandum you have not said anything about the transfer of subjects to the ministers ?—I have not recognised the ministerial system at all.

94. You call them members of Government ?—Yes.

95. You say that subsequently to that you discussed among yourselves and came to the conclusion that Law and Order should be reserved for the control of the Governor ?—There was no discussion before. Brahmins have no separate politics of their own apart from the rest of the com-

munity. I submitted my Memorandum long ago. But we had informal discussions afterwards.

96. You discussed informally with some Brahmins ?—With many.

97. And you have now come to the conclusion that Law and Order should be under the control of the Governor ?—Yes, in the interests of public safety and, seeing the development of anti-Brahmin movement all along, we thought it safer.

98. That is not the view of any particular body ?—If ten persons call themselves a body it does not become sacrosanct.

99. Was this Memorandum placed before the All-India Brahamana Sabha ?—No.

100. It was prepared by you individually ?—Yes, and shown to many people. The Brahamana Sabha is not a political body and it is prevented from taking part in politics. That is why I took the views from various people and also the *matadhipathis*.

101. *Khan Bahadur Khalif-ul-Lah Sahib :* Do you say that there should be no form of responsibility at all ?—No. I provided for responsibility. I say that many subjects should be within the control of the council. The Legislative Council passes resolutions and those resolutions must be carried out by the Executive Council. Is not that responsibility ?

102. I am only asking your opinion of the matter ?—I take into consideration the Eastern conditions and the conditions to which we have been accustomed during all these centuries. If we are not troubled with patronage in the matter of appointments and so on, our people are the best to give very sober opinions. The Chairman elicited the answer from the Government witness, as to how the Government of India managed to be successful and carry on its measures in spite of the fact that there were no ministers in the Central Government. I apply the same principle. People are quite competent to be given responsibility provided they have not got to look for patronage, and ministers have not got to look for votes for being retained in their positions.

103. You do not want any Minister to be dependent on the votes of the council ? That is the sort of government which you recommend ?—Yes.

104. Mr. Narasimha Charlu, during the non-Brahmin ministry, so long as the power of nomination of District Board Presidents was in the hands of Government, the Ministry had been standing by you, a very orthodox Brahmin, in nominating you to the Presidentship ?—(*Rao Bahadur Narasimha Charlu*) There was no Ministry before the Reforms were introduced, and His Excellency when he came to Cuddappah offered the presidentship to me and I accepted it. Therefore, the beginning of my career as President of the District Board was not dependent on the Minister.

105. My question was with regard to your continuance as President. When the Reforms came in, the non-Brahmin Ministry was in power, or say the Justice party, and even when they supported an orthodox Brahmin like you and nominated you as President not only once, but more than once, in spite of the protests ? Is that not a fact ?—I do not know whether the nomination was entirely in the hands of the Minister. It was the Minister and the Secretary.

106. *The Chairman :* The point is that after the Reforms were introduced and during the days of the Justice Ministry there were the appointments which were in the hands of the Government, and one went to a Brahmin ?—My only doubt was whether they gave it to me because I was a Brahmin or because I was efficient for the work.

107. *Khan Bahadur Khalif-ul-Lah Sahib :* When there happened to be an efficient Brahmin they did appoint the efficient Brahmin ?—You put it generally. Mine was only an exception.

The Chairman : I cannot see how a Government says that the only people ever to be appointed to official posts are people who are drawn from a particular class.

108. *Khan Bahadur Khalif-ul-Lah Sahib :* That is my point. Has not the Council now taken a Brahmin Minister ?—The Council has not taken. His Excellency has nominated one Brahmin.

109. *Sir Sankaran Nair :* You say here that in this state of affairs one is tempted to ask for the return to the order of things before the Reforms. That is really your feelings, that we must go back to the pre-Reform days ?—(*Mr. Srinivasa Acharya*) Yes ; if that were impossible, we suggest alternatives.

110. If that is possible we must go back, so that the Queen's proclamation that there should be no interference in religious matters, and so on, might be strictly observed ?—Yes, and also that there should be no discrimination between one community and another.

111. That is the general view ?—Yes.

112. Would you be prepared to accept the rulings of the head of your community in matters of religion, that is Sankaracharya for Smarthas, Ramanuja for Vaishnavites and so on ? Supposing in cases of religious disputes he gives a ruling that a certain particular matter is not repugnant to the Hindu religion. Would you accept the verdict of the head of your community ?—Yes.

113. And if he supports the view which may be put forward by the reformers or which may be put before the Legislative Council, then you would not object to legislation being passed ?—No.

114. So you say that any change in any custom based on religion may, if necessary, be carried out with the consent of the heads of the different Maths ?—The heads of Maths alone do not exhaust all the people to be consulted. All of us are not disciples of Maths. There are people with different views. Therefore, along with the heads of Maths a committee of orthodox Pandits should also be appointed in such matters.

115. If you can say that the heads of Maths may determine the question, whether a certain legislation may be passed or not, then you have a definite and clear instrument which voices your feelings ; but, on the other hand, if you say that you will not accept it, it must be done by a committee of Pandits and so on, that means an indefinite body and the question will never be settled. As between the two, are you prepared to say that if the heads of Maths give a ruling, legislation may proceed and you will not dispute ?—I accept it. But there may be some people who may not. (*Mr. Subramania Iyer*) Many of the Maths in India as now constituted have not got specific territorial jurisdiction, but to the extent they have, I think their opinions ought to be accepted, or rather, they may form the basis of any action when action has got to be taken.

116. *Sir Sankaran Nair :* Is that the general view ?—*Diwan Bahadur Kuppuswami Ayyer*) Yes. (*Mr. Subramania Iyer*) I am able to foresee a time when, as things now go on, the Maths may be presided over by people who may themselves encourage the breach of social customs, but then there will be time for sane orthodoxy to organise itself and to depose the Mathage. But till that time comes we must accept the Maths as our chief arbiters in these matters. I might also add, sir, that the only points on which all of us are agreed are that the State should not undertake social legislation, and that there should be no discrimination against any particular community entering the public Services. As for the other matters contained in the Memorandum our individual views prevail.

Memorandum submitted by Dewan Bahadur C. V. RANGA REDDI GARU, B.A., B.L., President, Hindu Religious Endowments, Royapetta, Madras.

Having been connected with the Local Self-governing institutions for over sixteen years, till April 1928, in fourteen of which I was President of a Taluk Board and a District Board, and having been a member of the Reformed Council from its inception till March, 1925, I may fairly claim to have some experience of the working of Local Self-governing bodies, and of the Local Legislature; and that is my excuse in venturing to submit this Memorandum before the Commission.

I shall place before the Commission my views on the following subjects:

(i) Local Self-governing institutions,
(ii) The Representative institutions,
(iii) The Provincial Governments,
(iv) The Central Government.

I. Local Self-Governing Institutions.

Local Boards were re-constituted in the Madras Presidency in the year 1920; Union Boards for big villages with a population of 5,000 and more; Taluk Boards for Taluk Board areas consisting of one or more taluks, and District Boards for each District. In each of these bodies, three-fourths of the members are to be elected and the rest to be nominated to give representation to the minority communities.

For the first few years after the Reforms, the Government were unable to give to the Local Boards all they expected in the way of grants, thus retarding their progress. In spite of that, civic consciousness was awakened gradually in the people. As financial conditions improved, people responsible for the work of Local Self-governing institutions have justified the policy of the grant of wider powers by Government. Since the Reforms, the interest taken by the people in these institutions has been growing to a considerable extent. From 1920 onwards, people have come to take real interest in local affairs. Even people without English education are coming forward in large numbers to take prominent part in these institutions. Some of them have done excellent work as Presidents of Local Boards, and it does redound much to their credit and public spirit. The work turned out by the Local bodies during the short time of 7 or 8 years after their re-constitution has been remarkable especially with regard to medical relief, public health and sanitation, and village communications. With regard to Elementary Education, there has been some progress, but it has not been satisfactory on account of the paucity of funds. Local bodies in the Madras Presidency form real training grounds for public men.

Franchise and Elections.

The franchise for voting in the Union Board is the payment of a house-tax of not less than Re.0-8-0; for the Taluk Board, payment of Land-revenue of not less than Rs. 10. For the District Board, there is no direct election. Each Taluk Board in the District elects a certain number of members to the District Board. There is no separate representation for Muhammadans or Depressed Classes, but nominations are provided to give representation to minorities. Generally, Presidents of Local Boards are elected, though in a few districts, Presidents of District Boards are nominated to give representation to minorities.

Since the Reforms, keenly contested elections have become the order of the day. High percentage of voters are going to the polling-booths, even illiterate persons taking part in the elections. In places where Brahmin and non-Brahmin feelings run high, officials take undue interest and interfere in the elections. This is a thing which ought to be deprecated, but, somehow, it has been going on unchecked. Even after elections, officials try to annoy the particular persons who are responsible for the defeat of their protégés. This is rather unfortunate, but it is inevitable for some time to come so long as the preponderance of any community in the services is allowed to continue. I do not blame any community in particular, but the community which is largely represented in the services has a decided advantage over the others in the elections. Sometimes, even high officials take part in these elections and try to influence the voters through their subordinates. Steps should be taken to remedy the evil, but it is a difficult problem, and has to be tackled somehow. One of the remedies I would suggest is to post the District Officers of the Revenue and the Police Departments to other provinces if that is feasible. A beginning may be made in this direction by posting successful candidates of this Province in the I.C.S. Examination to other provinces, and those of other provinces to this province. People of other provinces can have no such leanings, and they might be excepted to have detached views on communal matters while those of this province, whatever training they might have in foreign countries, and however long the period of such training might be, cannot be expected to act impartially in such matters on account of the communal tension prevailing at present; moreover, it will be in the interests of the candidates themselves, if they are posted to provinces other than those to which they belong by birth, in which case they would not be inconvenienced by any local ties or interests and they will be in a position to carry out their duties much more satisfactorily, without compromising their official position.

Adult suffrage for the Union and Taluk Boards, should be the goal, just as we have at present for the village panchayats. In order to attain that goal in the near future the franchise should be broadened. For the District Boards, the system existing at present may continue; or, half the members may be elected as at present by the Taluk Boards, and the other half by direct election.

I would advocate the abolition of nominations as far as possible. Seats may be reserved for the Muhammadans and Depressed Classes, who may not be able to get into local bodies through elections by the general electorate.

Even now the financial condition of the local boards is not very sound, though it has been gradually improving. The resources of the local bodies are insignificant, compared with their functions, and a way ought to be found for providing them with sufficient funds. They are responsible for education, elementary as well as secondary, medical relief, public health and sanitation, village and other communications in the District.

There is a proposal to abolish Taluk Boards. Though not for any other reason than the training of the rural population in the art of self-government, they should not be interfered with at present. In every revenue village, panchayat system should be introduced.

Mistakes might have been committed; corruption might have been practised in elections, and official interference in elections there might have been; in spite of all these, local self-government has made considerable headway in the Presidency since the Reforms.

II. Representative Institutions.

According to the present franchise about three per cent of the population only or about six millions are entitled to vote, and I am afraid, the percentage is too small. The franchise should be extended in such a way as to give the vote to at least thirty or forty millions. Even this should be treated only as a stepping-stone to adult franchise. The adult franchise would solve a number of problems.

Muhammadan representation and the representation of the Depressed Classes could be secured only in that way. Till then, either through special electorates if the communities concerned so will it, or by reservation of seats in general electorates, their representation

should be secured. There seems to be no special grounds why people should fight shy of special electorates. It would not be correct to say that it was on account of special electorates, the whole communal trouble has arisen in this country. One of the chief reasons for this trouble is the competition of communities for representation in services. If that is satisfactorily settled, there would not be much trouble.

The relationship between the members of the Council and their constituents is kept up by personal touch as well as by conferences held by the party organisations. In this Presidency, there are only two well-defined parties, the Justice Party and the Swarajya Party. There is, no doubt, the Liberal Party with eminent leaders as members, but it does not seem to have any hold on the masses.

I am of opinion that plural constituences should be done away with, and single member constituencies should be introduced. As I am for abolishing the reservation of seats to non-Brahmins, there will, I believe, be no difficulty for introducing single member constituencies. The necessity for reservation of seats to non-Brahmins has disappeared. The masses have realised the value of the vote, and in them has awakened the consciousness of the power of the vote. I do recognise that even now it is possible to influence the ordinary voter to some extent by official pressure, but all the same, I expect him to exercise his vote to his advantage and to the advantage of the people generally. My remarks regarding how the official exercises undue influence over the voters in the Local Board elections applies to the Legislative Council elections also. As I have already stated above, this can only be remedied by taking steps to do away with the preponderance of a single community in the services.

Unless there is the introduction of responsibility in the legislatures, there will not be formation of parties on well defined political principles. There is no responsibility in the Central legislature, and that is the reason why all the political parties, whose common object is to secure the transfer of control from the hands of the bureaucracy to the people, have joined together to attain that object. Huge expenditure has to be incurred for the organisation of parties and till responsibility is introduced, there is no motive for incurring such expenditure.

So far as the Madras Legislative Council is concerned, from the beginning it has started on a kind of party system. Even in the first Council, the party system was not based on purely communal lines. The opposition also consisted of some non-Brahmins. In the second Council, there was a regular party system based on somewhat well defined principles. The opposition consisted of many non-Brahmins, the leader and the Deputy-leader also belonging to that Community. In the third Council there was nothing like Brahmin and non-Brahmin parties. Among the Ministerialists, there were Brahmins, and the opposition also contained Brahmins. The party system has been growing on definite principles. The principle of the non-Brahmin party, otherwise known as Justice Party, from what I understand, is, among other things, equal opportunities for all, and representation of un-represented communities in the services, etc., due regard being had to efficiency. Rural reconstruction also seems to have been one of the planks of their programme. It may also be noted that in the present Council, one of the Ministers is a Brahmin.

Public opinion has been gradually shaping itself. The people have become more articulate and have begun to assert themselves. The experience of elections to the Panchayats, to the Local Boards, and to the Legislative Councils have made them realise the value of the vote. But there is no denying the fact that the masses are still ignorant and are liable to be misled by sinister political and official influences. There is also corruption in elections. These are only passing phases, and I do not think they should stand in the way of granting full responsible government.

Political training and popular education will follow in the wake of the introduction of responsibility in the government. The party organisations will carry their campaign into the rural areas and thus train the electorate. The Vernacular Press which is responsible even now for awakening the people in rural areas will be much more in evidence with the introduction of responsibility.

The system of nominations of officials and non-officials should, as far as possible, be done away with. Then the question as to how to secure the representation of the important minorities arises. As I have already stated, for important minorities like Muhammadans and Depressed Classes, special electorates may be provided, or, seats may be reserved for them in the general electorates.

The method of securing representation for minorities by nomination has been tried and found wanting. There are so many minorities in this country, that it will not be possible to satisfy anybody except the persons nominated for the time being. This system is bad in itself, and has not been popular from the beginning.

III. THE PROVINCIAL GOVERNMENTS.

The hybrid system of Dyarchical government was treated as a transitional constitution and was worked by the Ministers in the various provinces more or less successfully. The very nature of the constitution was such that it was found difficult to work. However much the Ministers tried to work it, they failed for no fault of their own for these among other reasons :

(i) Administration of transferred subjects being with the Governor, acting with Ministers' advice, and not with the Ministers themselves.
(ii) The tyranny of the Finance Department and its unnecessary interference,
(iii) The Ministers having to work the system through the officials of the Imperial Service over whom they have no manner of control,
(iv) The anomalous nature of the classification of subjects into reserved and transferred departments,
(v) Want of joint deliberation between the two halves of the Government in many provinces,
(vi) Want of collective responsibility of the Ministers as in the case of the Executive Council.

The Executive Council has corporate existence and collective responsibility, but the Ministers have no such existence and no such responsibility. With all these difficulties and draw-backs of the constitution the Ministers and the members of the Legislative Councils have tried to work the system. Whether they have succeeded or not, they have gained experience during these transitional stages on the basic principles of Government. The Ministers have fully availed themselves of the opportunities and shown themselves fit for full responsible government.

As I have already stated the party system in Provincial governments has been gradually growing, and there is no denying the fact that it has come to stay.

Under the present system of government, the powers of the Governor have been almost unlimited. As I am of opinion that responsible government on Colonial lines is the only form of government that can be given to India, no question of transferred and reserved subjects arises. No subject should be reserved, not even law and order. There can be no justification also for reserving law and order. An Indian member of the Council has been in charge of law and order in the Madras Presidency ever since the Reforms, and there seems to be no doubt that the Department has been successfully administered. Moreover the members of the Legislative Council

even under the Dyarchy have been fully alive to their responsibilities and have not shrunk from supporting the Government when that support was really needed.

The Governor shall be the *constitutional head of* the province as in the Dominions, and he shall act entirely on the advice of his Cabinet. He shall choose his Prime Minister, who, in his turn, shall select his colleagues. The Government of India Act should provide, on the lines of the Australian and South African Acts, for the establishment of the Executive Councils, the members of which shall be the King's Ministers.

The establishment of Second Chambers even in the provinces is desirable. What should be the basis of franchise for the Second Chambers is a matter of careful consideration, and it must be determined by the circumstances of each province. In some countries, they are nominated by the Ministry; in some they are chosen by electorates composed of persons holding property qualifications; and in some they are elected by the same electorate as the Lower House, but by larger constituencies and in some by the members of the various local bodies. I would prefer the latter method.

The strength of the Lower House may be about 240 or 250 and that of the Second Chamber about 80.

The division of the subjects between the Central and Local Legislatures should be clearly defined. The residuary powers should be given to the Central Legislature.

The power of the previous sanction of the Governor-General-in-Council for any Legislative measures in the provinces should be done away with. There is no great risk in this course being adopted, because the Governor-General has the power of veto as also the Crown. At present, any measure affecting the public revenues of the province cannot be introduced without the previous sanction of the Governor. That also should be done away with.

Powers should be reserved to the Provincial Councils and Central Legislatures to provide for their own parliamentary privileges and immunities.

Financial relations between the reserved and transferred side have been anything but cordial; and in all the provinces about seventy per cent of income has been spent for the reserved side, leaving only a starvation allowance of thirty per cent for the transferred departments.

IV. CENTRAL GOVERNMENT.

The general constitutional position of the Governor-General-in-Council, as laid down in Sec. 33 of the Government of India Act, is that the superintendence, direction and control of Civil and Military Government of India is vested in the Governor-General-in-Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State.

In the Dominions, the Crown is an integral part of the Executive Council, but not so in India. India is governed in the name of His Majesty, but the Governor-General-in-Council has only certain delegated functions, subject to the control of the Secretary of State.

The powers of the Governor-General are :—

(i) Administrative,
(ii) Financial,
(iii) and Legislative.

His administrative powers relate to the appointment of persons to certain offices, and to maintenance of peace and order in the country. His financial power consists in his authority to sanction appropriation of any revenue for any purpose. His legislative powers are :—

(i) Power of giving previous sanction for introducing some measures, affecting relations with foreign states, discipline, and maintenance of any part of His Majesty's Military and Naval forces, etc,
(ii) Power of certification,
(iii) Power of veto,
(iv) Power to promulgate ordinances,
(v) and Power to veto bills passed by the Local Legislature.

His powers are very wide, and in a self-governing colony, these powers except the power of veto are not exercised. The Governor-General has also got under certain circumstances power to override his Executive Council, which the Governor in the Dominions cannot do. Responsibility is inconsistent with the exercise of such wide powers by the Governor-General as under the present constitution.

Time has come for granting real responsibility even in the Central Government. Responsible Government can no longer be delayed. At present, the Crown is not responsible to the Assembly. The Assembly, in spite of its elected majority cannot carry out any of its policies if the Executive Government is against it. The Legislative Assembly is supposed to be the constitutional part of the Government, but it has not got any effective voice in the administration. It has no power over half the Central expenditure, and the other half over which it has control, can be restored by the Governor-General's certification, if thrown out by it.

INDIAN CONSTITUTION.

There should be classification of subjects into Central and Provincial, as far as possible, following the present classification. Full responsibility should be granted in the Central Government except with regard to defence which shall be reserved to the Governor-General who shall appoint a Committee of experts in consultation with the Executive Council to advise him. The Committee shall have power to recommend a minimum of expenditure on the Defence Forces of the Indian Government, and also to report on the progress made in the Indianisation and training of these forces. The expenditure recommended by the Committee shall be voted upon by the Indian Parliament.

As regards the relationship between the Government of India and the Ruling Princes, for some time to come, it can, if so desired by the Princes, be left in the hands of the Governor-General, who shall be assisted by two non-official Indians, chosen by the Governor-General-in-Council, from among persons having administrative experience in the States or in British India.

INDIAN LEGISLATURE.

The constitution of India should be on the example of the constitution of Canada and Australia. There should be two houses just as at present :—

(i) the House of Representatives,
(ii) and the Council of State.

The House of Representatives shall consist of at least four hundred members, and shall be wholly elected. The minority communities, including Muhammadans and Depressed Classes shall have seats reserved for them, or have separate electorates, till adult suffrage is introduced. Property qualifications of the electorates should be so reduced as to give vote to at least thirty or forty millions. The strength of the Council of State should be about one hundred and fifty to two hundred. The franchise for the Council of State should be the same as at present.

India having started on the road to responsible Government, there is no half-way house between the present dyarchic system of Government and real responsible Government. Anything less will not satisfy the people. Dyarchy either in the provinces or in the Central Government is unthinkable. Legitimate aspirations of the people have been roused, and they should be satisfied. Sitting tight on National aspirations will not be in the interests of the Empire. National sentiment should be respected. It is still the wish of the bulk of the people to remain within the Empire, but, unless something is done very soon to satisfy their aspirations, it might be too late. There is already a movement for independence, and that will grow by leaps and bounds, if real responsibility is not granted.

Memorandum on behalf of the Moplahs of the Malabar Coast submitted by Mr. MAHMUD SCHAMNAD, M.L.C.

1. I have been waiting to see the result of the All-Parties Conference, and also sometimes attending its meetings with a view to see whether its conclusions would be agreeable. In fact, my community was very anxious to fall in line with the decisions of the Conference if they were satisfactory to a certain extent.

2. But finding the decisions of the Conference quite unacceptable and harmful, especially to the interests of our Community, chiefly those dealing with communal representation, etc., we have decided to submit this Memorandum separately. We hope the delay will be condoned and this Memorandum will be duly taken into consideration.

3. As India is a vast country with a very large population unacquainted with the representative system of Government, it is not yet time to think of adult suffrage. Though the ultimate aim should be adult suffrage, the present system, with some modifications towards widening the electorate should be continued for some time more. For instance, a property tax of Rs. 5 may be fixed as the minimum qualification of a voter to the provincial Council, and Rs. 10 to the Lower House of the Central Legislature. I am of opinion that both the Central and Provincial Legislatures should be bicameral. All those who pay a property tax of Rs. 500 or more and those who are or have been members of the Legislatures or those who are members of District Boards or municipalities shall be electors for the Upper House of the Provincial Legislatures. All those who pay a property tax of Rs. 1,000 or more and all those who are or have been members of the Central and Provincial Legislatures should be entitled to vote for the Upper House of the Central Legislature.

4. Voting must be direct throughout, except in the case of women, who may be allowed to vote by proxy or by post as in the case of the Council of State. The constituencies must be made smaller in area, while the Legislatures will have necessarily to be enlarged.

5. Important minority communities and other groups who have got special interests to protect have to be given separate electorates. Moslems, who form the largest and most important minority, having several clashing interests with the Hindu majority, certainly require separate electorates. It is wrong to think that communal tension is the outcome of separate electorates. On the other hand, communal electorates help to avoid occasions of conflict and unhealthy rivalry between the different communities. Special electorates will be necessary until the people learn to think and act nationally and cease to think communally. In the present condition of affairs, when an election takes place in a general constituency, as in the case of Local Boards, etc., in the Madras Presidency, people begin to canvass votes by appealing to the communal passion of the voters. In a special electorate there is no scope for exciting the racial or religious feeling like this. Therefore, it is quite necessary to continue the system of separate electorates in the case of Legislatures and extend it in the case of local and other representative bodies. It is not yet time to try mixed electorates with reservation of seats, as by this means the minority communities may not secure the right sort of representatives they require.

6. Indian mentality, being what it is, cannot be easily understood by a European. There are so many peculiar customs and notions in India that an ordinary European might sometimes even think that Indians are no better than savages; and an ordinary Indian might think *vice versa*.

7. Therefore, Indian needs and requirements cannot be measured by European standards. Though special electorates might look antiquated according to Western ideas, we think it otherwise and consider it an absolute necessity, at least, for the time being.

8. Proportional representation will not be sufficient properly to safeguard the interests of the minority communities. Therefore, it will be quite necessary to give the Moslems more seats than their proportional share in all the representative bodies in the provinces, in which they are in a minority. The Hindus cannot complain about this, as they, also, will be given adequate representation similarly in all the provinces in which they are in a minority. But neither Moslems nor Hindus should be reduced to a minority in any province in which they are in a majority.

9. The relationship between representatives and constituents is yet very loose and undefined, as informed public opinion has not yet developed, and consequently elections, etc., are not contested on party system. There are no organised political parties as are known in European countries. Public opinion is just beginning to be formed as mass education has not yet gone ahead. The present political agitation is only a ripple on the surface.

10. In order to give representation to Backward Classes and small minorities, and also to have official points of view represented, it is necessary to nominate officials and non-officials to the elected bodies.

11. The same reforms and legislative and administrative institutions as are obtaining in other provinces should be introduced into the North-West Frontier Province and Baluchistan. The fitness of the people of these provinces for Home Rule cannot be questioned. They are as advanced as any other people in India. Their demand for reforms is day by day becoming stronger and stronger. A resolution to grant reforms to the North-West Frontier Province was moved in the Assembly when I was also a member of that body, and carried without a division. There cannot be any objection to the introduction of reforms even in such small provinces as Coorg.

12. The distribution of provinces as they exist at present is not made on any reasonable basis. Unless they are redistributed on a linguistic basis representative institutions cannot thrive in them. For the present, Sindh and Oriya country may be separated and made into two separate Governor's provinces. Eventually Andhra and Karnataka also may be made into separate fully-developed provinces.

13. "Back to the Village" is the cry at present. I am also a believer of that slogan. There should be a small local self-governing body for each village or group of villages. Villages must be fully developed by making them the centre of all activities. In bigger villages and towns there should be municipalities, each body having one-fourth of its members nominated by the Government at the recommendation of the Collector. The Revenue Divisional Officer should be one of the nominated members. So also for each district there should be a district council, one-fourth of its members being nominated by Government, the Collector being ex-officio member.

14. Every adult person should be entitled to vote for the Village Panchayat, while for the District Board the members shall be elected by the members of the Village Panchayats. These local self-governing bodies shall look after local roads, elementary education, health, and sanitation.

15. The Head of the district should be responsible for the efficient working of these local bodies. This is the best way to secure the co-operation of the District Heads who are at present charged only with the duty of reporting to the Government about the shortcomings of these bodies. This sort of criticism only leads to antagonism. Therefore, the District Heads must be encouraged to take some interest in the successful working of these institutions.

16. Each Provincial Government will be responsible for the welfare of its province. It shall be in charge of all the subjects and shall exercise all powers not specially reserved for the Central Government. The Provincial Government will consist of a Governor,

a ministry of four to eight ministers and a double-chamber Legislature. The ministry will be responsible to the Legislature, but will be appointed by the Governor out of those recommended by the Legislature, with a view to secure the representation of the important communities.

17. The Central Government will consist of a Governor-General, a cabinet of six or seven Executive Council Members and a Legislature consisting of a Lower House and an Upper House. Regarding the Upper House, I suppose, the suggestion of the All-Parties Conference is, perhaps, an improvement, viz., that the Provincial Legislatures may be the electorates of the Upper House or the Senate, a certain number of seats being allotted to each Province according to the population. This may be considered as an alternative to my suggestion already made. The Central Government shall be given the widest discretion to deal effectively with the subjects specially allotted to it. These subjects shall include foreign relations, defence, education, justice and order, shipping currency and credit, customs, tariffs, and income tax, railways, posts and telegraphs.

MOPLAHS AND THEIR EDUCATION.

18. This is a subject which I want to emphasise particularly. Under this head I wish to say all about the Moplahs. They are a virile race and a very important people on the West coast. They number about a million and a half and form nearly half of the entire Muhammadan population of the Madras Presidency.

19. Their chief defect is want of modern education. It is this defect that enabled the extreme political agitators during the terrible Malabar rebellion of 1921 to exploit their credulity and to make them take the chief part in the rebellion and bear the chief brunt, not only during the nine months they held out and the rebellion lasted, but also till to-day they are the chief sufferers. So much so the rebellion itself is known as the Moplah rebellion.

20. These Moplahs are the descendants of the Moors, who came and settled as merchants on the Malabar Coast from Egypt, Palestine and Arabia, even before the time of Solomon, as can be inferred from the Old Testament, also. After the introduction of Islam in their mother country most of these settlers here also became Moslems. In Cochin and Travancore even now there are many Jews and Christians known as Yehudi Moplahs and Nazarene Moplahs; most of the trade on the Malabar Coast is even now in their hands. There are many thriving Moplah merchants in Ceylon, Burma, Malaya and other parts of the world. They are also expert seafarers, like their ancestors, who had to fight with the Portuguese when they first came and tried to usurp their trade here.

21. Though their chief profession has been, and is even now, trade and seafaring, yet they are gradually being ousted from these professions by their more advanced neighbours on account of their backwardness in education.

22. The Government has not yet started for their education either a College or even a High School, in spite of several representations made and resolutions of important meetings and educational conferences submitted to Government. No earnest effort is made even to spread elementary education among them. It is true a special officer is appointed to supervise Moplah education, but he is not given independent jurisdiction and is placed under the District Educational Officer of Malabar. Sufficient money is not provided for Moplah education. The progress made by the Moplahs in education is so very deplorable that the All-India Moslem Educational Conference at its last session, held at Madras, during the last Christmas, had to appoint a special All-India Moplah Education Board consisting of twenty-one members including myself, to look after Moplah education. This big community has not produced even a score of graduates, whose number at present being only about sixteen.

23. Under the circumstances we are strongly of opinion that if education is not going to be made a central subject as is suggested above, Muhammadan education, at least Moplah education, must be included among the subjects to be dealt with by the Central Government, and it should be in the portfolio of a member who deals with European education and such other reserved subjects.

24. Most of them are so very poor that their participation in the last Malabar rebellion and the several previous risings have also been attributed to their poverty and economic conditions. This is the opinion of Mr. Dance, also, who was the Collector of Malabar for several years. As the leader of the Commission appointed by the Government of India to go to the Andamans and examine the Moplah Colonisation Scheme and also the condition of the Moplahs, I have also come to the conclusion that poverty, religious fanaticism and want of education are the main causes that made them fall an easy prey to the exploitation of the agitators and led to their participation in these rebellions.

25. The only panacea for all these evils is education. But being very poor they cannot have schools of their own, and being over-jealous about religion they do not send their children to schools in which religious instructions are not given. The only High School started by themselves at Calicut, known as the Himayatul Islam High School, where instructions are imparted free is on the point of being closed for want of sufficient funds to maintain the same.

26. Therefore, it is essential in our opinion that at least one College at Calicut, or Tellicherry, and half-a-dozen High Schools at such Moplah centres as Ponnani, Malaparom, Walluvanad, Badagara, Cannanore, Kasaragod, etc., where instructions will be given cheaper and in which religion also will be taught, should be started for them.

27. To give them a start, to encourage them in the pursuit of education, and also so that there might not be any communal injustice in their case, it must be provided that a certain proportion of all new appointments must be given to competent hands among them until their number in all the services in the West Coast districts attains one-third proportion. If the Government will not do this, which is only a sheer act of justice, discontent will continue to increase.

28. All these statements I am prepared to prove and to throw further light on any subject necessary if I am called to give oral evidence.

29. I am expressing these views about the future constitution, etc., from a personal knowledge of the working of the Montford reforms from their very inception, first as a member of the 1st and 2nd Legislative Assembly and latterly as a member of the Madras Legislative Council. I know their special requirements. Being a Moplah myself I was the one person that worked and succeeded in speedily restoring peace during the Moplah rebellion of 1921 by negotiating between the Government and the people.

30. This Memorandum was passed at, and is submitted on behalf of, a very largely-attended joint meeting of the members of the South Kanara Moplah Moslem Educational Association and the members of the Moslem League and other leading Moplah gentlemen; and I am prepared to give oral evidence in support of the Memorandum. My address is: "Mahmud Schamnad, 'Sea View,' Kasaragod, South Kanara, Malabar Coast."

31. The South Kanara Moplah Moslem Educational Association has a membership of over 500 members and the Moslem League has a membership of over 150 members.

Memorandum submitted by Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI, Kt., Ex-Minister, Madras.

I have the honour to present this Memorandum to the Indian Statutory Commission for its kind consideration while making its recommendations to the Parliament for effecting further reforms in the Constitution of British India.

2. (1–*a*) *The Basis of the Franchise.* The principle on which franchise is extended to the people in India, fixing the taxpaying capacity at Rs. 3 and Rs. 10 a year as the minimum qualification for electorship in the urban and rural constituencies respectively, is sound enough for the present, and may continue till, with the introduction of compulsory education all over the country, time shall come for extending franchise to all adult men and women.

3. (1–*b*) *Methods of Election.* While yet recognising the claims of all ratepayers with the necessary minimum qualification for registering their names in the respective electoral rolls, provision must be made to discourage the recording of "illiterate votes" by denying to give ballot papers to such voters as seek the assistance of the Polling Officer for recording their votes on grounds of illiteracy. The present system which makes it obligatory on the part of the Polling Officer to help the illiterate voter who seeks his assistance to record his vote has encouraged corrupt practices enormously, negatived the virtue of secret balloting and retarded the growth of informed public opinion. It affords unlimited scope for exploitation by unscrupulous election agents who help candidates, otherwise undeserving of popular support, to oust men of sterling worth from the field, with the result that the legislatures and local self-governing bodies are commended more by men of purse than of brains. The present system, therefore, needs modification in the light of my suggestion above.

4. There are now 98 constituencies; but the number of single constituencies is only 35; of the vast bulk of plural constituencies most of them occur in the rural area. Viewed from the theoretical point of view, the plural constituencies system cannot adduce any good arguments in its favour; and from a practical point of view the arguments are all against the plurality of constituencies. It must, therefore, be replaced by single-member constituencies in order to minimise the labour and cost involved in doing electioneering propaganda. In a constituency like the Vizagapatam Non-Muhammadan Rural, which has a total electoral strength of 66,407 with two seats to be filled, a candidate seeking election has to dissipate his energy traversing the whole length and breadth of the district and trying to secure the support of a large number of voters dispersed over an unwieldy area. The situation is identically the same in the Madras City Non-Muhammadan Urban constituency which throws open four seats to be filled by 22,534 voters. The difficulties experienced may be minimised by splitting all plural-member constituencies into single-member constituencies.

5. (1–*c*). *Particular Interests—Landholders.* At the time when evidence was taken for drafting the Government of India Act, provision was made for giving representation to certain interests which then appeared to have a distinct claim for such representation, but they have since ceased to be such in the light of later experience. I may instance here the cases of the six Landholders, the Natukottai Nagarathar Association and the Vizagapatam and Cocanada Non-Muhammadan Urban constituencies. The Estate Landholders do not deserve any seat specially earmarked for them, as the present arrangement makes an invidious distinction between the Estate Landholders and the Ryotwari Landholders, which latter in many cases pay much larger sums to the Government as Land Revenue than the former. It must also be remembered that they do not represent their tenants, as they are themselves included in the electoral rolls for the respective rural constituencies. They have no special interests to safeguard. There is absolutely no communion of interests among the various Zamindars who are grouped into one or other constituency. Again, in the case of five constituencies out of six, the total electoral strength varies between a maximum of 89 for the North-Central and a minimum of 47 for the South-Central constituencies, and this sets on edge the feeling of a candidate for a constituency like the Vizagapatam Non-Muhammadan Rural, which has an electoral strength of 66,407.

6. (1–*c*) *Particular Interests—Nagarathars.* There is again the Natukottai Nagarathars' Association constituency which has an electoral strength of 938, and which is to return one candidate. This constituency was originally meant to protect the banking interest among the indigenous moneylenders known as the Natukottai Nagarathars. It may be observed here that the Nagarathars do not form the only moneylending class in the provinces, and that invariably all the electors of this constituency are also otherwise qualified for electorship. It is, therefore, desirable that this constituency be abolished.

7. (1–*c*) *Particular Interests—Vizagapatam and Cocanada Non-Muhammadan Urban Constituencies.* Lastly, there are two Non-Muhammadan Urban constituencies in Vizagapatam and Cocanada. They have an electoral strength of 1,929 and 1,850, respectively, and return one candidate each. The electoral strength of the other Non-Muhammadan Urban constituencies which return only one member varies between a maximum of 11,534 in Madura and a minimum of 4,643 in Tinnevelly-cum-Palamcottah. The urban characteristics of Vizagapatam and Cocanada are not well-developed, and, therefore, they have no right to claim equal representation with the other cities and town groups. These two constituencies may also be abolished.

8. (1–*c*) *Particular Interests—General.* Thus on the whole, nine seats made up of Landholders (6), Nagarathars (1), Vizagapatam (1), and Cocanada (1) can be liberated, and these can be utilised for easing the situation in the Non-Muhammadan Rural constituencies which have to their credit a disproportionately large electoral strength.

9. (1–*c*) *Particular Interests—Backward and Depressed Classes.* The seats reserved for particular interests like the University, the Planters, the Chambers of Commerce, etc., and for groups like the Muhammadans and the Christians formed on a religious basis may, however, remain unaffected. With seats made available by abolishing the Landholders' constituencies, for instance, facilities can be afforded for forming fresh groups like the Backward Classes and Depressed Classes, and these latter must be made to get representation by the open door of election.

10. (1–*g*) *Nomination of Officials and Non-Officials.* The number of seats meant to be filled by nomination may be reduced from thirty to twenty to be distributed in such proportion between officials and non-officials as His Excellency may consider desirable, the difference being allotted to the creation of new Rural non-Muhammadan constituencies to reduce the huge numbers of the present large constituencies. There is a growing disfavour even among the nominated members of the policy of nominating non-officials to the Legislatures. They are conscious that they owe their seats to the Government, and therefore do not feel free to act conscientiously. This handicap has often been unequivocally expressed on the floor of the House by the nominated members themselves when they were face to face with political crises.

11. (3–*a*) *Local Self-Governing Bodies—Constitution.* As regards the local self-governing bodies,

it is my opinion that the District Boards are functioning properly and subject to adequate control by the Provincial Government. The Taluk Boards, however, form, as it were, a fifth wheel in the stage coach. It is painful that in most cases Taluk Boards are constituted by men of third-rate abilities or of a doubtful sense of public responsibility. The Taluk Boards may be abolished and their responsibilities transferred to the District Boards. Better provision must however be made for developing a system of local self-government, which will recognise the individual village as the unit of civic administration. The attitude of the Provincial Government has been rather step-motherly in this respect. With a view to develop such local self-governing bodies, the Madras Village Panchayat Act XV of 1920 was passed, but the application of the same has been inadequate as provision has not been made for a responsible salaried field staff. I may suggest as a remedy that either provision must be made for constituting a department on analogous lines with the Co-operative Department, or the responsibility must be entrusted to the various District Boards, and these latter must be helped with substantial subsidies from the provincial funds.

12. (4–*b*) *Provincial Government—Working of Dyarchy*. The system of Dyarchy has worked successfully in the Madras Presidency. I make this statement from my own personal experience. I was a minister with the Madras Government and in charge of the Development Department for full three years from November 1923 to December 1926. I served in the régime of two successive Governors, for a period of five months with His Excellency Viscount Willingdon and for the rest of my term with His Excellency Viscount Goschen. Both of them had stated the principles underlying the Government of India Act and followed the instructions issued by His Majesty. The Executive Council Members and the Ministers were all imbued with the one feeling that they must make the administration a thorough success, as they fully realised that the further delegation of power depended in a large measure on the verdict as to how far the ministers had contributed to the result. So far as the ministry which was in power from 1923 to 1926 is concerned, I must say that it was a success. We were led to rejoice that we found ourselves members of a joint cabinet, generally called " The Happy Family." It must be admitted that the members and the ministers as a whole respected each other's feelings, and consulted each other even in matters which were exclusively their own concern. On all important occasions there were full discussions. As instances I may mention the discussion we had once in connection with the Mettur Project which is a reserved subject, and again in connection with the grant of State aid to the Carnatic Paper Mills, which is a transferred subject. It is not to be contended, however, that there were no differences of opinion amongst us. On the contrary, there were plenty of occasions on which we differed. In the end, however, we came to satisfactory conclusions having regard to the various aspects. In some instances the power of the four Executive Council members as against the three ministers was felt, but it was not exercised in a spirit in which the Reserved section stood against the Transferred as such. On the contrary, such differences would have been felt even if it were a joint cabinet. Throughout, there was absolutely no spirit of unholy combination, either among the members or the ministers.

13. (4–*j*) *Provincial Government—Provincial Autonomy*. So far as the Madras Government is concerned we have made out a case for full responsible Government. Important subjects were assigned to the ministers and to the Indian members of the Executive Council, but neither the one nor the other showed any sign of weak administration. The Madras Government has acquitted itself honourably and demonstrated its fitness for Provincial Autonomy on Dominion Status.

14. (6–*c*) *Financial Relationship between the Central and Provincial Governments*. The Meston settlement is an iniquitous arrangement and must be abolished. The Central Government must reserve its control only over the defence of India from foreign aggression by air, sea or land, and the irreducible minimum of finance that may be required for maintaining such defence. The finance may be raised by a tax which the Central Government may impose on the country exclusively for the purpose on an equitable basis, taking into consideration the varying degree of liability to foreign aggression to which the different provinces are exposed. It must be made possible that the income-tax levied by the Central Government must be the sole source of revenue for the defence of India.

15. (4–*k*) *Provincial Finance*. The provincial revenues must be under the exclusive control of the local Government. Even here an irreducible minimum of expenditure must be fixed for preserving law and order, and the cost incurred must be reserved as nonvotable. The other items of expenditure which the Government may have to incur must be votable and subject to the control of the Legislature. Again, in the control of the provincial funds it must be so arranged that no department should get surplus income, and that no department should be exploited to find funds for deficits in other departments. Each department must be made self-supporting, and every department which earns an income must be so reconstituted as to ensure greater efficiency and serviceability to the public.

16. (10–*d*) *Provincial Public Services Commissions*. Provincial Public Services Commissions must be constituted of full-time salaried officials, with powers to co-opt the heads of departments wherever necessary, who will be responsible for recruitment for public services and advancement of public servants. Only then, will the public services be above the reach of nepotism.

17. II. *Growth of Education*. My views on the policy that must govern the growth of education are embodied in the appended address which I delivered while presiding over the Tamil University Conference on 23rd January, 1926.*

* Not printed.

Memorandum submitted by the Madras Landholders' Association.

The Madras Landholders' Association, representing the landed aristocracy of this Presidency, begs leave to offer you its most hearty welcome on your visit to this country charged with a most momentous task. The Association rejoices that it is afforded an opportunity to give expression to its profound loyalty and attachment to the Throne.

The Association is deeply grateful to His Majesty's Government for the declaration of policy made in August, 1917, regarding the goal of British administration in India and it earnestly hopes that the result of the Commission's labours will help to remove the defects in the existing constitution and to hasten the attainment of the ideal set forth in the above declaration.

On behalf of the Zamindars of this Presidency the Association begs to submit herewith a few proposals in regard to the Indian Constitution,

which, if carried, will promote the contentment of a large class of His Majesty's most loyal subjects and strengthen the bonds of union between India and England.

* * * * * * * *

CHANGES PROPOSED IN THE INDIAN CONSTITUTION.

1. That in any Cabinet that may be constituted in Provincial Governments under the proposed reforms there shall be at least one member to represent the Zamindari interest.

2. That in view of the large stake which the Zamindars have in the country they shall be given the power to return to the Provincial Legislative Councils at least one-tenth of the total number of elected members on them.

3. That it is necessary and desirable to extend the term of the Provincial Legislatures and of the Legislative Assembly to a period of five years.

4. (*a*) That in the revision of the Indian Constitution provision shall be made for the creation of Second Chambers in all provinces recruited mainly from the landed aristocracy and leaders of commerce and industry and from persons of status, experience and mature judgment.

(*b*) That the duration of the Second Chambers shall be seven years.

(*c*) That all Zamindars in a province holding estates under the *Sanad-i-milkiyat-i-istimrar* and paying an annual peishcush of not less than Rs. 50,000 shall on their attaining the age of 25 become life members of the Chamber of the province.

(*d*) That instead of the whole Chamber coming into existence at one time and dissolving simultaneously there should be a provision for its partial renewal every four years.

(*e*) That the relations between the two Houses shall be similar to those now obtaining between the two Houses of the British Parliament.

5. (*a*) That the Council of State be reconstituted on lines similar to those of the Provincial Second Chambers.

(*b*) That Zamindars who are life members in each of the Second Chambers in the various provinces shall have the right to elect one member to the Council of State to represent their interest.

6. That, in view of the special rights and privileges which the Zamindars enjoy under the *Sanad-i-milkiyat-i-istimrar*, provision shall be made for their separate representation apart from other landholders on the Legislative Assembly and that the number of seats allotted to them on it shall be commensurate with the stake they have in the country.

7. That no legislation which will infringe or destroy the fundamental rights of Zamindars under the *Sanad-i-milkiyat-i-istimrar* shall be enacted by Provincial or Central Legislatures if a majority of the members representing their interest on such Legislatures oppose it.

8. That the recommendation of the Indian Sandhurst Committee for the augmentation of the King's Commissions in the Army and the establishment of a military college in India for the training of Indian officers be given effect to as early as possible.

(Sd.) V. G. KRISHNA YACHENDRA,
Maharajah of Venkatagiri,
President, Madras Landholders' Association.

Memorandum submitted by the Burma Chamber of Commerce.

INTRODUCTION.

1. As a preface to this Chamber's representations to your Commission, it is thought desirable to acquaint you with the origin and composition of this Chamber, in order that your Commission may be able to know what weight to give to the opinions which are expressed herein. The Burma Chamber of Commerce first came into being in its present form in 1877, as an Association of wholesale Merchants, Millers, Banks, and others engaged in the commerce of Burma. It has preserved that character to this day, and all the important commercial houses including the Exchange Banks, the Rangoon Port Trust, the Burma Railways Co., Ltd., the Irrawaddy Flotilla Co., Ltd., the Agents of the Steamship Companies serving Burma, and the important Rice, Oil, Mining and Timber Companies, are Members of the Burma Chamber of Commerce. The Chamber is therefore fully representative of the European commercial community of Burma.

2. It is also considered desirable to define the attitude of this Chamber towards the problems confronting your Commission. The Chamber takes a purely commercial point of view, in so far as it is possible to separate commerce from politics. Its desire is peace and good government, progressive development of Burma's resources, and an atmosphere of friendly co-operation between all the various communities in Burma, in which the normal trade and commerce of the country can be carried on without undue State interference and without discrimination in favour of any section of the people. It follows that this Chamber relies on your Commission to recommend a form of government for Burma which will content the people of the country, and which will yet contain adequate safeguards for the preservation of internal peace and for the protection of all commercial interests. It also follows that this Chamber hopes for such a distribution of the revenues arising in and from Burma that, whilst Burma, so long as she remains a Province of India, shall bear her fair share of the expenses of the Central Government, she shall be left with sufficient revenue for the orderly and efficient conduct of her internal government and for the full development of her potential resources. It is contended, as will be shown later, that for many years the distribution of the revenues of Burma, as between the Central and the Provincial Governments has been inequitable to Burma, and that in other directions Burma's relationship with India has operated adversely to the former.

THE RELATIONS BETWEEN BURMA AND INDIA.

(A) *Financial.*

3. To a commercial body, the price which has to be paid for good government is of great importance, and no apology is therefore necessary for dealing first of all with the question of finance. As has already been stated, it has long been maintained that the distribution of the revenues of Burma, as between the Central and Provincial Governments, has been inequitable to Burma. There is a strong feeling that India derives from Burma a greater revenue than the services rendered to the Province warrant. The Central Government has been asked on many occasions to clear up the matter by publishing statistics to prove or disprove the accusation, but has always pleaded inability to do so.

4. The subject came into special prominence in 1925, when the Government of Burma prepared statements showing, as far as could be ascertained from the Finance and Revenue Accounts of the Government of India, and from other official sources, the Central Revenue derived from Burma and the expenses of the Central Government in and on behalf of Burma. The revenue for the year 1923–24 was Rs. 9·75 crores, and the expenditure Rs. 2·75 crores. These statements were submitted to the Central Government with a request for its agreement before their presentation to the Provincial Council, but the request met with a refusal on the ground of difficulty in allocating to the various provinces a proper share of Home transactions and of the transactions relating to the Commercial Departments, the Military Department, overhead charges and the unproductive public debt. This ground the Burma Chamber of Commerce cannot accept as adequate, and finds it impossible to believe that, given the will to do so, the financial experts of the Government of India are unable to give the figures for which it has been asked; that they have so far failed to do so can only be construed as a tacit admission that the result of their investigations would corroborate the figures compiled by the Government of Burma.

5. The figures for 1923–24 showed a balance remaining in the hands of the Government of India of approximately Rs. 7 crores. This Chamber has compared with these figures the published accounts for 1926–27, and although the Provincial contribution of Rs. 64 lakhs has now been remitted, the accounts show that the balance has risen to over Rs. 8 crores, of which large sum only a part can rightly be considered as a fair contribution from Burma towards the amortisation of the unproductive public debt of India, and to the upkeep of military reserves.

6. Public opinion in Burma considers that a great part of this annual sum of Rs. 8 crores is being diverted by the Government of India to purposes with which Burma has little concern, and from which she derives little or no benefit. It is this belief, with other factors, which has led to the serious consideration of the question of Separation from India, and for that reason this Chamber asked your Commission, in its letter of the 19th May, 1928, either to appoint a Committee of independent financial experts to examine, as early as possible, the financial relations between India and Burma, or to request the Government of India to supply the figures, for which they have been asked, showing how the revenues derived from Burma are expended.

7. The importance of ascertaining the truth of the matter is intensified by the present unsatisfactory state of the finances of Burma. After the Great War the Local Government was successful in obtaining the transfer from the Central Funds of the Rice Control Profits, amounting to some Rs. 9 crores in 1921. Some Rs. 3½ crores of this were used to pay off borrowings which the Local Government had made from the Government of India. The balance has been expended partly in granting loans to local bodies, but for the most part in meeting expenditure in excess of normal Revenue. Every year since 1921–22 there has been a greater or less deficit in the Revenues. The greater part of the Local Government's constructive programme for the past seven years, in roads, buildings and irrigation, has been financed from the Rice Control Profits, and now that this source has been exhausted the Local Government has had to borrow from India. During the financial year 1927–28 it borrowed Rs. 75 lakhs, and this year it is borrowing Rs. 1½ crores. A very careful review of the finances of Burma, from 1921–22 to 1926–27, is contained in the Appropriation Accounts of the Government of Burma for 1926–27, pages 30 to 49, and a perusal of this review shows that Burma, which has always been far behind the rest of India in respect of communications and public works, will be compelled by financial stringency to curtail its programme of development at an early date.

8. In spite of the improvement which the Government of Burma have, by means of the Rice Control Profits, been able to effect, the country is still only in the early stage of its development. Its chief lack is communications. The country is very poorly equipped with roads, and most inadequately with railway mileage. The total area of Burma, excluding the Federated Shan States, is approximately 168,600 square miles, and she possesses, according to the latest available figures, only 1,920 miles of railway track, excluding sidings; 1,925 miles of metalled

roads, and 7,388 miles of unmetalled and unbridged roads, the very great majority of which are only village cart tracks or bridle paths. The figures for 1912, taken from a letter from the Revenue Secretary to the Government of Burma, to the Chairman of this Chamber, dated the 11th March, 1912, were 1,527 miles of railway track, 1,673 miles of metalled roads and 5,497 miles of unmetalled and unbridged roads. Thus, in sixteen years, Burma's railway track mileage has been increased by less than 400 miles, her metalled roads by 252 miles and her unmetalled and unbridged roads by 1,891 miles. The lack of roads and railways in Burma is to some extent compensated over a portion of the country by water communication, but there are large areas in which water communication is not available, and, even where it exists, it requires to be maintained, and to be supplemented by roads. Moreover, though Burma is being increasingly invaded by the water hyacinth, which is spreading extremely quickly to the detriment of its water-ways, up to a point where they cease to be navigable, the Government of Burma state they are unable, by reason of lack of funds, to undertake the eradication of the pest, or even to check its growth.

9. The stringency in the finances of Burma must also restrict its expenditure in other directions. Of these, perhaps the most important to the economic prosperity of so predominantly agricultural a country as Burma is the expenditure on the Agricultural Department. Burma's staple crop is rice, and she is gradually losing her footing in the markets which she has so far held, by reason of competition from other rice-growing countries, amongst which may be mentioned Siam, French Indo-China, Java, Spain, and Italy. This competition has led to a considerable fall in the prices obtainable for Burma rice, and the country is consequently suffering from economic depression at the present time. To restore the balance, three things are necessary, namely, an improvement in the quality of Burma rice, an increase in the yield per acre, and a decrease in the mortality of draught cattle. The Agricultural Department of the Government of Burma is doing its utmost with the funds at its disposal to effect these improvements, by means of the propagation of improved strains of paddy and the distribution of seed of these improved strains, but the veterinary assistance for the cultivator is, as yet, wholly inadequate. To effect any really general improvement such as would have an appreciable effect upon the return which Burma obtains for her exportable surplus of rice, the Agricultural Department needs more funds which the Government of Burma are not now in a position to give.

10. Enough has been said to show the extreme importance to the development and prosperity of Burma—and consequently to her internal peace and good order—of a readjustment more favourable to her of financial relations with the Central Government.

THE RELATIONS BETWEEN BURMA AND INDIA.

(B) *Customs and the protection of Indian Industries.*

11. Apart from the question of the expenditure of the revenue, which this Chamber, until the contrary is proved, must continue to believe operates very greatly to the advantage of India, Burma, essentially a non-manufacturing country, is compelled to participate in a protective fiscal policy from which she derives no apparent advantage. Thus, though Burma has no Steel Industry, her other industries have to pay a protective duty for the benefit of the Indian Steel Industry; Burma has no tanning industry, and whilst her Export trade in Hides and Skins is crippled by the Export Duty, she has for years appealed in vain for relief, because the duty operates to the benefit of the tanneries in Madras and the United Provinces.

12. Again, although Burma pays practically the whole of the Central revenue derived from the Rice Export Duty—and indeed, since India, if it did not import rice from Burma, would have no exportable surplus, it may be said that Burma pays the whole amount of the revenue from this source—and although the duty falls entirely upon the producer, since competition from other rice exporting countries is so strong, Burma gains no individual advantage from this Duty, and has so far not been able to persuade the Government of India to remove it.

13. At the present time, there is before the Central Legislature a measure to reserve the Coastal Traffic of India to Indian owned vessels. The Burmese are not a sea-going race, and lack sufficient capital to run steamship lines; whatever benefit this measure, if it is ever passed into law, may confer upon Indians, it is certain that Burma will gain no advantage and it is strongly apprehended that the country would suffer serious disadvantages from this and from other restrictive measures.

THE RELATIONS BETWEEN BURMA AND INDIA.

(C) *Political.*

14. The cases cited above are sufficient to show how the interests of Burma are unduly subordinated to those of India. This is largely due to the ignorance concerning Burma and consequent lack of interest in her affairs prevailing among Indians on the other side of the Bay of Bengal, and against this Burma, with her insignificant representation in the Central Legislature, is unable effectively to contend. This ignorance and lack of interest is in a great measure due to the geographical position of Burma. To the inhabitants of India, Burma is a distant country across the sea, not to be thought of in the same light as even Assam. Since Burma's representation in the Central Legislature is about 3½%—5 seats out of 144 in the Assembly and 2 out of 59 in the Council of State—there is little hope of the country securing adequate attention to its interests, and no hope at all if its interests clash with those of India. The Burma Chamber of Commerce therefore regards with profound apprehension the future of Burma if left largely in the hands of an unsympathetic Indian Administration.

THE RELATIONS BETWEEN BURMA AND INDIA.

(D) *Burma and India's Problems.*

15. The political situation in India is complicated by various problems which do not arise in Burma. The foremost amongst these are:—(1) Hindu-Moslem discord, (2) caste and other distinctions, (3) the Indian States.

16. It is an accepted fact that the dissensions between the two great religions of India have been aggravated by the degree of self-government which has already been granted. Neither party can trust the other to use its power impartially and each is apprehensive that any further advance in self-government will lead to a disturbance of the balance of power in favour of the other. Such an atmosphere of discord and suspicion must necessarily influence the future course of India's political progress. Amongst the indigenous inhabitants of Burma there are no such religious differences, and there is no reason why they should be a factor governing Burma's political development.

17. Caste and other distinctions do not exist amongst the indigenous population of Burma, there are no marked social differences and the question of untouchability does not arise. Wealth is more evenly distributed than in India and there is much less difference between the standard of living of the rich and of the poor.

18. In Burma the proportion of literates is very much higher than in India, and there is therefore hope of developing at an earlier date than in India an intelligent and widespread electorate. On the other hand, the standard of advanced education amongst the Burman population is lower than that in India, and there are few, if any, Burmans qualified to hold the high Government posts which, in India, are filled with some degree of distinction by highly

educated Indians. It will be seen therefore, that Burma has a peculiar problem of her own, for she has the advantage of a potential electorate more widely spread and more representative than that in most of the Indian Provinces, and she is from that point of view better fitted for the democratic form of Government which is the ultimate object of the Reforms. It is therefore necessary to devise some form of government which is representative of the people as a whole, and which at the same time will preserve efficiency in the Public Services.

19. It seems clear that in any future constitution for India, the relationship between British India and the Indian States will play an important part, and it may be presumed that any powers which may be granted to the Provincial and Central Governments will, to some extent, be circumscribed by the obligations of the British Crown to the Indian Princes. It appears likely, moreover, that the Indian States will demand some say in the regulation of such matters as currency and exchange, ports, customs and communications, by which they are more or less directly affected, and that they may expect some share in the revenues derived from such sources. The relations with the Indian States are, however, a problem entirely foreign to Burma and there seems to be no reason why they should affect her, either politically or financially.

THE RELATIONS BETWEEN BURMA AND INDIA.

(E) *The future, and the question of Separation.*

20. The peace and prosperity of the country depend largely upon the removal of the disabilities which have been set out above, namely, internal financial stringency and retarded development resulting from the diversion of the country's revenues to the Central Exchequer, enforced participation in a protective policy which does not benefit Burma at all and the subordination of her interests to those of the Indian Provinces. If your Commission can find means of removing these disabilities whilst Burma remains a part of the Indian Empire, commercial opinion, at least, will be satisfied. But in case it is not found possible, this Chamber can see no alternative but to press for the Separation of Burma from India, an alternative which a section of the Commercial Community already favours.

THE FUTURE CONSTITUTION OF BURMA.

21. Owing to its lack of knowledge of the inside working of the reformed Constitution and of the difficulties which have been encountered, this Chamber does not feel itself competent to express in more than very general terms its views as to the direction which further modification of the Constitution should take. This may be more suitably left to officers who have worked the Reforms in the Secretariat and seen their effects on the administration in the Districts.

22. As has already been pointed out, the social fabric of Burma is peculiarly democratic, and at the same time there is a dearth of able politicians amongst the Burman and other indigenous elements of the population. It is therefore essential that whatever the form of government that may be introduced, it should be as simple as possible, and for this reason the Burma Chamber is unable to recommend for Burma the form of Local Government which the Associated Chambers of Commerce of India and Ceylon are recommending for the Provinces of India, namely, an Executive Council and Upper and Lower Houses of Representatives.

23. The scarcity of experienced leaders among the ranks of local politicians further leads this Chamber to view with some concern the proposal to eliminate entirely from the Provincial Legislatures the official element. At least, so far as Finance is concerned, it is regarded as highly unlikely that any Burman could be found sufficiently qualified to undertake the portfolio without official assistance.

24. The Chamber also regards with dismay the suggestion put forward by the Associated Chambers that the administration of Law and Order and Police should be handed over to Ministers responsible to the Provincial Legislatures, even with the safeguards against a breakdown of the administration by which this suggestion is qualified. The crime record of Burma is notorious and even under the present regime there is so little indication of improvement that any reduction of the British element would be fraught with danger. The Police has been a favourite subject of attack in the Provincial Council, and the position of those responsible for the preservation of Law and Order, if placed under the control of the Legislature, might be rendered untenable by personal attacks and refusal of supply.

25. The Chamber also considers it essential that the British element in the Services should not be reduced below the limits laid down by the Lee Commission, since the stability of the administration and the efficiency of the Services depend largely upon the presence and the steadying influence of this element. Those already in the Services should be encouraged to remain, and recruitment should be stimulated, by the assurance of fair treatment and of protection against unwarranted attacks in the Legislature.

26. As regards the Franchise and the qualifications for Membership of the Legislature, the Chamber has no detailed recommendations to make, but the protection of minorities and special interests by the reservation of seats as at present is considered essential, and the question of indirect election appears worthy of investigation.

SAFEGUARDS IN THE CONSTITUTION OF INDIA AND BURMA.

27. Whatever constitution may be introduced for India and Burma or for a separated Burma, this Chamber is unanimous with the Associated Chambers of Commerce of India and Ceylon in insisting that it must provide for a strong Central Government and for definite and adequate safeguards against discrimination in any form, on grounds of race or religion. Already Burman politicians have passed legislation (which, however, subsequently failed to receive the assent of the Governor-General in Council) of which the result would have been to restrict the immigration into Burma of the Indian labour upon which the prosperity of the country largely depends. Any measure of this description should be excluded by provisions in the Constitution. Another form of discrimination against which definite provision is essential, is the reservation to any one section of the community of the right to carry on any particular form of commercial activity, whether it be to develop minerals or to run inland steamer services or to engage in the Coastal trade, etc. Constitutional safeguards against discrimination of this nature are essential to the preservation of the credit of the country, for the argument cannot yet be put forward that Burma is able to develop her potential resources without the aid of external capital, whether it be in the way of loans or of non-indigenous companies. Yet another form of discrimination which has been attempted is the restriction of employment in Government service to Burman Buddhists. Government services must be open on equal terms to every class, race and creed of the domiciled community.

CONCLUSION.

28. Finally, this Chamber desires to repeat that in making these recommendations it is influenced solely by its desire for peace, prosperity and good government in Burma. It does not ask for British Commerce and any special privileges, at the same time it claims protection for the legitimate interests which its Members have built up and developed by their enterprise and capital. It hopes to see the country so developed that the greatest benefit may be derived by all from its natural resources, and the political aspirations of the people fulfilled to the utmost degree compatible with the safety of commercial interests.

Memorandum submitted by the Association of Professional and Business Men in Burma.

1. This Association being but newly formed, some apology seems necessary for the submission of a Memorandum to your Commission. Except perhaps among the Burmese and Indian Communities, the ordinary professional or business man in Burma takes little part in the political activities of the Province, and it was only when the impending arrival of your Commission in Rangoon raised in an acute form the question of what representations were to be made to you that it was realised that the views of a not unimportant section of the community were not to be placed before you in an adequate manner, if at all. Professional and business men and other non-officials of moderate opinion were not organised and such bodies as existed were concerned solely with the presentation of the particular aspects of the case which affected their own special interests.

2. The political situation in Burma and local conditions alike differ in many important respects from those obtaining in the Provinces of India and it was felt that, unless representations were made on behalf of that section of the community which regards a Government firm in the administration of law and order as the first essential towards the peace and prosperity of the Province, there was some danger that your Commission might leave Burma under the impression that there was no opposition to the demands of professional politicians who clamour for immediate Responsible Government in the nature of Home Rule.

3. Business and professional men of moderate views and in particular members of the European community, have felt that there was a danger of their views not being adequately represented owing to the fact that the Burma Chamber of Commerce admittedly takes a purely commercial point of view, in so far as it is possible to separate commerce from politics, and to the absence of any other organisation to represent them.

4. These considerations have led to the formation of this Association with the object of laying before your Commission reasons which convince its members that, so far as Burma is concerned, the stage has not yet been reached when a political advance can be made even as far as a constitution on the lines of that now proposed for the Colony of Ceylon. The Association includes in its ranks many who, by reason of their profession, have had an opportunity of observing the working of the 1922 Reforms and the readiness of the people for a further advance.

Historical.

5. To appreciate fully present conditions and the stage of development at which the country and its people have arrived, it first seems necessary to make a brief survey of the History of Burma during the last century.

6. In comparison with India, the British have ruled Burma for a short period only. This point is apt to be overlooked by reason of the fact that Burma is a Province of the Indian Empire. It is, however, only a recent acquisition of the Empire, and it was not until the First Burmese War in 1824 that England obtained a footing in the country. Even then only the maritime divisions of Arakan and Tenasserim were annexed and the independent kingdom of Burma was, as a whole, left untouched.

The Second Burmese War occurred in 1852, and resulted in further annexations which brought within British control the whole of what is now known as Lower Burma. Upper Burma still remained independent.

It was not until 1885 that the Third Burmese War was fought and Upper Burma annexed, but the actual pacification of the country was not completed until some years later.

7. It will be noted that each one of these three wars was brought about by the overbearing conduct of the Burmese, their total disregard for the customs, laws and even common civilities prevailing amongst other nations, and by deliberate outrages upon the subjects of a friendly power.

8. Until little more than forty years ago a great portion of the Province was independent. Its ruler was a monarch with absolute powers, and that he made full and arbitrary use of these powers is a matter beyond dispute. Consequently, the history of the Kings of Burma is a long chronicle of palace intrigues, oppression and wanton massacre. With little intermission, this state of affairs continued until the deposition of King Thibaw in 1885, and for the present purpose and by way of example, it will be sufficient to refer to a very few incidents which occurred in the closing years of the period.

9. When Thibaw came to the throne he secured his position by a wholesale slaughter of his half brothers and other near relations. This was in 1879, and on that occasion between seventy and eighty persons were put to death. The affair was entirely in accordance with tradition and was regarded as a perfectly legitimate method of protecting the Crown.

Again, in 1884, there was a further massacre in Mandalay, when between 200 and 300 persons, including many women and children of rank, were shot or cut down. This atrocious act was due to fear of a supposed intrigue to place upon the throne the Myingun Prince and, to facilitate the matter, a pretended jail escape was staged.

10. Of insults and oppression to non-Burmans there were innumerable instances, and these ranged from ill-treatment of humble Indian dhobies to the case of a Rangoon merchant, who was compelled to go down on his knees by convict lictors whilst the Hpaung Wun, one of the leading spirits of the massacres, went by on his elephant. And when it is remembered that the Burmese had no hereditary aristocracy, that the humble cultivator of to-day might be the Court favourite of to-morrow, it becomes evident that men of the most varied origin, as soon as they became vested with authority, were responsible for acts of this kind.

The official history of this period, although brief, is distinctly illuminating. It is contained in the *Gazetteer of Upper Burma*, compiled by Sir George Scott, C.I.E.

11. Undoubtedly British Rule has altered all this, but this Rule has been bureaucratic in form and one in which the general population had no part, and whether it has yet had time to effect a profound change in the character of the Burman is open to question. With the spread of education there has grown up in a few towns a class of cultured and thinking Burmans, men who are entitled to a fair share in the responsible Government of the country. But it is the labouring classes and the cultivators who go to make up by far the larger portion of the nation.

The idea of self-government or, indeed, of any form of representative government, is entirely alien to their traditions and upbringing. And this is just as much true of the period of British occupation as it was of the earlier days of the independent kingdom. Until a very few years ago the Burman was content to leave the entire direction of affairs in the hands of his rulers; in fact, he did not even know of any other form of government.

12. It must be noted, too, that the average Burman, though not altogether illiterate, is ignorant, and the administration reports show that he is lacking in self-restraint and is of a credulous disposition. Consequently he is easily led or misled. Such being the case, the normal process of educating him politically should have been gradual and progressive.

Instead, a very considerable measure of responsible government has been thrust upon him without any real attempt having been made to prepare him for it and without any real demand for Reforms having been made.

13. In 1923 the Burma Rural Self-Government Act came into force and the District Councils created by the Act began to function. Prior to this, the only experience of the Province in self-government was the very limited one gained in the working of Municipal Committees. The Act is unquestionably admirable in its objects, although even its scope is possibly too extended as a first measure of representative government.

Certainly, until its working was fully understood and appreciated by the people of the country, no further general advance should have been made. That it is not yet a success will probably be admitted by the Local Government; and it is criticised later in this Memorandum.

14. However, the Government of India Act had in the meantime conferred a further measure of self-government upon the Province although, as far as can be judged, prematurely. The uneducated mass of the people was not ready for it. But this Association is prepared to admit that it will now be difficult, if not impossible, to withdraw the rights that have already been given; and with one or two reservations is prepared to accept the present position.

RURAL SELF-GOVERNMENT.

15. This is a subject upon which the Local Government itself is in the best position to speak; but there are certain facts disclosed in the Annual Reviews of the reports of the working of District Councils and of Deputy Commissioners' Local Funds which cannot escape comment. The Reviews to which detailed reference is made in this note are those for the two years 1925–26 and 1926–27. These Reviews are the latest available.

16. The Burma Rural Self-Government Act, a most important although experimental measure, provides for the establishment of District Councils with School Boards and Hospital Committees. The Councils have wide powers in regard to domestic matters such as education, public health, etc. Subordinate to District Councils are Circle Boards (which elect the District Councils) and subordinate again to the Circle Boards are Village Committees.

Circle Boards are elected by popular vote; but it appears to be a grave defect in the Act that it does not definitely lay down the business to be transacted by Circle Boards and Village Committees and merely provides that in each case they shall carry out such functions as are delegated to them by the bodies to which they are subordinate. The result is that

> " decentralisation of Local Government business
> " has not yet proceeded as far as the Circle
> " Boards. The Circle Boards generally have them-
> " selves no functions except electing the District
> " Council and members of Hospital Committees
> " and drawing travelling allowance for attending
> " meetings and could transfer no business to
> " the Village Committees." (Paragraph 8, Review for 1925–26.)

It may be this lack of interest and consequent lack of interest in the work of Circle Boards that caused a complete disregard on the part of the public of the general election of members in 1925.

> " Returns showing the total number of electors
> " of all the constituencies are not available, but
> " if the total electorate was in proportion to the
> " number of electors in the contested groups of
> " Village tracts (i.e., if the total electorate was
> " about 1,716,000) scarcely 6 per cent. of the
> " total electorate had the benefit of the experi-
> " ence of voting in the elections." (Paragraph 16, Review for 1925–26).

Small wonder that after the elections the Local Government had to fill by nomination five hundred and seventy-five vacancies in the cases of village tracts which had failed to elect members! Another reason put forward by the Local Government to account for the lack of public interest is that " local "bodies do not exercise the most effective of all " powers for arousing interest in elections, the power " of annually fixing the amount of Taxation."

17. Even after due allowance has been made for the inexperience of the new District Councils, it must be admitted that the Annual Reviews make sad reading. In 1925–26, only two of the twenty-two Councils reported on were found to have maintained " Fairly satisfactory " accounts, and affairs were very little better with School Boards and Hospital Committees.

For 1926–27 the position was somewhat worse, for none of the fifteen Councils reported upon were classified higher than " Not satisfactory," whilst out of a total of 104 District, Circle, School Board and other boards audited, only four were found " Satisfactory," fifteen " Fairly satisfactory," and the remainder were " Not satisfactory " or worse.

18. In addition, the Reviews for 1925–26 (paras. 36 and 37) and 1926–27 (paras. 6 (iii) and 46) set out an unpleasantly long list of frauds and embezzlements, including a most serious case in which the Pegu District Engineer was concerned. There are also instances of embezzlements and misappropriation of moneys by officials and of corrupt practices such as false claims for travelling allowances, substantial grants by a School Board to some of its members who were teachers, and the acceptance of high tenders for public works from untried contractors on the ground that they were Burmans and should be encouraged. To put the case no higher, these and other similar facts fully justify the reference to " general financial incompetence " made in para. 43 of the Review for 1925–26.

19. On the attitude of District Councils towards Public Health, little more is necessary than to quote two passages from the last Reviews. The following is from para. 73 of the Review for 1925–26:

> " Generally it appears that little responsibility
> " for public health is felt to rest upon the
> " District Councils; and consequently little
> " practical interest is shown in matters relating
> " to public health in these reports, which some-
> " times dismiss the subject with a reference to
> " the District Sanitation Report. . . . This state
> " of affairs ought to be changed. No general and
> " substantial improvement in public health
> " outside the Municipal towns can be expected
> " unless both the members of the rural local
> " authorities and their constituents recognise
> " and respond to the responsibility of the local
> " authorities in respect of public health."

And one District Council even went to the extent of abolishing the District Sanitary Staff on the ground that Village Headmen and Burmese Physicians were more competent.

> " The Commissioner, Mandalay Division, remarks
> " that there was little progress in the improve-
> " ment of sanitary conditions in rural areas, and
> " the Commissioner, Sagaing Division, states
> " that the general attitude of the public in
> " matters of sanitation and public health are
> " merely a reflection of the general attitude of
> " the public in rural areas." (Review of 1926–27, para. 26).

20. In the matter of education, we again have examples of the prevailing financial incompetence in the failure to disburse teachers' salaries with regularity, although such failure was not due to want of funds. There were also cases of wide miscalculation of financial resources, and several School Boards ended the year 1925–26 with unnecessarily large balances.

21. Finally, the position with regard to Public Works is unsatisfactory, although the year 1925–26 showed a marked improvement over preceding years. At the same time, however, there was a general failure to spend the amount appropriated in the budget estimates, and eight District Councils failed to spend even the amount of the Public Works Department contribution. On the other hand,

three Councils exceeded their budget appropriations by very large amounts, but in one such case the excess was due to the fraud of the District Engineer to which reference has already been made, and, taking as a whole that portion of the Review for 1925–26 which deals with Public Works, it is clear that District Councils have no realisation of the importance of maintaining roads and communications. The Review of 1926–27 refers to the fact that the Public Works Department was unable to undertake local funds work owing to a heavy programme of their own which they had to carry out during the year. Consequently, district communication suffered still further. On the other hand, it cannot be claimed that District Engineering Staffs, where they exist, have as yet functioned with any marked success.

22. This Association is of opinion that the facts touched on above reveal a state of affairs which cannot under any circumstances be deemed satisfactory. Further, it is of the opinion that until the Rural Self-Government Act is understood and appreciated by the classes for whose benefit it was introduced, it would be folly to progress any further along the path to Self-Government. There is lacking at present amongst the lower classes all sense of co-operation, public spirit and responsibility, and, until some such feeling is acquired, no good purpose can be served by the grant of further powers to the classes concerned. Furthermore, the representatives of these classes in District Councils are men whose standard of education is not high and who, amongst other drawbacks, find it difficult to think in the sums that they have now to spend. The Association puts forward the suggestion with diffidence, but it does feel that the unit upon which an educative measure such as the one under discussion could best be imposed is the village-tract. Elected Village Committees with real responsibilities and powers and the stimulation of a competitive spirit of "pride of village," would probably achieve much within a few years.

MUNICIPAL ADMINISTRATION.

23. When considering the fitness of a country for a large measure of representative government, it will not be out of place to turn to the self-governing bodies like Municipal Committees for evidence on which to base our judgment.

24. The Corporation of Rangoon affords an instructive study. Its electorate has been divided up on communal lines as is to some extent the case with the Legislative Council. It has ten Burmese Representatives, five European, four Mussulman, four Hindu and two Chinese, four representatives of Public Bodies and five nominated by Government. Rangoon has had many years of experience of Municipal Elections, enough to teach, not the responsibilities of election, but every species of electoral fraud that can be practised. The most crying evils are personation and intimidation. It frequently happens that before the poll opens the candidate in control of the Hindu coolie vote (or his agent) surrounds the entrance to the polling booth with a mob of labourers who have been instructed to keep out anyone not belonging to their own particular class. They press *en masse* around the entrance, and it is with difficulty that they are prevented from overthrowing the temporary structure The educated voter has no taste for a scramble with such a mob, and waits for hours, but in the end has to leave without voting. The coolies who flood the polling booth carry, each of them, a coloured card issued by the organization of one of the candidates saying that his name is so and so and his number on the register so and so. This is for the convenience of the tellers. It conceals the fraud by the ignorant coolie ; for the name on the card is not his own. When the coolie has voted, he returns for a fresh card and repeats the process.

In the Muhammadan community the same tactics are employed as in the Hindu, and it is not too much to say that there are two large employers of labour who can return any candidate who secures their good offices.

Burmans are frequently elected without contest by a system of mutual arrangement among the candidates, the voters taking no part in it. They seem to have little interest in the matter. The Chinese representatives are arranged by a few leaders without a contest. In the European community alone does an intelligent electorate come to the booths.

25. The result of all this is that while the actions of the European representatives are liable to criticism by their electorate, in the case of the other communities, no interest is taken. It is expected of their representatives that they consider the interests of their own community without any regard for the general good of the city. This obsession to communal interests is painfully apparent. For example, one section opposes regulations restricting building and the enforcement of sanitary rules because of their possible effect in diminishing the income of owners of property. Another will support every proposal to appoint a Burman or Indian to a post in municipal service, irrespective of his ability to discharge its duties.

In many cases the reason for certain candidates going to some trouble in contesting an election is obscure, for their attendance at meetings is irregular and their interest nil.

26. It is safe to say that were it not for the nominated and European members (allied constituency) together with representatives of public bodies on the Rangoon Corporation, there would be a rapid deterioration in the municipal administration of this city. The few able and conscientious non-European members would be in a hopeless minority.

27. As an example of glaring maladministration even in Rangoon, this Association would point to the now defunct Rangoon Co-operative Dairy Society, which was formed in 1925 with the object of securing a supply of pure milk for its members. It was for all practical purposes an offshoot of the Health Department, and its Chairman was a member and its Secretary an Officer of the Corporation. In spite of ample aid, both from Government and the Corporation itself, the Society became bankrupt and had to be wound up within little more than a year of its formation. The final report presented to the Corporation by the last Chairman of the Society and circulated on 11th May, 1926, discloses an amazing record of incompetence and dishonesty on the part of the Officials concerned and illustrates the readiness with which those holding positions of trust will subordinate their duties to their own personal interests.

28. The above has been written of Rangoon, but conditions outside Rangoon are no better. Amongst the large Municipal Committees such as Mandalay, Insein and Bassein, the administration has constantly called for Government intervention.

29. In the smaller municipalities things are so primitive that nothing more need be said than to emphasise the fact that the granting of any reforms at all to them has been premature.

30. This Association, whilst reluctant to commend the system of election on a communal basis, feels that the time is not yet ripe even for municipal administration to be based on the popular vote. It also feels that, if in a comparatively advanced city like that of Rangoon it is necessary to safeguard the municipal administration by certain reservations opposed to the principle of popular government, it would be suicidal to entrust the administration of the whole Province to a purely elective assembly.

THE FRANCHISE AND THE LEGISLATIVE COUNCIL.

31. Much of the criticism in this Memorandum upon Municipal Elections applies with equal force to elections held throughout the Province for the Legislative Council. In these elections, too, we have the same class of ignorant electors shepherded to the

polls for the purpose of recording votes for candidates about whose merits or policies they know little and care even less. Until there has been a great educational advance this will continue to be so and every person of any experience of the Province must admit it.

32. As the franchise now stands all that is required for qualification in urban constituencies is residence and the possession of immovable property of the value of Rs 200 or the payment of Municipal or other taxes amounting to Rs 4 per annum or the occupation of a house or building of the annual rental value of Rs 60, irrespective of the fact whether the rent is paid by the elector himself or his employer. In the rural constituencies the position is analagous, and from a study of these qualifications it immediately becomes evident that the majority of the electorate must be members of the lower orders, whose knowledge of even the first principles of representative government is nil. As a result, we have in the Indian constituencies the mass voting of coolies acting solely upon the instructions of their maistries and employers; and in the Burmese constituencies we have similar mass voting or abstention from voting carried out at the instigation of *hpongyis* whose influence upon the ignorant classes cannot be over-estimated. And generally speaking, if pressure of some kind is not brought to bear upon the electors, most of them would undoubtedly view the elections with an apathetic indifference.

33. That the masses must be taught to realise the importance of the franchise and to appreciate it is admitted; but it would have been better if, in the first instance, this education had been confined to elections for purely local bodies. Good or evil administration in village matters would bring home to voters with much more force the effect of their voting than would some legislative enactment which emanates from Rangoon and which is not directly linked up in the minds of electors with any act of their own.

34. It follows from the foregoing that many of the elected members of the Legislative Council cannot claim to be, in the real sense of the word, representative. If they represent anything at all it is only the small party clique to which they belong and the supporters of that clique who happen to control certain unintelligent sections of the community. The professional politician who makes it his business to secure this kind of support is in considerable strength in the Council to the exclusion of better men, who do not, or cannot, avail themselves of the same methods. It must be confessed, too, that the average member of the Council is not a man of striking ability. Often he is a junior advocate or pleader in poor practice or a man who has made no particular mark in some other walk of life. He enters the Council for the purpose of getting what he can out of it more than from any real desire to further the needs of his countrymen. And experience shows that in practice it is from the ranks of such men that Ministerial appointments have to be made.

35. And here it is convenient to refer to the allegation that in Burma there is not the communal antagonism which exists in India. This, is not entirely correct for we have the frequently reiterated cry, "Burma for the Burmans." This comes, in great part, from the type of member to whom reference has just been made.

In theory, at all events, any elected member of the Council is entitled to hold office as a Minister, but in Burma a very definite line of distinction has been drawn, and certain appointments can only be explained on the ground that the claims of non-Burmans have been deliberately ignored. This Association is prepared to accept the position that it may be impracticable to nominate a European member to a Ministerial post, but it considers that the exclusion of members of other communities merely because they happen to be non-Burman is unjustifiable. Efficiency has been sacrificed to expediency, and it is extremely doubtful if this policy of exclusion of non-Burmans will have any effect other than to antagonise communities and to confirm Burmans in the belief that they alone are entitled to office irrespective of merit.

And it may be added that this policy of exclusion of non-Burmans is not confined to political posts alone but has in recent years been applied to appointments in Government Service generally, with detrimental effect to efficiency as a whole.

36. The view of this Association is that the existing electoral qualifications are ridiculously low and if altered in no other respect should, at least, have added to them some further qualifications of an educational nature which will ensure a reasonably intelligent electorate. The Association further feels that it is regrettable that the Whyte Committee did not adopt the recommendations of the majority of responsible Government Officials to whom a questionnaire was addressed in the year 1921 and who were in favour of some measure of literacy as an electoral qualification.

CRIME AND THE ADMINISTRATION OF JUSTICE.

37. Burma's reputation as the most criminal Province in the Empire is now notorious, and the latest Reports of the Government on Police Administration and the Administration of Criminal Justice show little subsidence of the wave of lawlessness which swept the country in the years immediately succeeding the War. Returns show that in 1926 the total number of criminal cases brought before the Courts reached the stupendous figure of 134,109, which means that one person in every hundred in Burma was brought before the Courts on a Criminal charge.

38. The figures for crimes with violence are a particularly disturbing feature of the reports. In 1926 the number of cases of murder classified by the police as true, was 867. In 1927 the figure was 825, and the Tharrawaddy district, with an area of some 2,863 square miles and a population of less than half a million, had more than half the number of cases in the whole of England and Scotland. This Association considers it worthy of remark that the lives of Europeans seem no longer to be safe from murderous attack, and, following a particularly brutal murder of a European and an Anglo-Indian lady on the outskirts of Rangoon in 1926, which the police seemed utterly unable to clear up, there were four murders of Europeans in the Province during the year 1927.

Of other crimes of violence dealt with by the police in the year 1927, the most numerous were dacoities and robberies which totalled, including attempts, 443 and 264 cases respectively, figures which showed a gratifying decrease from those of the two preceding years.

39. Of crimes unattended with violence by far the most numerous of the cases dealt with by the Courts were charges of theft, cheating and criminal breach of trust. The figures under these three heads for the year 1927 totalled 16,486, which seems to point to a regrettably low standard of honesty among the population as a whole. This Association is reluctantly compelled to agree with the views of the District Superintendent of Police, Thaton, who has reported that the lower grades of society are encouraged to be criminal by the absolute lawlessness of many rich and influential persons, who habitually break laws and commit offences of a type non-cognizable by the police.

40. This Association would regard the foregoing statistics of crime with less apprehension if the administration of justice proved to be more efficient and a proper proportion of offenders met with their deserts. Unfortunately the converse is the case, particularly where the crime committed is one of murder. Returns show that the odds are strongly in favour of any given murderer escaping with his life and that only some thirty per cent of the cases of murder investigated by the Police and classed as true end in convictions. Of these a further fifty per cent.

eventually escape the death penalty for one reason or another. Various causes contribute to the paucity of convictions, the chief being, in the opinion of this Association (1) a reluctance on the part of Courts to convict on capital charges, (2) reluctance on the part of witnesses to come forward and give evidence, (3) provisions in the Code of Criminal Procedure by the Indian Legislature hampering the work of the Police, (4) the haphazard appointment of Government prosecutors with less regard to their ability than to their nationality and race, (5) the prevalence of corruption amongst the subordinate officers of the Police, the Judicial Service, and the Magistracy. The reluctance on the part of the populace as a whole to render assistance to the Police is particularly a matter of regret, and has recently been exemplified in the case of the conspiracy in the Shwebo District to overthrow the British Government, where the disturbance lasted some months longer than it should have done owing to the villagers harbouring absconders and refusing to assist in the restoration of order. A further recent example occurred in the Meiktila district, where a notorious outlaw remained at large for eight months, during which period he committed no less than six murders. His final arrest was followed by an attempt on the part of a section of the public and the press to turn him into a national hero.

41. This Association is convinced that until public opinion is more active in support of law and order any extension of popular Government or any measures tending to a loss of efficiency in the Police and the Administration of Justice will only result in a further wave of criminality, not only detrimental to the prosperity of the Province as a whole, but even endangering the ordinary safeguards to life and property for which every Government is responsible.

PUBLIC FUNDS.

42. This is a subject intimately connected with the working of every department of the Administration, whether local, provincial or central, and an endeavour will be made to show how far subordinate officials appreciate the necessity of conforming to a normal standard of integrity and the duty of keeping proper accounts of whatever fund they may be administering.

43. The following observations are taken from the Annual Report on the working of the Local Fund Audit Department in Burma for the year 1926–27.

> "Serious defects and irregularities are brought "out in audit notes year by year. No proper "attention is paid to audit objections. Replies "by Local Secretaries seem to have been "accepted by the Chief Executive Officers of "the Fund concerned without any attempt to "verify the accuracy of the replies. Fund Officers "are not inclined to take action when a case "of fraud or loss of revenue is reported. The "necessary deterrent action is not taken."

Here the remarks of one of the Judges of the High Court in the Pegu laterite case may not be out of place. His Lordship's observations were to this effect :—

> "The sentences were undoubtedly severe, but "in view of the fraud committed, involving "large sums of public money, an exemplary "punishment was called for. It was not long "ago that reforms were introduced in Burma "and steps taken to teach the people Self-"Government. Cases of corruption when detected "should be firmly put down."

44. The report also discloses that the accounts work of a Fund Office was generally brought up-to-date during audit, but with the conclusion of audit and departure of the auditor from the station the office relapsed once more into its normal state and all the account books were left to fall out of date, posting transactions being kept over till the next audit intimation was received. In some places, several registers had to be posted by the auditors before commencing audit.

This indicates that responsible officers are not alive to the obligations which their office entails and until such time as they are sufficiently educated to realise these obligations no improvement can be expected.

45. Under the heading of General Observations it is reported that administrators of funds take no notice of financial and other irregularities brought to their notice. They imagine the auditor is only retained to find fault. They do not realise that poor collection of revenue, irregular and excess payments due to their slackness, affect the finances of the funds with which they are connected and thereby reduce the efficiency of the services to be rendered to the taxpayer by that fund, the ultimate result being an increase of taxation generally which would be avoided if local administrators took an interest in their duties and were competent to perform them properly.

46. Under the heading of Concluding Remarks the Government Audit Department indicate that, under the present system, local finances are in a very unsatisfactory state.

The general local idea appears to be that if an official holds an honorary office, he is not responsible for any loss that may be incurred through his inefficiency or neglect of duty.

47. A large proportion of the funds audited have the classification "unsatisfactory" or "very unsatisfactory" against the general state of their accounts. This means serious irregularities, misappropriations, embezzlements and frauds.

48. Before leaving this topic this Association desires to refer to the result of an action of the Government in 1924 when, pursuant to a resolution of the Legislative Council but against expert advice, it endeavoured to bolster up a Spinning and Weaving Company with Burmese Capital and Management by granting it a loan of Rs15,00,000 at six per cent. interest. The loan was guaranteed to the extent of Rs. 7½ lakhs by the Directors of the Company.

At the time of the loan the Company's accounts shewed that the business was being run at a loss and the whole of the Rs15,00,000 was required to pay off an existing mortgage on the Company's assets. The business continued to be run at a loss and the proceedings of the Legislative Council of 14th February, 1927, disclose that the Company was no longer able to carry on or meet the interest on Government's loan. The proposal was made and carried that Government should take over the the Company's properties in full satisfaction of the 16½ lakhs then due for principal and interest and that (despite the objections of the Accountant-General that the proposal offended against elementary canons of financial propriety) the guarantors should be relieved of all personal liability.

The Audit reports do not disclose the further losses incurred, but eventually Government had to sell the Company's assets, suffering a heavy loss in doing so. Finance of this kind can hardly be justified even on the ground that it meets with the approval of a large section of the Legislative Council.

49. From the foregoing it is in the opinion of this Association obvious that, until such time as the Burman is educated up to a sense of his obligations and duties in a position of public responsibility, and is capable of carrying out the duties entrusted to him, any additional responsibility would only result in an aggravation of the present unsatisfactory state of local finances.

SEPARATION FROM INDIA.

50. There is a strong feeling in this Province that it should be separated from India and a large majority of members of this Association favours this view. The financial aspect of the case has been fully dealt with in the Memorandum submitted to your Commission by the Burma Chamber of Commerce and this Association desires to associate itself in general with

the views on this topic therein expressed. It is possible that the demand for separation would be satisfied if the financial adjustment deemed by Burma to be fair were carried out and if, in addition, ample safeguards were found to protect Burma from Acts of the Indian Legislature unfairly discriminating against her. This Association further suggests that, in view of the reluctance of the Central Government to agree with the Local Government the expenditure of the Central Government in or on behalf of Burma, as a preliminary measure a special commission should be set up for the purpose of investigating the financial relations between this Province and India.

CONCLUSION.

51. In the foregoing notes this Association has touched upon some of the questions calling for serious consideration when the subject of the fitness or otherwise of this Province for responsible Government is studied. This Memorandum is not by any means exhaustive and only incidental references have been made to such important subjects as Education, the Provincial and subordinate Government services, the working of Municipalities other than Rangoon, and the Co-operative movement. Of the last it may be as well to remark that it has arrived at such an unsatisfactory state that a Committee has now been appointed to go into the whole question.

52. If it is at all feasible, this Association suggests that you should visit some group or groups of villages at a distance of twenty to thirty miles from Rangoon and in each village examine six or seven members of the electoral class chosen by you more or less at random. Such examination will give a truer impression of the mind of the people than would any lengthy examination of witnesses in Rangoon.

It is also strongly felt by this Association, for reasons that must be obvious, that opinions of greater value would be obtained from witnesses, both official and non-official, if those who desired it could be examined by your Commission alone and in camera.

53. Finally this Association feels strongly that the grant of full responsible government to any country or province must be preceded by the establishment of an educated public opinion, which in a flexible constitution, is the only real safeguard against the commission of acts and alterations in the constitution contrary to principles of good sense.

That such an educated public opinion does not exist among the indigenous population of Burma is a fact which cannot be questioned, and the manner in which the degree of self-government already granted has been abused shows that even these reforms are in advance of what the people of the country are at present capable of efficiently administering. In the words of one responsible officer of the Police, " The new wine of Western Civilisation is showing a tendency to burst its old bottles of Eastern make, and much red wine will be spilt before Burma has the ordered civilisation and high educational standards of England."

A healthy educated public opinion must be cultivated and the people taught to realise the privileges and obligations of citizenship. Progress towards self-government should be regulated by the progress made towards the realisation of these privileges and responsibilities, and until such realisation is attained by the majority of the population any substantial advance towards full responsible government can only result in disaster to the country and its people.

RANGOON.
4th February, 1929.
Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE BURMA PROVINCIAL COMMITTEE.

Deputation from the Burma Chamber of Commerce, and Deputation from the Burma Association of Professional and Business Men.

The deputations consisted of :—

The Burma Chamber of Commerce :

Mr. W. T. HOWISON (Chairman).
Mr. B. P. CRISTALL (Secretary).
Mr. M. JOAKIM, M.L.C.
Mr. F. WROUGHTON (Spokesman).
Mr. H. PONSFORD.
Mr. A. P. BAXTER.

The Burma Association of Professional and Business Men :

Mr. W. A. DAWN (Spokesman).
Mr. A. J. DARWOOD.
Mr. E. C. V. FOUCAR.
Dr. ALLAN MURRAY.
Mr. C. N. PAGET (Secretary).

1. *The Chairman :* As regards the memoranda, I will start, if I may, with the Burma Chamber of Commerce, and see whether I have got the main points right, Mr. Wroughton. You first, I notice, call attention to the state of the account, as it were, between Burma and the Central Government of India, and make the point on the figures that it would appear that the Burmese contribution to Central revenues is greater than the financial benefit which Burma receives ?—(*Mr. Wroughton*) That is so.

2. It is in your paragraph 46, I notice. You work out figures which would suggest a very considerable balance in favour of Burma. Of course, you gentlemen will have in mind that before one could really strike a true balance, looking at it from the strictly business point of view, one would have to bring in whatever is the proper amount to allocate to Burma

for a large range of general and overhead charges ?—Yes.

3. For instance, Burma has the benefit, whatever you may measure it at, of the military organisation of the Government of India. It has all the service which is centralised—services, I mean, such as audit, currency, credit, exchange, everything which goes with being associated with a great central Power ; and those are very difficult things, I imagine, even for business men to put down in crores. Again, one must remember that the frontier police is, as far as it serves on the frontier, borne on Central revenues. There are a number of elements of that sort. You may be sure that we have gone into these things as well as we could with the help of some official evidence, both evidence that was given in open conference and also in some confidential discussion. What I wanted to ask you was this : Is it the view of your Chamber that after making whatever may be the proper allowance for that, you still think that looking at it as a matter of finance, Burma gives more than it gets ?—Yes.

4. That is naturally a matter which we are all much concerned to pursue. You will appreciate that we should not be able to deal with it in detail here very usefully, especially after the official evidence, which is very striking, because we should also have to hear the Government of India's view ?—Yes.

5. I will leave that. Then the second point which you make, which is also of a financial kind, which runs from paragraph 7 to paragraph 10, is this. You say that Burma, after a struggle, got for itself the rice control profits, very substantial sums, I believe about nine crores ?—Yes.

6. Then you take the point, as I follow, that Burma has been using those rice control profits, which represented an accumulated reserve, as it were to meet a number of expenses, with the result that they have to a large extent now been used up, and indeed, Burma is now in a position where she has to raise a loan ?—Yes.

7. And that she would not be in even as good a position as she is now if she had not had that big windfall at an early stage ?—That is so.

8. You must amplify, and, still more important, correct me if you do not think I have understood your document as you think it should be understood. Then there are some most striking figures in your document about the very limited extent to which this very great country at present has got the facilities of good communications. I will just call the attention of the Conference to that. The figures are very remarkable. Look at para. 8 of the Burma Chamber of Commerce document. It gives the total area, which is enormous. It has 1,920 miles of railway track, including sidings, and 1,925 miles of metalled roads—almost exactly the same mileage. It is extraordinary in a country as big as this. Tell me this, if you would. Do the metalled roads to a large extent connect the same centres as the railway ? Do they run up the same valley ? I should think they did, looking at the map.—I could not say exactly. The new trunk road which is being put through the country follows very much the line of the railway ; the old metalled roads run down to the rivers, and there are very few of those.

9. A thing which strikes one very much in Burma, and also, I may say, in India, is the development of public motor transport along the metalled roads. If the motor transport is running along metalled roads which are more or less an alternative to the railway, it does not look as though the railway is going to gain by it ?—I believe the railway at the present time is complaining of the competition of buses along the roads.

10. We have heard something about this in England lately, of course. Still more remarkable, just below that there is the statement you make that in 1912 the railway track was about 400 miles less, and the metalled roads were about 250 miles less ; so that apparently in the interval between 1912 and to-day you have only had an extension of metalled roads of about 252 miles ?—There are very few metalled roads in the country.

11. Those that there are, as far as I have seen them, are extremely good, just outside here. And your point, I take it, is that if that is the position there must be in the near future, or there ought to be, a very substantial outlay on communications, and therefore it is the more important that Burma's finances should not be so dealt with as to starve the country ?—Yes.

12. Then you next take a point which is particularly important as coming from you. It begins at paragraph 11. I gather your view is that the position of Burma, as a place of trade, differs so much from the position of other parts of British India that the fiscal policy which is thought to be best for British India as a whole does not suit Burma ? —Yes.

13. Is that a widely held view, do you think, among the business communities here ?—Yes, I think it is generally held.

14. The instances, of course, we have heard many times ; the instance of the tariff on steel, for example, because a good deal of steel is needed here in connection with oil companies ?—Yes, and buildings and bridges.

15. Is it your view that if Burma decided its own fiscal policy, it would not keep such a tariff on imported steel ?—I do not think Burma would object to the tariff if the tariff came into our own revenues. It is paying this tariff to the Indian Central Government that is the cause of our objection.

16. I have heard a different view from some others. Then another question which is commonly given us is the export duty on hides. Would you mind explaining this to me, at the end of paragraph 11. Why does the present duty on hides operate to the benefit of the tanneries in Madras and United Provinces ?—It operates to our disadvantage by discouraging the export of hide by allowing us to pay less to the producer. I did not give the answer quite correctly. It operates to the benefit of Madras and the United Provinces by keeping the hides in the country.

17. If any of your body would explain it to me I should be quite glad. One likes to appreciate the practical business end of the point. I understand that there is an export duty on hides coming out of British India into Burma ?—No.

18. *The Chairman* : Does the export duty attach to a hide from Burma if it is going to British India ? That would be internal, would it not ?

Sir Hari Singh Gour : Yes.

19. *The Chairman* : It is only if it is exported abroad ?—Yes.

20. I can guess the reason, but I thought it would be better for you business gentlemen to state it. Why is it that Burma is prejudiced, and that Madras and the United Provinces are benefited by the duty ? Let me try this for you. I do not know whether it is any good to you. Are there any tanneries in Burma ?—No.

21. There are tanneries in Madras ?—Yes.

22. And there are tanneries in the United Provinces ?—Yes.

23. It would follow, therefore, that an export duty on hides may, for all I know, help the tanneries in Madras and in the United Provinces, and tend to reduce the price of hides inside those areas ?—Yes.

24. You have not got any tanneries to be benefited by it ; is not that the reason ?—Yes.

25. There is a second reason, I have been told ; but I want someone to tell me if it is right. Is not the ordinary Burma hide a rather smaller and less valuable thing than the average hide elsewhere ? —A very inferior hide.

26. Well, I thought in working out the duty, in theory a Burmese hide got hard hit as compared with the larger and more valuable hides of some other parts of India. Perhaps none of you gentlemen

happens to be in this particular trade ?—(*Mr. Joakim*) We thought the duty affected the smaller sizes compared with the larger sizes. The Burma hide is a very inferior quality hide, so the duty does not come in so far as Burma is concerned in regard to the sizes. It was originally put on to help the tanning industry in Burma also, but unfortunately tanning has not been a success in Burma, so that it only helps India, and it does not help Burma.

27. *Sir Arthur Froom :* Are there any figures to show the export of hides as compared with the present day ?

The Chairman : Do you know whether there are any figures which will compare the export of hides from Burma before the duty was put on, and the export of hides after it has been put on ? Perhaps it would be better for us to inquire of one of the officials about that ?

The Witness (Mr. Wroughton) : Yes.

28. The next point you make is this, and I feel the force of it, if I may say so. You say Burma cannot have an effective voice in the Indian legislature, because the representatives of Burma are few, and you think the general policy of the Government of India is necessarily governed by the view of the great majority : is that right ?—Yes.

29. In your practical experience (and we want the practical experience of your Chamber and its members) do you think Burma has suffered by that ? Can you develop that for me and illustrate what you have in mind, or is it an abstract theory ?—As an example we can say that if our representations received more general support in the Indian legislature, we might have had a better chance of getting the rice export duty removed.

30. I think an obvious difficulty which cannot be denied is the mere difficulty of distance. It must be an extremely difficult thing, I should think, as a practical matter to get Burmese opinion continuously expressed in an Assembly which is such a long way off. Do you find that ?—Yes.

31. What do you do about your own representatives ? There are two business representatives, are not there, in the Central Legislature ?—One in the Legislative Assembly and one in the Council of State.

32. One in each ?—Yes.

33. How does it work out ? How are the gentlemen, in fact, chosen ?—In the Council of State we have our own representative in the person of Mr. Gray. In the Assembly we are represented by Mr. Lamb.

34. It is just because of that that I thought you would have no difficulty in telling me the answer to the question. I know it is Mr. Lamb, but as a matter of fact are there many people who want to serve ? Is there difficulty in getting a man to serve ? Does he serve a long time, or is he constantly changed ?—We do have some difficulty in getting representatives to go so far away and spend so much time, and it is only as a result of personal persuasion that we are able to get people to go.

35. *The Chairman :* Just what I should have thought. I imagine a gentleman going so far away must for the time being be quite away from his business interests. Has Mr. Lamb been your representative for several sessions ?

Sir Hari Singh Gour : No, they keep on changing.

36. *The Chairman :* Mr. Dawn, you used to be a member of the Council of State ?—(*Mr. Dawn*) Yes.

37. Were you the member for the Burman European seat ?—No, I was the representative of the Burma Chamber of Commerce.

38. Is that honourable office usually contested ? Do you have a keen contest ?—No, it was not contested.

39. Has it ever been contested ?—I think not.

40. I expect the difficulty is to get gentlemen of your position to go so far ?—Yes, but being on the unemployed list I was available !

41. I think you come from Moulmein, Mr. Dawn ?—Yes. I should like to add that the discomforts and the difference in atmosphere, which is not quite agreeable to Europeans, must be much more unacceptable to the Burman representatives.

42. Yes, I can quite see that. Perhaps you would not mind telling me this. I do not say this with any desire to reflect on anybody, but as a matter of fact are the Burman representatives able to be in constant attendance, or does experience go to show that whatever the reasons may be (distance, I expect, and perhaps other things) though they are elected members they are not able to be in constant attendance in Delhi ?—My experience is there was only one Burman representative who constantly attended.

43. I have had the pleasure of reading fairly thoroughly some of the volumes of the Indian Hansard. I have read the debates and discussions and a great many interesting speeches, but I have not seen a great many speeches made in the Assembly by the representatives of Burma ?—Very rarely.

44. *The Chairman :* You might tell me this, gentlemen of the Provincial Committee. I have the impression that here in your provincial council a good deal of discussion takes place in Burmese : is not that so ?

U Aung Thin : That is so.

45. *The Chairman :* I think, Mr. Dawn, that, as you told us quite frankly, the Burma Association of Professional and Business Men was formed after the visit of the Statutory Commission was announced ?—Yes.

46. And was formed for the purpose of bringing before the Conference the views of your body ?—Yes.

47. Is there anything you would like to say yourself ? Would you like to state shortly your general view ?—I think our views are given in the Memorandum.

49. There are one or two things in your Memorandum, of course, which are a little critical of the working of the present system of government, and while I do not wish to delay on them I should like to call attention to them. I notice, first of all, that on page 363 of your Memorandum your body takes the view that it has not been very easy to work the Burma Rural Self-Government Act as it was intended. You say about the middle of the page : "after the "elections the local Government had to fill by "nomination five hundred and seventy-five vacancies "in the case of village tracts which had failed to elect "members ? "—Yes.

50. I gather your point of view is that as yet there has not developed in the countryside so keen an interest in local representative institutions that people will work the machine of election ?—That is so.

51. Then you call attention to these annual reviews, from which you give extracts on page 363 which certainly do not seem to be very good reading. Then we come to municipal administration ?—Yes.

52. *The Chairman :* I call attention to paragraph 24. I am interested in the constitution of the Corporation of Rangoon. This is correct, is not it, Mr. Rafi ?

Mr. Rafi : Yes.

53. *The Chairman :* "Its electorate has been "divided up on communal lines as is to some extent "the case with the legislative council. It has 10 "Burmese representatives, 5 European, 4 Mussulman, "4 Hindu and 2 Chinese, 4 representatives of public "bodies and 5 nominated by Government."

Mr. Campagnac : The European constituency includes Armenians, Jews, Parsees and Anglo-Indians as well ; they form one constituency.

54. *The Chairman :* Is this by some regulation issued under the Act by the department of Local Self-Government.

Mr. Campagnac : It is under the Corporation of Rangoon Act.

55. *The Chairman :* A special Act ?

Mr. Campagnac : Yes.

56. *The Chairman :* I see. Then there is a very

distressing statement on page 364. What is your authority, Mr. Dawn, for the statement there describing the way in which the election is conducted, or I should say misconducted? It is a strong description, you see, and one wants to know who vouches for it?—Dr. Murray, who has been chairman of the municipality will reply to that. (*Dr. Murray*) We have seen this for ourselves, and this statement, I may say, was seen by Mr. Gavin Scott, the Commissioner of the Corporation and one of the oldest officials in the country, and he considered it a fair account of what takes place at an election.

57. Is there as a rule a contest for the European seats?—Yes, there is always a close contest.

58. Taking your own case if you like, do you consider your constituents hold you to account and take an interest in the conduct of their representative in regard to the affairs of the Corporation?—Yes, I certainly think they do. There are a few, perhaps, in the constituency who do not take much interest but there is a very strong majority who take a keen interest in the contest, and also watch the work of their representatives.

59. Of course, it is an enormously important body. Then we come in your document to a number of suggestions. I gather from page 365 your view is you are not disposed to recommend a further lowering of the franchise at present?—(*Mr. Dawn*) That is so.

60. It is a striking thing that here in Burma the franchise as it stands admits to the vote a substantially larger proportion of citizens than it does in some parts of India, as far as I can see. That seems to be quite clear. Indeed, I think in paragraph 36 you take the view that the franchise is lower than it ought to be?—Yes.

61. You do not know, do you, of an instance in any country where the franchise has been raised from what it was before?—No, I have no experience.

62. Not in modern times, at any rate. I will not delay you on the subject of the criminal statistics. They are certainly very surprising. I see on the subject of the separation of Burma from India you and your friends associate yourselves with the view of the Burma Chamber of Commerce?—Yes, as regards the financial part of the plea.

63. I hope I have fairly summarised the outline of these two documents. Is there anything you gentlemen would like to add before others put questions?—We do not agree with part of Mr. Anderson's evidence, about corrupt practices in elections being confined to Rangoon. Moreover, we wish to say that though the document put up by our Association may appear rather severely critical, we are anything but anti-Burmese; I should like that to be quite clearly understood.

64. *Lord Burnham:* On page 361 of the Chamber of Commerce Memorandum the elimination of the official element from the provincial legislatures is deprecated?—(*Mr. Wroughton*) Yes.

65. Have you any special reasons to give or arguments to use about that?—Our main reason is that at present the representatives in the Legislative Council are not very wise in the matters with which they deal, and we find the official element instructive for us. We are all ignorant in regard to legislation and inclined to see it from our narrow point of view, and the official element really act as our schoolmasters; without them we should, rather, be wandering in the dark.

66. In your opinion, would it be difficult to get any Government Bill properly explained without the help of the official members?—Yes.

67. And in financial matters, do you think the official element is of some use?—(*Mr. Howison*) Absolutely necessary.

68. I see you regard "with dismay" the suggestion of the Associated Chambers that Law and Order and Police should be put in the hands of a minister responsible to the provincial legislature?—(*Mr. Wroughton*) Yes.

69. And you quote all these very unpleasant figures with regard to crime. I see the Association of Professional and Business Men in Burma, on page 365 of their Memorandum, state: "The Association considers it worthy of remark that the lives "of Europeans seem no longer safe from murderous "attack," and, therefore there is no part of the population here that is free. You do not think it would be a good thing, with the want of sympathy that is said to exist with the prosecution of crime, to have the machinery rendered ineffective by being put under the Legislative Council?—Yes, that is our view.

70. Crime does not tend to decrease in Burma?—At the present moment, I believe, it is slightly down, except for the national pastime of murder. Ordinary crime (dacoities and so on) is slightly down, but murder still remains as high as ever.

71. If Law and Order (as it is popularly called) were transferred to a minister responsible to some section of the Legislative Council, how do you think it would affect the morale and discipline of the Police?—I think it would operate very badly against the morale of the Police, because they would not feel assured of the support which they require.

72. *Mr. Hartshorn:* Can you tell us something more definite as to your reasons for this dismay which you say you feel about the transfer of Law and Order? The present position is evidently very unsatisfactory while Law and Order is a reserved subject. What are your real reasons for thinking that things would be worse if they were placed under a minister?—(*Mr. Wroughton*) Because in the previous sessions attacks on the Police in the Legislative Council seem to have been entirely irresponsible. They have just been blind attacks, apparently having no sound motive at the back of them. It has not been confined to pure criticism.

73. Do you think those irresponsible attacks, as you call them, have been directed to the police or to the Government? Do not you think the fact that the Legislative Council and the ministers are not responsible in itself tends towards irresponsibility on the part of the members of the Council, and do not you think that if a minister responsible to the Council were made responsible for these services, that would tend to develop responsibility among the members?—So far as we are aware unofficially, we believe that in this province Dyarchy has never been worked as Dyarchy, and that the ministers have been closely associated with the Governor and his councillors in reserved as well as transferred subjects; so that the administration of the Police and matters like that have had the most sympathetic direction.

74. Then, if that is the case, if it has been treated already as though it were a transferred subject, and the ministers and members have been jointly taking responsibility for it, what would be the difference if it were transferred?—Ministers then would be subjected to pressure from outside, in the Council.

75. Is that merely a theory, or have you any incident upon which that suspicion is based?—I cannot specify any definite incident; it is a result of experience of the Council, and a fairly long experience of the country—up-country.

76. *The Chairman:* Have you served on the Council yourself?—Yes, I have served on the Council.

77. Are you a member now?—I resigned two days ago.

80. *Major Attlee:* You say that the prevalence of crime is notorious even under the present régime. and that there is little indication of improvement, Burma has always been fairly criminal, has it not?—It always has been pretty bad, but I think it has been worse in the post-war period.

81. I gather, though, that you are rather good in certain ways. You have a very low record of riot, for instance, as compared with other provinces.

Your crime seems to be more retail than wholesale. The point I want to put to you is, do you really think that this trouble of crime in this province is going to be cured by police methods?—No, it will only be cured by education,

82. You want to have some quite different force from the mere repression of the police force to better the crime conditions?—You must have an adequate police force to keep the country quiet while you are educating them.

83. Quite; but even so, you have not got very far, have you, even with the Police force?—No.

84. Can you suggest anything at all to account for the present position of crime in this province, or any way in which it might be bettered, as you have had a long experience in the country?—No, I do not think so.

85. *The Chairman:* One has been told, and I want to know what you think, that the Burman is an impetuous person, and that it happens that he carries about with him an instrument which is capable, in moments of impetuosity, of doing a good deal of harm. Has that got anything to do with it?—It is his temperament, not the fact that he carries a knife.

86. *Major Attlee:* It has been suggested to me that a good deal of crime is due to boredom in the off-season?—I think a good deal of crime is due to the fact that the Police at the present time, for one reason or another, are not very successful in combating crime, and that if a "bad hat" can escape with impunity, he is an extraordinarily bad example to the others, and that the young are rather fascinated with the idea of being what is known as a *lu-zo*, a leader of the bad men. There is a good deal of sentiment about it, I think, and a good deal of conceit.

87. *Colonel Lane-Fox:* With regard to the line taken by the Chambers of Commerce in India about the transfer of the police, of course you realise that in the evidence given to us the opinions of the Chambers of Commerce have shown considerable divergences?—Yes.

88. But surely in this matter the Indian problem is an entirely different one from yours, because you have no communal question. Is not the difficulty in India the fear that as between one community and another the police will be administered unfairly, by a Hindu minister as against the Muhammadans, or *vice versa?* That trouble does not occur with you, does it?—No.

89. What you have to deal with is ordinary crime?—Yes.

90. Is there any reason why a Burman minister should not be just as anxious to stamp out crime as a European? There is no question of communal bias; it is the ordinary question of stamping out crime. A good Burman is just as anxious to stop crime as a good European?—Yes, he should be, but he is subject to much more pressure than the European would be.

91. But why should there be pressure? I quite understand there being pressure if there is a communal question, the pressure of the minister's relations and the party, and so on, but there is no party in your case that would bring pressure on a minister to encourage crime, is there? Can you explain what you mean by pressure?—I would say the difficulty lies in the fact that there is not sufficient public spirit outside against crime, and in a district the criminal in many cases is thought to be rather a hero.

92. But you do not suggest here that any particular party or group would bring pressure on a minister to encourage terrorism?—No, but the feeling, almost akin to sympathy, in favour of a criminal would make it very difficult for ministers to introduce severe measures against criminals.

93. Do you suggest that the law is not stringent enough now? The law is now being administered by a Burman member. Do you suggest that if he became a minister his position would be any different in that respect?—The law at present is being administered by the Governor in Council.

94. But if the member responsible became a minister, do you think it would be more difficult for him to carry out his duties?—I think it would.

95. Might I ask Mr. Dawn what his view would be on this point? Your position, Mr. Dawn, in Burma seems to me quite different from the Indian position. The Indian position as regards transfer of the police administration is the difficulty of securing fair play as between the two main communities which cause the principal trouble in India at this moment. That does not occur in Burma. Therefore, what is the great difficulty of transferring the administration of police to a minister in Burma?—(*Mr. Dawn*) May I ask Mr. Darwood to reply to that? He is much more *au fait* with the subject than I am. (*Mr. Darwood*) I think there would be a great deal of distrust if the administration of the police were transferred to a minister. The Burmans—my friends on the left will excuse me saying so—are a very large-hearted race, and also they are very charitable. If a police officer gets into any trouble he goes to somebody to whom he is subordinate, and that officer goes to somebody in a higher position, and eventually some kind of appeal is made to the minister, who is apt, I think, rather to slur over any difficulties. That is why, I think, so far as the European community is concerned, they are rather distrustful of transferring the police to a minister.

96. But that sort of influence would equally affect the present member. That is a human question. I was asking what the political pressure was that was suggested.—I do not know about the political pressure.

97. Why would the position of a minister be more difficult than that of a member?—That I am unable to answer.

98. That is the point of difference, is it not? In the one case a man is liable to political pressure from his party, or members in the council; in the other case he is not?—(*Mr. Paget*) May I answer that question? We have pointed out in our Memorandum that under the present system a minister is often a man of very little experience; he is a man who would naturally be more susceptible to pressure than a member appointed by the Governor. In the long run, of course, both are appointed by the Governor, but the member is naturally a man of much higher qualifications for office than a minister who has to be chosen from among the members of the present Legislative Council; and, as we say in our Memorandum, in practice from a particular class or group of members.

99. It does not require much experience to hang a man for murder, does it?—No, I do not think that is the point. We feel, from our experience of the country, that there is too much outside influence at work in cases where a criminal, for example, has friends. There is great danger that outside influence may be brought to work.

100. That, of course, equally applies to the member, does it not?—I think a member may be reasonably expected to be above such considerations.

101. *Mr. Hartshorn:* But is not the present member drawn from the ministers? Was not he formerly a minister?—In this case, but that is not necessarily so.

Mr. Hartshorn: Not necessarily so, I agree.

102. *Colonel Lane-Fox:* I want to ask one question about the statement which is made in the Memorandum of the Business Men about the Rangoon elections. I think Mr. Dawn or somebody said he did not agree that the description you have given about the elections in Rangoon is not typical of other parts of Burma. The question is, how far would you consider that this description really applies to elections throughout Burma, municipal or other?—(*Mr. Dawn*) Throughout the country.

103. You think they are all as bad as this?—More or less, I think, approximately.

104. *Lord Strathcona:* May I ask Mr. Dawn a question first of all. Would you or any member of your Association be able to give us an opinion as to whether the jury system is, in your opinion, working satisfactorily in this country?—(*Mr. Darwood*) If I may be allowed to speak on that subject, I should say that the jury system is not a satisfactory system.

105. I asked that question because you give, in your Business Men's document on page 366 a list of reasons why, apparently, criminals escaped conviction, particularly in murder cases; but you do not mention the jury system. I wondered whether that was one of the reasons why occasionally criminals get off?—Well, there is very little of the jury system in Burma itself, apart from Rangoon and Moulmein. The trials of criminals are by magistrates.

106. It has been suggested to me privately that the Burman on a jury is rather too kind-hearted?—I imagine that is so.

107. Would that be your opinion?—(*Mr. Darwood*) The Burman is notoriously averse to sentencing a man to death. We have in this country a system by which assessors sit with the sessions judges, and I should think in ninety per cent. of the cases in which the sessions judge convicts a person the assessors would acquit him.

108. *The Chairman:* You have acted as a district and sessions judge?—Yes.

109. So you speak with some knowledge of your own court?—Yes.

110. I am not clear how far there is actually any jury system. Take the ordinary case of a Burman who commits what is alleged to be a murder. Is he tried with the assistance of anybody?—All over Burma, except in Rangoon and Moulmein, he is tried with the assistance of assessors.

111. If I understand it rightly, though the presiding judge attends to what the assessors say (I think their view is stated publicly), he forms his own view according to what he thinks is right, after hearing their view?—Yes.

112. If you think a man should be convicted, the fact that your two assessors suggest he should be acquitted does not lessen your jurisdiction to convict him?—It does not.

113. *Lord Strathcona:* On the other hand, in cases where there is a jury it is a fact, is not it, that it is rather hard to get a conviction?—I have found it very difficult on occasions in cases which I had every reason to believe were perfectly true cases.

114. Do you and your body, Mr. Wroughton, more or less agree with that opinion? Is that your experience?—(*Mr. Wroughton*) We have really no experience. (*Mr. Howison*) In Rangoon we have mixed juries on which there is generally a preponderance of Europeans.

115. *Mr. Cadogan:* I should like to ask a question on section 27 of the Memorandum of the Burma Chamber of Commerce. You say: "Whatever "constitution may be introduced for India and "Burma or for a separated Burma, this Chamber "is unanimous with the Associated Chambers of "Commerce of India and Ceylon in insisting that it "must provide for a strong Central Government." We have had sentences of a similar character in a great number of Memoranda. I do not know whether you would be prepared to develop that expression and say what you mean by a strong Central Government? Do you suggest any alteration in the structure of the Central Legislature, or what do you mean by that phrase?—(*Mr. Wroughton*): We have formed no definite ideas that we are prepared to put forward.

116. Do you consider the present Central Government sufficiently strong for your purpose?—We are not satisfied with it, if that is what you mean, but exactly why we are dissatisfied we do not quite know.

The Chairman: That is a perfectly straighforward answer and a very reasonable point of view.

117. *Mr. Cadogan:* At the end of the other Memorandum the Association of Professional and Business Men say: "A healthy educated public "opinion must be cultivated and the people taught "to realise the privileges and obligations of citizen-"ship." I am reading that in conjunction with section 36, to which the Chairman has referred, and which says: "The view of this Association is that "the existing electoral qualifications are ridiculously "low." Would not you agree the most effective method of teaching these responsibilities and quickening the interest of the public in provincial politics is the franchise, or is it your point that they are not sufficiently educated for the existing electoral qualifications?—(*Mr. Dawn*) That is so.

118. That is the point? You think swimming should be taught on the bank?—(*Mr. Foucar*) Not entirely. You will see we say that the education should start in the villages; we do not want to work from the top downwards. It is useless giving votes to people who do not understand for what they are voting.

119. There is one other subsidiary point on which I should like more information. On page 365, you say: "in the Burmese constituencies we have similar mass voting or abstention from voting "carried out at the instigation of *hpongyis* whose "influence upon the ignorant classes cannot be "over-estimated." We had evidence a day or two ago to the effect that it was only one small section of *hpongyis* who influenced the political life of the province, and in the case of the great majority they abided by the rules of their order, which forbade them to take part in politics. Is it only a small section?—It is, of course, contrary to their religious rules, and it may be only a small section as compared with the whole body of *hpongyis*, but it is an important section which has considerable influence

120. *U Aung Thin:* The European community in Burma may be said to have monopolised all the big business?—(*Mr. Wroughton*) No.

121. Am I wrong?—Yes.

122. I put it to you that as regards rice, timber, and minerals the European community have something like a monopoly?—Not in rice; in timber and minerals, yes; but not a monopoly.

123. When I say "monopoly" I mean your hold on the business is more than half?—It is in minerals and in teak, but not in other timbers nor in rice.

124. Not in rice?—No.

125. What proportion do you hold in rice?—In 1928 I believe about 25 per cent. of the exportable surplus of the paddy crop was milled by European rice millers.

126. Is that the largest proportion, or the minimum?—That is the approximate amount: roughly one quarter of the exported paddy crop was milled by European firms in 1928.

127. But you admit in teak and minerals you have a monopoly?—Not a monopoly; the largest holding is with Europeans.

128. So your interest in business is very great indeed?—Yes.

129. *U Aung Thin:* And you would naturally like to proceed more slowly than the people of Burma wish to in the matter of constitutional advance?

The Chairman: Why?

The Witness: I do not agree with that. We do not at present know exactly what advance the responsible members of the people of Burma want.

130. *U Aung Thin:* I understand from your answers to previous questions you want to move slowly. Take the case of Law and Order; although Law and Order is at present under the control of a Burman member you wish to move cautiously; you would not transfer it and trust it to the control of a Burman minister?—So far as Law and Order is concerned we would move with great caution.

131. I put it to you that your fear is actuated by a desire to safeguard your own interests?—No, distinctly not. The business community cannot

do good business in the province unless the province is happy, prosperous and quiet, and that is as far as our interest in politics goes—that the province should be peacefully and quietly governed.

132. *U Ba U :* You said the growth of crime in Burma was not due to economic causes : is that your belief ?—Yes.

133. Have you ever been in the villages of Upper Burma ?—I was twenty years up there.

134. Perhaps you have visited about a dozen villages in Upper Burma ?—Hundreds.

135. After the villagers have finished ploughing and harvesting the paddy, have they any subsidiary industry in the villages ?—In very, very few places.

136. It is very rare ?—It is rare, yes.

137. To combat successfully the growth of crime in Burma, you are anxious to give more education to the people ?—Yes.

138. Do you mean people should have more primary and secondary education to prevent them from committing crime ?—I do not suggest any definite form of education, but education in the widest sense. I am not prepared to specify the different forms it should take.

139. You say the Burma Legislative Council is in the habit of attacking the police organisation very much ?—Yes.

140. Do you remember the attack was so great that His Excellency had to restore a certain sum of money? —Yes.

Mr. Campagnac : 10 lakhs.

141. *U Ba U :* After that there came the police reorganisation ; do you remember that ?—Yes.

142. The Legislative Council attacked the police, and they succeeded in reorganising the police. After the reorganisation period have the attacks still gone on ?—My own personal view (not having discussed it with the chairman) is that the term " reorganisation of the police " is hardly correct. After the report of the Retrenchment Committee the police were reduced ; a great number of police posts in the country were abolished, to the detriment of Law and Order.

143. The pay of the personnel was raised ?—But their numbers were lowered.

144. Their morale was improved ?—I am not prepared to say yes or no to that.

145. At present is the Police department under a Burman member ?—It is under the Governor in Council. It is directly under a Burman member, yes.

146. You want to get back the Burman revenue from India so that Burma may spend that revenue on education ?—On the general development of the country.

147. Would you rather this money were spent on making roads, or equally on education also ?— Generally. We are not prepared to specify definitely where we want the money spent, but we want more money spent.

148. Mr. Dawn, you say on page 362 of your Memorandum that representative government is alien to the Burmese tradition ?—(*Mr. Dawn*) Yes.

149. Have you been in Burma for a long time ? —Yes.

150. Were you in Burma when King Thebaw was in Mandalay ?—I was in Burma before the annexation, yes.

151. Did you get any news from Mandalay that during King Thebaw's time his Government was reformed ?—No, I never had any news of that sort.

U Ba U : There were reforms in Mandalay ; the King had to become a constitutional head.

Lord Burnham : Was that before the massacre there ?

152. *U Ba U :* After that. Mr. Dawn, you say on page 364 that frauds are very rife at elections, and that coolies vote under names which are not their own. According to my experience, I have my agent there and my agent can ask a man what his name is, and if the coolie says his name is so-and-so, and his name is not on the ticket, he would be found out. Have you had any such instance in Rangoon ? —Personally I know nothing about election methods in Rangoon ; I live in Moulmein ; but Dr. Murray can answer your question. (*Dr. Murray*) These practices do occur ; they occurred in Rangoon in November last, when the elections took place. Coolies went in and handed in their cards under any name at all, their own names being altogether different. They were given the right to vote and they went inside and voted. They could not read what was written on the card ; they were simply told to cut the first and third names out and leave the others on. They knew nothing else about it. That was with regard to municipal elections. For the council elections they were given a token which they put in the box. We are told some of them did not put it in the box, but took it outside and gave it back to the person who sent them in, and then when several of the tokens had been collected an intelligent person was sent in and put them into the correct box. Even worse things are said.

The Chairman : I think it would be well to invite Mr. Harper, the Collector of Rangoon, to come into the room.

153. *U Ba U :* You have all along been saying that people have not learnt the practice of responsible government sufficiently, and you have said that the granting of any reforms that have been granted has been premature ?—(*Mr. Dawn*) Yes.

154. Do you believe that the people of any country will learn the practice of responsible government without giving them any reforms ?—They have got to start at the bottom.

155. You say on page 364 that the villagers have no idea of an election. Have you been to a village during the time of a village headman's election ?—No.

U Ba U : They are very brisk and very keen.

156. *The Chairman :* I may perhaps tell you, U Ba U, that yesterday I was one of a party that went to a village not far from here, and we had a meeting of the village headman, and I inquired particularly on the point which you mention. I wanted to know how the headman was chosen, and I was told he was chosen by election, though there was a strong general tradition that as far as possible the headmanship should be kept in the family. That is right, is it not ?—(*U Ba U*) : Yes.

The Chairman : I asked how the election took place, and I was very much interested to learn that it took place not by a show of hands, but by ballot ; and the gentleman who took me, who was the Collector, told me that his experience was that the ballot was exceedingly well worked, and that there were more candidates than one, very often, and that every man who came up had to show why he had the right to vote ; and his own view, undoubtedly, was that the election of the headman was worked on very reasonable lines ; and that confirms what you say, so far as it goes. That was certainly the general effect of what I was told ; and I saw the other headmen and various people who described what happened.

157. *U Ba U :* With regard to the personnel of the Burma Legislative Council, you say on page 365 that generally the junior pleaders get into the council. Do you know how many pleaders are members of the Legislative Council ?—No, I do not.

The Chairman : We were given some figures, I remember.

158. *U Ba U :* Is any present minister a junior pleader of poor practice ?—I would rather be excused from answering that question.

159. *U Ba U :* Do you know that every minister appointed has been a barrister-at-law, except one, who was a doctor ?

The Chairman : That is so, is it ?

U Ba U : Yes.

160. *The Chairman :* We quite accept that. I was just looking at this official book to see if I could get a little light on one of the points you made,

Would you mind helping me? You pointed out to the witness that, as you thought the Legislative Council here had really, by its criticism of the police, led to an improvement in the service, and I was looking at the book (Vol XI, pp. 211–2), and I see there a motion for retrenchment, for less to be spent on the police, and thereupon there was appointed a Burma Retrenchment Committee, and there was also a Crime Inquiry Committee, and eventually a thing called the Police Inquiry Committee, which seems to have made a report in 1924. I gather that it recommended that the police force should be reduced, that the number of police stations should be reduced, and also a number of the force, that a number of outposts should be abolished, and that the pay should be raised. That was the general scheme of it, and there seems to have been a substantial reduction, of nearly 2,000 head constables, and the substitution of a smaller number of higher-paid and more efficient officers.

U Ba U: Yes.

161. *The Chairman:* That is what you are on?

U Ba U: Yes.

162. *The Chairman:* "This reorganisation may be "ascribed partly to the action of the Council in "reducing the Budget, and in part to the recom-"mendations of the Police Enquiry Committee." It goes on to say (page 212 of Vol XI), "It was "followed in 1925 and 1926 by a serious rise in the "number of dacoities and robberies, to cope with "which the strength of the force had to be increased." Would you mind telling me this. The force was increased again. Did the Legislative Council object to the increase, or did they vote it?

U Ba U: They voted it.

163. *Mr. Rafi:* In order further to emphasise the point made by the Chairman, namely, the difficulty of arriving at a correct understanding of the financial relation between the Provincial Government and the Government of India, may I draw your attention to the difference between the two sets of accounts prepared by the Burma Government for 1923-24. In paragraph 24 of your Memorandum you show that the Indian Government was the gainer to the extent of seven crores. Is that right?—(*Mr. Wroughton*): That sum of seven crores was not spent in Burma.

Mr. Rafi: Yes, that the Indian Government was a gainer to that extent.

The Chairman: I think the witness's answer is slightly more accurate than the way you put it. It is quite accurate to say it was not spent in Burma, specifically, but, of course, the witness is protecting himself against being supposed not to recognise that the Central Government does do things for Burma; for instance, pays for the army. So it is not necessarily pure gain, you see.

Mr. Rafi: Then it was not spent on Burma, the witness says.

164. *The Chairman:* I thought his language was "spent in Burma."—The seven crores was spent out of Burma.

165. *Mr. Rafi:* Then if it was spent out of Burma, Burma stood to lose seven crores?—No.

166. *The Chairman:* Do you think so? If you paid for the whole of the army used in Burma elsewhere, do you think Burma would get nothing for it?—No; the distinction is quite plain, is it not?

Mr. Rafi: According to this statement—I am speaking subject to correction—nine crores went out of Burma, and the expenditure was 2.75 crores. That is the statement in the memorandum. The revenue for the year 1923-24 was 9.75 crores, and the expenditure for the same year was 2.75 crores. So I deducted that 2.75 from the 9.75, and got 7 crores to the credit of the Government of India.

The Chairman: Yes, I see, Mr. Rafi. I think what you were saying was right. You see, the phrase is not merely "spent in Burma"; it is "spent in and on behalf of Burma," and so put, I think your calculation is logically right.

167. *Lord Strathcona:* Does not the next sentence qualify that rather?

Mr. Rafi: Yes, I was coming to that. I was merely interested in drawing the attention of these gentlemen to this fact, that while the witness points out that the Government of India had seven crores to its credit, the Government of Burma for that same year prepared a statement of account showing that there was 20 lakhs 52 thousand deficit. Mr. Layton has seen this. There is no compound interest about this; the compound interest would be in this third column. This is irrespective of the compound interest.

168. Has your attention been drawn to that?—(*Mr. Wroughton*) The Government of India declined to be drawn on these figures, and I really feel disposed to say the same myself.

169. On which figures?—These figures, the 9.75 and the 2.75 crores. We brought this in as the general position of affairs.

170 *Mr. Rafi:* I wanted to draw your attention to the fact that there is another set of accounts prepared by the Burma Government saying that the Government of India, far from making a gain, were losing to the extent of 20 lakhs of rupees, just to show you how difficult it is to come to a correct understanding of the financial position as between Burma and India.

Mr. Campagnac: If I may be permitted to say so, that statement was not prepared by the Government of Burma, but by the Accountant-General, and the figures were not accepted by the Burma Government.

The Witness: Those figures have never come to our notice, have they?

Mr. Rafi: I do not know if Mr. Campagnac is in the confidence of the Government of Burma, but I see a statement here, "Printed by the Government of Burma."

The Chairman: We need not have a controversy about it. I think the source of the document is the Government of India, and the fact that the printing press of the Government of Burma has printed some copies would not prove the contrary.

Mr. Rafi: "Authorised by the Government of "Burma."

The Chairman: That would not prove the contrary.

171. *Mr. Rafi:* Will you please refer to page 359 of your Memorandum: "There is a strong feeling "that India derives from Burma a greater revenue "than the services rendered to the province "warrant." Do you know that the financial relations between Burma and the Government of India are governed by the Meston Settlement?—I believe so, yes. They are greatly affected by it, anyway.

172. And that the question of services rendered by the Government of India to Burma does not arise so long as the Meston Settlement is in force?—Our complaint is that we get rather bad treatment under the Meston Settlement. We think at the moment that our settlement under the Meston Settlement is inequitable to Burma.

173. You want a readjustment more favourable to Burma, do you not?—Yes.

174. I mean a readjustment of her financial relations with India?—We want a greater share of Burma revenues spent in Burma.

175. Do you mean you would like to have a revision of the Meston Settlement or fiscal autonomy? Please refer to Paragraph 10.—As we said in our Memorandum, until we know how we stand financially *vis-à-vis* the Central Government, we are not prepared to say that we should be satisfied with a revision of the Meston award.

176. Or whether it is fiscal autonomy you want? That is so.

177. In paragraph 22 you say there is a dearth of able politicians amongst the Burman and other indigenous elements of the population?—Yes.

178. But do not you think that that is rather an obstacle in the way of separation ?—We have never come down on pro-separation or anti-separation so far.

179. I beg your pardon ?—We have never said that we were in favour of a separation, so far, or that we were opposed to it.

180. I have noticed that, but I am just putting to you this question as a matter of common interest. Do not you think that is rather a point against separation ?—I do not know what the politicians in the other provinces are like.

181. You say in paragraph 27 (page 361) : " Yet another form of discrimination which has been " attempted is the restriction of employment in " Government service to Burman Buddhists ? "—Yes.

182. Do you mean that while there is no legal bar to the employment of other than Burman Buddhists as a matter of fact, discrimination is made ?—... was at one time ; I do not know whether it is still. I think Government brought in some regulations about it.

183. Then this sentence here is not intended to cover present conditions : is that what it comes to ?—I think it is a fairly fair statement.

184. It is a fairly fair statement which perhaps covers present-day conditions ?—It might.

185. *Sir Hari Singh Gour :* What is the present position, Mr. Rafi ? You can inform the Conference.

Mr. Rafi : The answer is implied in the question I put : there is no legal bar, but as a matter of fact there is discrimination.

The Chairman : To a previous question put by you the witness made an answer which was amusing, but I do not think it quite met your question, Mr. Rafi. Perhaps I may refer you to page 360 of the document, where he undoubtedly does draw a distinction between the material for political administration in Burma and the material for political administration in India : " the standard of advanced education " among the Burman population is lower than that " in India, and there are few, if any, Burmans " qualified to hold the high Government posts " which, in India, are filled with some degree of " distinction by highly educated Indians."

186. *Mr. Rafi :* Yes. I will now turn my attention to the Association of Business Men. In your Memorandum you refer to certain irregularities by district councils ?—(*Mr. Dawn*) Yes.

187. Do you know the Montford report contemplated that local bodies should learn by their mistakes ?—It is quite likely ; I do not know.

188. Do not you think if the District Councils Act had defined the powers and functions of circle boards, instead of leaving it to the District Councils to delegate those powers and functions, the circle boards would have functioned more usefully, in view of the fact that they were being given a new system to work under ?—Probably.

189. In paragraph 16, page 363, you refer to the large number of vacancies which had to be filled by nomination ?—Yes.

190. Are you aware that the creation of District Councils synchronised with the introduction of Dyarchy ?—Yes.

191. And that these District Councils were boycotted as being Dyarchic Councils ?—No.

192. You are not aware of that ? With regard to paragraph 17 of your Memorandum, do you know on what principle the working of local bodies is classified as satisfactory or otherwise ?—It is laid down on a specified plan.

193. *Mr. Rafi :* Will you give the reference ? I should like to draw the attention of the Conference to that.

The Chairman : Will you summarise it for us, Mr. Rafi ? We know you will do it most fairly.

Mr. Rafi : The reference is the annual report of the Local Fund Audit Department in Burma, page 3 : " Satisfactory. If there are only a few " very minor objections in procedure which do not " affect the finances. Fairly satisfactory : Where " there are a larger, though not large, number of " minor objections, but those only technical and not " wilful. Not satisfactory : Where there are more " serious technical objections but still no financial " irregularities. Unsatisfactory : Where the number of objections is large or previous audit-notes " have not been properly attended to, and or where " financial irregularities exist, e.g., double payments " without dishonest intentions. Very unsatisfactory : " Where serious financial irregularities, including " misappropriations, embezzlements, forgeries are " found."

The Chairman : Thank you very much ; that is what I wanted to know. That shows one may well neglect the higher categories, because, especially with want of experience, it is almost inevitable there will be technical mistakes ; but you will agree with me that if the " very unsatisfactory " cases were well founded that is a much graver matter.

194. *Mr. Rafi :* It would be, sir. (To witness) You have referred to embezzlements committed by officers of local bodies. I take it you are aware of instances where there have been embezzlements in some cases in large Government offices ?—I cannot recall any at the moment, but no doubt they have happened.

195. Are you aware that District Councils are suffering from a chronic lack of money, and therefore are not in a position to carry on sanitary projects ?—They have powers, I understand, for raising money.

196. Yes, but you know for a long time Government had a special officer deputed to go into the question of finances with a view to ascertaining how much could be contributed by the local Government with a view to relieving the situation ?—I was not aware of it.

197. Are you aware that the present state of their finances does not permit of their engaging an adequate staff, competent to cope with such situations as may arise within their respective jurisdictions ?—I was not aware of it.

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198. *Mr. Rafi :* You say in your Memorandum that crowds of coolie voters surround the polling stations and prevent respectable voters from gaining access ?—Yes.

199. Is the intention to convey that that is deliberately done, or is it the inevitable result of large crowds turning out to vote ?—(*Mr. Darwood*) The way it is done might give the impression it is deliberate, but it is difficult to know what was in the minds of those who did it.

200. Is not the appearance of a large crowd at a polling station indicative of good organisation ? —Of much organisation, yes ; I will not say good !

201. You complain there has been personation on a large scale ?—Yes.

202. At all the booths except your own ?—I did not say that, but very little if any took place at the European booth.

203. Do not you think it extraordinary that not a single case of personation should be brought to light if it took place on a large scale ?—It was very largely spoken of. That no case was brought to the courts was simply due to the fact that the candidates, having spent a good deal of money on the election, were not prepared to spend a great deal more in contesting a case. These cases, I learn, are exceedingly expensive, even when it is a barrister who contests one !

204. Where did you get that idea from—that it is the cost of bringing these personations to light which has prevented people filing election petitions ? —I have had two candidates in my room consulting me with regard to the matter. One was a successful candidate and the other an unsuccessful one. When it became apparent what the cost would be they said it was not worth it.

205. *Mr. Rafi*: What do you think the cost would be?

The Chairman: Does that matter? The last answer shows the witness had at least some ground for his answer. If it is anything like it is in England, I will say at once I believe election petitions are very expensive matters.

Mr. Rafi: It is not so here.

206. *The Chairman*: What is it here?

Mr. Rafi: I should say at the outside Rs500.

The Witness (Dr. Murray): If it is multiplied ten times that will give the correct impression. Rs3,500 would be a moderate guess of the cost.

The Chairman: The main thing is to get a fair impression of how matters really stand. We do not want to go into great detail. One reason—I do not know whether it is a just reason or not—why people were not willing to bring these matters into investigation might be this. There are more sides than one, and more than one might be engaged in the same sort of practice. I do not know whether it is true or not. I am making no reflections. Mr. Harper had charge of some elections, and I do not know whether Mr. Rafi would like to ask Mr. Harper what his own impression is or whether he would like to continue with more detailed questions to the deputation.

207 *Mr. Rafi*: I must get to the bottom of the cost of this litigation. Witnesses make statements which require to be tested a bit. I suppose the expensiveness of litigation would be probably due to the fee that a person would have to pay to a lawyer? —(*Dr. Murray*): Very possibly.

208. That would be the main item of expenditure? —I think so. I do not know.

209. Of course you are not in a position to say what the fees of a lawyer generally are in a case like this?—I have heard that it is always spoken of in four figures. I understand that there are barristers present here, members of my deputation, who have been engaged in these cases.

210. *The Chairman*: I personally have never been engaged in election cases and never had any other part in them, but I always understood that sometimes they last a long time and usually a large number of witnesses are called?—(*Mr. Paget*): That is so, sir.

Mr. Rafi: Witnesses are not paid very heavily here as they are in England.

The Chairman: The main thing is really what is a fair description of facts.

211. *Mr. Rafi*: Do you know of any election petitions by any defeated candidates on the score that there was personation in regard to the municipal elections in the city of Rangoon?—(*Dr. Murray*) Yes.

212. How many?—I could not tell you straight off.

213. How many cases were there on the score of personation?—I must think before I can reply. I cannot tell you straight off.

214. On page 364 you say: "In the Muhammadan "community the same tactics are employed as in "the Hindu and it is not too much to say that there "are two large employers of labour who can return "any candidate who secures their good offices." I do not want to ask you the names of those two employers of labour for obvious reasons, but do you know that these two employers of labour threw their weight on the side of a Mussulman candidate, who was defeated in the elections in November?—They reversed the election when they threw their weight. The rejected candidate at the legislative council election was elected at the municipal election as the result of those persons throwing in their weight on his behalf.

215. I was referring to these two employers of labour throwing in their weight on his side in the Legislative Council election, and yet the Mussulman candidate was defeated. He did not secure a seat? —Those who were elected were also Mussulmans, I think. A Moslem may have been defeated, but those who were accepted were Mussulmans.

216. I merely want to draw your attention to the fact of a Mussalman candidate having been defeated. —By two other Mussulmans.

217. No, by a Parsee; and I want to point out that that happened in spite of the fact that these two employers of labour about whom you have spoken had thrown their weight on his side.—That is not quite correct.

218. What is not quite correct?—It is very difficult for me to explain that without mentioning names. If I could mention names I could make it perfectly clear.

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233. * * * Is there any one amongst you besides Mr. Dawn who has got experience of district municipal administration?—(*Mr. Dawn*) No, not in the deputation, but in the Association there are.

234. Mr. Dawn, I think you were a member of the Moulmein municipality until recently?—Yes.

235. Did your experience of the working of that municipality lead you to think that district municipalities are being worked inefficiently?—You will notice from paragraph 28, page 364 (Memorandum of the Association of Professional and Business Men in Burma) that efficiency was conspicuous by its absence.

236. One word about crime. Do you not think that the principal causes of the extensive crime prevalent in this country are drink and gambling? —(*Mr. Darwood*) I do not think so.

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238. *Mr. Campagnac*: Mr. Darwood, I would like to address these remarks to you. You have been a barrister practising in Moulmein for a number of years?—Yes.

239. And you have been a sessions judge in Moulmein for a number of years?—Yes.

240. And you have officiated on more than one occasion as a judge of the High Court?—Yes.

241. We have heard a great deal about murders here?—Yes.

242. Would I be right in assuming that so far as the Burmese are concerned, the murders committed by them are very rarely premeditated?—It is a difficult question to answer. That depends upon what you describe as premeditation. I quite admit that over fifty per cent. of the cases are committed on the spur of the moment.

243. Due to sudden heat and passion?—Quite right, and to the fact that the Burmese are always carrying a knife about them.

244. And a number of these murders are committed at *Pwes*?—Quite a number of them are.

245. And when a man is under the influence of liquor?—Sometimes.

246. So far as your experience goes, has capital punishment been any deterrent at all in this province so far as the Burmese are concerned?—I should not think so.

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248. *Mr. Campagnac*: You told us that there have been attacks made on the Police by the Burma Legislative Council?—(*Mr. Wroughton*) Yes.

249. As far as you are aware, there have been no particular attacks made against the European and Anglo-Indian Police?—I was speaking of attacks against the Police as a whole, not particularly against either the Indians or the Burmese or the Europeans or the Anglo-Indians—just the general and rather irresponsible attacks against the Police as a whole.

250. The attacks have been based on the fact that every year expenditure was increased on the Police, while there was no reduction in crime; and the attitude taken up by the Legislative Council was this: "Why should we go on spending more money "on the Police Department when they could produce "no results?" That was the argument of the Opposition; was that not so?—I do not think that the argument was quite as large as that. I do not quite recollect the argument.

4 *February*, 1929.] BURMA CHAMBER OF COMMERCE AND BURMA ASSOCIATION OF PROFESSIONAL AND BUSINESS MEN. [*Continued.*

251. When you were asked whether you would transfer Law and Order to a Minister, you said something about pressure ; is this what you intended, namely, that political pressure might be put upon a minister to employ people in the Police who were unsuitable ? Is it not your experience that a minister is expected to give employment to people who have supported him at elections and things of that sort ?—I do not think I can say anything which really will carry you any distance in regard to that.

252. We have heard a great deal about people being very large-hearted and generous and in that way encouraging crime. But is it not a fact that during the last few years Government has offered rewards to people who assisted the people in frustrating dacoities ?—Yes.

253. And has not that resulted in a large number of dacoities being frustrated ? Have not the people responded to that ?—You gather that from the newspapers ?

254. I gather that from reports ?—Yes.

255. At page 361 (paragraph 27) of your Memorandum you say that there has been an attempt to restrict Government appointments to Burman Buddhists. Is that based on your experience ?—It is my personal experience ; I should say it was.

256. At present a person who seeks employment under Government has first to pass an examination, and after passing the examination he has to come before a Selection Board ?—Yes.

257. And so far as your experience goes, the Selection Board has been partial to Burman Buddhists ?—I will not say the Selection Board as a whole. I have once served on the Board and I have gathered that impression.

258. When a candidate appears before this Selection Board the first thing that the Board attempts to do is to ascertain whether he is a Burman or one domiciled in this country. Was that your experience on the Selection Board ?—My recollection is not good enough to say what exactly it was.

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260. *Mr. Campagnac :* * * * (To the witness) : Then you were asked about the tariff duty on steel. You were asked whether the tariff duty operated unfavourably for Burma. Is it a fact that this tariff duty was imposed with a view to protect Tata's ?—It is common knowledge.

261. Is any steel imported from India into Burma ? —I am not absolutely certain of the fact, but I think it is a very, very small proportion indeed.

262. Then you were also asked about hides. Was this industry chiefly in the hands of the Germans before the war ?—To a certain extent.

263. Your hides being inferior to Indian hides, it is very difficult for you to compete against hides from India ?—Yes.

264. So that you have to compete against hides from India and Europe ?—Yes.

Afternoon.

(RAO BAHADUR RAJAH AND MR. KIKABHAI PREMCHAND WERE ABSENT.)

Deputation from the Burma Chamber of Commerce jointly with the Deputation from the Burma Association of Professional and Business Men —CONTINUED.

(THE DEPUTATION CONSISTED OF THE GENTLEMEN PRESENT IN THE FORENOON).

1. *U Ba Shin :* Mr. Wroughton, may I know for what period you have been in Burma ?—(*Mr. Wroughton*) : 28 years.

2. Of course I can fairly expect from you a reply with regard to the present day cry of the separation of Burma from India ?—So far as I know, there is no unanimity amongst Burmans on that point. One section of Burmans is opposed to the separation, while another section appears to be in favour of separation.

3. Those who are in favour of separation are over 80 per cent. approximately, is it not ?—I cannot say.

4. *The Chairman :* There is a difference of view, you think, amongst Burmans themselves ?—Yes. The section which is opposed to separation, I think, oppose it on purely political grounds. They think that if Burma is separated they would not get any political advance. I think that if you disabuse their minds of that point, there would be complete unanimity on the subject of separation.

5. *U Ba Shin :* The view of your Chamber is this that you recommend a form of government for Burma which will content the people of the country, is it not ?—Yes, " and which will yet contain adequate " safeguards for the preservation of internal peace " and for the protection of all commercial interests."

6. The firms in Burma usually employ Indian labour ?—In factories they do ; they also employ a great deal of Burman labour in districts. The firm which I represent employs more Burmans than Indians.

7. What firm ?—The Bombay-Burma Trading Corporation.

8. Take, for instance, the rice exporting firms, such as Steele Bros. They employ Indian labour in the mills ?—Yes.

9. One of the reasons for employing Indian labour is that it is cheaper than Burman labour ?—Not cheaper, but it is more efficient.

10. You say it is more efficient. Am I to understand that you have tried the Burman labour in these rice mills, or is it purely a speculation that Indian labour is more efficient than Burman labour ? —Both Burmans and Indians are employed in mills, but the Burmans are mostly employed in clerical work. As a labourer the Burman is not as efficient as the Indian labourer.

11. Efficiency in carrying bags of rice, is that what you mean ?—Burmans generally dislike manual labour.

12. Another reason is that the standard of living of a Burman is high and he considers that he is not paid sufficiently ?—I do not know about that.

13. In paragraph 23 you say : " The scarcity of " experienced leaders among the ranks of local " politicians further leads this Chamber to view with " some concern the proposal to eliminate entirely " from the Provincial Legislatures the official " element." I would like to know what you mean by " experienced leaders ? "—The common meaning which " experienced leaders " convey.

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15. *U Ba Shin:* * * * In paragraph 24 you say: "The crime record of Burma is notorious "and even under the present regime there is so "little indication of improvement that any reduction "of the British element would be fraught with "danger." Take, for instance, the city of Chicago. Is not the crime record there very notorious?—We are only concerned with Burma. From the recent summaries published in the papers I find that the crime in Burma is slightly on the downward course at the present moment.

16. Take the case of the Rangoon town. Rangoon as you know is a cosmopolitan city?—Yes.

17. Have you made any attempt to find out the percentage of the crimes committed by non-Burmans? For instance, take the China town where lots of crimes are committed by non-Burmans. I think that though non-Burmans commit crimes they are classified under the heading "Burmans"?—We have made no attempt.

18. *Sra Shwe Ba:* On page 362 of the Memorandum submitted by the Association of Professional and Business Men in Burma you have used the term "non-Burmans." May I know whether you include Karens under this term?—(*Mr. Foucar*) This refers to non-Burmese subjects, rather than to persons who are not subjects of the Burmese kingdom.

19. And the indigenous races like Karens?—Well, the question of the Karens was not considered.

20. Can you tell us how the funds of the District Councils are raised?—They have the powers to raise taxes, of course, but I do not think they use those powers. At present the funds are made available by allocation by Government.

21. I suppose you realise that it is only a small amount that is raised by taxation of pounds, ferries and bazaars, and do you know that 80 per cent. of these funds goes for educational purposes?—I would not be prepared to say whether that is correct or not. Personally I doubt it.

22. *Sir Arthur Froom:* Turning to page 361 of the Chamber's Memorandum, paragraph 24, have you had before you the Government Memorandum?* —(*Mr Wroughton*) No.

23. At any rate in that document page 213* is devoted to Police and the regard in which the Legislative Council holds the Police, and it gives a long history of various questions in the Legislative Council and of the cuts made in the budget of 1923-24. One paragraph I would like to read to you from page 213,* and that is this: "Full advantage was taken "of the different budget debates for criticism of "the department which developed on one occasion "into what a member termed 'the exciting and "exhilarating game of Police-baiting'." I was wondering whether you had this in view when you wrote paragraph 24, in which you say: "The Police "has been a favourite subject of attack in the "Provincial Council." Now, the position I put to you is this. Does your Chamber think, if Police is a favourite subject of attack in the Provincial Council, that the Police are better safeguarded when that department is in the hands of a member of Government and is a reserved subject than when it is in the hands of a minister who holds his office at the will of the Provincial Council?—Yes.

25. Do you think that District Boards and municipalities would have a chance of greater success if they received the advice and, perhaps, the sympathy of the Provincial Government?—(*Mr. Dawn*) I think so.

26. You think there is room for improvement in that?—Yes.

27. *The Chairman:* I am a good deal struck by this passage on page 445,* part IV, of the Burma Government Memorandum in regard to local self-government. I think it is worth reading: "The "powers of supervision and control possessed by "the local Government and its officers have already "been detailed. In answer to a question as to the "steps taken by Government to improve the working "of a certain local body the Honourable Minister "replied that 'the considered policy of Government "is to interfere as little as possible with local self-"governing bodies.' On the 5th July, 1927, a "resolution was moved that 'instructions should be "issued to all officials to refrain from unnecessarily "interfering in matters pertaining to the internal "administration of all self-governing bodies,'" and so on. Of course, everybody is against unnecessary interference, but is that all the point? It struck me very much in many parts of our tour. The view which seems to be quite commonly held in the ministry of local self-government is that the ministry of local self-government ought not to interfere with local self-governing bodies. I do not know, of course, what the local view may be, but that is not the English view at all. Our view is that a minister of local self-government and his department has got a most important duty in keeping the local bodies up to the mark, by audit, by inspection and by all sorts of things, and I cannot help thinking that there has been rather a departure from our own ideas there.

Mr. Rafi: The local people create the distinction between interference and advice. A deputy commissioner or a commissioner very often raises very minor points, petty points which are somewhat annoying, but which do not carry one far. If there were inspectors as in England, going round, visiting periodically and giving advice, it would be different.

The Chairman: It may be so. I am not criticising anybody. I am pointing out the conditions. In England the part which the ministry of local self-government takes is by no means confined to giving advice. If it is found, for example, that rates were not being properly collected, or if there were serious grounds to think that there was misappropriation and defalcation, they would do a great deal more than advise, I can assure you. That is why I think there is a curious difference between the view taken here and the view taken elsewhere. I am not saying that our method is the best, I am only saying that is different.

Mr. Rafi: If a municipality raises the pay of an officer and, say, twenty-five members think it is right; one man, the deputy commissioner, comes in and says that that view is wrong. He says that they should not have given that increment, or that they should not have engaged an extra clerk. These are the things that the local bodies resent.

28. *Sir Arthur Froom:* Do you concern yourselves at all with any advance which may or may not be made in any other province in India—it may be the Punjab, Bombay, or Bengal?—(*Mr. Wroughton*) With regard to the form of advance, we are not prepared to make any recommendations, but we do hold that if the provinces in India do get an advance Burma must receive a similar advance.

29. On page 361 of your Memorandum, you say: "The peace and prosperity of the country depend "largely upon the removal of the disabilities which "have been set out above, namely, internal financial "stringency and retarded development resulting "from the diversion of the country's revenues to "the central exchequer; enforced participation in "a protective policy which does not benefit Burma "at all, and the subordination of her interests to "those of the Indian provinces." Then you go on to say that if the "Commission can find means of "removing these disabilities whilst Burma remains "a part of the Indian Empire, commercial opinion at "least will be satisfied." Now, take the steel protection which obtains in India. Many commercial bodies supported that Bill. Or take any protection that might be given for India. What is good for India might be poison for Burma? Can you conceive that India out of a fear of Burma suffering would give up its tariff?—No, I do not think so.

30. So this hope that you express that the Commission might be able to solve the difficulty is setting

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the Commission rather a difficult task ?—Our view is that we like to remain part of India and yet get as far away from Indian politics as we can, if that is possible.

31. You do not expect India to give up a policy which they regard as the correct one, say, to protect the steel industry in India. And then there is another suggestion that India should have a reserved coastal trade, which, you say, would hit Burma very hard. Do you expect India to give up those objects for the satisfaction of a province like Burma ? Do you think it is reasonable that India would do so ?—No. With regard to steel, for instance, I do not think Burma would object to this import duty on steel if the money went to make cheaper houses in Burma or for the development of the province. If the steel duty, which goes to the Central Government, came to the Provincial Government we should not worry about it.

32. But this particular duty on steel was only started for the benefit of the steel industry in India and not for the development of Burma, or to build cheaper houses in Burma ?—But it has made dearer houses here.

Sir Arthur Froom : It has made dearer houses in India, too. I only point this out. You say : " If " your Commission can find means of removing " these disabilities," etc. I am not a Commissioner, but a member of the Committee ; but it occurred to me that you were setting the Commission a very hard task.

33. *The Chairman :* That is nothing new ! I suppose what may have been in your mind was something of this sort. I do not know whether such a thing is practicable. Might it be that you were thinking of something of this kind, that while remaining within the boundaries of India you should yet be in some way or other for some purposes separated ; say, for fiscal purposes, without actually passing beyond the boundaries of the Government of India ?—Yes, we have that in mind.

34. *Sir Arthur Froom :* As regards any advance in Burma to provincial self-government, are your ideas in any way influenced at all by Burma remaining within India or outside India ?—No.

35. Whatever advance you may be prepared to concede towards provincial self-government in Burma is not altered in any way whether Burma remains part of India or whether Burma is separated ?—No.

36. *Sir Hari Singh Gour :* Following up the last question about the Steel Protection Act, is it not a fact that the Steel Protection Act protects everybody in Burma who wishes to start a steel industry equally with those who wish to start a steel industry in India ?—Yes, but we have got no coal to start it.

37. The Madras Presidency might just as well complain of the steel protection bounties, because they have no coal and they have no steel ?—In Madras they can buy steel at the Tata works and rail it to Madras. Here, you have to take it to Calcutta by rail and then by sea to Burma.

38. The freight from Jamshedpur to Rangoon is the same as from Jamshedpur to Madras. Or, take the case of Tuticorin or of the Punjab. Steel has to be carried from Jamshedpur to Calcutta and from Calcutta to the Punjab, all by train, and the Punjab has no steel industry. The Central Provinces, too, have not got a steel industry. So when you are a part of the whole you cannot take it compartmentally and say that every duty or every tax must benefit you or that you must get a share. You can only participate in the general benefit that accrues to the Empire. If you take it compartmentally, one tax may benefit you and the other tax may not. You must take the sum total of all the benefits you receive as members of the Empire. Is that not a sound proposition ?—I think so.

39. Take for instance the case of the bamboo pulp. You remember they exploited bamboo pulp in Burma and lost 20 lakhs of rupees. That industry was protected and an effort was made to utilise your pulp and on that an experiment was made, on which Rs20 lakhs were sunk. Now supposing it had been a success—it might be still a success—it would have benefited you. It may lead to better results, and then you will benefit by it. Is that not so ?—We do not dispute that we get benefits from being associated with India.

40. Take the bamboo paper industry or the bamboo pulp industry or the export duty on hides. Now, supposing you wanted to start a tannery that would benefit you. It gives you an opening to develop an industry locally if you wish to do so ?—We have already tried the tanning industry and failed.

41. You have failed, but somebody else may succeed, It gives you a chance. The point is it gives you a certain measure of protection because yours is a nascent industry, and as such as business men you recognise that this protection is not any discrimination against you any more than it is against Madras or the Punjab. It is to the benefit of the country as a whole, of which Burma is a part. If you look at it from that point of view do you not think as commercial men that it is for the protection of the country as a whole ? Take, for instance, your own country, England. You have protection of silk and gloves. Because of the fact that silk and gloves are not made in every county in England, your county council cannot rise up against Parliament and say : " We do not make gloves ; why protect gloves ? We do not make silk ; why protect silk ? " That exactly is the position in India. The fact that you do not make these does not in the slightest degree stand in the way of protection of the industry, because it helps everybody, including yourself ? (No answer.)

42. As regards the constitutional question, you have very rightly said in paragraph 21 (page 361) of your Memorandum that : " Owing to its lack of " knowledge of the inside working of the reformed " constitution, and of the difficulties which have " been encountered, this Chamber does not feel " itself competent to express in more than very " general terms its views as to the direction which " further modification of the constitution should " take." But at the same time associated as you are and have been for a very long time with the people of Burma, you cannot help observing certain facts upon which you might be able to help the Joint Free Conference. The points upon which I should like to have your information are points set out in the Memorandum of the Association of Professional and Business Men in Burma. There are three points in that Memorandum and you can say whether your experience justified the statement of facts mentioned by that Association. The first is at the bottom of page 362 :—" The idea of self-government or, " indeed, of any form of representative government, " is entirely alien to their traditions and upbringing. " And this is just as much true of the period of British " occupation as it was of the earlier days of the " independent kingdom. Until a very few years " ago the Burman was content to leave the entire " direction of affairs in the hands of the rulers : In " fact, he did not even know of any other form of " Government." And then you find this in paragraph 4 :—" These considerations have led to the " formation of this Association with the object of " laying before your Commission reasons which " convince its members that, so far as Burma is " concerned, the stage has not yet been reached " when a political advance can be made even as far " as a constitution on the lines of that now proposed " for the Colony of Ceylon." And then at page 362 the Association says :—" It must be noted too that " the average Burman, though not altogether " illiterate, is ignorant, and the administration reports " show that he is lacking in self-restraint and is of " a credulous disposition. Consequently he is easily " led or misled. Such being the case, the normal " process of educating him politically should have " been gradual and progressive." And then later

at page 364, it is said :—" There is lacking at present " amongst the lower classes all sense of co-operation, " public spirit and responsibility, and, until some " such feeling is acquired, no good purpose can be " served by the grant of further powers to the " classes concerned." I am simply putting these together so that you may be able to understand the points I wish you to give us some information about. Now the sum total of the views of the Association are that Burma has had no tradition or self-governing institutions for any length of time, that Reforms were introduced for the first time in Burma only in 1922, a matter of only about six years now, that the masses are lacking in self-respect, are credulous, there is a great deal of crime and they are at present lacking in any spirit of co-operation and public spirit and responsibility so as to be able to carry on the work of a self-governing administration. Are you in agreement with those views ?—(*Mr. Wroughton*) We are not prepared, sir, to be cross-examined on other people's Memoranda. We do say that if there is to be any further advance in self-government in the provinces in India, Burma must have the same degree of it.

43. I will come to that later. It is only your experience bearing on the statement of facts contained in the Association's Memorandum that I want, from what you have been able to observe and see for yourself.—I am not prepared to say that those are not correct, and my own personal view is that you cannot put back the hands of the clock.

44. That is a question of policy with which we will deal next. But are you in general agreement with those statements of facts ? That is the point ? —(*Mr. Howison*) Speaking for myself I may say that my own personal opinion is that those statements are substantially correct.

45. Then we go on to the next statement. It is perfectly true that in 1922 Burma was given a measure of constitutional advance on a line with that given to India, and it would be impossible to put back the hands of the clock, as you have put it. But if the matter has to be decided for the first time to-day, and we have not got the fact that we stand committed to a measure of advance already granted to Burma in 1922, if we had to start on a clean slate and we have not anything written upon it before, then would you think that in view of these circumstances which your experience has borne out now any advance in the direction of constitutional expansion of the country would be justified ?—(*Mr. Wroughton*) It is too problematical, sir. I cannot express any opinion on that.

46. When you say, gentlemen, that if India gets any advance, Burma also must get the same measure of advance, you feel that that is because, whether rightly or wrongly, deservedly or undeservedly, Burma should not be left back in the race ?—No ; that is because the Burmese are a proud race and a very capable race in many ways, and I think they have acquitted themselves as well as any other province in India under the Reforms, and therefore we think that if the Conference decides that other provinces should get any further measure of Reforms, these people also must get the same.

47. And if other provinces do not get, you should not also get ; that is a question of relativity—if India gets, why should not we also get ?—It comes to that of course.

48. The whole question, therefore, turns on this ; Burma got Reforms because India got it, and if India gets further advance, why should not Burma get, too ?—We say that Burma deserves advance if India gets it because Burma has acquitted herself well.

49. The position is really historical. Historically Burma got advance as India got it, and therefore it would be extremely invidious for Burma to be left out when India gets further instalment of Reforms. That is the position. If you do not wish to answer that question, I will not press it ?—I think I have expressed my idea as far as I can.

50. As regards the question of Law and Order, while making no recommendation on the future constitution of Burma, you do make a recommenation as regards the reservation of Law and Order in paragraph 24 of your Memorandum. You have said, in answer to a question put by one of my honourable colleagues, that it is perfectly true that there have been attacks and irresponsible criticism on the police administration of Burma, and you have further said that so far as the province of Burma is concerned there has been no such thing as " Dyarchy." Mr. Hartshorn put you the question that if there has been no difference at all in the practical actual working of Law and Order, what difference would it make if instead of being managed by a member it is managed by a minister ?—Law and Order at present, I think, is managed by a committee with the Governor at its head.

51. But supposing we had a minister with the Governor at the head ?—It was not Law and Order that was subjected to irresponsible criticism. Irresponsible criticism cannot be carried home to Law and Order under the present form of Government.

52. Are you quite sure about that. It has been carried home as one of my honourable colleagues pointed out to you, that there was an attack on the police which was immediately followed up by a reorganisation of the police, abolishing certain outposts and reducing the number of policemen, with the result that there was a recrudescence of crime ?—I am not prepared to admit that the attack on the police by the legislative council was the cause of the appointment of the Police Enquiry Committee.

53. But you replied to that question in that strain ? —The police re-organisation took place after that, but I am not prepared to say that it was as a result of that attack.

54. But are you prepared to go as far as to say that the criticism of the members of the legislative council as regards Law and Order and the Police being a reserved department has not influenced the the decision of the Local Government in that respect ? —I am not in a position to answer that question.

55. And therefore it makes very little difference if the Law and Order and the Police are in the hands of ministers so far as the criticisms are concerned. On the other hand, when they find that Law and Order and the Police are their own department in the hands of a responsible minister and that they are responsible for working it, they will begin to feel a greater responsibility ?—I am not prepared to accept that view myself.

56. Are you prepared to dissent from that view ? —Yes.

57. As regards the presence of the official element in the legislature, it has been pointed out to us in several provinces that that is an impediment in the way of formation of parties and the formation of party programmes. Have you got any view on that ? —We discussed it over and over again, but the subject is so wide that we could not come to any conclusion on it.

58. So I take it that so far as the question of Law and Order and the question of further advance are concerned, those are not matters on which you are prepared to be cross-examined ?

Lord Burnham : In answer he said that they were opposed to the transfer of Law and Order.

Sir Hari Singh Gour : That, of course, is the answer ; I was asking the reasons for it.

59. *The Chairman :* I thought your question was about the official *bloc* ?

Sir Hari Singh Gour : Yes.

60. *The Chairman :* I think it stands like this, that these gentlemen, who after all are a body of business men and gave their views on a certain number of topics, say, and quite naturally, that as a body they do not profess to have examined all the constitutional questions which may be suggested to

them and that they would rather decline to offer their views about them ?—Yes, sir.

61. *Sir Hari Singh Gour :* Now, passing on to the next question of the safeguards in the constitution of India and Burma, at page 361 of your Memorandum you have laid down two conditions. The first is the provision for definite and adequate safeguards against discrimination in any form, on grounds of race or religion, and secondly you say :—" Another form of " discrimination against which definite provision is " essential is the reservation to any one section of " the community of the right to carry on any " particular form of commercial activity . . . " By that I presume that you want two things to be safeguarded in whatever constitution is given ; one is the safeguarding of persons, irrespective of race or religion, and the other is the safeguarding against any discrimination and reservation to any one section of any particular form of commercial activity ?—Yes.

62. As regards the safeguarding of race or religion, I may just point out to you one statement in your own Memorandum. In paragraph 27 (page 361) you say :— " Already Burman politicians have passed legislation " (which, however, subsequently failed to receive the " assent of the Governor-General in Council) of " which the result whould have been to restrict the " immigration into Burma of the Indian labour upon " which the prosperity of the country largely depends. " Any measure of this description should be excluded " by provisions in the constitution." Was your body opposed to the Sea Passengers' Tax Bill ?—Yes.

63. You think that the Sea Passengers' Tax Bill was forced upon the Government by the Burmese opinion here ? What was the origin of it ? How was it that the Government sponsored that Bill ?—I believe it was a Government Bill intended to increase the revenue.

64. You yourself pointed out that it was a Bill which was vetoed by the Governor-General and the result of the Bill would have been to restrict the immigration into Burma of Indian coolies. Do you not think that would have crippled the industrial activity in Burma and that it was not good for Burma itself ?—It was a bad Bill.

65. And you might have other bad Bills of that character ?—Yes.

66. And therefore you as commercial men would desire that whatever constitution is given, there must be a sufficient safeguard against repetitions of actions of this character ?—Yes.

67. Now about the Europeans controlling the minerals, timber, and so on. You said that you have about 25 per cent. of control of paddy . . . ?—Not control exactly.

68. I think you meant that it passes through the mills owned by Europeans ?—Yes.

69. In whose hands is the other 75 per cent. ?—Burmans, Chinese and Indians.

70. Can you tell us what percentage is in the hands of the Burmans, the Chinese and the Indians ?—I cannot say.

71. In the case of minerals and timber you have the largest share of it ?—Yes.

72. And who have got the balance ?—Burmans, Indians, and Chinese.

73. So far as your experience of Burma is concerned, do you think that the immigration of Indians to Burma has been conducive to the development of Burma, or has it not been ?—Yes, it has been.

74. I find in the Memorandum of the Burma for Burmans League, it is stated, on page 388 (I wish to read it to you, and that, of course, has been repeated by one of the protagonists of the separation movement) : " Let us consider now the economic " problem of the country. It requires every year about " 25 crores, two hundred and fifty million rupees, to " finance the cultivators for cultivating their lands, " as there is no State-aid system in Burma. The " Natukotta Chettiyar (money lenders) from Southern " India come over here solely to lend money on " interest ; not at 5 or 7 per cent. per annum, but " from 18 to 60 per cent. and even more than that " in certain cases. These financiers also take away " nearly about 2½ crores—25 millions—as interest. " These moneys are never spent in Burma, but only " in India. Again, the weekly remittance to such " places from Burma by Indian wage-earners, " labourers, etc., amount to Rs100 lakhs per year. " Now, what do we get in return from India for these " large sums so taken away ? Echo answers, what ? " Do you think that is a correct statement ? Instead of echo, you answer ?—I think the man from India is a very good labourer.

75. And he is necessary for the development of the country ?—That is so.

76. As regards separation, you have said on page 361 : " If your Commission can find means of " removing these disabilities " (that is to say, the disabilities which you complain of, namely, that you want more money for the development of your province and that there should be a more equitable adjustment between the Central and Provincial revenues) " whilst Burma remains a part of the " Indian Empire, commercial opinion . . . will be " satisfied " ?—Yes.

77. Then you say : " But in case it is not found " possible, this Chamber can see no alternative " but to press for the separation of Burma from " India, an alternative which the section of the " Commercial community already favours." Supposing there was a financial expert Commission commanding the confidence of all business men, including yourself ; supposing one of your representatives is placed on this Commission, one from the Central Government and one from the Government of Burma, to thrash out the whole problem in a purely commercial spirit, and they came to the conclusion that Burma was not being over-taxed or was not making a larger contribution to the upkeep of the Central Government, would you not then be satisfied and not press for separation ?—We will not press for it.

* * * * * * * *

78. *Sir Hari Singh Gour :* Yes. You are only using separation as a lever to a better adjustment of financial relation between yourself and India ?—I may put the pros and cons for separation as the Chamber sees them. If I might elaborate the views we have expressed, we see that if India is to be granted Dominion Home Rule, Burma would like to be separated. We see that the control by Indian officials of pure Indian extraction is not accepted unanimously by the Burmans. We see that Burma's agricultural needs at the present moment are suffering. On the other hand, we believe in the maxim : " Unity is strength," and fear anti-Indian legislation. We think that the prosperity of this province very largely depends on a free flow of Indian labour into this province and on free trade with India. If the disabilities which we have referred to in our Memorandum are removed and sufficient constitutional safeguards are provided, we would prefer to remain a part of India.

79. The point is this : At present your complaint is not against the Dominion India, but against the British India ; all the complaints that you have made as regards the unfair treatment of Burma by India is not by the Dominion India, but by the British India. What reasons have you to believe that a self-governing India would not be very much better than the bureaucratic India and that it would not pacify the people ?—(No answer).

80. *The Chairman :* Was the tariff on steel supported by the majority of the elected members of the Legislative Assembly ?

Sir Hari Singh Gour : Yes.

81. *The Chairman :* Was the export duty on hides supported by the majority of the elected members of the Legislative Assembly ?

Sir Hari Singh Gour : I do not think it was.

82. *Lord Burnham :* It was forced by the Government of India ?—Yes, against the wish of the Assembly. They were all Bills moved by the Government of India on the report of the Tariff Board.

83. *The Chairman :* I do not suppose that anyone can devise a Constitution for India in which new taxes could be proposed except on the authority of the Government. But the question is whether there was a majority ?

Sir Hari Singh Gour : I am not sure.

Sir Arthur Froom : It was a very controversial measure. The Steel Bill, I think, went through a big majority.

84. *Sir Hari Singh Gour :* In answer to a question from my friend on the other side, you have said that Burman opinion on the question of separation is divided. There are those who say that if Burma is isolated there would be no political advance and, therefore, we must remain joint and not separate, just now. And there are those who say we must separate. The reason that the non-separatists or the unionists, as I might call them, give is that they might be isolated and they may not get the political advance they want. But what is the reason that the separatists give ?—As I said before, Burma would be unanimous in favour of separation if India were to be granted Dominion Home Rule, and the main reason for that is that the Burman does not accept willingly the control of Indian officials of pure Indian extraction. I do not think the Burmans collectively like Indians.

85. But do you not think that the Indian official is necessary for the sake of efficiency ?—Not necessarily.

86. What is the view of the Chamber as regards Indian officials being sent over here ?—We have had only a very few of them.

The Chairman : I think the point is quite clear. The view of the witness is that if the Central Government of India was completely in the hands of the majority of India and, if as a result of that, the administrators were Indians, Burma would not accept that position.

Sir Hari Singh Gour : It is a hypothetical case that you are putting forward.

The Chairman : But it is a material observation to make if you are contemplating Dominion Status.

87. *Sir Sankaran Nair :* You know (and if you do not know, you may take it from me) that the administration of local self-governing bodies like municipalities, district boards, and similar institutions, have suffered in India from lack of funds ; they have not been able to carry on the administration satisfactorily because funds were not forthcoming. I see from the reports that this is the case in Burma, too. Take it from me, also, that while the administration was in the hands of the officials they placed roads and communications first, education next, and health last of all. After the control was handed over to the transferred departments it is just the other way. I am only showing that there is a direct conflict of opinion between Indians and officials in that respect. They are now spending as much money as they can upon health first, education next, and roads and communications last. If, therefore, the authority goes back to the bureaucracy the native apprehension is that the result would be just the same ; that due provision will not be made for health out of the funds available ; it will not be utilised for education, but that more money will be spent on roads and communications. In Burma, too, I find it is just the same ; that is, the district boards have been spending more money on health ; next, education, then comes the public works. In fact, there is scarcely any increase in expenditure on public works. I can give you references ; see page 441 of Part IV of the Government Memorandum.* " The total expenditure on Medical Services " increased from Rs4.16 lakhs, in 1923–24 to Rs " 6.74 lakhs, in 1926–27. . . ." Now, in view of that and a possible conflict on that point which exists, would you advocate a return to bureaucratic control again ? I understood you to say that there must be more control in the hands of somebody at headquarters. I accept the control if it is in relation to the mechanical part of it, to the recovery of revenue and so on, but for myself, I oppose that if it will interfere with the policy of the District Councils or District Boards or Municipalities. With reference to that, have you got any observations to make ? —(*Mr. Wroughton*) No, we have no observations to make.

The Chairman : It is a very interesting observation which Sir Sankaran makes on the figures. I look at it from that point of view. I may say at once that it may well be that there has been a change because there has been stringency, but when I speak of our own ideas in England and the Central Government keeping control, I do not mean that the Central Government defines what the money is to be spent on, but it rather maintains a certain standard of administration.

Lord Burnham : May I draw Sir Sankaran's attention to part IV, page 441* in which it says : " Little interest is evinced by District Councils in " matters of sanitation and public health." That is a reflection on the attitude of the general public.

Sir Sankaran Nair : You will find what I have stated on page 441* ; and then comes the next one about water supply.

88. *The Chairman :* You are referring more particularly to " medical " ?—(*Sir Sankaran Nair*) Yes.

89. *Sir Zulfiqar Ali Khan :* In your statement you have stated that you would not advocate the policy of transferring Law and Order to a minister ? —(*Mr. Cristall*) Yes.

90. I should like to know your sentiment and your experience with regard to the working of other departments under the ministers. Are you satisfied with the administration of these departments ?— I am not prepared to say either way. We have no reason to be dissatisfied. In recent years the Government has functioned a little slower than usual, but otherwise we have got no real complaints. We are not prepared to say whether we are satisfied or dissatisfied.

91. If you are not dissatisfied, you are not satisfied either ?—No.

92. What is your precise attitude ?—We have not as a body come greatly into contact with the Government.

93. What are your hopes for the future ? Would you, for example, look forward to Burma under the administration of these ministers, knowing the Burmese as you do, with hope and satisfaction, supposing Burma is separated from India. For the sake of argument, let us assume that. Then, Burma would be under the control of the ministers. Do you look forward to it with satisfaction ?

Sir Hari Singh Gour : They will not be here then.

Sir Zulfiqar Ali Khan : What do you say ?

The Witness (Mr. Hawison) : We do not know how things would be under the conditions then obtaining.

The Chairman : The future is always a little uncertain, is it not ?

Sir Hari Singh Gour : They look forward with misgivings.

94. *Sir Zulfiqar Ali Khan :* I understand that most of the important departments of trade are now in the hands of Europeans, Indians, and the Chinese. The Burmese have, perhaps, a very insignificant share. In regard to the export trade the Burmese have very little share ?—Yes, very little.

95. Then, with regard to the government of the

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country, you are very doubtful, and with regard to trade and commerce you say that the Burmese have very little to do; that they are merely producers. Then, supposing Burma is separated from India, in what way will the Burmese control their own destiny ?—(*Mr. Wroughton*) If separated the Burmese would be controlling the Government very largely.

96. You, yourself, are very doubtful about the Government. And with regard to trade, the Burmese have very little share. So what do the Burmese get ?—I do not quite follow your question.

97. *Sir Hari Singh Gour:* What he means is this. Can you, speaking for the Burmese, say what advantage will it be to the Burmese if Burma is separated from India ?—It is largely a matter of national pride.

98. And no profit ?—(No answer).

Sir Hari Singh Gour: The thing I was going to say, sir, was this. When I referred to British India and Dominion Status in India I was dealing with the distribution of funds. The Legislature has been complaining, and complaining bitterly, that the funds that the Government of India raise are not evenly distributed. If we get Dominion Status we will stand by you and give you better justice than you have been receiving from the present Government of India. That is what I mean.

Mr. R. K. HARPER, I.C.S., called and examined.

99. *The Chairman:* You are the Collector of Rangoon.—Yes.

100. We were told that you might be able to give us a little information as to how elections are really conducted here. I have only just two or three questions to put. A description was given to us, more particularly in reference, I think, to municipal elections here, suggesting that at any rate the coolie vote was not always very accurately tendered. It was suggested that a coolie came in and handed in a name but it was not necessarily his own name, and so forth. I wish you to tell us whether you think elections in Rangoon have worked reasonably well from that point of view or whether you think there is a good deal to be improved ?—I think there have been cases where coolies came and voted under false names, but I do not think the cases have been very many. In the last elections which were held in November we had a few complaints of coolies getting into the booths and being unable to substantiate their names or their fathers' names. There were one or two instances in one or two Indian polling booths. When these cases occurred we asked questions, and unless satisfactory answers were given the man was not allowed to vote, but a tendered vote was recorded for him.

101. I do not quite understand how the thing in fact works. In the ordinary way does the presiding officer know the coolie personally before he comes in ?—No, that is not possible. Clerks are appointed, and it is the duty of these clerks to question the men and satisfy themselves as far as possible as to identification.

102. I am sure it is, but I want to know how such a thing can be done. How can you satisfy yourself as to the identity of a man if you do not know his name ? How is it done ?—The only thing you can ask is where he lives and one or two other questions in order to try and substantiate that he has a true claim.

103. A man may come in and declare that he is somebody else. What is the check ?—The only check is that you have to press him in hope of his forgetting something with which you can catch him. That is about the best that can be done under the existing conditions.

104. It is rather a test of memory largely ?—It is more a test of memory in the case of the mass of the coolies. If they have a good memory they can carry it off several times successfully; if they have a bad memory they will be caught.

105. I do not suppose you have experience of elections in any other place ? The only experience I have had is in Rangoon.

106. Does the system work fairly efficiently on the whole ?—I think considering all the circumstances it is about the best that can be done at present. As long as you have a lot of uneducated people who are not able to stand up for their own opinions, and have only a mass feeling of what is right or wrong, I think this is bound to happen, and I cannot think of any particular way of overcoming it.

107. *Mr. Hartshorn:* Have you seen anything of this kind happen at an election ? It frequently happens that before the poll opens the candidate in control of the coolie vote, or his agent, surrounds the entrance to the polling booth with a lot of labourers who have been instructed to keep out anyone not belonging to his own particular class. Does that kind of thing occur at elections ?—I came across two instances where complaints were made to me when I visited the polling booths at the last election that, because there were some persons outside they could not get into the booths, that the other party was crowding them out, but I found it impossible to verify it. It might not have been due to that at all, but to the keenness of the two or three parties who were trying to get the votes for their candidates. It may not be due to pre-arrangement.

108. But are any steps taken to prevent that kind of thing happening ?—Steps were taken by providing police and trying to clear the booths and to keep them (the crowd) as far away from the doors as possible; but when you have a seething crowd filling the whole street it is exceedingly difficult to do anything.

109. *Mr. Rafi:* Although the tellers may not know the voters, is it not a fact that the workers of the candidates know them ?—The candidates appoint their agents in each booth and it is the duty of these agents to assist and to identify the men, but, if the agents are dishonest, I do not think that it is an additional check. If they are honest it is an additional check.

Mr. Rafi: I just wanted to point out this, that the candidates have their own men there, men who are considered to be in a position to recognise or identify the voters.

110: *The Chairman:* I suppose each candidate has only one man there ?

Mr. Rafi: We generally have ten or twelve, and at times we have a crowd of people waiting there to detect any cases of personation.

111. *The Chairman:* Do you mean inside the polling-booth ?

Mr. Rafi: No, outside.

112. *The Chairman:* How do you detect in the crowd outside a case of personation ? How is it done ?

Mr. Rafi: In front of the booth, at the entrance you generally find people holding up cards of various colours belonging to the different candidates contesting a particular constituency. Now, we have got our men there at the place where these crowds assemble to see whether anyone who is not entitled to vote is coming in to vote or not, or whether he is holding a card to which he is not entitled. For instance, we take a particular street, say the Merchant Street. We have got one or two from Merchant Street watching our interests at the booth, to see

whether anybody is there who is not entitled to vote.

113. *The Chairman :* Ten or twelve people employed by a particular candidate outside the polling-booth to try and prevent that ?

Mr. Rafi : As far as possible to try and detect cases of personation.

114. Whenever the workers detect any cases of personation, they draw the attention of the Presiding Officer to such cases ?—In the first place, the people you have mentioned stay outside the booths. They are non-officials and have absolutely nothing to do with the officials.

115. Probably they are supposed to help the election agents or the candidates ?—Candidates have their own agents officially inside the booth. Their number is strictly limited.

116. *The Chairman :* How many ?—One each. What happens outside is quite unofficial. It is very difficult to check these people. If any election agent discovers anything wrong he would be listened to and his case recorded if it were reported to the Presiding Officer.

117. *Mr. Rafi :* When reports are made of cases of personation, you take steps immediately ?—Yes.

118. *The Chairman :* What sort of steps ?—The man is brought up and examined, and the Presiding Officer after enquiry comes to the conclusion whether the complaint is genuine or not.

119. *Mr. Rafi :* Do you know that each agent has got several workers, even ten or twelve, studying the interest of the candidates and trying their best to detect cases of personation.

The Chairman : It is the most depressing thing that I have heard, if it is the case that a candidate has to furnish himself with ten or twelve men for expressly trying to prevent personation. If that were so, then cases of personation must be rampant.

Mr. Rafi : But very few succeed in personating.

120. *The Chairman :* In the course of an election, how many dozens of cases are successfully stopped, you think, by this army ?

Mr. Rafi : The very fact that there are persons outside to watch makes it very difficult for them to get into the booth, and the result is that only very few of them are able to personate.

121. *The Chairman :* I do not know if any one of you, gentlemen, wants to add anything to what Mr. Harper has told us. For myself, I should have thought that the situation was a very difficult one to deal with, and I quite sympathise both with the candidates and with the officials who are doing their best to prevent it.

The Witness (*Dr. Murray*) *:* I can give you, sir, an instance which happened only the other day when a lorry-load of coolies from one street, all of them genuine voters, was brought in, and they found that every one of their names had been crossed off as having already cast their votes.

122. *Colonel Lane-Fox :* Who found that out ?—(*Dr. Murray*) They came in and asked to be allowed to vote, and the man in charge found that votes had already been cast in their names.

123. *The Chairman :* It is a serious thing and, presumably, it was made the subject of a formal complaint ?—I believe it was.

124. As a matter of fact, Mr. Harper ought to be able to give us information about that ?—(*Mr. Harper*) If any complaint had been made, sir, it would have been taken up and investigated immediately, but no complaint of any sort was made regarding that. And, as far as I know, there has never been an official complaint to that effect.

The Witness (*Dr. Murray*) *:* I am not quite sure, sir, whether it was at the municipal election or the election to the Legislative Council. Of course, I know, Mr. Harper deals only with the Legislative Council election.

125. *The Chairman :* Is there anything which occurs to any of you gentlemen, and which you can suggest by way of improving the regulations or the rules ? We want, as far as possible, of course, to be helpful and not critical.

Mr. Rafi : We may, perhaps, adopt the employers' system of taking the thumb impressions of these labourers. Such impressions may be taken about six months before the election starts, and in case of doubt the thumb impression of both the persons whose identities are doubtful may be taken.

Memorandum submitted by the Burma for Burmans League.

NOTE.—Since writing the Memorandum and the Draft Constitution of the "Burma Free State" on behalf of the Burma for Burmans League, an All-Parties Conference was called by the Separation League for an agreed Constitution for Burma. I was deputed to attend on behalf of the Burma for Burmans League.

The Conference was held on the 12th January, 1929, at the office of U Maung Gyee, Barrister-at-Law, ex-Education Minister, to consider the Separation League Constitution entitled, "The Burma Free State."

The policy and the principles are the same as that embodied in the Draft of the Burma for Burmans League. Both are based on the Constitution of the Irish Free State. That of the Separation League is an outline in brief, whereas the Burma for Burmans Draft is an expanded one.

The many Associations that responded and that attended the Conference have accepted the "Burma Free State Constitution" of the Separation League as the basis of the agreed Constitution for Burma.

Rangoon, GEORGE H. MUNRO.
31*st January*, 1929.

PART I.

INTRODUCTORY.

A public meeting was held on Saturday, the 28th July, 1928, at the premises of the Burmese Tipitaka Publishing Company, Sule Pagoda Road, Rangoon, for the purpose of taking steps to advance Burma in view of the Statutory Commission appointed under Section 84A of the Government of India Act, visiting Burma on the 29th January, 1929, for inquiring into the working of the system of Government, the growth of education, and the development of representative institutions in Burma, and matters connected therewith; to report as to whether and to what extent it is desirable to establish the principle of responsible Government, then existing in Burma, including the question whether the establishment of a Second Chamber of the local legislature is or is not desirable and on any other matter affecting British India referred to the Commission by His Majesty.

U Ba Sein, T.P.S., Statistical Officer, Burma Railways, was voted to the chair.

After discussion, the meeting decided to form a League to be known as the "Burma for Burmans League," with the following objects:—

(1) To work for the progress and prosperity of the Burmese people.
(2) To make every effort by Constitutional means to secure for Burma the status of a self-governing country on the lines of Ireland, Canada, or South Africa, or in other words, Dominion Home Rule Status.

The meeting considers that the pressing political problem is to get Burma immediately separated from India and regards that this should be an object which the League should specially carry out.

It was decided that membership would be opened to all Burmans of both sexes: those born in Burma and are able to read and write Burmese; those not born in Burma but are able to read and write Burmese and have decided to settle down in Burma for life and acquire Burmese domicile.

It was decided not to collect subscriptions or admission fees but to collect donations for the purpose of raising a political fund.

U Ba Sein, T.P.S., and Dr. U Nyo, LL.D., were elected Patrons.

The following were elected office-bearers:—President: U Myo, A.M.P.; Vice-President: U Ba Saw; Honorary Secretaries: Saya Shwe, Manager, Tipitaka Publishing Company; Mg. Pan Maung, Manager, Thudhammawaddy Press; Honorary Treasurer: U Ba Maung, Proprietor, Swezonkyawdin Pitaka Press; Auditor: Saya Sein, Manager, Burma Oil Company.

The elected Committee members are:—U Po Thein, U Ba Pe Latt, U Cassim, U Ba Thi, U Tun Lin, U Tun Nyun, U Po Yin, U Set, U Po Pe, U Thein Pe and Mr. George H. Munro, co-opted member.

It was also decided to convene an All-Burma Mass Meeting to consider more fully, at the Jubilee Hall, the question of Separation from India.

2. The All-Burma Mass Meeting was held at the Jubilee Hall, on Sunday, the 26th August, 1928, at about 11-30 a.m. The Hall was packed, some five thousand Burmans from all parts of Burma attended, including Chinese, Indians, Europeans, Anglo-Burmans and Anglo-Indians of Rangoon. There were about thirty members on the platform. Saya Myo, Aggamahapandita, Burma, presided, Saya Shwe read a *Yadu* composed for the occasion.

The Chairman delivered his presidential address in Burmese. The following is a literal translation of the speech delivered.

SAYA MYO'S PRESIDENTIAL ADDRESS.

THE SEPARATION QUESTION.

Burma, radiant with the lustre of the religion of the Buddha, lavishly endowed by nature with resources of various kinds, having a climate equable and salubrious—appears as it were to attract those who had never been here before; to enchant those who come here to remain in it ever more. Capable of shining in her own glory, Burma, has therefore, become the cynosure of the world's eye as the gem that shines among the myriad precious jewels which adorn the crown of His Imperial Majesty, the King-Emperor of Great Britian and of the British Empire.

A succession of Burmese monarchs held sway over Burma till about a century ago when she passed under the sway of the King of the British people. A spell of downward luck in 1247 B.E., brought Burma under the British flag, and being attached to the Indian Empire became the grazing ground of the Indians. Just as the bright and glorious sun illuminating the world for a while, sinks slowly into the western horizon, in like manner Burma has suffered, since the day she lost her King. It may be said by cursory onlookers that the country has progressed and prospered; that her population had increased and multiplied; but those living in the country, priest and laymen alike, having become the victims of the "Five Laws of Destruction," have undergone mental miseries and deep anxieties like unto that of a cane heated in the fire. That is a matter indeed, for the deepest regret.

FIVE KINDS OF DESTRUCTION.

The law comprising the "five kinds of destruction" are (1) *Nyartibyasana:* The danger which causes complete extinction of the whole family and relatives; (2) *Bhogabyasana:* The danger which causes the loss of ancestral property leaving one penniless; (3) *Rogabyasana:* The danger which works against freedom from illness and disease, and against decrease in deaths and also against the increase in the race; (4) *Silabyasana:* The danger which works against a man's good conduct and right living; (5) *Ditthibyasana:* The danger which works to the destruction of the religion which explains the true cause and the true effect.

Burma is suffering from these five kinds of destruction and those moaning and wailing are the sons of the soil. And searching for those responsible for bringing on Burma these five kinds of destructions, many learned in political wisdom have definitely placed the charge against India with her 300 millions of population. They have so decided, and have declared that as time goes on no trace of Burma would be left and moreover that the Burmese Nation would

become extinct. The statement made by the Honourable Mr. V. J. Patel, President of the Indian Legislative Assembly, who came here about 20 days ago, that there is no such place as Burma, is worthy of consideration.

The words of the wise, the decisions of the learned in this respect are so true as to be irrefutable. And the reason? Burma with her paltry 13 millions of people having been joined to India with her 300 millions of people, and being placed under the power and authority of India, an innumerable number of the poorer Indians, of an alien faith, or a foreign race, flock to Burma unceasingly. Consequently, the proportion of Indians to the sons of the soil being twenty to one, they have to jostle with each other, impairing the purity of the indigenous race. The danger of race extinction is thus upon us and the statement that the Burmese, as a nation, would soon disappear is true.

And how comes about the danger which causes the loss of property leaving the people penniless, affect the Burmese? Indians come to Burma in increasing numbers year after year and have snatched away from the hands of the people the work and the industries of the indigenous population; and moreover the Central Government takes away over ten crores of rupees yearly. For these reasons, the people of the country are being daily deprived of their wealth and property and are being reduced to a state of poverty.

And again, a poverty stricken people such as ours cannot strive to secure public health, nor can the Government spend lavishly to gain the same object. Consequently, the danger due to disease and sickness has fallen on Burma.

Further, however much a poverty stricken people such as ours may desire to practice faithfully our religion, as becomes Buddhists they are reduced to the level of, to quote the saying, "In affliction even a mother can rarely claim a son as her own offspring." So, they are compelled to commit evil deeds. Consequently the danger due to lack of good conduct has fallen on Burma.

Then also the religion of a people impoverished by being linked to India is day by day decaying and on Burma has fallen the danger regarding the destruction of the religion.

I am sure that all are convinced that these great dangers have fallen on Burma.

I am advocating the separation of Burma from India not because I desire to prevent Indians from coming to this country or staying in this country, but because, in reality, I wish to stem the oncoming tide of the danger of the disruption of our religion and of the extinction of our nation, as well as to get whatever concessions we can to counter the disadvantages Burma is placed under by her connection with India.

It is a matter for the deepest gratification that for the past many years, lovers of the nation, lovers of the country, men and women alike, including the Sanghas, have striven hard, by working both outside and inside the Legislatures, to raise the status of the country and the people. I take this opportunity of thanking all those who, actuated by the purest of motives, have been and are still working for the welfare of the country.

I have not, in the past, taken a prominent part in politics and have been content only with remaining in the background as a general helper. But now, public interest in "politics," the haven of victory, to reach which all are striving, has not yet been gained. Meanwhile lovers of the nation, devotees of the religion tired in their limbs, have been reduced to the condition of "neither on a sandbank nor the tide following out." That being so, in consultation with some of those who like myself have an affection for the nation and for the religion, I have started this "Burma for Burmans League." And our members, each assisting in their own way, and shouting out "*yo-hee-lay*" are pushing their barge of politics forward to make it reach its destination and are determined to bring this idea of "separation" to a successful issue.

THEN AND NOW: A COMPARISON.

In the olden days, the work done by the head of a family sufficed not only for the wants of the family but when with the parents the older children joined in the work, it not only enabled them to clothe and feed the whole family decently, they were also able to buy and dress themselves in beautiful clothes, adorn themselves in gold, silver and jewellery. And over and above that they could sow the seed of merit incurring benefits thereby—the good deed of building *zayats* and *tazaungs*, *pyatthats*, setting up temples of all kinds. In the olden days paddy, rice, oil, salt, foodstuffs such as fowls, pork and fish do not cost what it costs us now. In matters of health, though there did not exist such things as a Health Department or big hospitals as at present, epidemics were rare occurrences in the old days. There were no such things as doctors, and in the event of illness curative measures were undertaken with the help of domestic remedies as those recorded by our forefathers; there where no such things as doctors' bills. In the event of serious illness cure was affected by physicians who through their proficiency had been recognized by the King as "Thamadaws" (Court physicians) or by those similarly competent without so much even an expense as could be spoken of or written down.

Nowadays, not to say anything of maintenance during illness but for maintenance during health, money has to be drawn from a very deep "rupee mine." The work done by the head of a family does not suffice for the upkeep of the family, and even when the whole household, including the children, take a hand in the work, in most cases neither food nor raiment is sufficient. That is the reason why parents have had to withdraw their children from schools as soon as they are able to distinguish between "a letter which conveys the news of death and one which conveys the news of (someone) being alive," i.e., able to read and write. This is the reason why they cannot themselves, as becomes good Buddhists, faithfully adhere to the practice of the religion, and the safeguarding of their nation.

INCREASED EXPENDITURE AND TAXATION.

Not to say of the old times—when we consider the events of the past 20 years, we find an increase yearly in the number of crimes, such as thefts, dacoities, rapes, etc., due to lack of self-control, crimes arising out of drink, crimes due to lack of the lobe, such as murder. Owing to these, we find an increase yearly in the expenditure on police and according to the Police Administration report for 1925–26 the expenditure was nearly 104 lakhs and that in 1926–27 rose to 112 lakhs.

The reports on the prison administration show an increase in the jail population. Considering that, according to the Report of 1926–27, the number convicted under 30 years of age was 70 per cent. and the number convicted under 21 years of age was 30 per cent. no right thinking person would deny that people are losing their moral tone. The expenditure incurred in connection with the prison department in 1925–26 is over 20 lakhs and for 1926–27, 22 lakhs, I shall not take up your time by dilating on the matters relating to the administration of justice, etc.

For this increasing expenditure, the burden has fallen on the already impoverished Burmese people. A large amount of revenue has been obtained from Burma in the shape of customs, income-tax, capitation tax, thathamedha tax, land revenue, forest revenue, ferries and fisheries, minerals (including petroleum), posts and telegraphs, stamp revenue, etc., and so it is proper to ask that the increased expenditure be not made the responsibility of the poor indigenous population. What has happened is that the revenues derived from central subjects in the above mentioned sources are not permitted to be spent in Burma.

BURMA'S TRIBUTE TO INDIA.

The cream of income from these sources is taken out and a yearly tribute amounting to over a thousand lakhs has to be paid to India. Moreover, 64 lakhs from the remaining revenue of Burma had to be contributed to the Indian Exchequer and the Government of Burma had to concert various plans to overcome the difficulty of insufficient means of expenditure in administering the country, I understand, however, that the 64 lakhs contribution has been discontinued owing to the agitation on the part of the Burma Legislature. The Government of Burma is placed in a difficult position as it would be impossible to contrive to get more taxes.

FINANCIAL CHAOS.

The state of affairs is such that imposition of further taxation would mean "cutting away the flesh." I understand that the Accountant-General who recently came here to examine the financial position of the country reported that Burma's financial affairs would be in difficulties in the near future. If we examine carefully why the expenditure and the income in Burma does not balance, it will be found that because Burma is connected with India. If the ten crores of rupees sent away to India be carried in bullock-carts, it would require 5,000 bullock-carts. If we count the numbers of years Burma had been joined on to India and the money sent to India what pangs does it not cause. And so, if Burma is separated from India, the revenues realised from Burma can be used for the purposes of improving everything in Burma and in about ten years Burma would attain the stage of prosperity as to entitle her to the name of "Shwepyigyi" or "Golden Burma." The "tribute" sent to India in the shape of customs duties is like that of a cruel dacoit or robber ill-treating the inmates of a house. Nor do I think it would be wrong to compare the collection of income-tax and super-tax with that of *Bilus* (ogres) cruelly ill-treating and sucking the blood (of a man). In the past, district officers performed the duties of income-tax officers in addition to their own duties. In order, however to increase the taxes a separate department has been established. Fearing these *Bilus* (Ogres) in the shape of income and super taxes a number of chetties closed down their firms in Burma and taking away 40 crores of rupees have gone to Saigon in Cochin China under the French to set up business there. In Saigon, payment of 250 silver dollars a year enables one to set up as moneylender without further payment of any other taxes. The fact that these chetties have taken away 400 lakhs of rupees from Burma and the fact that more chetties have gone and are going away, makes one think that the money market is going to become tighter. Singapore which is not under the control of India, but directly under the British Government, introduced income-tax during the Great War owing to shortage of money, but discontinued these taxes when the war was over. Then again customs duties being lower than in Burma, gave relief to the people in several respects.

THE MILCH COW.

Burma may therefore be likened to a milch cow and the Central Board of Revenue in India to a clever Indian milkman. For several years past, the Indian milkman milked Rs. 1,000 lakhs worth of milk from the Burma milch cow, and fed his wife and children, the Indian people. As for the owner of the cow—the people of Burma, he feels no pity and we do not even have so much as a drop of milk on the tip of our tongues, and when we consider this, is that not a matter for regret? It is only when we separate the cow from the milkman that we can free ourselves from poverty. I am sure that all will realise the advantages to be derived by the separation of Burma from India. At the worst, we can make use of the 1,000 lakhs for the various departments in Burma. We can spend more on education. As the Thathameda Tax and Capitation Tax amounted to only Rs. 100 lakhs, these can be totally abolished. We shall be able to get our goods cheaper by the reduction of customs duties, and we can even raise a fund for work to get the continued glory of our religion.

In conclusion, I beg that all patriots in Burma would with one voice ask the Simon Commission to separate Burma from India and grant to Burma *Dominion Home Rule.*

3. The following agenda of the business before the meeting was then gone through. The speeches and the resolutions thereon, duly proposed and seconded and supported were all in Burmese, as briefly detailed below in English:

THE AGENDA.

1. That Burma shall be entirely and immediately separated from India and granted Dominion Home Rule.
2. That all candidates who stood in "B" list of the tenth standard be admitted into the University of Rangoon.
3. That private candidates be allowed to appear for the I.A. and B.A. examinations.
4. To support and recommend the resolutions passed by the failed third grade pleadership candidates.
5. That a Bill be introduced for regulating control of *Sanghas* (Hpongyees) and that Government be approached for the purpose.
6. To define the meaning of the word "Burman."
7. That a Committee be appointed to carry out the resolutions passed.
8. That resolution 1 shall be sent to the Viceroy, the Simon Commission, the Governor of Burma and the Secretary of State for India.
9. That meetings shall be held and encouragement be given for purposes of resolution 1 in all parts of Burma.
10. To consider any other business.

PLEA FOR SEPARATION OF BURMA FROM INDIA.

3. The first and most important resolution, viz., "That Burma shall be entirely and immediately separated from India and granted Dominion Home Rule,"

was moved by U Mya U, F.R.G.S., Barrister-at-law, Mandalay. He put forward a strong plea in Burmese for separation of Burma from India. The translation into English of what he said is:

The memorable Declaration made on the 20th August, 1927, by the Secretary of State for India sets forth *inter alia*, that the policy of His Majesty's Government with which the Government of India are in complete accord, is that of increasing association of Indians (and Burmans) in every branch of the administration and the gradual development of India (and Burma) as a self-governing institution by progressive realization of responsible Government, as an integral part of the British Empire; that substantial steps in that direction would be taken as soon as possible; that it is of the highest importance as a preliminary to considering what these steps should be and that there should be a free and informal interchange of opinion between those in authority at Home and in India and Burma.

It is most significant that the war in which all the greatest nations of the world were involved was responsible for the memorable announcement aforesaid by the British Parliament and new issues have been brought home to India and Burma, awakening a sense of nationalism stirring in the hearts of everyone not only in India and Burma but the whole world; and Burma shares this in common with all other lands. For the first time in the history of the Indian Empire, the Secretary of State for India (the Right Honourable Mr. Montagu) came out to India personally to receive from the people of India (and Burma) a statement of what was stirring then in their hearts. Delegates from Burma were sent out to Calcutta and they were commissioned by the

Burmese people in general to ask for, among other things (1) the *separation* of Burma from India; (2) that the status of Burma be raised and provision made for the establisment of a Governor, High Court and University; (3) that the increasing demand for education be liberally met; (4) that the larger share of administrative positions be given to Burmans; and (5) that a new scheme of Self-Government be devised for Burma. After discussion and deliberation between the people of India and Burma and those in authority at Home, the British Parliament was pleased to grant them (India and Burma) the present dyarchical form of Government.

I may mention here that Burma was firstly omitted in the Joint Report of the Right Honourable Mr. Montagu, the Secretary of State for India, and Lord Chelmsford, the Viceroy, when dealing with the Government of India Bill. We have to thank the Burma Deputation, consisting of Messrs. U. Pu, U Ba Pe, and the late U Tun Shein, and U Thein Maung, M.A., LL.B., for having proceeded to England and secured, with the assistance of Mr. Bernard Houghton, I.C.S., retired, and some members of Parliament, equal Reforms for Burma with other Provinces of India.

This form of Government has now been tried in both the countries, and so far as Burma is concerned, I venture to say that it has only met with partial success. Hence the agitation for a further substantial measure of reforms by the people of Burma. The Indian Statutory Commission has now come out to gather first-hand information from us in accordance with the promise made by Parliament, and invited the submission of written statements touching the structure and working of the existing constitution of British India including Burma, and returned to England. This Commission, when it comes back next cold season will, I hold, undoubtedly be the forerunner in shaping the destiny of the Burmese nation; and creation, therefore, of agitation against it will only have evil effects tantamount to political suicide by Burma. In my humble opinion, political leaders have a great responsibility to try to create a calm atmosphere at this psychological moment and make out a strong case for Burma before the Commission which represents the various parties in the British Parliament.

I would now beg to state my views. When we speak of India and the Indians, Burma and its people are always included, because Burma is attached to the Indian Empire as a Province of India. History tells us that Burma became part of the Indian Empire through the political accident of its geographical position at the time of its annexation, because it was then found that Burma could not be directly and efficiently controlled from England, as India was nearer. It was therefore administered through the Indian Government as a matter of convenience.

We Burmans, as a race, had our own kings continuously before the advent of the British, for more than 1,000 years, and are proud of our own race as every nation has its racial pride. Lower Burma was annexed about eighty and Upper Burma forty years ago. We have one race (Burman), one language (Burmese), one religion (Buddhism), one ideal, and one style of dress without any caste or distinction, while our manners and customs have remained free of diversity. Since the annexation there has been an inrush of non-Burmese races into our land. Out of a population of 13,000,000 people, there are 3,000,000 of foreign races, that is, 2,500,000 Indians and 500,000 of all other races. Of this 3,000,000, let us assume that 2,000,000 have been absorbed into the Burmese nation by marriage, lawfully or otherwise, with Burmese Buddhist women. The issues of such union could not *ipso facto* be pure Burmese, and the religious faith of such children would be non-Buddhist, as the children generally follow the religion of their fathers. Practically, we have now only 10,000,000 who can be called *Burmans*. This number includes the indigenous races of Burma, such as Shans, Karens and Kachins. So, within an average period of sixty years of British Rule in Burma, if Burma could possess 3,000,000 people of non-Burmese races professing non-Buddhist faith, what would be, by calculating arithmetically, the population of the non-Burmans in another 200 years? It will, I dare say, become equal to the population of Burma at the advent of the British, when the number of foreigners was infinitesimally small. Every year, besides other foreign races, about four lakhs of people from the other side of the Bay of Bengal (India) come into Burma and return to their homes, carrying away with them large sums of money, leaving behind about 60,000 of their comrades. Fixing roughly at a nominal figure of Rs. 100 per head as the amount taken away by each of them, it comes to 34,000,000 rupees. To this must be added the sum of money taken away by other races jointly, which could also not be less than 34,000,000. From this it will be seen that Burma is deprived of 68,000,000 rupees every year.

Let us now consider the economic problem of the country. It requires, every year, about twenty-five crores (250,000,000) to finance the cultivators for cultivating their lands, as there is no State-aid system in Burma. The Natukotta Chettiyar money-lenders from Southern India, come over here solely to lend money on interest, not at five or seven per cent. per annum, but from eighteen to sixty per cent. and even more than that in certain cases. These financiers also take away about two and a half crores, 25,000,000 as interest. These moneys are never spent in Burma but only in India. Again, the weekly remittance to such places from Burma by Indian wage earners (labourers, etc.), amounts to Rs. 100 lakhs per year. Now, what do we get in return from India for these large sums so taken away? Echo answers what? Now I come to the question of Burma's revenue obtained in Burma. It amounts approximately to twenty-two crores of rupees (220,000,000). Our poor Burmese cultivators contribute largely towards it. Out of which eleven crores is the share that goes to India annually and 340 lakhs are spent in the maintenance of the North-Western Frontier of India. From this it will be seen that India takes Rs. 50 on every Rs. 100 of Burma's revenue. Burma needs a great deal of improvements in various branches of administration. Take Education, Irrigation, Communications, etc. These departments are simply starved.

According to the legislatures established in Burma (and India) there are two kinds of subjects, i.e., subjects normally to be dealt with by the Government of India, and provincial subjects, that is, subjects normally to be dealt with by the Government of Burma. Central subjects include matters of imperial as distinguished from provincial importance and matters in which uniformity throughout the Indian Empire is to be most desirable. The central subjects are chiefly foreign affairs, relations with Native States, the Public Debt, Currency, Shipping, Customs Patents, Designs, Copyrights, etc. Provincial subjects are again sub-divided into Reserved and Transferred, the former being dealt with by the Governor-in-Council, the latter with the Governor acting with Ministers. Amongst the Reserved subjects are included Irrigation, Land Revenue, Administration of Justice, Police and Prisons. Transferred subjects include Local Self-Government, Medical Administration, Public Health, Education, Public Buildings and Roads, Agriculture, Forests, Fisheries, Excise, Co-operative Societies. This list is not exhaustive.

Being a Burman interested in the welfare and progress of my countrymen, I have watched the rise and growth of political movements in Burma. In my humble opinion, unless Burma gets herself emancipated politically and financially, from the control of India proper, the Burmese nation can never hope to rise to the level now reached by other civilised nations of the world, and the very existence of the Burmans as a race would be threatened,

choked, and finally meet with extermination in the course of a few decades. If the Burmese race is gone, its beautiful religion must follow suit. Burma's position in the Indian Empire, looked at from any point of view and under any circumstances, is quite anomalous, because it is cut off by sea from the rest of India. And in matters of race, religion, language, ideals, manners, customs, we are quite different from the other provinces of India.

The real objection raised by a certain section of the community against separation is based possibly on four main grounds :—*Firstly*, on a strategic point of view ; that is to say, we shall not be able to protect the long range of the North-Eastern Frontier, or in other words, we are not capable of defending our own country in case of attack. My answer to this is a total denial. Burma separated, with all its culture and refinement, wealth, actual and potential, and with overflowing revenues, is beyond all manner of doubt capable of managing her own affairs quite happily and efficiently in every respect. We are not afraid of any attack by our neighbours or by any other power. Because, though Burma does not possess a defence force and regular army of soldiers of her own, there is nothing to prevent the formation of a Burmese army ; and further, we may boldly and confidently look to the mighty British Empire when we want any kind of assistance.

It is also a matter of Imperial concern affecting the British interests in no small measure. Neither Britain nor any part of her vast Empire will remain indifferent, even if help is not sought for by Burma in her hour of trial. Otherwise, the definitions of " Imperial Idea " and " Commonwealth of Nations within the British Empire " would be meaningless. Look at the last great war as an example which has caused the Great Powers to enunciate the principle of self-determination. This principle was to be applied not only to small European nations such as the Belgians and the Jugo Slavs, but it should be applied to Burmans as well, however small they are as a nation in Asia. I would therefore emphatically say that all other Dominions within the British Empire are bound to give a helping hand to Burma when necessary. If Burma, as a separate unit of the British Empire, were in danger of being invaded, I do not for a moment imagine that India herself would remain neutral. With the advent of Aeroplanes, Imperial Airways, etc., and the Singapore Naval Base as an accomplished fact, there would be nothing to be afraid of, should such an attack materialise. If we are allowed to make use of our Revenues from our country only, we could hire trained military officers to give us training in all branches of defence. And in the course of twenty years, we shall have a regular defence army of Burmese soldiers led by British Officers. If anyone wants to know the real character of a Burman, let him kindly look at our history. He will find that we Burmans were once upon a time a nation of soldiers, and that there was a Burmese Empire under the Burmese Kings. It is an admitted fact that untrained people of whatever race are not capable of withstanding the attack of organized and disciplined forces. The training and development speaks for itself. An opportunity is all that is needed to prove the contrary. In the last world-struggle, it is a known fact that we Burmans participated by contributing men and money for the maintenance of liberty and peace in Europe, and notwithstanding the proverbial reproach of backwardness attached to the Province, we have unflinchingly gone out to help with our lives and property and share in the sacrifice without which no war has yet been won. What does it show ? It shows that we are a fit nation to be associated as a member within the British Empire.

Secondly, some of our brethren have been labouring under the fear that Burma will be converted into a Crown Colony. This apprehension cannot be brushed aside altogether as a mistaken idea. There is something in it. But, in my humble opinion, the present form of Government is already far more advanced than that of a Crown-Colonial Government and I do not think that our benign Government would be so inhuman as to make us march backwards, having already given us equal status with India.

President Wilson, and Mr. Lloyd George, our late Premier, have clearly defined the principle of self-determination. Mr. Lloyd George then stated in unmistakable terms that such a principle was to be applied not only to small European nations, but that it should be applied to other small nations also. These statements, when made by such responsible statesmen, filled the hearts of all small nations like Burma with hope for the future, and they were delighted to see that the angle of vision in the world politics had, after all, changed for the better, that the political rights of the people of small nations would henceforth be respected and that their legitimate hopes and aspirations would be fulfilled. Further, the American Government had not been slow in granting self-government to the Philippinos, who are one of the small nations under their régime, in fulfilment of their solemn declaration, although their tutelage under the American Government was not so long as the Burmans have been under the British. It was only the other day that Sir Hugh Clifford, Governor of Singapore, before relinquishing his gubernatorial office in Ceylon, most unmistakably explained his view to the Legislative Council that the policy of His Majesty's Government is not to go back. Since Sir Hugh's departure for Malaya, Lord Donoughmore, President of the Ceylon Commission, expressed the same view. For my part, however, I would like to take, so to speak, the lesser of the two evils, if there be any.

There seems to be some misconception in the minds of some of my brethren and others as to the exact significations of the terms : Colony and Crown Colony and various types of Colonial forms of Government. I may be permitted to say here that a Colony has been defined to be any part of His Majesty's Dominions exclusive of the British Isles and British India. In a Crown Colony there is no representative Government. There are two groups of these Colonies :

(1) Those in which the Crown has the sole power of legislation, which it exercises through a Governor, Commissioner, or President alone, e.g., Gibraltar, St. Helena, Labuan, Ashanti, and Basutoland.

(2) Those in which the Crown has the control of legislation, which it exercises through a Governor or Administrator assisted by Executive and Legislative Councils, composed of ex-officio or official, or partly official and partly nominated members, the Crown reserving the right of veto, e.g., Hong Kong, Trinidad, Windward Islands, Seychelles, Straits Settlements, etc. (N.B.—There are no elected members in either council).

(3) A third type of Colonial Government comprises those to which a representative legislature has been granted, but the public officers are under the control of, and responsible to, the Crown acting through the Colonial Secretary (i.e. responsible Government has not been granted). The executive is composed of a Governor and a Council appointed by the Crown, containing some ex-officio or official members. As regards the legislature in three Colonies (Bahamas, Barbadoes and Bermuda) there are two Chambers ; a Legislative Council nominated by the Crown, and an elected Legislative Assembly ; in the others (e.g. British Guiana, Jamaica, Leeward Islands, Ceylon, etc.) there is one Legislative Chamber only, composed partly of members nominated by the Crown or of ex-officio or official members and partly of elected members.

(4) *The fourth and last group, consisting of Canada, Australia, South Africa, New Zealand and Newfoundland have full Responsible Government*, i.e., the chief public officers or ministers are responsible as in England, primarily to the Local Legislature. There is thus a great difference between the two types of Crown Colonies on the one hand, and the two types of Self-Governing Colonies on the other,

We are now clamouring for the fourth form of Colonial Government, such as Canada, Australia and South Africa, with a full responsible government. As regards this claim, whether we are a fit nation for self-government or otherwise, the observations made about ten years ago by some responsible Statesmen, Members of Parliament and others, will be of interest.

Sir Frederic Fryer the first Lieutenant-Governor of Burma, has said: "I consider that Burma is quite as fit for responsible government as India, and Burmans are not, in religion, race or habits, in any way identical with Indians. And writing to the London *Times*, he expressed again that "the Burmans are fitter for local self-government than are the Indians of the agricultural classes. The women of Burma are quite capable of exercising the vote. The loyalty of Burma during the war has been most conspicuous, and when I recollect the disturbed state of the country when I first went there in 1886, I cannot but wonder at the rapidity with which our Government has overcome the antagonism to it which certainly prevailed in the early years after the annexation and which existed not only in Upper but also in Lower Burma.

"It speaks volumes for our system of Government that such a transformation should be worked so quickly, and that our enemies of early days should be converted into our firm friends and supporters. The Burmans are a very proud people and have no mean opinion of themselves, considering themselves vastly superior to Indians, and I am firmly convinced that in no circumstances would they allow themselves to be ruled by Indians if they could help it."

Sir Herbert Thirkell White, a former Lieutenant-Governor of Burma, and author of a *Civil Servant in Burma*, says that "If India is fit to enjoy reforms in the direction of responsible government, a point on which I express no opinion, I think that Burma is probably better fitted to do so."

Sir Reginald Craddock, another Lieutenant-Governor of Burma, though an alarmist on the point of self-government, has remarked "that there are certain elements in the Burmese people which are very suitable for a popular form of government; that in Primary Education, Burma is more advanced than India; that in the general level of intelligence amongst the masses, Burma is able to hold its own and more in any contrast with many advantages notably in respect of conditions which favour development on democratic lines; that Burma has some sort of elective system, which is by no means unknown in Burma, and there has been no extremist party of young Burmans, no unbridled and defamatory press, no signs of unrest amongst Burmese students and not even the slightest suspicion of anarchy."

He further said that "Burma is free from those acute religious dissensions, which militate against the co-operation of men of different creeds. Toleration of the scruples and prejudices of others is a ruling tenet in her religion. There is an entire absence of caste and no marked cleavages of special distinction or occupation exists. The man of humble birth has in Burma always been able to rise as high as ability and education might carry him. The emancipated condition of the Burmese women conspicuously distinguishes Burma from India, and though secondary education may be backward, nowhere in India has primary education reached so high a stage of development. And among the indigenous races, as distinct from the immigrants from China or India, the extremes both of wealth and poverty are far less marked than in any Indian Province."

Again on August 2nd, 1919, he said "there are features in the social system of Burma which mark it out as *prima facie* a more promising soil for the introduction of electoral institutions than can be found in India. The widely diffused primary education already mentioned, the emancipated condition of women, the freedom from violent religious antipathies, the great tolerance of the Buddhist religion, the absence of landed aristocracy, of caste distinction, and of hereditary occupations, all these are factors which tell strongly in favour of the ultimate success of democratic institutions. The great development of Co-operative Credit Societies and that of allied associations is the strongest proof that the organisation of local self-government in rural Burma has been most unduly deferred, and is one of the most pressing ones of our administration."

Sir George Scott, a high authority in Burma, in reference to Burma being left out of the Government of India Bill and placed on the same level with Baluchistan and the North-West Frontier Province, observed that "to bracket Burma with Baluchistan and the North-West Province—the most literate with the most illiterate Provinces—is simply ridiculous, and is in entire agreement with the Burmans being different as to race, religion, caste, national feeling and loyalty."

In the discussions that took place in 1919 in the House of Commons on the Government of India Bill, *Colonel Wedgwood*, moving an amendment, said that "he sincerely hoped that the amendment will be carried and that the Labour Party should at least secure a definite water-tight pledge that a Bill guaranteeing Burma a full measure of freedom as is proposed for India, shall be passed during the next sessions of Parliament. *The Burmese are the most educated people of all India and should be granted freedom to control their own destiny.*" *He further saw no reason why Burma should not be granted independently Dominion status*, and observed that "the temptation naturally is when people do not make any complaint, to give them much less than is given to those who do complain. I do not want that to happen in this case, and we want the Burmese to understand, when they get their Constitution, that although they have not made any great demonstration on the subject, we shall realise that they are every bit as advanced as the rest of the people of India. In fact, they are even better educated in some respects, and we believe that their standard of treatment of women is better in Burma than in India. *We want the Burmese people to believe that they are being treated on an equality with the rest of the British Empire.* This is all the more important because people are so apt to contrast our Government of Burma with the American Government of the Philippines where they have been given self-government, and it is rather a slur upon the reputation of the British Empire that we had gone more slowly than the Americans in emancipating similar races. I hope we shall get a definite assurance that a Bill will be introduced for Burma in the next session of Parliament giving powers and no less advance than are given to the Indian Provinces."

Captain Ormsby-Gore, in defence of the Secretary of State for India, said: "I do not think that we should have Burmese in the Council of State for India. I want Burma to be kept as a separate entity; Burma is one of the leading Buddhist nations in the world and they are a very attractive people. I think we are all at one in our determination to see that Burma gets its place in the sun."

Mr. Montagu, the late Secretary of State for India, remarked that Burma does not wish to be left to the tender mercies either of the Secretary of State, the Government of India, or the Local Government, and agreed that Burma is not India, and that Burma must get an analogous grant of self-government subject to differences in the local conditions of Burma. Its literal attainments are greater than any other provinces."

We understand the meaning of the political catchward "Responsible Government," so did our Burmese Kings, who had actually tried this principle. The Burmese Kings conquered Siam, Assam, Manipur, Shan States, etc., and granted them self-government within the Burmese Empire. More than that, some section of the Burmese people are endowed with the spirit of Republican form of government. For

instance, I beg to refer to Sagaing Hills in Upper Burma, where nearly 5,000 to 6,000 Buddhist monks and nuns are still exhibiting that spirit. They have their own ways of management. They are all pure Burmese, inhabiting the hills peacefully and harmoniously, and have been so for many years, from a period before the advent of the British without in the least giving cause for interference by the administrative authority. It will thus be manifest that there was a Burmese Empire before the British came here. We are Burmese Buddhists; Burma is the land of Burmese Buddhists; Buddhism is a living faith, inculcating tolerance, brotherhood, equality, democracy, self-responsibility and universal peace. The thirty-eight Rules of happiness or the Sacred Precepts called "Mangala Sutta" have been well imprinted in our heart of hearts and we have been putting them into execution. These golden rules were even taught when we were young, in schools recognised by the British Government. They are :—

(1) Not to associate with the wicked;
(2) To be always in the company of the learned and wise;
(3) To honour those to whom honour is due;
(4) To dwell in a suitable place and adapt one's self to satisfy all common wants of life;
(5) To have in store some merit acquired in former existences;
(6) To have in one's own heart right desires, eschewing evil;
(7) To possess thorough and comprehensive knowledge of the world;
(8) To acquire knowledge of arts and sciences which are free from sin;
(9) To learn the laws of "Vinya" or the rules of conduct for the monks;
(10) To speak well chosen words;
(11) To support father and mother with proper sustenance;
(12) To cherish and maintain wife and children;
(13) To follow peaceful calling, i.e., trade, business or occupation;
(14) To practise charity;
(15) To live a life of righteousness;
(16) To render help to relatives;
(17) To do things which are free from sin;
(18) To shun that which is sinful;
(19) To particularly avoid bad deeds;
(20) To abstain from all intoxicating drink;
(21) Not to fail to practise meritorious works;
(22) To show the respect to whom it is due, such as teachers, parents and the three precious gems, e.g. Buddha, Dharma and Sangha;
(23) To humble one's self before all;
(24) To be readily contented;
(25) To feel particularly grateful for one's benefactors;
(26) To hear the preaching of law from time to time;
(27) To possess virtue of patience;
(28) To readily take to heart the admonition of the learned and wise;
(29) To pay visits to monks (*Rahans*) and Brahmans;
(30) To discuss and investigate the religious laws at proper times;
(31) To practise penances;
(32) To practise chastity;
(33) To know and discern the Four Noble Truths;
(34) To meditate on the happy repose of Nirvana;
(35) To keep one's mind tranquil as that of an Ahrahat whose mind, though in the midst of the eight changes and chances of life, does not shake, e.g., abundance and want, censure and praise, joy and distress, popularity and abandonment;
(36) Not to have any anxiety or fear;
(37) To be free from the dark mist of avariciousness;
(38) To be indifferent to any danger or suffering;

(N.B.—These four rare virtues, numbers 35, 36, 37 and 38, are attainable only by Ahrahats and not by any men).

By reason of the religious principles thus inculcated, violent agitation has been admittedly absent in Burma though Burma has been agitating for Home Rule very acutely and intelligently for some time past. It has been said that the difficulties in the way of Responsible Government in India rest very largely on matters of caste, language and religion; but everybody must admit that we have no caste, and that we have one language, one race and one religion. Our women in Burma occupy a very high status. They get Municipal Franchises and can vote for the election of Headmen in the rural districts. They have the control of the purse in the family. Sir John Guy Rutledge, the Chief Justice of Burma expressed an opinion in a reported case, Indian Law Reports, Rangoon Series, Vol. 5, pages 406–419, that "there is no country where the principle of equality of the sexes has been carried further than in Burma in matters of inheritance and devolution of property."

Burma is the largest Province in the Indian Empire. It has an area of over 230,000 square miles and a population of nearly 13,000,000, out of which over 10,000,000 profess Buddhism. Take the case of Burman Officers, present or past, placed in responsible appointments, Judicial or Administrative. They have not only been found fit but some of them have even excelled in some respects. Our Burma University is also supplying numbers of well educated young men and women for services in various branches of public and private life. The future, therefore, before us beams bright.

Thirdly, that Burma is part and parcel of the Indian Empire, and that whatever privileges are granted to the Indians, the same rights will be extended to Burma. Therefore, we would simply look on to India until such time as we deem fit and desirable to ask for separation. Against this reason, I may refer to the Skeen Committee's report on Indianization of the Army. Burma was entirely left out in the cold from it. The way is open for Indians only and not to the Burmans to enter the new branches of the Army and Navy. The object we seek to achieve is to fit us, Burmans, to undertake the defence of our country and frontiers. Much encouragement has been given to the Indians to form and officer a corps. I again say that Burma, not being England's pet spoilt child, has been left out in the cold. Some Indian Army students have been sent back from Sandhurst because they could not follow the lectures given in English; but poor Burma was not even asked to try. India has all along looked for herself, and in the case of the Army and Navy, Burma has not even been asked to play the part of a Cinderella. No help towards forming a National Army has been extended to Burma. The answer is not far to seek. "India and Burma for the Indians" appears to be the game. Even though nothing has been done and no favour shown in this connection, there is no substantial reason why we should wait for the crumbs to be swept off the table, considering that history bears witness to the fact we have the martial spirit, the manhood and heaps of it to form a National Army. We want a live National Army being trained by British Officers with the right for promotion when considered fit. The process of development will naturally be contingent on success achieved in the various stages of experiment. There is no difference of nationality in Burma, so there is no reason to look for disadvantages of difference in language and general knowledge. It is the duty of the Government to see that the agitation in India does not usurp the rights of the weak. Otherwise, the fundamental principle of the British Government to protect the rights of small nations would have no meaning.

The Skeen Report, it is clear, means that Burma should be, and will be under the military control of Indian Officers. Is it politic; is it in the interest of the Empire; is it just and is it fair to deny us our natural rights? Will the British Government, that

has always stood out as the champion of liberty, justice and fair play, deprive us of a nation's rights and wishes? Can any Government secure a contented people when the people are discontented? I can assure you that a self-governing, contented and prosperous Burma will be an asset in the East rather than any that you have under any foreign element.

I may here point out Burma is, according to a former Lieutenant-Governor, the richest undeveloped Province in the Indian Empire. She produces large quantities of rice, beans, oil seeds and other cereals, timber, cotton, cutch, rubber, hides, tungsten, silver, lead, petroleum and many other valuable products. Now, for the sake of argument, if India gets Home Rule with Dominion Status such as that of Canada or Australia, what would be the Scheme of Reforms or Constitution for Burma? There will be the following main heads :—

(1) Provincial Legislative Council.
(2) Provincial Government.
(3) Imperial Legislative Council.
(4) Government of India.
(5) The Secretary of State in Council.
(6) Matters concerning India and the Empire.
(7) Military and other matters.

Take item No. 4, the Government of India. The Governor-General of India will be the head, and assisted by an Executive Council. Stretching the point as far as possible, how many Burmans will there be in such a Council? In my opinion, there will possibly be one or none at all. Take again item No. 3, Imperial Legislative Council. The strength of the Council may be 120 or 150. How many seats will be allotted to Burma? India proper possesses 350,000,000 souls and Burma 13,000,000; 350 divided by thirteen gives a dividend of twenty-seven, that is to say, to every twenty-seven Indian Councillors, there will be one Burman Councillor. The number of members of the Council will be based upon the population. Say if Burma can send thirteen candidates to represent its cause, the other provinces of India will jointly sent 350 candidates. Could anyone then say that Burma will ever have a majority in the Council? What will then be our position? Could any of our resolutions be carried through? Will Burma get the majority of the votes? Again, in the very near future a Privy Council will be established in India. I have grave doubts if Burma will be called upon to take an active part in it. At present Burma is the hunting ground for the non-Burmese races as the land is flowing with milk and honey, and a safe bank for the Government of India for the purposes of revenue. This is quite evident from the statements shown above. *Take again the case of holding important administrative appointments. Will the Government of India allow the majority of Burmans to have a free hand in the matter of important administrative appointments in their own land?* I should think not. The Indian Parliament will say that the popular song of "Burma for Burmans" should not be sung now. The true song must be Burma for the most capable, whatever be their nationality, caste or creed within British India. All things being equal, take a Burman, but for efficiency's sake don't pretend that all things are equal, merely to choose a Burman. Indians have played a great part in the development of Burma. It is a matter in which uniformity throughout the Indian Empire is most desirable." The Burmans then will be kicked out in their own soil. Who will be controlling Customs, Post, Telegraph, Salt, Opium, Railways, Army and Navy, Excise, Income-tax, Accounts, Marine Transport, Steamer, Civil Police, Military Police, etc.? Will Burmans migrate to other Provinces of India for any purpose? I say that they will not and they cannot. In the first place, if they desire to go to any other parts of the Indian Empire, they will have to learn the respective languages of the country, such as Urdu, Arabic, Tamil, Telugu, Hindi, Bengali, Hindustani, and a score of other languages, in order to enable them to take up the appointments thereat. It is an impossible task. In the second place, the Burmans and especially their families will not reconcile themselves to the new conditions that will be placed upon them, owing to divergence of customs, religion, languages, mode of living and a score of other diversities, such as caste, etc. They will simply be an outcast in those places. Again, what about the revenues derived in Burma from the sources of Customs, Post, Telegraph, Salt, Railways and other so-called subjects of Imperial concern. Will the Self-governing Institutions of India allow Burma to spend its own revenue in its own place? For the above reasons I would pluck up my courage of conviction and say that the grip on Burma by India will be very much more tightened than at present when India gets Home Rule. It is quite natural for India to do so, because it cannot risk the loss of such a rich Province like Burma.

Fourthly, some say that it cost a great deal of money to the Indian Government when Burma was annexed, and therefore Burma must still continue to be a Province of the Indian Empire. This reason is not tenable at all at the present age of civilisation. The mere fact of indebtedness, though I do not believe that now it is so, will not give any right to India to keep us in bondage all the time.

Separated Burma will give Buddhist Colleges and schools, controlled in some respects by some of our venerable and respected monks of the country. Separated Burma will give abundant food for the ambitious people of Burma, many new ways and means of earning in the land, of trading in the produce of the land, and of finding food and money for the hungry millions. Separated Burma will be able to introduce a Military Training Act for the Burmese race, an Immigration Act, a Foreigners' Marriage Validity Act, Compulsory Education Act State-aid Industrial Act, an Agricultural Act, a Commercial Act, Technical and Foreign Education Act and a score of other Acts necessary for the good of the country. Separated Burma will have fiscal control of its revenue derived in the country. In a free and separated Burma, the Burmese race will become a unit among the other races within the great British Empire capable of developing the country to suit their own natural talents and requirements, without any prejudice to the interests of the Empire. All the words and phrases contained in the various laws of the country, particularly in Codes of Procedure, such as in choosing a Jury and an Assessor for trial of Indian British subjects will have to be altered in the case of the Burman British subjects. For the present, all the general laws passed by the Government of India are applicable to Burma.

We Burmans are tacitly and unknowingly included so far as the race is concerned, within the definition of Indian. What does it lead to and what will be the consequences in the near future? Being politically part and parcel of India, Burma and its people are not properly known to the British public. Why; what is the cause of it? Because Burma is not taken as a separate unit within the British Empire. Sympathy with the British public and Parliament for Burma is therefore absent. Whenever it is said that we are Burmans the British public runs away with the idea that we hail from Bermudas, an island in the Atlantic Ocean. I myself had the experience of having to explain to Lords Dunboyne and Portsmouth that we are Burmans belonging to the Province of Burma which, through no fault of ours, has been attached to the Indian Empire. This took place when I had the honour of being presented at His Majesty, the King-Emperor's Levee, at St. James' Palace, on the 21st June, 1909. Separated Burma will become a self-governing Dominion and a member of the British Empire. Burma with its own race as at present, is like a great vessel proceeding on the surface of the ocean. She is moving past the non-Burman spectators while they watch her gaily from the shore; now a mountainous wave dashes straight against the bow and she seems to be

drifting backward; at another time, the troubled water buffets her side and makes her swerve; then there is a respite and the good ship forges ahead and thus, now set back, now recovered. But she goes on determined and unyielding until she reaches her destination, i.e., Self-Governing Burma as an integral part of the mighty British Empire.

Those who have been observing her closely know perfectly well that *Separation mania* is within the heart of almost every Burman as she has all these years been under the heel of India, which has treated her as a milch cow. The Burmese people are only choosing time. This is now the moment to adopt the measure, this is the opportunity to make the demand as I consider that the arrival of the Commission in India and Burma is an occasion of no ordinary significance, not merely because of its undertaking with the traditions of ancient polity but because of the opportunity which it gives to all of us to meet the leading men of the English Bar and British Parliament, and to ventilate our views in manipulating the affairs of our country, because I consider that it brings with it sympathy, friendliness, conciliation and hope, and there is every reason to predict that in this Commission lies Burma's salvation, and because I have faith in the British Parliament. Take the case of removing the Fort on the Shwedagon Pagoda, Rangoon, Burma. It was the British Parliament which granted our request.

Some of my brethren in Burma have decided not to co-operate with the Commission. In this respect I beg to differ from them with their views, because in my humble opinion, that though the Commission can be boycotted now, yet their recommendations and decisions will entirely influence the British Parliament to put them on the Statute Book to become laws of the country. When they become laws, we cannot boycott the said laws then. If we fail to take this golden opportunity, we shall be lost for ever as a Burmese nation within the British Empire. Our claim should not be put off with "ifs," "buts," and such needless phrases. They are only an eyewash of which we are tired. Our motto should be "*save the Burmese nation first (from being drowned in the flood of non-Burmese races) and with it, its beautiful religion,*" and then agitate for any form of government we want. It must be understood that by the mere fact of political separation we do not mean that non-Burman races will have to go away from this country. We only want to protect our own race and the religion we profess, and we should also have a far larger share in its management. The rapid advancement by the Self-governing Colonies is to be attributed to the absence of communalism and the Laws made from time to time for the restriction of immigration.

As properly remarked by Mr. Montagu and Lord Chelmsford, Burma is not India. Burma is not that caste-ridden India with all its communal dissensions and religious feuds. The Declaration of 1917 is beyond a question for the protection of the minorities in the neighbouring country, India, and whatever inconvenience our Legislature may have experienced in the matter of communalism it must be ascribed to India, for no cause other than the legal fiction that Burma is a Province of India. It cannot be denied that the state of affairs in Burma has been such by the continual influx of people from other countries, and claiming to be domiciled Burmans, there is hardly left any scope for the development of the country by the Burmans themselves. Burma separated from India could have her own laws for the restriction of immigration. But so long as she remains tied to the apron strings of India such a procedure would be out of the question. We have already colonies of people from neighbouring and other countries calling themselves domiciled Burmans and claiming representation in the Council.

But the influx will go on for ever, as it has been allowed with impunity for the last few decades, if not stopped in time by legislation. If Australia, South Africa, Canada, New Zealand, etc., and even the United States of America could make their own laws to govern immigration, there is no reason whatever why Burma should not enjoy that right and take all steps necessary for the development of the country.

But the preliminary step is Separation from India.

Therefore, advance Burma; be strong and have the moral courage to speak out your own mind."

This was seconded by Saya Sein and U Mg. Gyee (Tadaywa) and supported by Mr. George H. Munro, Chairman, British Burman Association, in Burmese.

"In supporting the resolution wholeheartedly on behalf of the descendants born of Britishers and brought up and domiciled in Burma, he drew attention to what happens in the forests in the Salween Hill Tracts, where, when the bamboo flowers and bamboo seeds drop, myriads of rodents swarm out of the ground and increase with, one may say, lightning speed and overrun the hills and dales devouring the crops and everything green, causing ruin and starvation to the peoples of the Hills, and strikingly pointed out that continued connection with India would mean ruin and starvation to the Burmese people because the Indians were abnormally increasing in Burma by peaceful penetration, and what with their low standard of civilization in matters of social life and ideals and outlook so opposed to those of the Burmese people, what with the very meagre and frugal style of living of the mass of those coming here to earn a livelihood they are unable to obtain in India, what with their caste system so repugnant to the Burmese people and all combined resulting in slow but sure deterioration in the manners of the Burmese and practically ruining the Burmese accustomed to a much higher style of living, and unable to work on the low wages the Indians can afford to work for and thrive and undersell the Burmese who have been gradually but surely and steadily losing their lands and houses to these Indians in the towns and their culturable garden lands and paddy fields in the districts. Are not all these deplorable results staring the Burmese people in the face?

The Indians in the Central Legislatures of India have already more than once taken action to press for a railway connection to Burma. What would happen when Indian pressure in the Central Legislatures has the effect of compelling the Indian Railway Board to connect India with Burma by rail?

Matters are very bad for Burma on account of this continued undesirable and unnatural connection with India but when a Railway line is made, would not the Indians come pouring in like a stream of water and flood the Burmese people out of their hearths and homes? Would not the Indians then like the rats in the Salween Hills cause ruin and starvation to the Burmese people? Can a few Burmese Members of the Legislative Assembly and of the Council of State prevent the carrying out of a Railway connection resolution? Would that not be the sounding of the death-knell of the Burmese Nation and would not that swamp them out in their own country?

What then must we Burmans do to prevent such a catastrophe? The only thing that can and will prevent it and save them is immediate and thoroughly complete separation of Burma from India. Nothing else can give Burma a place in the sun.

It was a sorry mistake the Second Burmese Deputation made in England in 1920 by slacking the demand for Separation after the Viceroy, Lord Chelmsford and the Secretary of State for India, Mr. Edwin Montagu had been interviewed by the Delegation for Separation and for Reforms that went to Calcutta in December, 1917, and again in 1920 when in England they unfortunately listened to the advice of an Indian, a co-opted member, Dr. P. J. Mehta, M.D., Barrister-at-law, and of a retired Indian civilian, Mr. Bernard Houghton, to ask for one thing at a time, that is, to ask for only Dyarchy "analogous" to that given to the Major Provinces of India, and then later on, to ask for Separation, the main thing that really matters.

It is eight years since then, and there is no Separation as yet. I urged in 1922, in the columns of the *Rangoon Gazette* to bring about this Separation so vital to the life of Burma, by 1926, and Dominion Home Rule, by 1929. Why have we not got Separation yet? Because we the Burmese people have not made a strong and insistent demand for Separation in 1919 and 1920 while our Representatives were on Deputation in England.

But why has this happened? Because some of our leaders, like Tharrawaddy Pu, M.L.C., have, apparently, short memories and, though a *Home Ruler*, has been charmed by Indian Sirens. He, as well as U Tok Kyi, M.L.A., now prefer Indian Home Rule, i.e., Swaraj, to Burmese Home Rule. They and their Swarjist followers like U Paw Tun, A.T.M., M.L.C., have been so lulled to not only inactivity for the liberation of Burma from the Indian yoke, but they are now opposing us instead of joining forces to insist on *immediate Dominion Home Rule*, because they are trusting Indian Swarajists and Indian Congresswallas like Mr. Tyabjee, M.L.C., who coax them and tell them to wait till India gets Dominion Home Rule!

Just fancy they do not want Home Rule for Burmania but are happy to see her in fetters under the feet of India and to be content to see her play the Cinderella in the Kitchen of India! Oh! what shame to treat beautiful Burmania so!

The British Prince has sent seven Ambassadors headed by Sir John Simon who will be coming to Burma by January 1929, to make Burmania try on the fairy glass slippers of her fairy God-mother that she may wed the British Prince and become a Princess, and be an equal partner in the British Commonwealth but these Home Rulers and Swarajists are trying to prevent her from meeting the Seven British Ambassadors, that she may not be made a Princess in her own right. Cinderella's Indian sisters are fooling the Burmese Home Rulers-cum Swarajist National Parliamentary Organization and they are dreamily listening into inaction.

Let us Burma for the Burmans Leaguers like loyal valiant Knights of Burma come to the rescue and help Burmania to try on the glass slippers by welcoming the Seven Ambassadors that subject Burma may become: THE BURMA FREE STATE."

The Resolution was carried with tremendous applause.

The remaining resolutions Nos. 2, 3, 4, 7, 8 and 9 were carried unanimously; No. 5, relating to the *Sanghas* was withdrawn to be considered later. The feeling of the meeting was that *reform* must come from within the *Sanghas* and not imposed from without, by laymen. Resolution 6: as to who is a Burman was defined by Mr. George H. Munro. The English version is as follows:

> *Agenda No.* 6. To define the meaning of the word "Burman," that is who and what is a Burman for the purposes of the *Constitution of Burma* and all its implications.

A Burman is defined to be:—

(i) A person of any race born and brought up on the soil of Burma and who continues to make Burma his or her home for good, without distinction of caste, class, colour, or creed; and

(ii) A person of any race born outside of Burma but who comes to Burma, lives in Burma for not less than 25 years, knows Burmese well and claims Burmese citizenship with the intention of making Burma his or her home for good.

All others not coming within these two categories are necessarily non-Burmans, and must be treated as aliens and foreigners coming to Burma for temporary purposes only.

The definition was unanimously adopted.

It was also agreed to that the resolutions passed at the meeting be carried out in consultation, if practicable, with the leaders of the meeting at the *Saduditha zayat;* that the meeting urges the holding of public meetings in all big towns and villages to pass resolutions advocating the separation of Burma from India; that the resolution relating to separation and grant of Dominion Home Rule be communicated to His Excellency the Viceroy, to the Chairman, Indian Statutory Commission and the Secretary of State for India; that U Mya U and the members of the Executive Committee are elected to arrange for the reception of the Simon Commission during their visit to Burma. Resolution No. 10 was that the Committee is empowered to prepare a Memorandum and submit same to the Commission demanding the immediate and complete separation from India and that after separation Burma to deal with the Secretary of the British Government concerned with the Self-Governing Dominions, viz., the Secretary of State for the Colonies.

The meeting dispersed after a vote of thanks to the Chair.

4. The following telegram from U Mayo, Chairman, Sule Pagoda Road, Rangoon, dated the 27th August 1928, was despatched in accordance with the Resolutions, to His Excellency, the Governor of Burma, Rangoon; His Excellency, the Viceroy, New Delhi, the Chairman, Indian Statutory Commission, care of the Officer in Charge, Indian Statutory Commission, New Delhi; the Secretary of State for India, India Office, Whitehall, London:

"All Burma mass meeting Presided over by U Maya Aggamahapandita adopted proposal moved by U Mya U Barrister to represent before Simon Commission for Immediate Separation of Burma from India and Simultaneous grant of Dominion Home Rule for Burma and that Simon Commission be accorded a fitting welcome."

The Assistant Private Secretary to the Viceroy in his Demi-Official letter No. 4868 G.P. from Viceregal lodge, Simla, dated the 29th August, 1928, acknowledged receipt as follows:—"I am desired to acknowledge the receipt of your telegram dated the 27th August, 1928."

The Secretary, Indian Statutory Commission, in his No. E. M. 71/7 (Bur.), New Delhi Camp, dated the 20/30th August, 1928 acknowledges as follows: "I am directed to acknowledge with thanks the receipt of your telegram dated the 27th August, 1928."

PART II.

THE BURMA REFORMS.

The announcement made by His Majesty's Government in the House of Commons on the 20th August, 1917, with His Majesty's approval, to grant full responsible Government to India as the best form of Government known to the British, by successive stages, was extended to Burma under section 52 of the Government of India Act, 1919, on the 7th October 1921. Burma is necessarily included in the Royal Proclamation of the 23rd December, 1919, in which His Majesty referred to grant of full responsible Government hereafter and to the right of her people to direct her affairs and safeguard her interests under the scheme of the Burma Reforms which came into force on the 3rd July, 1922. The Burma Legislative Council, as a consequence, came into actual being on the 1st January, 1923.

2. The next stage for further progressive realization of full responsible Government as an integral part of the British Commonwealth under section 84A of the Government of India Act is to take place at the expiration of ten years after the passing of the Act, i.e., in 1929, but for various reasons, that period was shortened by Parliament, early in 1927.

For the purposes of this section the Royal Statutory Commission of seven Parliamentarians selected from

the three parties under the Chairmanship of Sir John Simon, a Liberal, has been appointed by His Majesty and their preliminary enquiry began in India in February, 1928, and is to be completed in about June, 1928. The Commission comes to Burma on the 29th January, 1929, to enquire and report whether it would be possible to establish complete responsible Government or not in Burma, what the growth of education is, what the development of representative institutions, and connected matters.

3. In view of the inquiry, it is well to premise that the announcement of the 20th August, 1917, marked a new era in the history of Burma. The political awakening of the announcement was more marked in Burma than in any part of the Empire. Prior to August, 1917, political consciousness was practically non-existent and those who took any interest at all did not exceed a few score. On Mr. Montagu's visit a deputation was organised at once. Burma sent U Phay a retired official, U May Oung, Barrister-at-Law, U Ba Pe, B.A., and U Su, Barrister-at-Law of the Young Men's Buddhist Associations as a Delegation to Calcutta early in December 1917, to make representations to His Excellency Baron Chelmsford, P.C., G.M.S.I., G.M.I.E., Viceroy of India, and the Right Honourable Mr. Edwin S. Montagu, P.C., His Majesty's Secretary of State for India, that the existence of Burma as a distinct Nation within the British Empire may not be jeopardized and with that object placed *Separation of Burma from India* in the forefront of Burma's political programme for a place in the Sun, to put an end to their wholly artificial union, for the vital reason that such a step far outweighs any consideration as to advantage or expediency arising from that union, the Burmese Nation being as dissimilar from the Indian peoples as any two nations, dwelling near each other, can possibly be.

It was impressed upon them that the diversity is not merely one of religion, but also of race, language, traditions, art, ideals, law, and the whole fabric of the social system. Caste distinctions are unknown. Sex disabilities have never existed. Burmese women are fully emancipated and have always taken a prominent share in public, religious and social affairs; that they enjoy the municipal franchise, and are to be met with in trade, industries and agriculture; and that moreover, the country is as nearly homogeneous as can be expected.

It was urged that under indigenous rule there were only two estates of the realm—the Royal Family and the rest of the nation, the pauper of one day might displace a chief or a minister on the next; that a peasant proprietary firmly established on the land is the most distinguishing feature of our body politic, that to tack on such a country to the conglomeration of jarring interests of India would not add to the reputation for unrivalled statesmanship enjoyed by the British; that our aspiration is to be constituted a new Eastern Dependency with a Governor and a legislature under the ultimate control of the British Cabinet; that in fine, we wish to be self-contained and to exist as a free unit, a separate entity, an equal partner in the great British Commonwealth and naturally dislike the idea of Burma's distinct individuality being merged in, and overshadowed by, India; that Burma presents the most promising conditions for the foundation of a future democratic government under the guidance of statesmen in the British Isles; and that the Burmese do not forget that the Indian National Congress at its first session in the 1885 passed the following resolution: "That this Congress deprecates the annexation of Upper Burma, and considers that if the Government unfortunately decide on annexation, the entire country of Burma should be *separated* from the Indian Viceroyalty and constituted a Crown Colony; as distinct in all matters from the Government of the country as is Ceylon."

4. When the report on the Indian Constitutional Reforms was published on the 22nd April, 1919, Burma was excluded from consideration for Reforms. The reasons stated were that: "Burma is not India. Its people belong to another race in another stage of political development, and its problems are altogether different. We therefore set aside the problem of Burma's political evolution for separate and further consideration."

On the publication of this report, the Lieutenant-Governor of Burma, Sir Reginald Craddock, took steps for a tentative scheme of Reforms for Burma which was published on the 17th December, 1918, and a considered scheme, with modifications, suggested in a letter from the Local Government of the 28th August, 1919. The schemes were strongly condemned by the Burmese political associations as totally insufficient to satisfy the legitimate aspirations of the Burmese people.

As a result, a deputation was despatched to England on the 7th July, 1919, and reached London on the 8th August, 1919. It represented the Burma Reforms League, the Young Men's Buddhist Association, the Upper Burma Peoples' Association, the Moulmein Burma Association and others and was strongly supported by the great and thoroughly representative public meetings held at Rangoon on the 29th February and the 2nd May, 1919, to plead Burma's case before the Secretary of State for India for a more liberal treatment on the lines proposed by the delegation to Calcutta and subsequently reinforced and added to by Resolutions passed at the All-Burma Mass Meeting held at the Jubilee Hall on the 17th August, 1919.

5. The members of the deputation were Mg Pu, B.A., Barrister-at-law, Mg Ba Pe, B.A., and Mg Tun Shein, B.A. They pressed for the inclusion of Burma in the Government of India Bill and countered the various objections made against the grant to Burma of the Reforms for the Major Provinces of India, pointed out that the same general laws apply to Burma as in India, the revenue system is the same as obtained in Madras and Bombay Presidencies, the Executive and Judicial systems are identical with those in the Punjab, in Excise and Opium matters Burma has the same problems as in India, that in fact in all the essentials of Government, the Indian Government always dealt with Burma on precisely the same lines as the other great Provinces of India. They urged that in culture and enlightenment the Burmese are fully equal to the Indians, our women occupy a higher and freer position than elsewere in Asia, that our women ought to enjoy equal political rights with men. They reiterated that practically there is no diversity of race and language, that Burma is practically homogeneous, that minor races such as Karens, or immigrants such as Indians and Chinese offer no special problems, the past feuds between Hindus and Muhammadans in India are well known, but do not recur in Burma where a kindly tolerance reigns supreme, there are no divisions of caste, structure of society is essentially democratic, more democratic in fact than in the British Isles, there is less class distinctions and more fraternity than in England. The Burmese have always been patriotic and cherish an intense love for their country, take a pride in themselves and their race, and nowhere does patriotism burn with a truer flame than in Burma, and thanks largely to the monastery schools, primary education is more widely diffused than in India, but through failure to create a University at Rangoon, the number of graduates is comparatively small, but there is at least as large a proportion as in India of capable, level-headed men, fit to grasp the problems and carry out the functions of representative Government. That and not the number of B.A.'s is the essential point. There is no unrest and anarchy as in India. We have a higher claim, therefore, to self-government and this should have special weight.

They stated that the Burmese were, therefore, grievously disappointed at the treatment meted out, notwithstanding the view expressed by Sir Reginald Craddock as regards conditions in Burma that:—

"It can be confidently affirmed that Burma is endowed with many advantages notably in respect to those conditions which favour development on democratic lines. Thus she is free from those religious dissensions which militate against the co-operation of men of different creeds. Toleration of the scruples of others is a ruling tenet of her religion. There is an entire absence of caste, and no marked cleavage of social distinction or occupation exists. The man of humble birth in Burma has always been able to rise as high as his ability or his education might carry him . . . Burma undoubtedly offers a more promising field for Self-Government than does India at the present juncture."

The Deputation, therefore, urged that for these reasons, indeed, and on account of the relative simplicity of the problems that will confront Burma's new Legislature, Burma might claim and rightly claim a more generous measure of Self-Government than that accorded to India and asked that their representation be placed before the Parliamentary Joint Committee for their consideration.

6. On the 19th August, 1919, evidence was tendered by the Burma Deputation before the Parliamentary Joint Committee, the Chairman being Lord Selborne.

Four questions were put and answered, viz.,

5285. *Chairman :* You and your colleagues are a Deputation from the Burma Reform League ?—*Mg Pu :* Yes and not only the Burma Reform League, but I represent a very large section of the Burmese population. The Burma Reforms League is only a portion of it, and I put down my name as President, because I happen to be the President of the Burma Reform League at the present moment.

5286. *Chairman :* You have come, I think, all the way from Burma, and on purpose to lay your views before this Committee ?—*Mg. Pu :* Yes.

5287. *Chairman :* My colleagues and myself would be very happy to hear any statement you wish to make. You have, I think, put in a Memorandum.—*Mg. Pu :* Yes, I have put in two : one "A Plea for Burma" and the other a definite proposal, "A Scheme of Reform for Burma."

5288. *Chairman :* Perhaps you will make any statement you wish to make in supplement to this memorandum ?—*Mg. Pu :* May it please your Lordship. On behalf of the people of Burma, I am much obliged to your Lordship's Committee for giving me an opportunity to place the views of Burma before this Committee. At one time it was thought that Burma would not be allowed to give evidence but happily we are now allowed to give before the Committee the views of Burma. Burma, your Lordship knows, is a fairly large country—I think the largest province in India ; it is larger than France and larger than the British Isles, with an area of 270,000 square miles, out of which 172,000 square miles are directly under the British Government. The rest of the country consists of independent Native States or of semi-independent Native States. Burma has a population of 12,000,000, out of which 10,500,000 are composed of Buddhists, and the rest are composed of Christians, Hindus and Muhammadans. Of course these latter form a very small minority in the country. As your Lordship knows, most of the Burmese people profess a religion which has given satisfaction to the spiritual yearnings of a very large number of people in this world. That religion is professed by over 500,000,000 of people in the world. Burma had a very great past in her history. We had a proper Kingdom when the British came under the Norman Conquest, so that we have a fairly ancient history behind us.

As regards my credentials, we represent a very large section of the Burmese population. I think I have fairly submitted the general lines of our case, and I trust that your Lordship's Committee will report favourably on behalf of Burma in connection with the reforms which will suit Burma.

Chairman : We are much obliged to you. You have put your case extremely clearly and from the Memorandum which you have put in I think we understand exactly what those you represent wish us to understand.

7. It was noticed that Mg Pu was not cross-examined like the other Indian witnesses who appeared before the Joint Select Committee who went to England on behalf of the Reforms for India.

The Burma Deputation members felt this was suspicious and unsatisfactory and were very anxious lest Burma's case would be set aside. Interviews with members of the Indian Deputations increased their fears and therefore decided to influence the Committee through the Press and members of Parliament. A series of interviews with various persons and members of Parliament and persons connected with newspaper offices were approached. Another pamphlet—being a fuller account of Burma's constitutional needs : "Burma : the Cinderella of the Indian Empire" was printed and circulated. A vigorous campaign was inaugurated to inform the British Public about Burma affairs. The Secretary of State for India was requested for an interview but he refused to grant an interview. Then they managed to see Lord Sinha, Mr. B. N. Basu and others. From these interviews it was learnt that Burma's case would not be considered by the Committee, the reason assigned being that the Committee had received neither the Government of Burma's proposals nor the Government of India's Despatch on the same. A memorial was then submitted to Mr. Montagu.

8. The Joint Committee's report was published on the 17th November, 1919, and it was recommended not to include Burma in the Government of India Bill. In paragraph 8 of their Report the Committee wrote : "They do not doubt but that the Burmese have deserved and should receive a constitution '*analogous*' to that provided in this Bill for their Indian fellow subjects."

On this, further active and energetic steps were again taken through the Press and Members of Parliament and other influential personages when an interview was granted on the 20th November, 1919, and Mr Montagu promised to make a definite declaration of Burma's position.

Further strenuous steps were then taken and efforts made and a proposal submitted to the Secretary of State for India for the appointment of a representative Committee which will have the confidence of the people of Burma to enquire on the spot in Burma into matters such as franchise, functions, relations between Burma and India, etc., and to report thereon in time to enable the Secretary of State to introduce Reforms into Burma before Christmas, 1920. Suggestions were also made that the Committee should consist of one member to represent the Government of India, one member the Government of Burma, two or three non-official Burmans having the confidence of the people to represent the popular views and that it should be presided over by men like Lord Sinha or Mr. Charles Roberts.

Mr. Montagu replied that "the suggestions therein laid before him are receiving his closest consideration."

9. On the 3rd December, 1919, during the third reading of the Government of India Bill in the House of Commons in Committee, Mr. Ben Spoor of the Labour Party moved an amendment to include Burma in the Bill and requested the Secretary of state to make a definite promise to Burma. It was too late for inclusion in the Government of India Bill. After some discussion in the House Mr. Montagu made his announcement, the salient points of which are :—

> "What Burma is anxious for is to come to Parliament itself, and not to be left to the tender mercies of either the Secretary of State, the Government of India, or the Local Government . . . Burma is not India, but Burma must get an analogous grant of government, subject to differences in the local conditions of Burma. . . . The real case therefore, is that Burma will get without loss of time one of two things. It will either

become a Governor's province—if that turns out to be the best solution—and in that case it will be dealt with under clause 15: if however, it wishes to have a different constitution, say, from the rest of India, then we shall have to have new legislation, which will be introduced without loss of time into Parliament. . . . I shall be very much surprised if at the end of next session we have not passed the Bill dealing with Burma."

After the passing of the Government of India Bill, the Secretary of State was again interviewed on the 15th December, 1919, to find out the procedure he would adopt with Burma's case. The deputation was assured that the case would not be placed before Parliament till after May, 1920, and that the Secretary of State would inform Mr. Bernard Houghton a co-opted member, some time before any measure is introduced, to enable the next Burmese deputation to place the views of the people before Parliament.

The deputation was impressed with the fact that any measures to be introduced into Parliament will be amenable to the wishes of the people of Burma. It is therefore the business of the Burmese people to find out what they wish to ask, and to ask with one voice. The deputation believed that what the Burmese people unitedly, sincerely, and earnestly demand, the British Parliament will not refuse to grant.

The Burma deputation further discovered that if the Secretary of State for India only relied on the Government of India for information from Burma, he will only hear the point of view of the Government and not the point of view of the Burmese people.

The advice of the deputation is that it is very important that there should be an uninterrupted flow of reliable and complete information between the Burmese people and our friends in England so that they may be able to work in the interests of Burma and convince the authorities with an abundant supply of facts and figures; and that we must ourselves be in touch with the democratic forces in England, to bring our claims forcibly and successfully before the British Parliament and democracy. We need persistent, constitutional and intelligent agitation. And finally, that another deputation to England must be sent to successfully push the Burma Bill during the present session of Parliament, because it is the most critical period in the history of Burma and Burma must prove herself equal to the occasion.

10. In due course the members of the second deputation to England, *viz.*, Maung Pu, B.A., Barrister-at-law, Mg Ba Pe, B.A., Maung Thein Maung, M.A., LL.B., Barrister-at-law left Rangoon on the 29th May, 1920, with the mandate of the Burmese people given by the General Council of the Young Men's Buddhist Associations, kindred associations and the All Burma Mass Meetings of the 29th February, 1920, and the 2nd May, 1920, to ask (*a*) for dyarchy by Bill, (*b*) Separation from India, and (3) the Declaration of Rights for Burma.

On the arrival in London on the 15th June, 1920, it was found that the White Paper on Burma Reforms had been published and submitted to Parliament a few days before arrival. It contained the Government of Burma letter of the 22nd January, 1920, setting out its second scheme; and that as important questions regarding Ireland, Russia, the Punjab Riots, the Coal Crisis, and the Unemployment Question were demanding the attention of Parliament, it was unlikely there would be time for consideration of the Burma Reforms by Parliament.

After careful and prolonged discussion and consultation with the two co-opted members, Mr. Bernard Houghton, I.C.S. (Retired) and Dr. P. J. Mehta, M.B., Barrister-at-Law, and the many friends and well-wishers, the conclusion was come to in view of the political exigencies studied on the spot that:—

(1) Burma's Constitutional Reforms would be further delayed were the complicated question of Separation from India tacked on to them;

(2) Practically all the Reforms that Burma wanted could be got by notification under Section 15, clause (i) of the Government of India Act, 1919; and

(3) It would be better to ask for such notification instead of a Bill with no chance for getting the latter through Parliament before the end of the year, considering it advisable to ask for one thing at a time.

A Memorandum was at once prepared and distributed to the members of the Indian Reforms Committee, who held a meeting on the 5th July, 1920; articles were published in the *Asiatic Review* and in the *Venturer*, a Memorial was submitted to the Secretary of State for India on the 20th July, 1920, and members of Parliament, Colonel Wedgwood and others interviewed.

11. The memorial referred to, after drawing attention to the announcement of the 20th August, 1917, pointed out that in several respects Burma has a distinctive advantage over India, a sufficient advantage to justify a larger measure of self-government than that granted to the Indian Provinces because Burma is distinguished from India by uniformity in race, language and religion, by social equality, by greater literacy and by an absence of sedition.

It pointed out that the Lieutenant-Governor of Burma, Sir Reginald Craddock, said:—"There has been no extremist party of Young Burmans, there has been no unbridled and defamatory Press, there have been, thank God! no signs of unrest among Burmese students, and not even the slightest suspicion of anarchy." In this Tentative Scheme for Reforms for Burma, he agreed that Burma was for above reasons well-suited for democratic institutions, even adding that "Burma undoubtedly offers a more promising field for self-government." A former Lieutenant-Governor, Sir Herbert Thirkell White, has also stated that the Burmese are more fitted for self-government than are the Indians.

But now, it is regrettable Sir Reginald Craddock contradicting himself has recommended a Constitution for Burma in his, what may be termed the "Despatch Scheme," a form of Reforms far below that granted to the Indian Provinces. This Constitution in its essential features has been supported by the Government of India, misled by the statements in the Lieutenant-Governor's letter of the 22nd January, 1920.

The Deputation pointed out that many of the statements therein are untrue and that they were prepared to show that they are untrue. They clearly proved in their memorial that Burma is not behind India in political development; they are democratic in their social development, and are dowered with plenty of commonsense; they are capable to debate reasonably, and decide with fairness; they understand that ministers representing a majority should carry out certain policies approved by it, and can supply plenty of men capable of fulfilling this Constitutional function.

And further, the Government of India, instead of bearing in mind the pledge given by Parliament on the 20th August, 1917, seem to have lost sight of the Reforms which is to teach the people how to govern themselves, supports the *Board Constitution* of the Local Government which would in no way train the Burmese people for complete representative government, whether as voters, as members of the Legislature, or as ministers, because where there is no responsibility of the elector, where does his political education come in, what interest can he take in the proceedings of the Legislature, when the effect of the "Despatch Scheme" creates an indirect electorate where the majority of the voters are officials? Can this be representative government; is it even a pretence at representative government? Training in Local Government if not training in Self-Government; the former, in short, is administration, whereas the latter is legislation and decision of the great questions of policy. The Constitution proposed by the Government of India is strongly

condemned in paragraph 81 of the Joint Report and again in the debate in the House of Commons, on December 4th, 1919. It moreover keeps alive class and race feeling instead of welding all the dwellers in Burma into one nation. It should not be our object to make anyone think of himself as a member of a separate class, aloof from the general like of the nation.

The Budget is also, in this "Despatch Scheme," kept outside Legislative control, reducing the Legislature to a debating society; for without control of the Budget there is, surely, no responsibility, and without responsibility there is no self-government. "Responsibility," says the Joint Report, "is the saviour of popular government and that saviour the (then) present Councils wholly lack. We are agreed that our first object must be to invest them with it." The present proposal of the Viceroy is in direct conflict with his previous opinion. Their proposal for Executive Councillors, it was pointed out, is similar to that condemned in paragraph 217 of the Joint Report, for it is not Dyarchy. In support of this singular arrangement, it is alleged that there are no Burmans fit to be Ministers. This, surely, is not true. It was pointed out by the deputation that there is an ample number of Burmans—many more indeed than in Assam or the Central Provinces—fit and capable to administer the same range of subjects as in India handed over to popular control.

That Sir Reginald Craddock, on whose opinion that of the Government of India is based, made precisely the same allegation against Indians. Why should the Government of India, which rejected his opinion on Indians amongst whom he has spent nearly his entire career, accept his view on the Burmese, whom he can know but slightly, and that at second-hand? This "Despatch Scheme" misconceives wholly what is the soul of representative government.

The deputation further pointed out, it is sophistry to assert, as the Despatch does, that the proposed Burma Constitution is in any way "analogous" to the Indian Provincial Constitution. The Secretary of State for India was reminded that the pledge he gave in Parliament for Burma was "*an analogous grant of self-government, a similar grant of self-government, subject to differences in the local conditions.*" The deputation stressed that the Constitution proposed is not analogous; it is not similar; it is not self-government; and that, in short, the Government of India suggests the committal of a breach of faith, controverting the "Despatch Scheme" of the Local Government of Burma of the 22nd January, 1920.

The deputation pointed out that in place of the Local Government scheme supported by the Government of India, what the Burmese people, through their Associations, the Burma Reform League, the Young Men's Buddhist Associations and others, and through the great and thoroughly representative public meetings, held in Rangoon, on February 20th and May 2nd, 1920, is the following constitution, for which, in this matter they are unanimous, viz.:—

(1) Direct elections. No residential qualifications for candidates;

(2) A wide franchise without sex qualifications;
   (*a*) *Disqualifications.* Those who are under 21 (twenty-one) years of age;
   Those who are adjudged by a competent court to be of unsound mind; those who are not natives of India or of the Native States.
   (*b*) *Qualifications.* (General). Those who pay a land tax of Rs. 12 (Rupees twelve) a year; or those who pay rent of Rs. 60 (Rupees sixty), or sixty baskets of paddy a year; or those who are assessed to income-tax; or clerks or professionals whose income is not less than Rs. 300 (Rupees three hundred) a year.

(3) The Municipalities of Rangoon, Mandalay, Bassein, Moulmein, and Akyab to form separate constituencies. Other towns to be merged in the districts in which they are situated.

(4) No communal representation.

(5) Eighty per cent. of the Legislature to be elected.

(6) The principle of Dyarchy as in India.

(7) The Legislature to control the Budget as in India.

(8) In reserved subjects the vote of the Legislature, if there be a two-thirds majority, to prevail.

(9) At least two Burmese Ministers enjoying the confidence of the Legislature.

(10) At least two Executive Councillors, one only a non-Burman.

(11) The Governor to be a man of Parliamentary experience sent out from England.

(12) The President and Vice-President of the Legislature to be elected from among its members.

(13) A declaration of Rights similar to the United States Law 416, for the Philippines to be included in the Act.

(14) Separation from India, except that the Army, Navy, and Foreign policy remain under the Viceroy.

12. In concluding the memorial, the deputation pointed out that the question now is:—should Burma receive her new Constitution by a simple notification, under Section 15 (1) of the Government of India Act, or by a separate Bill. They pointed out, notification is the simpler and quicker course; that Declaration of Rights might possibly be granted under the powers to modify given by Section 15 (1) and that *Separation from India* is what Burma people certainly desire. That in fact it was the desire for it that led the Burmese people to ask for a separate Bill of Reforms for Burma, but, however, as they felt that demand for separation from India in the circumstances they found obtaining in England at the time would complicate matters and delay the Reforms so long overdue; and that as most of the Reforms wanted by Burma can be had by notification, they urged that a Royal Commission be sent to Burma to determine any modifications due to differences in local conditions and that this procedure would be in accordance with the pledge given in Parliament by the Secretary of State for India, and leaving the question of Separation to be taken up later after obtaining the Reforms much overdue.

13. The Report of the Second Deputation to England shows that after submission of this memorial the earliest result was known on the 23rd July, 1920, when, on that day, Draft Rules under the Government of India Act, 1919, came up before the House of Commons, where Colonel Wedgwood moved amendments to the Electoral Rules for Burma on behalf of the Deputation. They gave evidence before the Special Committee appointed by the Secretary of State for India on the 26th July following, and again on the 9th August, 1920, when the Deputation pressed for notification under Section 15 (1) of the Government of India Act, 1919, with modifications in favour of Burma as regards communal representation and women suffrage. The Special Committee promised to submit their report to the Secretary of State, who was interviewed in his office on the 12th August, 1920, when the deputation learnt that the Secretary of State took objection to the proposals of the Government of India, mainly for two reasons, viz.: want of responsibility in the parliamentary sense of the term, and the provision for indirect election, and that he would communicate with the Government of India and intimate the result in a fortnight. But when not hearing from him, the deputation addressed him on the 27th August, 7th September, 10th September, and 15th September, 1920, and forwarding the Monster Memorial, signed by thousands of the citizens of Burma, and that had then arrived, and instalments of signatures thereto, and reminding the Secretary of State of the danger in delay.

The Monster Memorial reiterated all that had been

urged and pressed for previously. What is particularly noticeable therein is the request that " Burma might be separated from India in order that her path of progress towards the said goal (status of a self-governing unit in the British Empire) might not be obstructed by Indian difficulties and requirements . . . realising the fact that Burma wishes to preserve intact her special characteristics and genius and to contribute her national individuality to the common stock of nationhood embraced within the British Empire; and that " no scheme of Reforms will be acceptable to the people of Burma that does not, at least, set the course in the direction of separation from India."

It strongly condemns the " Despatch Scheme," which is based on the wrong interpretation of the word, " analogous " in the Joint Select Committee's recommendations and that the Government of India has gone wrong in interpreting it, as they ignored its connection with the announcement of August 20th, 1917, and that no scheme which does not comply with the test of responsibility can be regarded as " analogous " to what has been granted to the Indian Provinces. The London *Times* was approached through certain friends, and its attention drawn to the urgency of Burma Reforms, when a leader on " Aspirations of Burma " appeared on the 22nd September, 1920, in the *Times*.

14. On the 7th October following, it was learnt that the Secretary of State was ill and that he could make no definite announcement yet, because the Government of India was holding out on main principles! He was again addressed on the 15th October, 1920, urging the necessity of having the Reforms settled before the Prome Conference Resolution on Non-participation was held, with the result that the Special Committee met again on the 22nd October following and the Secretary of State issued the Statement which Reuter's Agency cabled out to Burma on the following day. The Special Committee met again on the 29th October, 1920, and decided upon Dyarchy for Burma, only two members dissenting. This decision was accepted by the Secretary of State for India and the London *Times* announced on the 20th November, 1920, that the principle of Dyarchy was to be applied to Burma, though the former on the 22nd November, said the announcement was premature. The *Times* rejoined that its announcement was believed to be substantially correct and declared that no decision other than the one in favour of Dyarchy would be fair to the Burmese people. This all showed how strenuously the Governments of Burma and India opposed the grant of some responsibility being included in the Reforms:

Commander Kenworthy and others of the Labour Party asked questions, when statements were made in reply on the 1st December, 1920, regretting an announcement could not be made then, although he recognized the urgency of the matter.

The last instalment of signatures to the Monster Memorial that arrived was forwarded on the 4th December for settlement of the Reforms before Christmas.

On the 8th December the Secretary of State said that he hoped to make a statement before Christmas. The deputation asked these Labour Party members to raise the question of Burma again on the following day, when a long statement was made in reply, to the effect that a short Bill would be introduced in the next session, the object of which would be to bring Burma into the scheme of Constitutional reform and that when it receives a second reading it will be referred to the Standing Committee together with the schemes of the Government of India and the Local Government of Burma when it should be for Parliament and not for the Secretary of State to decide and that he however hoped to convince the Committee that the principles of the scheme, as a Transitional method, for the other provinces of India is the best that could be found for Burma.

After this announcement Sir J. D. Rees, asked the Secretary of State for India, on behalf of the deputation whether evidence would be taken before the Committee which would consider the Burma Bill and whether the deputation whould remain or was free to return to Burma. The reply was to the effect that it would be for Parliament to decide and for the Committee when appointed to also decide whether to take evidence, and if so, from what bodies and persons, and that he could not therefore undertake the responsibility of advising whether the deputation should remain or return to Burma, so far as the Committee is concerned; that if they considered it advisable to prepare and place in his hands a written statement of their case, he will take an opportunity, if one presents itself, of communicating it to the Committee when appointed.

This reply, and the result of their enquiry among friends both in and out of Parliament led the deputation to return to Burma, leaving it to Mr. Houghton to look after their case.

15. The result of the mission to England to press Burma's claim for grant of self-government analogous to that granted to the major provinces of India achieved by the Burma Deputation may be summarized as follow:—

(1) The London *Times* supported the case of Burma for Dyarchy.
(2) The Indian Reform Committee, the special Committee and the Secretary of State for India in Council have rejected the Proposals of the Governments of India and Burma and accepted the principle of Dyarchy for Burma.
(3) The Secretary of State has announced in Parliament that he would introduce a short Bill to extend the principle of Dyarchy to Burma. He hopes " to be able to convince the Standing Committee that the principles of the scheme, as a transitional method for the other provinces of India, is the best that could be found for Burma."
(4) It is practically agreed that there should be no sex disqualification.

Besides working for constitutional reforms the deputation has questions asked in Parliament about rice control (which has since been practically abolished), Military occupation of Shwedagon Pagoda Hill, Board of Publicity, and the Electoral Rules, and protested against the Government of Burma's proposals to start an official newspaper.

In concluding, they record their gratitude to the members of the Burma Society and the Buddhist Society of Great Britain and Ireland for the kindness shown them; and they also record regretfully their sense of sorrow for the death of two earnest workers in the cause of Burma—U Tun Shein and Mr. T. W. Rollaston.

16. This brief account of the early struggles of the Burmese people is recorded here to show how dogged and persistent efforts to secure a system of Dyarchy that is superior to that granted to India for Burma which has practically manhood suffrage has been successful, that similar efforts must be put forth for obtaining Dominion Home Rule for Burma in advance of India and that the Simon Commission may be fully convinced and satisfied that Burma wants immediate and *Complete Separation from India*, and that Burma has every reason to decline to be governed by India and Indians, that the Burmese people decline to be identified with Indians and emphatically decline to be a province of India. We want to control our own destiny and govern ourselves.

We cannot and do not forget that Burma was once an Empire, having conquered the whole country including Siam, Assam, Manipur, Cachar, Naga Hills and Chittagong and defeated two inroads from China and that but for invading Bengal which was under British control in 1824, Burma might have continued as Independent Burma, and that moreover, we Burmans are a warlike and democratic people.

We request a small readjustment of our north-western boundary for including the Naga Hills,

Manipur, Cachar and adjoining tracts to round off the boundary there and we claim that the islands off Cape Negrais including also the Andamans and the Nicobars that are submerged extensions of Burma in the Sea of Burma (Bay of Bengal) and near to the Mergui Archipelago as coming within Burma's sphere of influence and should be incorporated and controlled by Burma.

Our request to the Commission for transmission to Parliament is—Dominion Home Rule for Burma. Our motto is: "Burma for Burmans" within the British Commonwealth of Free Nations forming the British Empire that she may be a *glowing Ruby* in the British Crown.

PART III.

PROPOSED DRAFT CONSTITUTION OF THE BURMA FREE STATE.

PREAMBLE.

Whereas it is the declared policy of the British Parliament to grant full responsible Self-Government to British India, and necessarily to Burma, by the historical announcement in the House of Commons on August 20th, 1917, and by Royal Proclamation of the Crown on December 23rd, 1919, as the object of British policy with regard to India, and necessarily to Burma as well, as an integral part of the British Commonwealth of Free Nations forming the British Empire:

And whereas Parliament has appointed the Royal Statutory Commission composed of seven Parliamentarians selected from the three British parties under the Chairmanship of Sir John Simon, a Liberal, for the purposes of the inquiry imposed by Section 84A of the Government of India Act, 1919, to report as to whether and to what extent it is desirable to establish the principle of full responsible Self-Government indicated above or to modifiy or restrict its degree as then existing in Burma, including the question of whether a second chamber of the local legislature is or is not desirable, and to also inquire and report on any other matter affecting Burma:

And whereas the action of Parliament in such matters must be guided by the co-operation received from the people of Burma and by the extent which it is found that confidence can be reposed in the sense of responsibility of the Burmese people:

And whereas it is expedient to give to Burma the largest measure of independence of the Government of India, which is compatible with the circumstances of Burma:

And whereas it is imperative that all classes, and all races making up the Burmese peoples shall have full cultural, educational, and religious autonomy and it is essential that they shall be solemnly assured that all that is implied therein shall be guaranteed to them as well as an equitable share of political and economic opportunities which will allow them an adequate place "in the Sun of Burma," all such classes and races whether in a majority or in a minority being equally the children of the soil as any single one of them:

And whereas it is reasonable that each and every member of these classes and races require a clear statement of their inherent natural or fundamental rights that shall be such as could be independent of the legislature and enforceable by the proposed Supreme Court of Burma, under whose protection these indefeasible rights shall be placed:

And whereas it is desirable that certain other things which fall under the objects and purposes of a State rather than under fundamental rights, and coming under the aims and objects of a State, the realization of which would be dependent on the working of the legislative power and on political and economic expediencies shall also be equally assured to them, that there be justice for all, that the rights of *all* classes and *all* races may be protected without jeopardising the rights of the *whole* people as a Burmese Nation, that the different loyalties of the citizen, the worker, the family-man, the devotee, may frankly realise their right to live, each, in their proper sphere, that all their loyalties may be integrated into the frame-work of the National life of Burma:

And whereas it is necessary to provide for the above essentials in a well-ordered and progressive and a free state, that the peace, happiness and prosperity of the Burmese peoples may be fully realized:

And whereas the above aims, aspirations and objects of the Burmese peoples are impossible and impracticable of realization by the continuance of the wholly artificial and unnatural union of Burma to India:

And whereas the Burmese people have been insisting for the separate existence of Burma as a distinct Nation within the British Commonwealth of Nations forming the mighty British Empire, much prior to August, 1917:

And whereas on the announcement by His Britannic Majesty's Government in the House of Commons made by the Secretary of State for India on 20th August, 1917, of the future British policy regarding the Governance of India and Burma, the Burmese people immediately despatched a delegation to Calcutta to interview His Excellency Baron Chelmsford, P.C., G.M.S.I., G.M.I.E., Viceroy of India, and the Right Honourable Mr. Edwin Montagu, P.C., His Majesty's Secretary of State for India then at Calcutta, to demand a reformed system of government for Burma and placing *Separation of Burma from India* in the forefront of Burma's political programme for a place in the Sun.

And whereas two other deputations were despatched by the Burmese people to England to secure for Burma *Separation from India*, and the *Reforms* that would suit Burma, once in 1919, and again in 1920, with a mandate from the people to ask for: (*a*) Dyarchy by Bill, "analogous" to that granted to the major provinces of India; (*b*) Separation from India; and (*c*) the Declaration of Rights for Burma:

And whereas on the return of the Second Deputation to England in June, 1920, the political situation and circumstances obtaining in England at the time, due to questions as those of Ireland, Russia, the Punjab Riots, the Coal Crisis, and Unemployment were such and were demanding the urgent attention and consideration of Parliament, they found that Parliament was not likely to have time to spare during that session, for consideration of Burma Reforms and for *Separation of Burma from India* by Bill, the Deputation reluctantly decided, that though the *Separation from India* is what the Burmese people want and that it was the desire for it that led the Burmese people to ask for a "Separate Bill of Reforms for Burma," but as it was likely that the Reforms that were much overdue would be considerably delayed, they must necessarily ask for one thing at a time, and so pressed for the grant of Dyarchy, deferring to a more favourable opportunity the *question of demand for Separation:*

And whereas the appointment of the Statutory Commission gives the required favourable opportunity *to demand Separation of Burma from India;* and in view of the further demand of Dominion Home Rule, by the mass of the Burmese peoples the Constitution for same to be on the lines detailed in the foregoing paragraphs to satisfy the Burmese people:

And whereas it is desirable, nay, necessary, that a small realignment of the boundary of Burma on the North Western frontier be made by including the Naga Hills, Manipur, Cachar and adjoining tracts to round off the boundary on the said frontier; that moreover the islands off Cape Negrais including also the Andamans, and the Nicobars that are submerged extensions of Burma in the Sea of Burma (Bay of Bengal), on the South-West be likewise included in Burma as coming within Burma's sphere of influence and to be controlled by Burma; and that Karenni adjoining Siam form a part of Burma on the East:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual, and Temporal, and Commons, in

this Parliament assembled, and by authority of the same :

That the Constitution hereunto annexed shall be the Constitution of Burma and that Burma shall be styled and known as THE BURMA FREE STATE.

CONSTITUTION OF THE BURMA FREE STATE

(MYANMA SHWEPYIGYI).

Clause 1. The Burma Free State (otherwise hereafter called or sometimes called Myanma Shwepyigyi is a co-equal member of the Community of Nations forming the British Commonwealth of Free Nations.

Clause 2. All powers of Government and all authority legislative, executive and judicial in Burma, are derived from the people of Burma and the same shall be exercised in the Burma Free State (Myanma Shwe Pyigyi) through the organizations established by or under, and in accord with the Constitution.

Clause 3. Every person without distinction of sex, domiciled in the area of the jurisdiction of the Burma Free State (Myanma Shwe Pyigyi) at the time of the coming into operation of this Constitution, who was born in Burma or either of whose parents was born in Burma or who has been ordinarily resident in the area of jurisdiction of the Burma Free State (Myanma Shwe Pyigyi) for not less than twenty-five years, and claims Burmese Citizenship, is a citizen of the Burma Free State (Myanma Shwe Pyigyi) and shall within the limits of the jurisdiction of the Burma Free State (Myanma Shwe Pyigyi) enjoy the privileges and be subject to the obligations of such citizenship : Provided that any such person being a citizen of another State may elect not to accept the citizenship hereby conferred ; and the conditions governing the future acquisition and termination of citizenship in the Burma Free State (Myanma Shwe Pyigyi) shall be determined by law.

Clause 4. The national language of the Burma Free State (Myanma Shwe Pyigyi) is the Burmese language, but the English language shall be equally recognized as an official language. Nothing in this clause shall prevent special provisions being made by the Parliament of the Burma Free State (otherwise called and herein generally referred to as the " Wunthanu . . . ") for districts or areas in which only one language is in general use.

Clause 5. No title of honour in respect of any services rendered in or in relation to the Burma Free State (Myanma Shwe Pyigyi) may be conferred on any citizen of the Burma Free State (Myanma Shwe Pyigyi) except with the approval or upon the advice of the Executive Council of the State.

Clause 6. The liberty of the person is inviolable, and no person shall be deprived of his liberty except in accordance with law. Upon complaint made by or on behalf of any person that he is being unlawfully detained, the High Court and any and every Judge thereof shall forthwith enquire into the same and may make an order requiring the person in whose custody he shall be detained to produce the body of the person so detained before such Court or Judge without delay and to certify in writing as to the cause of the detention and such Court or Judge shall thereupon order the release of such person unless satisfied that he is being detained in accordance with the law.

Provided, however, that nothing contained in this Clause shall be involved to prohibit control or interfere with any act of the military forces of the Burma Free State (Myanma Shwe Pyigyi) during the existence of a state of war or armed rebellion.

Clause 7. The dwelling of each citizen is inviolable and shall not be forcibly entered except in accordance with law.

Clause 8. Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen, and no law may be made either directly or indirectly to endow any religion, or prohibit or restrict the free exercise thereof or give any preference, or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school, or make any discrimination as respects State and between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for the purpose of roads, railways, lighting, water or drainage works or other works of public utility, and on payment of compensation.

Clause 9. The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions, is guaranteed for purposes not opposed to public morality. Laws regulating the manner in which the right of forming associations and the right of free assembly may be exercised shall contain no political, religious or class distinction.

Clause 10. All citizens of the Burma Free State (Myanma Shwe Pyigyi) have the right to free elementary education.

Clause 11. All the lands and waters, mines and minerals, within the territory of the Burma Free State (Myanma Shwe Pyigyi) hitherto vested in the State, or any department thereof, or held for the public use or benefit, and all the lands and waters and islands that are the natural submerged extension of Cape Negrais within the territory of the Burma Free State (Myanma Shwe Pyigyi) including also Karenni on the East, adjoining Siam, also territory not yet precisely determined touching Tibet and China on the North and also the Naga Hills, Manipur, Cachar and adjoining tracts on the west to be subsequently determined, once under Burma, and also all the natural resources of these territories (including the air and all forms of potential energy), and also all royalties and franchises within these said territories shall, from and after the date of coming into operation of this Constitution, belong to the Burma Free State (Myanma Shwe Pyigyi), subject to any trusts, grants, leases or concessions then existing in respect thereof, or any valid private interest therein, and shall be controlled and administered by the " Wunthanu . . . " in accordance with such regulations and provisions as shall be from time to time approved by legislation, but the same shall not, nor shall any part thereof, be alienated, but may in the public interest be from time to time granted by way of lease or license to be worked or enjoyed under the authority and subject to the control of the " Wunthanu . . . " Provided that no such lease or license may be made for a term exceeding ninety-nine years, beginning from the date thereof, and no such lease or license may be renewable by the terms thereof.

Clause 12. A Legislature is hereby created to be known as the " Wunthanu . . . " It shall consist of the King and two Houses, the Chamber of Deputies (otherwise called and herein generally referred to as, " The Hlutdaw ") and the Second Chamber (otherwise called and herein generally referred to as " The Byedaik.") The sole and exclusive power of making laws for the peace, order and good government of the Burma Free State (Myanma Shwe Pyigyi) is vested in the " Wanthanu . . . "

Clause 13. The " Wunthanu . . . " shall sit in or near Rangoon or in such other place as from time to time it may determine.

Clause 14. All citizens of the Burma Free State (Myanma Shwe Pyigyi) without distinction of sex, who have reached the age of twenty-one years and who comply with the provisions of the prevailing electoral laws shall have the right to vote for members of the *Hlutdaw* and to take part in the Referendum, provided they are literate in their mother tongue. No voter may exercise more than one vote at an election to the *Hlutdaw* and the voting shall be by secret ballot. The mode and place of exercising this right shall be determined by law.

Clause 15. Every citizen who has reached the age of twenty-one years and who is not placed under disability or incapacity by the Constitution or by law shall be eligible to become a member of the *Hlutdaw*.

Clause 16. No person may be at the same time a member of both of the Hlutdaw and of the Byedaik and if any person who is already a member of either House is elected to be a member of the other House, he shall forthwith be deemed to have vacated his first seat.

Clause 17. The oath to be taken by members of the " Wunthanu . . . ," shall be in the following form :

> I,.....do solemnly swear true faith and allegiance to the Constitution of the Burma Free State, as by law established, and that I will be faithful to His Majesty King George V, his heirs and successors by law in virtue of the common citizenship of Burma with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Free Nations.

Such oath shall be taken and subscribed by every member of the " Wunthanu . . . " before taking his seat therein before the Representative of the Crown or some person authorized by him.

Clause 18. Every member of the " Wunthanu . . . " shall, except in case of treason, felony, or breach of the peace, be privileged from arrest in going to or returning from and while within the precincts of either House, and shall not, in respect of any utterance in either House, be amenable to any action or proceeding in any Court other than the House itself.

Clause 19. All official reports and publications of the " Wunthanu . . . " or of either House thereof shall be privileged and utterances made in either House, wherever published shall be privileged.

Clause 20. Each House shall make its own Rules and Standing Orders, with power to attach penalties for their infringement and shall have power to ensure freedom of debate, to protect its official documents and the private papers of its members and to protect itself and its members against any person or persons interfering with, molesting or attempting to corrupt its members in the exercise of their duties.

Clause 21. Each shall elect its own Chairman and Deputy Chairman and shall prescribe their powers, duties, remuneration and terms of office.

The member of the Hlutdaw who is the Chairman of the Hlutdaw immediately before a dissolution of the " Wunthanu . . . " shall, unless before such dissolution, he announces to the Hlutdaw that he does not desire to continue to be a member thereof be deemed without any actual election to be elected in accordance with this Constitution at the ensuing general election as a member of the Hlutdaw for the constituency for which he was a member immediately before such dissolution or, in the event of a revision of constituencies having taken place, for the revised constituency declared on such revision to correspond to such first-mentioned constituency. Whenever a former Chairman of the Hlutdaw is so deemed to have been elected at a general election as a member for a constituency the number of members actually to be elected for such constituency at such general election shall be one less than would otherwise be required to be elected therefor.

Clause 22. All matters in each House shall, save as otherwise provided by this Constitution, be determined by a majority of the votes of the members present other than the Chairman or presiding member who shall have and exercise a casting vote in the case of an equality of votes. The number of members necessary to constitute a meeting of either House for the exercise of its powers shall be determined by its Standing Orders.

Clause 23. The " Wunthanu . . . " shall make provision for the payment of its members and may in addition provide them with free travelling facilities in any part of Burma.

Clause 24. The " Wunthanu . . . " shall hold at least one session each year. The Wunthanu . . . " shall be summoned and dissolved by the Representative of the Crown in the name of the King and subject as aforesaid, the Hlutdaw shall fix the date of reassembly of the " Wunthanu . . . " and the date of the conclusion of the session of each House. Provided that the sessions of Byedaik shall not be concluded without its own consent.

Clause 25. Sittings of each House of the " Wunthanu . . . " shall be public. In case of special emergency either House may hold a private sitting with the consent of two-thirds of the members present.

Clause 26. The Hlutdaw shall be composed of members who represent constituencies determined by law. The number of members shall be fixed from time to time by the " Wunthanu . . . " but the total number of members of the Hlutdaw (exclusive of members for the Universities) shall not be fixed at less than one member for each one hundred thousand of the population or at more than one member for each seventy thousand of the population : Provided that the proportion between the number of members to be elected at any time for each constituency, as ascertained at the last preceding census shall, so far as possible, be identical throughout the country. The members shall be elected upon principles of Proportional Representation. The " Wunthanu . . . " shall revise the constituencies at least once in every ten years, with due regard to changes in distribution of the population, but any alterations in the constituencies shall not take effect during the life of the Hlutdaw sitting when such revision is made.

Clause 27. Each University in the Burma Free State (Myanma Shwe Pyigyi,) which was in existence at the date of the coming into operation of this constitution, shall be entitled to elect three representatives to the Hlutdaw upon a franchise and in a manner to be prescribed by law.

Clause 28. At a General Election for the Hlutdaw the polls (exclusive of those for members for the Universities) shall be held on the same day throughout the country, and that day shall be a day not later than thirty days after the date of the dissolution. The Hlutdaw shall meet within one month of such day and shall unless earlier dissolved continue for four years or for such shorter period as may be fixed by legislation from the date of its first meeting, and not longer. The Hlutdaw may not at any time be dissolved except on the advice of the Executive Council.

Clause 29. In case of death, resignation or disqualification of a member of the Hlutdaw, the vacancy shall be filled by election in manner to be determined by law.

Clause 30. The Byedaik shall be composed of citizens who shall be proposed on the grounds that they have done honour to the Nation by reason of useful public service or that, because of special qualifications or attainments, they represent important aspects of the Nation's life.

Clause 31. The number of members of the Byedaik shall be thirty-six and may not exceed sixty. A citizen to be eligible for membership of the Byedaik must be a person eligible to become a member of the Hlutdaw and must have reached the age of thirty years. Subject to any provision for the constitution of the first Byedaik the term of office of a member of the Byedaik shall be nine years.

Clause 31A. The duration of the term of office of a member of the first Byedaik shall be reckoned from the beginning of the day on which this constitution comes into operation, and the duration of the term of office of a member of the Byedaik elected under Clause 32 of this constitution shall be reckoned from the beginning of the appropriate triennial anniversary of that day.

Clause 32. One third of the members of the Byedaik

shall be elected every three years from a panel constituted as hereafter mentioned at an election at which the electors shall be the members of the Hlutdaw and the members of the Byedaik voting together on principles of Proportional Representation. The voting at such elections shall be by secret ballot and no elector may exercise more than one vote thereat. The place and conduct of such elections shall be regulated by law.

Clause 32A. An election of members of the Byedaik under Clause 32 of this Constitution may be held at any time not more than three months before nor more than three months after the conclusion of the period of three years mentioned in that Clause.

A person who, after the day appointed by law for the completion of the formation of the panel of candidates and before the conclusion of the three years period running on that day, is chosen under Clause 34 of this Constitution to fill a vacancy caused by the death, resignation, or disqualification of a member of the Byedaik (other than a member about to retire at the conclusion of the said period) shall hold office until the conclusion of the next three years period and shall then retire.

Clause 33. Before each election of members of the Byedaik a panel shall be formed consisting of :—

(*a*) Three times as many qualified persons as there are members to be elected of whom two-thirds shall be nominated by the Hlutdaw voting according to the principles of Proportional Representation and one-third shall be nominated by the Byedaik voting according to principles of Proportional Representation ; and

(*b*) Such persons who have at any time been members of the Byedaik (including members about to retire) as signify by notice in writing addressed to the President of the Executive Council their desire to be included in the panel.

The method of proposal and selection for nomination shall be decided by the Hlutdaw and the Byedaik respectively, with special reference to the necessity for arranging for the representation of important interests and institutions in the country, provided that each proposal shall be in writing and shall state the qualifications of the person proposed and that no person shall be proposed without his own consent. As soon as the panel has been formed a list of the names of the members of the panel arranged in alphabetical order with their qualifications shall be published.

Clause 34. In the case of death, resignation, or disqualification of a member of the Byedaik his place shall be filled by a vote of the Byedaik. Any member of the Byedaik so chosen shall retire from office at the conclusion of the three years period then running and the vacancy thus created shall be additional to the places to be filled under Clause 32 of this Constitution. The term of office of the members chosen at the election after the first fifteen elected shall conclude at the end of the period or periods at which the member or members of the Byedaik, by whose death or withdrawal, the vacancy or vacancies was or were originally created, would be due to retire : Provided that the tenth or sixteenth member shall be deemed to have filled the vacancy first created by the death or withdrawal of the member or one of the members, the unexpired period of whose term of office was greatest at the time of the election, and so on.

Clause 35. The Hlutdaw shall in relation to the subject matter of Money Bills as hereinafter defined have legislative authority exclusive of the Byedaik.

A Money Bill means a Bill which contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration or regulation of taxation, the imposition for the payment of debt or other financial purposes of charges on public moneys or the variation or repeal of any such charges, supply, the appropriation, receipt, custody, issue or audit of accounts of public money, the raising or guarantee of any loan or the repayment thereof, subordinate matters incidental to those subjects or any of them. In this definition the expressions, " taxation " " public money " and " loan " respectively, do not include any taxation, money, or loan raised by local authorities or bodies for local purposes.

The Chairman of the Hlutdaw shall certify any Bill which in his opinion is a Money Bill to be a Money Bill, but if within seven days after any Bill has been certified by the Chairman of the Hlutdaw to be a Money Bill or after a Bill so certified has been passed by the Hlutdaw, whichever shall last happen, two-fifths of the members of either House by notice in writing addressed to the Chairman of the House of which they are members so require, or a majority of the members of the Byedaik present and voting at a sitting of the Byedaik at which not less than thirty members are present so resolve, the question whether the Bill is or is not a Money Bill shall be referred to a Committee of Privileges consisting of three members elected by each House with a chairman who shall be the senior judge of the Supreme Court, able and willing to act, and who, in the case of an equality of votes, but not otherwise, shall be entitled to vote. The decision of the Committee shall be final and conclusive.

Clause 36. The Hlutdaw shall as soon as possible after the commencement of each financial year, consider the estimates of receipts and expenditure of the Burma Free State (Myanma Shwe Pyigyi) for that year and, save in so far as may be provided by specific enactment in each case, the legislation required to give effect to the Financial Resolutions of each year shall be enacted within that year.

Clause 37. Money shall not be appropriated by vote, resolution or law, unless the purpose of the appropriation has in the same session been recommended by a message from the representative of the Crown acting on the advice of the Executive Council.

Clause 38. Every Bill initiated in and passed by the Hlutdaw shall be sent to the Byedaik and may, unless it be a Money Bill, be amended in the Byedaik and the Hlutdaw shall consider any such amendment. Every Money Bill shall be sent to the Byedaik for its recommendations and at a period not longer than twenty-one days after it shall have been sent to the Byedaik, it shall be returned to the Hlutdaw, which may pass it, accepting or rejecting all or any of the recommendations of the Byedaik, and as so passed or if not returned within such period of twenty-one days shall be deemed to have been passed by both Houses.

Clause 38A. Whenever a Bill (not being a Money Bill) initiated on and passed by the Hlutdaw and sent to the Byedaik is within the stated period hereinafter defined either rejected by the Byedaik or passed by the Byedaik with amendments to which the Hlutdaw does not agree or is neither passed (with or without amendment) nor rejected by the Byedaik within the said stated period, the Hlutdaw may within one year after the said stated period by resolution expressly passed under this Clause again send such Bill to the Byedaik in the form (save only for such modifications as are hereinafter authorised) in which it was first so sent, and if the Byedaik does not, within sixty days thereafter or such longer period as may be agreed to by both Houses, pass such amendments only as agreed to by the Hlutdaw, such Bill shall, if the Hlutdaw so resolves after the expiration of such sixty days or longer period aforesaid be deemed to have been passed by both Houses or the " Wunthanu . . . " at the expiration of the said sixty days or longer period aforesaid in the form in which it was so last sent to the Byedaik with such (if any) amendments as may have been made therein by the Byedaik and agreed to by the Hlutdaw.

The said stated period is the period commencing on the day on which the said Bill is first sent by the Hlutdaw to the Byedaik and ending at whichever of the following times is the earlier, that is to say, the expiration of eighteen months from the commencement of the said period or the date of the reassembly

of the " Wunthanu . . ." after a resolution occurring after the commencement of the said period.

When a Bill initiated in and passed by the Byedaik is amended by the Hlutdaw, such a Bill shall be deemed to have been initiated in the Hlutdaw and this Clause shall apply to such Bill accordingly and for the purpose of such application the said stated period shall, in relation to such Bill, commence on the day on which such Bill is first sent to the Byedaik after being amended by the Hlutdaw.

Whenever a Bill has been sent by the Hlutdaw to the Byedaik nothing in this clause shall operate to restrict the right of the Hlutdaw to send such Bill on any subsequent occasion to the Byedaik otherwise than under this clause, and when such Bill is so sent to the Byedaik this clause shall apply as if such subsequent occasion were the first occasion on which such Bill was sent by the Hlutdaw to the Byedaik.

A Bill sent a second time by the Hlutdaw to Byedaik and required for the purposes of this clause to be in the form in which it was first so sent may contain such (if any) modifications as shall be certified by the Chairman of the Hlutdaw to represent amendments made therein by the Byedaik and agreed to by the Hlutdaw or to be necessary owing to the lapse of time since such Bill was first sent by the Hlutdaw to the Byedaik.

Clause 39. A Bill may be initiated in the Byedaik and if passed by the Byedaik shall be introduced into the Hlutdaw. If amended by the Hlutdaw the Bill shall be considered as a Bill initiated in the Hlutdaw. If rejected by the Hlutdaw it shall not be introduced again in the same session but the Hlutdaw may reconsider its own motion.

Clause 40. A Bill passed by either House and accepted by the other House shall be deemed to be passed by both Houses.

Clause 41. As soon as any Bill shall have been passed or deemed to have been passed by both Houses, the Executive Council shall present the same to the Representative of the Crown for the signification by him in the King's name of the King's assent, and such Representative may withhold the King's assent or reserve the Bill for the signification of the King's pleasure: Provided that the Representative of the Crown shall in the withholding of such assent to or the reservation of any Bill, act in accordance with the law, practice, and Constitutional usage governing the like withholding of assent or reservation, in the Dominion of the Burma Free State.

A Bill reserved for the signification of the King's Pleasure shall not have any force unless and until within one year from the day on which it was presented to the Representative of the Crown for the King's assent, the Representative of the Crown signifies by speech or message to each of the Houses of " Wunthanu . . ." or, by proclamation, that it has received the assent of the King in Council.

An entry of every such speech, message or proclamation shall be made in the journal of each House and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the Records of the Burma Free State (Myanma Shwe Pyigyi).

Clause 42. As soon as may be after any law has received the King's assent, the clerk or such officer as the Hlutdaw may appoint for the purpose shall cause two fair copies of such law to be made, one being in the Burmese language and the other in the English language (one of which copies shall be signed by the Representative of the Crown to be enrolled for record in the office of such officer of the Supreme Court as the Hlutdaw may determine), and such copies shall be conclusive evidence as to the provisions of every such law and in case of conflict between the two copies so deposited that signed by the Representative of the Crown shall prevail.

Clause 43. The " Wunthanu . . ." shall have no power to declare acts to be infringements of the law which were not so at the date of their commission.

Clause 44. The " Wunthanu . . ." may create subordinate Legislatures with such persons as may be decided by law.

Clause 45. The " Wunthanu . . ." may provide for the establishment of Functional or Vocational Councils representing branches of the social and economic life of the Nation. A law establishing any such Council shall determine its powers, rights and duties, and its relation to the Government of the Burma Free State (Myanma Shwe Pyigyi).

Clause 46. The " Wunthanu . . ." has the exclusive right to regulate the raising and maintaining of such armed forces as are mentioned in the Scheduled Treaty in the territory of the Burma Free State (Myanma Shwe Pyigyi) and every such force shall be subject to the control of the " Wunthanu . . ."

Clause 47. Save in the case of actual invasion, the Burma Free State (Myanma Shwe Pyigyi) shall not be committed to active participation in any war without the assent of the " Wunthanu . . ."

Clause 48. Amendments of this Constitution within the terms of the Scheduled Treaty may be made by the " Wunthanu . . ." but no such amendment, passed by both Houses of the " Wunthanu . . ." after the expiration of a period of eight years from the date of coming into operation of this Constitution shall become law, unless the same shall after it has been passed or deemed to have been passed by the said two Houses of the " Wunthanu . . ." have been submitted to a Referendum of the people, and unless a majority of the voters on the register shall have recorded their votes on such Referendum, and either the votes of a majority of the voters on the register, or two-thirds of the votes recorded shall have been cast in favour of such amendment. Any such amendment may be made within the said period of eight years by way of ordinary legislation.

Clause 49. The Executive Authority of the Burma Free State (Myanma Shwe Pyigyi) is hereby declared to be vested in the King, and shall be exercisable in accordance with the law, practice and constitutional usage governing the exercise of the Executive Authority in the case of the Dominion of the *Irish* Free State, by the Representative of the Crown. There shall be a Council to aid and advise in the government of the Burma Free State (Myanma Shwe Pyigyi) to be styled the Executive Council. The Executive Council shall be responsible to the Hlutdaw, and shall consist of not more than twelve nor less than five ministers appointed by the Representative of the Crown on the nomination of the President of the Executive Council.

Clause 50. Those Ministers who form the Executive Council shall all be members of the Hlutdaw and shall include the President of the Council, the Vice-President of the Council, and the Minister in charge of the Department of Finance.

Clause 51. The President of the Council shall be appointed on the nomination of the Hlutdaw. He shall nominate a Vice-President of the Council, who shall act for all purposes in the place of the President, if the President shall die, resign, or be permanently incapacitated, until a new President of the Council shall have been elected. The Vice-President shall also act in the place of the President during his temporary absence. The other ministers who are to hold office as members of the Executive Council shall be appointed on the nomination of the President, with the assent of the Hlutdaw, and he and the ministers nominated by him shall retire from office should he cease to retain the support of a majority in the Hlutdaw, but the President and such ministers shall continue to carry on their duties until their successors shall have been appointed: Provided, however, that the " Wunthanu . . ." shall not be dissolved on the advice of an Executive Council which has ceased to retain the support of a majority in the Hlutdaw.

Clause 52. The Executive Council shall be collectively responsible for all matters concerning the Department of State administered by Members of

the Executive Council. The Executive Council shall prepare Estimates of the receipts and expenditure of the Burma Free State (Myanma Shwe Pyigyi) for each financial year, and shall present them to the Hlutdaw before the close of the previous financial year. The Executive Council shall meet and act as a collective authority.

Clause 53. Ministers who shall not be members of the Executive Council may be appointed by the Representative of the Crown and shall comply with the provisions of clause 17 of this Constitution. Every such Minister shall be nominated by the Hlutdaw on the recommendation of a Committee of the Hlutdaw chosen by a method to be determined by the Hlutdaw, so as to be impartially representative of the Hlutdaw. Should a recommendation be not acceptable to the Hlutdaw, the Committee may continue to recommend names until one is found to be acceptable. The total number of Ministers including the Ministers of the Executive Council, shall not exceed twelve.

Clause 54. Every Minister who is not a member of the Executive Council shall be the responsible head of the Department or Departments under his charge, and shall be individually responsible to the Hlutdaw alone for the administration of the Department or Departments of which he is the head : Provided that should arrangements for Functional or Vocational Councils be made by the " Wunthanu . . ." these Ministers or any of them may, should the " Wunthanu . . ." so decide, be members of, and be recommended to the Hlutdaw by such Councils. The term of office of any Minister, not a member of the Executive Council, shall be the term of the Hlutdaw existing at the time of his appointment. But he shall continue in office until his successor shall have been appointed, and no such Minister shall be removed from office during his term otherwise than by the Hlutdaw itself, and then for stated reasons, and after the proposal to remove him has been submitted to a Committee, chosen by a method to be determined by the Hlutdaw, so as to be impartially representative of the Hlutdaw and the Committee has reported thereon.

Clause 55. Every Minister shall have the right to attend and be heard in the Byedaik.

Clause 56. The appointment of a member of the Hlutdaw to be a minister shall not entail upon him any obligation to resign his seat or to submit himself for re-election.

Clause 57. Ministers receive such remuneration as may from time to time be prescribed by law, but the remuneration of any Minister shall not be diminished during his term of office.

Clause 58. The Representative of the Crown who shall be styled the Governor-General of the Burma Free State (Myanma Shwe Pyigyi) shall be appointed in like manner as the Governor-General of the Irish Free State and in accordance with the practice observed in the making of such appointments. His salary shall be of the like amount as that now payable to the Governor-General of, say, the Irish Free State, and shall be charged on the public funds of the Burma Free State (Myanma Shwe Pyigyi) and suitable provision shall be made out of these funds for the maintenance of his official residence and establishment.

Clause 59. All revenues of the Burma Free State (Myanma Shwe Pyigyi) from whatever source arising, shall, subject to such exception as may be provided by law, form one fund which shall be called and known as " The Central Fund of the Myanma Shwe Pyigyi," and may for brevity be referred to as " The Central Fund," and shall be appropriated for the purposes of the Burma Free State (Myanma Shwe Pyigyi) in the manner and subject to the charges and liabilities imposed by law.

Clause 60. The Hlutdaw shall appoint a Comptroller and Auditor-General to act on behalf of the Burma Free State (Myanma Shwe Pyigyi). He shall control all disbursements and shall audit all accounts of moneys administered by or under authority of the " Wunthanu . . ." and shall report to the Hlutdaw at stated periods to be determined by law.

Clause 61. The Comptroller and Auditor-General shall not be removed except for stated misbehaviour or incapacity on resolutions passed by the Hlutdaw and the Byedaik. Subject to this provision the terms and conditions of his tenure of office shall be fixed by law. He shall not be a member of the " Wunthanu . . ." nor shall he hold any other office or position of emolument.

Clause 62. The judicial power of the Burma Free State (Myanma Shwe Pyigyi) shall be exercised and justice administered in the public courts established by the " Wunthanu . . ." by judges appointed in manner hereinafter provided. These Courts shall comprise Courts of First Instance and a Court of Final Appeal to be called the Supreme Court. The Courts of First Instance shall include a High Court, invested with full original jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal and also Courts of local and limited jurisdiction with a right of appeal as determined by law.

Clause 63. The judicial power of the High Court shall extend to the question of the validity of any law, having regard to the provisions of the Constitution. In all cases in which such matters shall come into question, the High Court alone shall exercise original jurisdiction.

Clause 64. The Supreme Court of the Burma Free State (Myanma Shwe Pyigyi) shall, with such exceptions (not including cases which involve questions as to the validity of any law) and subject to such regulations as may be prescribed by law have appellate jurisdiction from all decisions of the High Court. The decisions of the Supreme Court shall in all cases be final and conclusive, and shall not be reviewed or capable of being reviewed by any other Court, Tribunal or Authority whatsoever : Provided that nothing in this Constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave.

Clause 65. The number of judges, the constitution and organization of, and distribution of business and jurisdiction among the said Courts and judges, and all matters of procedure shall be as prescribed by the laws for the time being in force and the regulations made thereunder.

Clause 66. The judges of the Supreme Court and of the High Court and of all other courts established in pursuance of this constitution shall be appointed by the Representative of the Crown on the advice of the Executive Council. The judges of the Supreme Court and of the High Court shall not be removed except for stated misbehaviour or incapacity, and then only by resolutions passed by both the Hlutdaw and the Byedaik. The age of retirement, the remuneration and the pension of such judges on retirement and the declarations to be taken by them on appointment shall be prescribed by law. Such remuneration may not be diminished during their continuance in office. The terms of appointment of the judges of such other courts as may be created shall be prescribed by law.

Clause 67. All judges shall be independent in the exercise of their functions, and subject only to the Constitution and the law. A judge shall not be eligible to sit in the " Wunthanu . . . " and shall not hold any other office or position of emolument.

Clause 68. No one shall be tried save in due course of law and extraordinary courts shall not be established save only such Military Tribunals as may be authorised by law for dealing with military offenders against military law. The jurisdiction of Military Tribunals shall not be extended to or exercised over the civil population save in time of war or armed rebellion and for acts committed in time of war or armed rebellion and in accordance with the regulations to be prescribed by law. Such jurisdiction shall not be exercised in any area in which all civil courts are open or capable of being

held, and no person shall be removed from one area to another for the purpose of creating such jurisdiction.

Clause 69. A member of the armed forces of the Burma Free State (Myanma Shwe Pyigyi) not on active service shall not be tried by any Court Martial or other Military Tribunal for an offence cognizable by the Civil Courts, unless such offence shall have been brought expressly within the jurisdiction of Courts Martial or other Military Tribunal by any code of laws or regulations for the enforcement of military discipline which may be hereafter approved by the "Wunthanu . . ."

Clause 70. No person shall be tried on any criminal charge without a jury save in the case of charges in respect of minor offences triable by law before a Court of Summary Jurisdiction and in the case of charges for offences against military law triable by Court Martial or other Military Tribunal.

TRANSITORY PROVISIONS.

Clause 71. Subject to this Constitution and to the extent to which they are not inconsistent therewith, the laws in force in the Burma Free State (Myanma Shwe Pyigyi) at the date of coming into operation of this Constitution shall continue to be of full force and effect until the same or any of them shall have been repealed or amended by enactment of the "Wunthanu . . ."

Clause 72. Nothing in this Constitution shall affect any liability to pay any tax or duty payable in respect of the financial year current at the date of the coming into operation of this constitution or any preceding financial year, or in respect of any period ending on or before the last day of the said current financial year, or payable on any occasion happening within that or any preceding year, or the amount of such liability; and during the said current financial year all taxes and duties and arrears thereof shall continue to be assessed, levied and collected in like manner in all respects as immediately before this Constitution came into operation, subject to the like adjustments of the proceeds collected as theretofore applicable; and for that purpose the Executive Council shall have the like powers and be subject to the like liabilities as the Provisional Government.

Goods transported during the said current financial year from or to the Burma Free State (Myanma Shwe Pyigyi) to or from any part of India or Great Britain shall not, except so far as the Executive Council may otherwise direct, in respect of the forms to be used and the information to be furnished, be treated as goods exported or imported as the case may be.

For the purpose of this clause, the expression "financial year" means, as respects income-tax (including super-tax) the year of assessment, and as respects other taxes and duties, the year ending on the thirty-first day of March.

Clause 73. Until Courts have been established for the Burma Free State (Myanma Shwe Pyigyi) in accordance with this Constitution, the supreme Court of Judicature, District and Sessions Courts, Sub-divisional Courts, Township Courts and Courts of Summary Jurisdiction, as at present existing, shall for the time being continue to exercise the same jurisdiction as heretofore, and any judge or justice, being a member of any such Court, holding office at the time when this Constitution comes into operation, shall for the time being continue to be a member thereof and hold office by the like tenure and upon the like terms as heretofore, unless in the case of a judge of the said Supreme Court or of a district Court, he signifies to the Representative of the Crown his desire to resign. Any vacancies in any of the said Courts so continued may be filled by appointment made in like manner as appointments to judgeships in the Courts established under this Constitution: Provided that the provisions of Clause 64 of this Constitution as to the decisions of the Supreme Court established under this Constitution shall apply to decisions of the Court of Appeal continued by this Clause.

Clause 74. If any judge of the said Supreme Court of Judicature or of the present High Court of Judicature or of any of the said District Courts on the establishment of Courts under this Constitution, is not with his consent appointed to be a judge of any such Court, he shall, for the purpose of such favourable terms as may be determined for payment of fair compensation, be treated as if he had retired in consequence of the change of Government effected in pursuance of complete separation from India, but the rights so conferred shall be without prejudice to any rights or claims that he may have against the Government of India or the British Government.

Clause 75. Every existing officer of the Provisional Government at the date of the coming into operation of this Constitution (not being an officer whose services have been lent by the Government of India or the British Government to the Provisional Government) shall on that date be transferred to and become an officer of the Burma Free State (Myanma Shwe Pyigyi); and shall hold office by a tenure corresponding to his previous tenure.

Clause 76. Every such existing officer who was transferred from the Indian or the British Government by virtue of any transfer of services to the Provisional Government shall be entitled to the benefit of clause 74 of this Constitution.

Clause 77. The transfer of the administration of any public service, the administration of which was not before the date of the coming into operation of this Constitution transferred to the Provisional Government, shall be deferred until the 31st day of March, 1930, or such earlier or later date as may, after one month's previous notice in the Official Gazette, be fixed by the Executive Council, and such of the officers engaged in the administration of these services at the date of transfer, as may be determined in the manner hereinafter appearing shall be transferred to and become officers of the Burma Free State (Myanma Shwe Pyigyi); and clause 75 of this Constitution shall apply as if such officers were existing officers of the Provisional Government who had been transferred to that Government from the Indian or the British Government. The officers to be so transferred in respect of any services shall be determined in like manner as if the administration of the services had before the coming into operation of the Constitution been transferred to the Provisional Government.

Clause 78. As respects departmental property, assets, rights, and liabilities, the Government of the Burma Free State (Myanma Shwe Pyigyi) shall be regarded as the successors of the Provisional Government, and, to the extent to which functions of Indian or any department of the British Government become functions of the Government of the Burma Free State (Myanma Shwe Pyigyi), as the successors of such department of the Indian or British Government.

Clause 79. After the date on which this Constitution comes into operation the House of the Parliament elected in pursuance of the Burma Free State (Agreement) Act, 1930? (being the Constituent Assembly for the settlement of this Constitution) may, for a period not exceeding one year from that date, but subject to compliance by the members thereof with the provisions of clause 17 of this Constitution, exercise all the powers and authorities conferred on the Hlutdaw by this Constitution, and the first election for the Hlutdaw under clauses 26, 27 and 28 hereof shall take place as soon as possible after the expiration of such period.

Clause 80. Notwithstanding anything contained in clauses 14 and 33 hereof, the Byedaik shall be constituted immediately after the coming into operation of this Constitution in the manner following, that is to say:—

(*a*) The first Byedaik shall consist of thirty-six and may not exceed sixty members of whom one-half, *i.e.*, eighteen or thirty as the number determined may be, shall be elected and the other half shall be nominated.

(*b*) The eighteen or thirty nominated members of the Byedaik shall be nominated by the President of the Executive Council, who shall, in making such nominations, have special regard to the providing of representation for groups or parties not then adequately represented in the Hlutdaw.

(*c*) The eighteen or thirty elected members of the Byedaik shall be elected by the Hlutdaw voting on principles of Proportional Representation.

(*d*) Of the eighteen or thirty nominated members, nine or fifteen elected by lot, shall hold office for the full period of nine years; the remaining nine or fifteen shall hold office for the period of six years.

(*e*) Of the eighteen or thirty elected members the first nine or fifteen elected shall hold office for the period of six years, the remaining nine or fifteen shall hold office for the period of three years.

(*f*) At the termination of the period of office of any such members, members shall be elected in their place in manner provided by clause 32 of this Constitution.

(*g*) Casual vacancies shall be filled in manner provided by clause 34 of this Constitution.

Clause 81. The passing and adoption of this Constitution by the Constituent Assembly and the British Parliament shall be announced as soon as may be, and not later than the sixth day of December, Nineteen Hundred and Thirty, by Proclamation of His Majesty, and this Constitution shall come into operation on the issue of such Proclamation.

Memorandum submitted by the Separation League, Rangoon, Burma.

MEMORANDUM ON THE DRAFT CONSTITUTION FOR BURMA.

The aims and objects of the League for the Separation of Burma from India are :—

(1) Separation of Burma from India, and
(2) Full Responsible Self-Government for Burma, within the Empire.

The League was launched into existence on the 3rd of September, 1928, when the organisers published the aims and objects of the League in the Local press and invited those who approved of these aims and objects to join the League. A Draft Constitution for Burma was drawn up by a Sub-Committee of the Executive Committee of the League, and at its meeting held on the 30th November, 1928, the Executive Committee of the League decided to invite the leading political organisations of Burma to a joint discussion of the Draft Constitution at an All-Parties Conference to be held on Saturday, the 12th of December, 1928. The organisations so invited were :—

The Burma Provincial Congress Committee,
U Chit Hlaing's G.C.B.A.,
The People's Party,
The National Parliamentary Organisation,
The Home Rule Party,
The Hundred Committee,
The Anglo-Indian and Domiciled European Association,
The British Burman Association,
U Shoe Thein's G.C.B.A.
The Mandalay Baho Organisation,
The Burma for Burmans' League,
The Constitutional Club,
The Karen National Association, and
The Wunthanu Central Organisation of Mandalay.

By an oversight on the part of the office, no invitation was issued to the Anglo-Indian and Domiciled European Federation, but Mr. Campagnac, the President of that body, was present at the earlier stages of the Conference. The Burma for Burmans' League, the British Burman Association, the Karen National Association, the Burma Provincial Congress Committee and the People's Party sent their representatives to the Conference. U Soe Thein's G.C.B.A. sent a reply expressing its views on the Draft Constitution. Besides sending its representative, the Karen National Association also sent a statement of criticisms of the Draft Constitution. The Parliamentary Organisation, the Wunthanu Central Organisation of Mandalay and the Anglo-Indian and Domiciled European Association replied stating their respective reasons for not attending the Conference. The replies received from these bodies are annexed hereto. No replies were received from the other organisations invited to the Conference.

The discussion at the joint Conference did not disclose any serious divergence of view on important matters except on the question of communal representation for Karens. The representative of the Karen National Association agreed that communal representation would be a serious obstacle to the growth of a national system of government, but he pressed the view that as the Karens were a backward race and as the majority of them feared that they would have no chance in open elections against the other races, a certain number of seats should be reserved for the Karens or at least such arrangements should be made as to ensure them a certain number of seats. The other representatives were all against communal representation being conceded to any particular community. Their view was that communal representation is not only vicious in principle but also not necessary in Burma in view of the fact that the electorate as shown by the experience of all the elections held since the inauguration of the Reforms are not swayed by racial or religious prejudice, but elect the candidates who they think would best serve them in the Council, irrespective of race or religion.

The views expressed at the Conference were placed before the Executive Committee and the Draft Constitution with such amendments as were considered necessary in the light of the criticisms received from the public and from the political organisations represented at the Conference was placed by the Executive Committee before the general meeting of the League, held on the 13th of December, 1928.

The Draft Constitution submitted to the Indian Statutory Commission was the same as that passed by the General Meeting. The General Meeting also empowered the Executive Committee to take all such measures as in the discretion of the Executive Committee are necessary or advisable for carrying out the aims and objects of the League. The Executive Committee, at its meeting held on the 15th of January, 1929, decided to submit to the Indian Statutory Commission the Draft Constitution together with a Memorandum explaining its nature and scope. Owing to various causes, the Sub-Committee charged with the task of preparing the Memorandum could not undertake it early and all that they could do within the limited time at their

disposal was to produce a brief statement of the objects and reasons of the Draft Constitution.

Although the enrolment of members began only as recently as the 3rd of September last, and propaganda has so far been practically confined to the Press, the number of members has risen to 8,435, on the 30th January, 1929, thus demonstrating that the aims and objects of the League are already shared by the mass of the people of Burma and the Executive Committee hopes that before very long the movement organised by the League will spread over the length and breadth of Burma and become a truly national one. Public meetings have been held and are being held at various important centres such as Pegu, Mandalay, Moulmein, Bassein, etc., to express approval of the aims and objects of the League, and of its Draft Constitution.

The basic ideas on which the Draft Constitution rests are :—

(1) Separation of Burma from India, and
(2) Dominion Status for Burma.

SEPARATION OF BURMA FROM INDIA.

The claim for separation from India is not a new one. It was urged by the political missions sent from Burma to India and to England. The political missions to England had to drop the question of separation from India for the time being as it was advised that the British Government was too preoccupied to take up the question of separation and it would be easier to obtain from the British Government the same political concessions as the other provinces of India, and in dropping the question of separation from India and claiming the political concessions that had been granted to the major provinces of India, the Burmese missions were merely following the line of least resistance, reserving the question of separation from India for a more favourable opportunity. It was only after the split in the General Council of Burmese Associations when Indian politicians became influential in the counsels of the non-co-operating section that doubts began to be felt as to the good faith of the British Government and as to the wisdom of separating Burma from India before Dominion Status is secured by the joint efforts of India and Burma. The League is, however, confident that there is not a single Burman throughout the length and breadth of Burma who does not desire the separation of Burma from India coupled with Dominion Status for Burma, and that by far the greater portion of the Burmese people desire immediate and complete separation from India.

Nature has made Burma a self-contained country. For centuries before the annexation, Burma maintained a distinct political entity. Its people are as distinct from the people of India in race, religion, culture, customs and mental outlook as any two distinct peoples could possibly be. Burma became and remains an annexure to India not by reason of any natural affinity but only by force of British military conquest and occupation. Has Burma benefited by this artificial connection with India ? No doubt, Burma has inherited the administrative experience of India and Indians have contributed to its development in a way, but in all things that really matter to a nation, Burma has lost heavily by its connection with India.

Burma has lost its national individuality, and along with that, its national self-respect. Unrestricted Indian immigration has caused acute and widespread economic distress among the Burmese people. Cheap Indian labour has displaced Burmese labour to an alarming extent. Much of the land made culturable by Burmese labour and capital has passed into the hands of Indians. In short, unless the Burmese would descend to the low standard of living of the Indians, the Burmese would be ousted from all departments of life by the increasing pressure of Indians. Antiquated Indian marriage laws and customs are now in force to the prejudice of Burmese women and their offspring. Communalism with all its evils is taking root in Burma. As long as Burma remains a part of India, its manhood will never have a chance of acquiring military training. The pay and rations allowed to Indian soldiers and military policemen will not attract the right type of Burman to military service ; and the Burmese people, once famed as a race of soldiers, are now in the sorry plight of being protected by foreign mercenaries.

Even under the Reforms, Burma's position has not appreciably improved. No Burman nor any non-Burman, equipped with experience and knowledge of Burma's special needs, has been appointed either to the Council of the Secretary of State for India or to the Viceroy's Council. Burma's representation in the Council of State and the Indian Legislative Assembly is not sufficient to influence the course of legislation in the Indian legislature. When Burma's interests clash with those of India the former invariably suffer, e.g., the imposition of protective duties on iron and steel, on paper, and on hide and skins, the salt policy, the retention of duty on rice exported from Burma, the withholding of the Viceroy's assent from the Burma Sea-Passengers Tax Bill, the arbitrary disbandment of the Burmese military units. The nation-building departments under the charge of responsible ministers in Burma are starved and crippled for want of funds. It is generally felt in Burma that Burma gets little return from India for the central revenues collected here. In the absence of authoritative information on the subject, it cannot be said that the feeling is unjustified. So long as that feeling persists, the Government of Burma will not be able to persuade the people, already heavily taxed, to submit to further taxation even for the purposes of financing the nation-building departments.

The League does not anticipate that Burma need incur very heavy military expenditure when it becomes autonomous, as the League is convinced that the first Bill that will be passed by a truly National Parliament will be one requiring every Burman of age to undergo military training. In the considered opinion of the League the only solution for the difficulties which beset Burma is an immediate and complete separation of Burma from India. The League, therefore, urges upon the British Government to separate Burma from India at the earliest possible date and, as a preliminary thereto, to take all such measures as may be necessary to secure an equitable settlement of the outstanding questions between the two countries. The League urges also that in the meantime Burma may be admitted to such political advancement as may be conceded to India as a result of the revision of the existing Reforms.

The Reforms were ushered into Burma under most inauspicious circumstances. The grant of the Reforms to Burma was delayed and was made long after India had got them. The non-co-operation movement had spread from India to Burma and by the time the Reforms were actually introduced in Burma, Burma was already caught in the meshes of the non-co-operation movement. The General Council of Burmese Associations which was then directing Nationalist activities in Burma was split over the question of entry into the Reformed Council, the minority decided to enter the Reformed Council and work Dyarchy for all it was worth and the majority deciding to boycott the Reformed Council.

In spite however, of adverse circumstances, the first Council did some useful work, and even staunch boycotters began to recognize that Dyarchy was not the unmitigated evil they had believed it to be. The strongest party in the first Council was the Nationalist party, recruited from the co-operating section of the General Council of Burmese Associations and one of its leaders was appointed Minister of Education. Such success as was achieved by the first Council was largely due to the tactful handling of important questions of the day by the then Governor (Sir Harcourt Butler) and to the abstention of the then Home Minister (the late Sir Maung Kin)

from party-politics. Sir Maung Kin was averse to forming a Government party and left the Ministers to shift for themselves. The result was that Government was sometimes defeated and Ministers had to consult the wishes of the elected members in order to maintain their position and carry on their duties.

A section of the boycotters entered the second Council in order, as they said, to " kill Dyarchy at close quarters." The second Council, however, disclosed all the inherent defects of Dyarchy. Sir Maung Kin who had died towards the end of the first Council was succeeded by one who apparently believed that it was the duty of the Home Member to organize and shepherd a strong Government party. Sir Maung Kin's successor toured the country just before the General Elections and rallied his forces for the coming fray. As in the first Council so in the second the strongest party in the Council was the Nationalist party. But no ministerial responsibility was given to it. Instead, a member who represented the Chinese Chamber of Commerce, a special constituency containing a preponderating foreign element and a member, who had been returned on the ticket of the Nationalist party and who about a week or two after his election resigned from the Nationalist Party, were appointed Minister of Forest and Minister of Education respectively, and subsequent to the appointment of these gentlemen as Ministers, a Party was formed to support them in the Council.

The party so formed consisted of special and communal representatives, nominated members and a few of the elected members. This party and the official bloc almost always voted together. As the ministers had no following of their own, and owed their position only to the conglomerate body euphemistically called the Independent Party and the official bloc, they lost all sense of responsibility to the elected members and became as " irresponsible " as the members of the Executive Council.

Government, always sure of a majority, treated the popular representatives with open contempt on many occasions. To illustrate how the unholy alliance between the Government party and the official bloc operated, it would be sufficient to cite two instances. A motion to set apart a sum of money for the translation of useful books from foreign languages into Burmese was brought up by a member of the Opposition. Government could not spare money for the purpose and decided to oppose it and the Government party voted with the official bloc. One of the spokesmen of that party who " knows no language but his own " stood up and strenuously opposed the motion which, if passed, would have benefited him and other people of his kind. Conversely, when the motion for the removal of sex-disqualification was brought up by a member of the Opposition, some of the influential members of the Government party brought up under the traditions of an age that is happily passed and not to be recalled, felt scandalised and opposed the motion " on principle." The officials had to do likewise, though, it must be said to their credit, some British Officials did not look happy when they had to walk into the " No " lobby.

There is hardly any reason to expect that matters would improve in the third Council. The present Home Member has been carrying on the policy of his immediate predecessor in office, only with less finesse. Members of the Government party in the second Council who stood for election to the third Council were heavily defeated at the polls but the Government was unrepentant. A scratch Party was formed. The Forest Minister who again was returned by the Chinese Chamber of Commerce was re-appointed Minister for Forest, and a Burmese Member who had no political nor administrative experience and who was hardly known even in his own profession was appointed Minister of Education. The position now is that there are no responsible Ministers. We have only highly paid mediocrities who are put in office by official support and who will remain in office only as long as they enjoy official confidence.

The League is in substantial agreement with the observations made by " Kerala Putra " in Chapter IV and Chaper V of his book, " The working of Dyarchy in the Provinces." In particular, the League agrees with the author when he says that Responsible Government even of a partial character, which was the purpose and object of the Reforms, has failed altogether to materialise, and it agrees with him also when he says that though Dyarchy in the Provinces " did not usher in Responsible Government even in the Transferred departments," it has, " in the Legislative and Conciliar aspects, resulted in considerable success. The administrative efficiency of the Provinces could not be said to have suffered, nor could the Services complain of a parliamentary inquisition into their conduct. The legislative work undertaken has been everywhere of a progressive and liberalising character and at least so far as the work of the Councils was concerned, all the fears entertained by the opponents of Indian Reforms have entirely been falsified."

The next question is as to how far and in what direction further political advancement should proceed. Dyarchy has served its purpose and a mere enlargement of the dyarchical system of Government would not satisfy any section of the politically-minded people of Burma. The present system must be supplanted by a unitary form of Government responsible to the Legislature. In the opinion of the League, there is no half-way house between Dyarchy and Dominion Government.

The Draft Constitution is modelled on the Constitution of the Irish Free State; certain provisions contained in the Nehru Scheme have also been incorporated in the Draft Constitution. While the people of Burma are secured by the Draft Constitution full opportunity to develop on the lines best suited to their national genius and traditions, necessary safeguards are provided in the Draft Constitution for the protection of legitimate vested interests.

A Constitution which has converted Ireland into a contented and willing partner of the British Commonwealth will have the same effect on the warm-hearted people of Burma who have been called the *Irish of the East.*

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DRAFT CONSTITUTION OF THE FREE STATE OF BURMA.

Article 1. Burma shall be styled and known as the Free State of Burma.

STATUS.

Article 2. Burma shall have the same constitutional status in the Comity of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Irish Free State with a Parliament having power to make laws for the peace, order and good government of Burma and an executive responsible to that Parliament.

OPERATION AND CONSTITUTION OF LAWS.

Article 3. This Act and all laws made thereunder by the Parliament of the Free State shall be binding on the Courts and people of every part of the Free State, notwithstanding anything in the laws of the Indian Legislature or of British Burma or in any Act of the United Kingdom extending to British Burma; and the laws of the Free State shall be enforced in all Burmese Territorial Waters.

CITIZENSHIP.

Article 4. The word " Citizen," whenever it occurs in this Constitution means :—

(*a*) Any Burman born in the Free State or the child born elsewhere to a Burman father, who was at the time of his birth a citizen of the Free State.

(*b*) Any other person born in the Free State and

whose father or mother was also born in the Free State.

(*c*) Any person who being a British-born subject has ordinarily resided in the Free State for a period of not less than 20 years and to whom a certificate of domicile has been granted in the manner prescribed by law.

(*d*) Any foreign-born subject who is naturalised in the Free State under the law in force for the time being.

EXPLANATION. The word "Burman" means a person belonging to an indigenous race of the Free State of Burma.

NATIONAL LANGUAGE.

Article 5. The national language of the Free State is the Burmese language, but the English language shall be equally recognized as an official language.

Nothing in this Article shall prevent special provision being made by the Parliament of the Free State for districts or areas in which only one language is in general use.

FUNDAMENTAL RIGHTS.

Article 6. (i) All powers of government and all authority, legislative, executive and judicial, are derived from the people and the same shall be exercised in the Free State of Burma through the organizations established by or under and in accord with this Constitution.

(ii) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered or confiscated save in accordance with law.

(iii) Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen.

(iv.) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to public order or morality.

(v) All citizens in the Free State of Burma have the right of free elementary education.

(vi) All citizens are equal before the law and possess equal civic and legal rights.

(vii) There shall be no penal law, whether substantive or procedural, of a discriminative nature.

(viii) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(ix) No punishment involving torture of any kind shall be lawful.

(x) Every citizen shall have the right to a writ of *habeas corpus*. Such right may be suspended in case of war or rebellion by an Act of Parliament or, if Parliament is not in session, by the Governor in Council and in such case he shall report the suspension to the Parliament at the earliest opportunity for such action as it may deem fit.

(xi) No person attending any school receiving State aid or other public money shall be compelled to attend the religious instruction that may be given in the school.

(xii) No person shall by reason of his religion, race or creed be prejudiced in any way in regard to public employment, office or honour or in the exercise of any trade or calling.

(xiii) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to every one and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(xiv) Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living for every worker, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment.

(xv) Every citizen shall have a right to keep and bear arms in accordance with regulations made in that behalf.

(xvi) Men and women shall have equal rights as citizens.

PARLIAMENT.

Article 7. The legislative powers of the Free State shall be vested in a Parliament which shall consist of the King, the Senate and the Chamber of Deputies.

Article 8. The Governor shall be appointed by the King and may exercise in the Free State, during the King's pleasure but subject to this constitution, such powers and functions of the King as His Majesty may assign to him.

Article 9. (i) The Chamber of Deputies shall be composed of members who represent constituencies determined by law. The number of members shall be fixed from time to time by Parliament, but the total number of members of the Chamber (exclusive of members of the Universities) shall not be fixed at less than one member for each one hundred thousand of population provided that the population of each constituency, as ascertained at the last preceding census shall, so far as possible, be identical throughout the country. Parliament shall revise the constituencies at least once in every ten years with due regard to changes in distribution of the population, but any alteration in the constituencies shall not take effect during the life of the Chamber sitting when such revision is made.

(ii) The Rangoon University and such other university or universities as may be established in the Free State after the coming into operation of this Constitution shall each be entitled to elect one representative to the Chamber upon a franchise and in a manner to be prescribed by law.

Article 10. (i) All members of the Chamber of Deputies shall be elected.

(ii) In case of death, resignation or disqualification of a member of the Chamber the vacancy shall be filled by election in manner to be determined by law.

(iii) There shall be no communal representation.

(iv) There shall be no plural constituencies.

Article 11. (i) All citizens of the Free State without distinction of sex who have reached the age of 21 years and are not disqualified by law shall have the right to vote for members of the Chamber of Deputies.

(ii) Every citizen of either sex who has reached the age of 25 and is not disqualified by law shall be eligible to become a member of the Chamber of Deputies.

Article 12. The Senate shall consist of the following :—

(*a*) One representative of each district, other than the Rangoon Town District.

(*b*) Two representatives of the Rangoon Town District.

(*c*) One representative of the Mandalay Town, and

(*d*) Seven members nominated by the Governor on the recommendation of the Prime Minister, to represent important interests and institutions in the country.

Article 13. (i) All citizens of the Free State without distinction of sex who have reached the age of 21 years and who possess the qualifications prescribed in Schedule A hereto annexed and are not disqualified by law shall have the right to vote for members of the Senate.

(ii) Every citizen of either sex who has reached the age of 30 years, and whose name is registered in the electoral roll of a constituency and is not disqualified by law, shall be eligible for election as a member of the Senate.

Article 14. (i) No person may be at the same time a member both of the Chamber of Deputies and the Senate, and if any person who is already a member of either House is elected to be a member of the other House, he shall forthwith be deemed to have vacated his first seat.

(ii) No voter may exercise more than one vote at an election to either House, and the voting shall be by secret ballot. The mode and place of exercising this right shall be determined by law.

Article 15. Every Chamber of Deputies shall continue for four years and every Senate shall continue for five years provided that

(*a*) Either House of Parliament may be sooner dissolved by the Governor on the advice of the Executive Council.

(*b*) Any such period may be extended by the Governor on the advice of the Executive Council.

(*c*) After the dissolution of either House, the Governor shall appoint a date, not more than three months after the date of dissolution, for the next session of that House.

Article 16. The Governor may appoint such times and places for holding the sessions of either House of Parliament as he thinks fit and may also from time to time by notification or otherwise prorogue such sessions.

Article 17. Any meeting of either House may be adjourned by the person presiding.

Article 18. All questions in either House shall be determined by a majority of votes of members present other than the presiding member who shall, however, have and exercise a casting vote in the case of an equality of votes.

Article 19. The powers of either House may be exercised notwithstanding any vacancy therein.

Article 20. There shall be a Chairman of each House of Parliament who shall be a member of the House and shall be elected by the House. There shall also be a Deputy Chairman of each House who shall also be a member of the House and shall be similarly elected.

Article 21. The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the Chamber of Deputies and the members thereof, respectively, shall be such as are from time to time defined by Act of Parliament of the Free State.

Article 22. Parliament shall, subject to the provisions of this Constitution, have powers to make laws—

(*a*) for the peace, order and good government of the Free State;

(*b*) for the Nationals and servants of the Free State, within as well as without and beyond Burma;

(*c*) for the Government officers, soldiers, airmen and followers in His Majesty's Burmese Forces, wherever they are serving in so far as they are not subject to the Army Act or the Air Force Act, and

(*d*) for all persons employed or serving in or belonging to the Royal Burmese Marine Service or the Burmese Navy.

Article 23. The powers of the Parliament with respect to Foreign Affairs shall be the same as exercised by the Self-governing Dominions.

Article 24. Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the Houses of Parliament and as to the person to preside at their meetings in the absence of the Chairman and the Deputy Chairman; and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on, and the discussion of, any subjects specified in the rules.

Article 25. (i) Any Bill which appropriates revenues or monies for the ordinary annual services of the Free State Government shall deal only with such appropriations.

(ii) Bills imposing taxation shall deal only with an imposition of taxes and any provision therein dealing with any other matter shall be of no effect.

(iii) Bills affecting the public debt or for the appropriation of revenues or monies or for imposing taxation shall be introduced only by a member of the Executive Council and can only originate in the Chamber of Deputies.

Article 26. A Money Bill means a bill which contains only provisions dealing with all or any of the following subjects:—viz, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition for the payment of debts or other financial purposes, of charges on public revenues or monies, or the variation or repeal of any such charges; supply; the appropriation, receipts, custody, issue, or audit of accounts of public monies; the raising of any loan or the repayment thereof; or subordinate matters incidental to those subjects or any of them. In this definition the expression "Taxation," "Public Money" and "Loan" respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

Article 27. The Chairman of the Chamber of Deputies shall certify any Bill which is in his opinion a Money Bill to be a Money Bill, but if within three days after a Bill has been passed by the Chamber of Deputies two-fifths of the members of either House by notice in writing addressed to the Chairman of the House of which they are members so require, the question whether the Bill is or is not a Money Bill shall be referred to a Committee of Privileges consisting of three members elected by each House with a Chairman who shall be the Senior Judge of the Supreme Court able and willing to act, and who, in case of an equality of votes, but not otherwise, shall be entitled to vote. The decision of the Committee on the question shall be final and conclusive.

Article 28. A Money Bill passed by the Chamber of Deputies shall be sent to the Senate for its recommendations and it shall be returned not later than twenty-one days therefrom to the Chamber of Deputies which may pass it accepting or rejecting all or any of the recommendations of the Senate; and the Bill so passed shall be deemed to have been passed by both Chambers.

Article 29. (i) Subject to the provisions of this Act, a Bill may be initiated in either House and if passed by the originating House shall be introduced in the other House for being passed.

(ii) Except as otherwise provided under this Act, a Bill shall not be deemed to have been passed by Parliament unless it has been agreed to by both Houses either without amendment or with such admendments only as may be agreed to by both Houses.

(ii) If any Bill which has been passed by the Chamber of Deputies is not, within six months after the passage of the Bill by that House, passed by the Senate, either without amendments or with such amendments as may be agreed to by both Houses, the Governor shall on resolution passed by either House to that effect refer the matter for decision to a joint sitting of both Houses. The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Chamber of Deputies and upon amendments if any, which had been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and the Chamber of Deputies present at such sitting shall be taken to have been duly passed by both Houses of Parliament.

Article 30. (i) So soon as any Bill shall have been passed or deemed to have been passed by both Houses, it shall be presented to the Governor for the signification by him in the King's name of the King's assent, and the Governor may signify such assent or withold the same or he may reserve the Bill for the signification of the King's pleasure.

(ii) A Bill passed by both Houses of Parliament shall not become an Act until the Governor signifies his assent thereto in the King's name, or in the case of a Bill reserved for signification of the King's pleasure until he signifies by speech or message to each House of Parliament or by proclamation that it has received the assent of the King in Council.

Provided that the Governor may, where a Bill has been passed by both Houses of Parliament and presented to him for the signification by him of the King's assent, or has been reserved by him for the signification of the King's pleasure, return the bill for reconsideration by Parliament with a recom-

mendation that Parliament shall consider amendments thereto.

(iii) Any Bill so returned shall be further considered by Parliament together with the amendments recommended by the Governor, and if re-affirmed with or without amendments, may be again presented to the Governor for the signification by him in the King's name of the King's assent.

THE EXECUTIVE.

Article **31**. The executive power of the Free State is vested in the King and is exercisable by the Governor as the King's representative acting on the advice of the executive council subject to the provisions of this Act and of the laws of the Free State.

Article **32**. (i) There shall be an executive council consisting of the Prime Minister and, until the Parliament otherwise provides, not more than eight ministers of the Free State.

(ii) The Prime Minister shall be appointed by the Governor and the Ministers shall also be appointed by him on the advice of the Prime Minister, from among the elected members of Parliament.

(iii) The executive council shall be collectively responsible to the Chamber of Deputies for all matters concerning the departments of Free State administered by Members of the executive council.

Article **33**. The Governor's salary shall unless Parliament otherwise provides, be of the like amount as that now payable to the Governor-General of the Commonwealth of Australia and shall be charged on the public funds of the Free State of Burma and suitable provision shall be made out of those funds for the maintenance of his official residence and establishment. The salary of the Governor shall not be altered during his continuance in office.

Article **34**. Ministers shall receive such remunerations as may from time to time be prescribed by law, but the remuneration of any Minister shall not be altered during his term of office.

Article **35**. Until Parliament otherwise provides the appointment and removal of all other officers of the executive government of the Free State shall be vested in the Governor in Council, unless delegated by him or by a law of the Free State to some other authority.

Article **36**. The Command-in-Chief of the Military, Naval and Air Force of the Free State is vested in the Governor as the King's representative.

HIGH COMMISSIONERS AND FOREIGN REPRESENTATIVES.

Article **37**. The Free State shall have the power to appoint High Commissioners and other Foreign Representatives similar to that exercised by Canada and other Dominions. Such appointments shall be made by the Governor in Council who shall also make provision by rules for their pay, powers, duties and conditions of employment.

COMPTROLLER AND AUDITOR-GENERAL.

Article **38**. The Chamber of Deputies shall appoint a Comptroller and Auditor-General to act on behalf of the Free State of Burma. He shall control all disbursements and shall audit all accounts of monies administered by or under the authority of Parliament and shall report to the Chamber of Deputies at stated periods to be determined by law.

Article **39**. The Comptroller and Auditor-General shall not be removed except for stated misbehaviour or incapacity on resolutions passed by the Chamber and the Senate. Subject to this provision the terms and conditions of his tenure of office shall be fixed by law. He shall not be a member of Parliament nor shall he hold any other office or position of emolument.

THE JUDICIARY.

Article **40**. There shall be a Supreme Court which shall exercise such jurisdiction as Parliament shall determine. The Supreme Court shall consist of a Lord Chief Justice and so many other Justices as Parliament may fix.

Article **41**. The Lord Chief Justice of the Free State and all other judges of the Supreme Court of the Free State to be appointed after the establishment of the Free State shall be appointed by the Governor in Council and shall receive such remuneration as Parliament shall prescribe and their remuneration shall not be diminished during their continuance in office.

Article **42**. The Lord Chief Justice of the Free State and other Judges of the Supreme Court of the Free State shall not be removed from office except by the Governor in Council on an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

Article **43**. The judgment of the Supreme Court in all cases shall be final and conclusive and shall not be reviewed or be capable of being reviewed by any other Court, Tribunal or Authority whatsoever, provided that nothing in the Constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave.

PROPERTY, REVENUE AND FINANCE.

Article **44**. All the lands and waters, mines and minerals, within the territory of the Free State of Burma hitherto vested in the State or any department thereof, or held for the public use or benefit, and also all the natural resouces of the same territory (including the air and all forms of potential energy) and also all the royalties and franchises within that territory shall, from and after the date of the coming into operation of this Constitution, belong to the Free State of Burma, subject to any trusts, grants, leases, or concessions then existing in respect thereof, or any valid private interest therein, and shall be controlled and administered by Parliament, in accordance with such regulations and provisions as shall be from time to time approved by legislation, but the same shall not, nor shall any part thereof, be alienated, but may in the public interest be from time to time granted by way of lease or license to be worked or enjoyed under the authority and subject to the control of the Parliament.

Article **45**. All revenues of the Free State of Burma from whatever source arising shall, subject to such exceptions as may be provided by law form one fund, and shall be appropriated for the purpose of the Free State of Burma in the manner and subject to the charges and liabilities imposed by law.

DEFENCE.

Article **46**. As soon as may be after the establishment of the Free State, the Governor in Council shall appoint a Commission to examine the whole question of the recruitment and training of officers and men for the Land, Naval and Air Forces of the Free State. The Commission so appointed shall report to the Governor in Council respecting,

(*a*) The sources and methods of recruitment, conditions of service, pay and allowances.

(*b*) The requisite number of schools and colleges for military instruction, their staffs, the places where they are to be established and the standard of instruction to be imparted in each, and

(*c*) The estimated cost of its proposals.

Article **47**. The Governor in Council shall lay the entire report of the said Commission together with his recommendations before the Parliament for such legislative or other action as it may deem fit.

Article **48**. Parliament has the exclusive right to regulate the raising and maintaining of armed forces in the territory of the Free State, and every such force shall be subject to the authority and control of Parliament.

SERVICES.

Article 49. Subject to the provisions of the next succeeding Article, all officers of the Public Services shall at the establishment of the Free State become officers of the Free State.

Article 50. As soon as possible after the establishment of the Free State, the Governor in Council shall appoint a Public Service Commission to make recommendations for such reorganisation, and readjustment of the departments of the Public Services as may be necessary.

Article 51. Parliament may make laws for regulating the classification of the Civil Services in Burma, the sources and methods of their recruitment, their conditions of service, pay and allowances and discipline and conduct. Parliament may also, to such extent and in respect of such matters as it may prescribe, delegate the power of making rules under the said laws to the Governor in Council.

Article 52. (i) After the establishment of the Free State, the Governor in Council shall appoint a permanent Public Service Commission with such powers and duties relating to the recruitment, appointment, discipline, retirement, and superannuation of Public Officers, as Parliament shall determine.

(ii) Members of the Permanent Public Service Commission shall hold office for five years from the date of appointment.

Article 53. Any officer of the Public Services who desires to retire within three years of the establishment of the Free State or is not retained in the service of the Free State shall be entitled to receive such pension, gratuity or other compensation as he would have received in like circumstances if the Free State had not been established.

Article 54. All officers, British, Indian, and Burman, serving in the Army, the Navy, the Royal Indian Marine or the Air Force of India within the territory of the Free State at the commencement of the New Constitution, shall retain all their existing rights as to salaries, allowances or pensions or shall receive such compensation for the loss of any of them as the Governor in Council may consider just and equitable or as they would have received in like circumstances if the Free State had not been established. Further, all such officers, British, Indian, or Burman who were in receipt of pensions at the date of the commencement of the New Constitution shall continue to receive the same pension from the revenues of the Free State.

SHAN STATES.

Article 55. The Free State shall exercise the same rights in relation to, and discharge the same obligations towards the Shan States as the Government of India has hitherto exercised and discharged. In case of any difference between the Free State and any Shan State on any matter arising out of treaties, of engagements, sanads or similar other documents, the Governor in Council may, with the consent of the State concerned, refer the said matter to the Supreme Court for its decision.

NEW STATES.

Article 56. The Parliament may admit to the Free State, or establish New States, and may, upon such admission or establishment, make or impose such terms and conditions including the extent of representation in either House of Parliament as it thinks fit.

AMENDMENT OF CONSTITUTION.

Article 57. Parliament may, by law, repeal or alter any of the provisions of the Constitution provided that the Bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together and at the third reading shall be agreed to by not less than two-thirds of the total number of the members of both Houses. A Bill so passed at such a joint sitting shall be taken to have been passed by both Houses of Parliament.

SCHEDULE " A " referred to in Article 13.

A person shall be qualified to vote at the elections to the Senate who has a place of residence in the constituency and who

(*a*) has paid, during and in respect of the previous agricultural year, land revenue amounting to not less than Rs. 100/–, or

(*b*) was in the previous financial year assessed to income-tax, or

(*c*) has been an elected member of the Burma Legislative Council, or

(*d*) is or has been a member of the Chamber of Deputies, or

(*e*) is or has been a Fellow, or an Honorary Fellow, or a Member of the Senate, of any University constituted by law in the Free State of Burma, or

(*f*) is the non-official Chairman or Vice-Chairman of a District Central Bank which is a society registered under the Co-operative Societies Act of 1912, or

(*g*) is or has been the President of the Rangoon Corporation, or is or has been President, or is the Vice-President of any Municipal Committee established under the Burma Municipal Act, 1898, or of a District Council.

Deputations from Burma for Burmans League and The Separation League.

(1) BURMA FOR BURMANS LEAGUE.

The deputation consisted of :—

SAYA MYO, A.M.P. (President).
U. E. MG, Barrister-at-Law (President, Insein Municipality).
Mr. GEORGE H. MUNRO.
U MYA U, Barrister-at-Law, of Mandalay.

(2) THE SEPARATION LEAGUE.

The deputation consisted of :—

U HLA TUN PRU, M.A., B.L. (M.L.A.)
U BA THEIN (Secretary).

The Chairman : I understand, gentlemen, that we have here U Mya U in support of the Memorandum of the Burma for Burmans League, and besides we have also before us U E Mg, Mr. George H. Munro and Saya Myo. And then as representing the Separation League we have before us U Hla Tun Pru, who is a member of the Legislative Assembly, and also U Ba Thein.

126. *Sir Hari Singh Gour :* U Mya U, in this document you have said that you want the separation of Burma from India and you have got a scheme for the Constitution of Burma ?—(*U Mya U*) Yes.

127. If you, gentlemen, get that Constitution for Burma, would you be still for separation ?—Yes.

128. And what is your reason for asking for the separation of Burma ?—Our reason for asking for the separation of Burma from India is that we want to keep our race by itself so that our race may not become extinct in the near future.

129. And do you think that your race is threatened with extinction now ?—Yes.

130. In what way ?—By means of the influx of other races into our country without any legislative restriction.

131. Then your primary object as soon as you get separation from India is to restrict the influx of non-Burman races into Burma ?—Not exactly that. Although we may keep friendly relations with India, there would be certain laws which would be promulgated from time to time with a view to safeguarding the interest and the development of our country. At the present moment on account of the inrush of non-Burmans into our country, the Burmans have been practically kept out in their homeland from various branches of the walks of life.

132. Then the sole object of your League is to keep the non-Burmans out ?—No, not to keep the non-Burmans out.

133. To restrict the non-Burmans ?—To restrict them to a certain extent, my main reason being this, that Burma could advance much more rapidly because of the non-existence of communalism in this country. So far as Burma is concerned we have no communalism here.

134. I quite recognise that, and I do not think that we need go into all that now. I know that you have no caste, no communalism, that you have one religion and all that, but I only wish to know your reasons. Your first objective would be to restrict the immigration of non-Burmans ?—No ; we want to place ourselves as a unit within the British Empire, and then to develop our country according to our own genius.

135. Yes, that of course is your main object, but how are you going to fulfil that ? You say that you are afraid of the Burman race becoming extinct on account of the influx of non-Burmans. What will be your restrictions ? Will they be something on the lines laid down in clause 3 of the Draft Constitution of the Burma Free State given in your Memorandum, viz., " Every person without distinction of sex, domiciled in the area of the " jurisdiction of the Burma Free State (Myanma " Sbwe Pyigyi) at the time of the coming into operation " of this constitution, who was born in Burma or " who has been ordinarily resident in the area of " the jurisdiction of the Burma Free State (Myanma " Sbwe Pyigyi) for not less than twenty-five years, " and claims Burmese citizenship, is a citizen of the " Burma Free State ? "—You start your Free State with citizens of that kind ?—Yes.

136. And all others will be excluded from your citizenship ?—Certainly.

137. Then all the other clauses that you have got in that book you would put into force as soon as you got the separation from India, or try to put them into force ?—Yes, we will try to put them into force.

138. In other words, the aim and objective of the Burma for Burmans League is in this constitution ? —Yes.

139. And either in one instalment, or in several instalments, you would like to give effect to that constitution which you have framed for the League ? —Immediately.

140. One more question and I have done. Will you recognise the commercial or industrial or the economic interest of non-Burmans in this country ? —Yes, it is quite safe.

141. To what extent ?—To a reasonable extent.

142. But who will determine the reasonableness of it, the Burmans ?—As a matter of fact, we are the persons who are to determine.

143. As regards your eastern defence, it was pointed out in your newspaper, *New Burma*, which was read out to us yesterday by Lord Burnham, that you want your own army, navy and air force. Is that also your objective ?—Yes.

144. You want to have your own army, your own navy, and your own air force, and you want to be a self-contained State ?—Yes.

145. What relations do you propose to establish with your adjacent country, India ?—The very same friendly relations all the time.

146. But always at a distance ?—No, not at a distance. We will have the utmost friendly relations with her with the greatest pleasure just as other self-governing Dominions have among themselves. The only thing that we want to protect is our own self, because we have now come of age as an institution, and so far as Burma is concerned what we want is not to throw off the yoke of Great Britain entirely, but we want to be independent, and at the same time within the British Empire.

147. Of course India wants to do the same. Everybody wants to be independent and also within the British Empire ?—Yes.

148. As regards your eastern frontier, you recognise that it is a vulnerable point ?—Yes.

149. And that it may be a point of attack ?—Yes.

150. And that with the development of the air force it is not so remote a point of contact now as it was a decade or two ago ?—Yes.

151. Will you give India any voice in the defence of the north-eastern frontier ?—That is purely an Imperial concern. And, furthermore, the north-eastern frontier is a sort of natural barrier to us, and there cannot possibly be any invasion except by the Chinese.

152. You would like to join the Pan-Buddhists Federation in which you have got Siam, Japan and the Pan-Buddhists Federation of Asia. Would you not like to join them and be immune from any attack from China ?—So far as we are concerned, our position is we want to be independent of India.

153. That is true, but in order to defend yourself against any attack from China, would you not like to join the Pan-Buddhists Federation of Asia ?—No, we are not afraid of Chinese attacks at all. If China makes an attempt to attack us, the whole of China would be attacked by the British Empire within six months' time.

154. Supposing China attacks India and not you, would you give India any voice in the shaping of the north-eastern frontier policy ?—Yes, undoubtedly.

155. You might be free from India, but would you like to place yourself under the Viceroy of India ?—No, we do not.

156. As a representative of the King ?—Not in the least. We want to have our own Viceroy directly dealing with Burma.

157. *Mr. Rafi :* U Mya U, you say on page 388 that out of 3,000,000 foreigners, 2,500,000 are Indians. Where did you obtain this figure from ?—I got it collected from the census and from other statistics.

158. To which year's census are you referring ?—The last census.

159. I understand from the 1921 census that the Indian population is 887,077, and that is why I am asking you this question ?—I should rather think that there are many who have been left out.

160. So that is your reason. Do you know that the increase in the Indian population in the period between 1911 and 1921 has been about half a lakh ? —It may or may not be ; I cannot definitely say unless I make a reference to the statistics and other sources of information regarding the Indian population.

161. You know the increase of Indians within the last 20 years has been 1·1 of the total population ? —It may be more than that.

162. Have you any reasons to think that it is more ?—Because some of them have been left out.

163. I see. Do you think that Indian labour in this country displaces Burmese labour ?—Yes, it displaces entirely.

164. To what extent can you say ?—To a very great extent.

165. That is to say Burmans are being turned out of their jobs as labourers ?—Yes.

166. In what field ?—Not only in the field of industry, but also in the field of agriculture.

167. Have you any figures to prove that ?—Oh, yes ; by referring you to the statistics.

168. One of the Government witnesses said the other day that Indian labour merely supplemented Burmese labour and did not displace it. Do you agree with that view ?—I do not agree. The Government witness must have based his opinion on the statistics sent to Government by their officers. But as far as I am concerned I am speaking with personal knowledge of both Lower Burma and Upper Burma ; I have seen it with my own eyes.

169. You have seen with your own eyes Burmese working and also Indians working in agricultural fields ?—No, not together ; I have never seen any Burman and Indian working together in any field except Rangoon, because Burmese find that their places have been taken away by Indian labourers who are paid very low.

170. Do you know how much an Indian labourer is paid for working in the paddy fields ?—I think the Indian labourer works for about Rs12 to Rs15 a month.

Mr. Rafi : I would like to come across an Indian labourer who charges only Rs12 a month.

171. *Sir Hari Singh Gour :* How much does a Burman labourer cost per month ?—Speaking for the whole of Burma, I think he will work for Rs30 a month and two meals. It should be admitted that the standard of living of the Burman labourer is higher than that of the Indian labourer.

172. *Mr. Rafi :* I take it that you have Burman clerks in your office ?—Yes.

173. What do you pay them ?—Rs80 a month.

174. How many have you (I am sorry I am rather inquisitive) ?—There is one head-clerk.

175. There are Burman clerks working in different offices on Rs30 a month ?—That depends on the circumstances. I do not think any graduate of the Burma University will work on less that Rs80 a month whereas an Indian graduate will work on Rs30 or Rs40 a month.

176. We are not talking of the Indian graduate. I just wanted to know whether or not Burman non-graduates work on Rs30 a month in offices ?—As I said, that depends on the circumstances. But I should think the number is not very large.

177. You say that the Chettiyars charge interest at rates varying from 15 to 60 per cent. What is your authority for making this statement ?—My own personal knowledge.

178. They charge 60 per cent. in exceptional cases or is it the rule ?—So far as 60 per cent. is concerned it is in exceptional cases.

179. Can you explain why Burmans have not taken to this profitable business of lending out money at 15 to 60 per cent. ?—Because the Burmans have consideration for their own people. If the money-lender happens to take away 60 per cent., practically in the near future the borrower would become bankrupt or insolvent. The Burman moneylenders would not do that in their own country.

180. How is it that the borrowers do not go to the considerate Burman to take money at cheap rates of interest, but prefer to go to the Chettiyars who charge 15 to 60 per cent. ?—For the sake of convenience they have to go there.

181. *Lord Burnam :* I think the simple reason is that Burmans have not got money to lend ?—That is also one of the reasons. A high standard of living means spending more money.

182. *Mr. Rafi :* Do you know that the Chettiyars are responsible for the conversion of waste lands of the delta into agricultural lands ?—They are not responsible. On the contrary I may say that all the lands now have gone to the hands of the Chettiyars. They are not, properly speaking, money-lenders ; they are landlords in Burma.

183. We will come to that next. Please answer my question as to whether they were instrumental in opening up the delta ?—So far as the delta is concerned I do not know.

184. I see you rely on the Singapore naval base for assistance in case of an emergency. Do you anticipate a naval attack ?—No, these are hypotheses. There are certain people who say that Burmans cannot defend their own country, but if you happen to look to our history you will see that Burmans are of a martial race.

185. What is the idea of relying on the Singapore naval base ?—Only for assistance in case of an emergency.

186. *Sir Hari Singh Gour :* You do not want to have your own submarines ?—India does not possess any.

187. But you will be poorer without submarines ? —No. That is why we want to be part and parcel of the British Empire.

188. *Mr. Rafi :* Do you know that the army in India is being gradually officered by Indians ?—Yes.

189. And would you not like the Burman army officered by Burmans ?—Quite so.

190. How is it that even after 20 years you expect your army to be officered by Europeans ?—Because we want to have training by British officers and not by Indian officers.

191. Why not by your own Burmese officers ?—Because we have not been given any opportunity so far.

192. Would you have separation without knowing what form of government you are going to get after separation ?—Undoubtedly. We have also some brains, and we can know what would be the consequences of the separation.

193. Do you expect that you will get Dominion status after separation ?—Undoubtedly. I think we can obtain Dominion status by remaining alone and not by being attached to India proper.

194. Your impression is that when once you get separation the inevitable result would be Dominion status ?—Yes.

195. I think you have already said that your idea is not to exclude Indians from this country ?—No.

196. Do you propose to take away the right of citizenship from those Indians and other foreigners who are here ?—If they happen to comply with our conditions like, say America, we do not exclude them from obtaining the citizenship of this country.

197. *Lord Burnham :* Everybody who goes to America acquires citizenship in two years. It is only a question now of restriction upon the quota, the number of immigrants from different countries. But all those who do go in acquire citizenship in two years. —I do not think that two years is quite enough. The Burmese will have no chance at all if we make it such a short period, because it has become a sort of cosmopolitan province here.

198. *Mr. Rafi :* Is your object in asking for separation to exclude Indians ?—Not in the least.

199. Or rather the foreign races ?—No, not in the least.

200. I cannot quite understand the position you have taken up. Everybody will be allowed to come in ?—Yes.

201. And become citizens ?—If they comply with our conditions.

202. How long would they have to remain ?

Sir Hari Singh Gour : He said 25 years.

203. *Mr. Rafi :* It will be more useful in the next world than in this then ! Is the intention to interfere with the rights of the people who have already vested interests in this country ?—No.

204. *U Ba Shin :* There are instances, as you know, of Burmese women marrying Indians. Which nationality do their children follow, the mother's nationality or the father's ?—The father's nationality.

205. In the case of a Chinaman ?—The father's nationality. Practically all. This is a very important question, sir, regarding the marriage of our Burmese women. This is the only country where the males of other nations of the world are allowed

to get married according to the customs of the males who marry, and not according to the customs of our own people, in order to be a valid marriage.

206. *Raja Nawab Ali Khan :* On page 387 of your Memorandum (Memorandum of the Burma for Burmans League) I find : "The first and most "important resolution, viz., That Burma shall be "entirely and immediately separated from India and "granted Dominion Home Rule." I want to know how, in the face of this resolution, you say that Burma should be separated whether you get Dominion Home Rule or not. What is your object in saying that ?—My object is that if we get separation we shall be able to work.

207. *The Chairman :* Now I want a short time with the other party representing the Separation League. We all appreciate the presence of U Hla Tun Pru, who is a member of the Legislative Assembly, as well as U Ba Thein, the Secretary. Now, would you like to address us on any particular point ?—(*U Hla Tun Pru*) This League was formed on the 3rd of September, 1928, with a view to collect and elicit opinion on the question of separation and also on the form of a draft constitution for Burma. And in order to make the decisions of this body as representative as possible of the different sections of the community and of different Associations in Burma, we invited different public bodies such as the Burma Provincial Congress Committee, U Chit Hlaing's G.C.B.A., the People's Party, the National Parliamentary Organization, the Home Rule Party, the Hundred Committee, the Anglo-Indian and Domiciled European Association, the British Burman Association, U Soe Thein's G.C.B.A., the Mandalay Baho Organization, the Burma for Burmans League, the Constitutional Club, the Karen National Association, and the Wunthanu Central Organization of Mandalay.

208. *The Chairman :* That shows the general authority of the body. We have this document and have had the opportunity of studying it. I dare say you would like to call attention to one or two things in it, would you ? On page 408, for example, you say : "The basic ideas on which the draft constitution "rests are · (1) separation of Burma from India and "(2) Dominion status for Burma," etc. Do I understand that some public meetings have been held to support the principles of the League ?—Yes, public meetings have been held in Rangoon and in different parts of Burma in order to express concurrence with the ideas, aims and objects which are set forth by the Separation League.

209. And I gather that this scheme of a constitution, the like of which I think Mr. G. H. Munro is partly responsible for, has the approval of the League ?—It has been approved by the League.

210. Are the reasons which have been given already and, of course, we have heard a good deal of these, the principal reasons which you would wish yourself to urge ?—I may say that I am in substantial agreement with a good many things which my friend, U Mya U, has urged before you. I think, sir, Burma can easily be a self-contained unit. It is geographically a self-contained unit. On the eastern side we have mountain barriers, and also on the northern and western sides ; and on the south we have only the broad seas, so that so far as the military question is concerned, I think we are practically an immune State. We have been immune from foreign invasions for thousands of years. In the days of our own kings, barring one or two Chinese expeditions, it cannot be said that Burma was ever conquered by any foreign nation. As a matter of fact, in the early 17th century, the Burmese, or rather the Arankanese, were masters of the sea in the whole of the Bay of Bengal, and if one refers to the historical records it will be found that the Moghul fleets were not a match for the Arakanese fleets. Also we were able entirely to annihilate the formidable Portuguese fleet in the naval actions of those days. We had been a first-class seafaring people so far as history shows. So far as soldiering is concerned we have proved our worth in the Great War, and I understand from several military officers that the Burmese made first class soldiers in Mesopotamia. I have asked opinions of people like Colonel Crawford, M.L.A., Mr. J. A. Steward, M.L.A., and several other military officers, and they all testify to the excellent military qualities of a Burmese soldier. Therefore, so far as the making of an army and navy are concerned, history is in our favour, and we shall, no doubt, under the skilled guidance of the British officers be able to raise our army and navy. Then with regard to the north-eastern frontier, I understand the Chinese will never be able to raise more than twenty thousand soldiers at a time, and for them to force that impassable pass will be extraordinarily difficult. As a matter of fact, to defend ourselves there, about six battalions will do. This opinion I gathered from a high military officer (General Kirke) when I was last in Simla. So far as the question of separation from India is concerned, it is high time that we should be allowed to devote our resources to self-development. We have been so far hampered by India. We had to pay a very enormous debt, the so-called war debt, for quite a number of years to the Indian treasury.

211. I am sorry I did not follow your remarks about the war debt. Did you say that Burma paid the war debt to India for a number of years ?—I do not see that any war debt should have been paid to India at all if Burma had become part of the Indian Empire. When the Punjab was conquered I do not think the Punjab paid any war debt, and why should Burma be singled out ? We have already paid enormous sums for a number of years. There was a reference the other day to this topic, whether Burma should again be saddled with the war debt to India. During all the one century, sir, Indians had the advantage of coming and working here, trading here and getting into the services, professions, and so forth. So we have more than paid up, I think, our war debt in different forms to the Indian people.

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213. *Dr. Surhawardy :* Under your new constitution what position do you propose to assign to the Mussulmans ?—You mean the Burmese Mussulmans ? They will get absolutely the same status as the indigenous tribes.

214. Are you prepared to give them separate representation as the Karens enjoy ?—So far as we are concerned we shall oppose communal representation with all our strength. Burma has been extraordinarily broadminded in these matters. In Moulmein, for instance, we have had three non-Burmans as presidents of the municipality. In Bassein again, an Indian was president.

215. I am asking about the Mussulmans ?—In Shwegyin we had a Mussulman as the president and also at Mergui a Mussulman was the president.

216. Of course, I see Burma Mussulmans here. There are two of them on the Provincial Committee, of which the chairman is a Burma Mussulman, but the causes for their return might be different. I simply wanted to know what is the attitude of your League towards the Mussulman community ?—The attitude towards the Mussulman community is the general attitude towards all the people who live in Burma and try to accept citizenship in a fair way. We shall make no racial discrimination. Play the game, and you are Burmans. We only ask you to play the game, and not to play into the hands of a foreign bureaucracy. This communalism, as I find it from my experience in India, is playing the devil with the constitution there, if I may be pardoned the expression.

217. Is that the reason why you want separation, because you do not want to suffer from the virus of communalism ?—It is one good reason.

218. *U Ba U :* You have drawn up a constitution. Was it the constitution drawn up first by the sub-committee of your League ?—Yes.

219. And on that sub-committee one member was

the first Education Minister, and another member was the leader of the Opposition in the council, and another was a member of the second Burma deputation to England ? They agreed upon a scheme and submitted a report to your general body ?—Yes.

220. And up to this date, I believe, you have received about fourteen letters or telegrams from various parts of the country supporting your scheme and demand for separation ?—Yes.

221. *Mr. Rafi :* You would be willing to have a safeguard, a provision, inserted in the constitution, whatever constitution it may be that you may get, safeguarding against discriminating legislation ? You would be prepared to have a provision safeguarding the interests of minorities ?—Once you bring in the question of minorities you bring in the question of communalism. I have said, play the game, and you will be all considered as Burmans.

222. *U Ba U :* U Mya U, you have great personal contact with the people in Upper Burma, is it so ?—(*U Mya U*) Yes.

223. During your tours to different parts of Upper Burma, do you observe that many Burmese agricultural labourers are without work ?—Yes.

224. Do you think the reason is that they can no more come down to Lower Burma for agricultural labour because Indians are displacing them as agricultural labourers ?—It is quite so. It is very difficult for them to compete on the same wages.

225. Do you remember that there was a large labour strike in Yenangyaung oil fields ?—Yes.

226. And that three Burmese labour leaders were externed from the oil field area for the strike ?—Yes.

227. And do you remember that the Burmese strikers could not get back their work and more wages because a new batch of Indian labourers had already replaced them ?—Yes, that is quite true.

228. *Mr. Campagnac :* One word of personal explanation, sir. Although I was present at the separation meeting and I expressed myself in favour of separation, I did not agree to that constitution.

The Chairman : Quite right.

Memorandum submitted by the Karen Elders of Burma.

INTRODUCTORY REMARKS.

Historically, in the year 1837, when it was found desirable for a British Commission to explore certain portions of this Province with a view to opening trade, &c., it is recorded that a right royal welcome was extended to the said Commission by the Karens. Dr. D. Richardson who conducted such a Mission wrote that he was " treated throughout in the most civil and friendly manner by the Karens who provided him with food and guide ; they also promised every facility and assistance to the traders who might pass to and from Moulmein through their country."(*)

History in a different form repeated itself in 1921 when although the atmosphere of Burma at that particular period was surcharged with determined cries of boycott and threats of violence, the Whyte Committee received cordial co-operation from the Karens of Burma. In point of fact, the recognized Leader of the Karen Community, Dr. San C. Po, C.B.E., M.D., eminent in loyal service to the British Raj and distinguished for his loyalty to his own race, being solicitous of Burma's highest welfare and prompted solely by that high motive, served as a member on that historic Committee presided over by that brilliant statesman, the Honourable Mr. (since then Sir Frederick) Whyte.

History is repeating itself for the third time next year and we may here and now give the Right Honourable Sir John Simon and the Members of his Commission the fullest assurance that they may with confidence count on Karen co-operation when they visit the hospitable shores of Burma in the discharge of their high Imperial duty.

Burma thrilled with pleasant anticipations born of the announcement made by the Associated Press dated Calcutta, 20th February, that Lord Burnham parenthetically declared that the Simon Commission would also visit Burma in the course of its official tours. Ultimately, however, our hopes were chilled by neglect and doomed to disappointment and it was even feared that after all if public-spirited men in Burma desired to state their case and lay their views before the Indian Statutory Commission in connexion with the working, &c., of the Reforms in Burma, they might have to cross the Bay of Bengal again to do so as on the occasion of the late the Right Honourable E. S. Montagu's visit to India on that momentous Mission in 1917.

In an atmosphere of doubt and uncertainty the wiser course seemed to us to be to " wait and see," holding ourselves in readiness to co-operate with the Simon Commission by giving *viva voce* evidence before it, should our evidence be required. Towards the end of last month some of us received from the Chief Secretary to the Government of Burma, with his compliments, an invitation to submit Memoranda or Written Statements to the Indian Statutory Commission. It was only then we felt sure that any labours undertaken by us with the sole purpose of co-operating with the Indian Statutory Commission would obtain attention and, perhaps, merit some appreciation.

GENERAL OBSERVATIONS.

1 (a) *The Basis of Franchise.*—The franchise, as we have it in Burma, is consistently broad-based and entirely satisfactory.

(b) *Methods of Election.*—Elections *qua* elections have been properly conducted. However, in the matter of electoral rolls and polling stations there should be a more careful preparation of the former, especially in the districts, and with regard to the latter once they are publicly notified the notification should for obvious reasons be final.

(c) *Methods whereby particular interests, communal, social and economic, may obtain adequate representation on local self-governing, provincial and central representative bodies.*—So far as the Karens of Burma are concerned, the Whyte Committee recommended the reservation of five communal electorates to safeguard the interests of the Karens. But for this provision it is no exaggeration to say that Karens would have utterly failed to obtain representation in the Burma Legislative Council. Similarly, on local self-governing bodies such as Municipalities, Circle Boards, District Councils, &c., unless some such provision is made it is impossible for Karens to obtain representation, much less adequate representation. It is nothing less than deplorable that whereas ample provision is made for the representation of numerous non-indigenous races in Burma on local self-governing bodies, there is no provision made for the Karens who are regarded as an important community to secure representation on these bodies except in only one or two Municipalities. In this respect, therefore, ample provision should be made to enable Karens to educate themselves and gain experience in the art of self-government.

(d) *The Relationship between representatives and constituents.* (e) *The Growth of Parties.* (f) *The Growth of informed Public Opinion.*—One answer may be given to these three heads in the Simon Commission questionnaire. The tone and colour of the answer to these questions will be governed more or less by the mentality or temperament of the person or body of persons giving the answer. The Montagu-Chelmsford Reforms were introduced into India in 1919 and when extended to Burma they came into force here at the beginning of 1923. We are of the decided opinion that on the whole since the working of the Reforms in Burma national consciousness has been awakened as it has never been before and as a means of education the Reforms have surely been a great educating factor. The beginnings, touching the aspects of growth on the lines indicated by these topics, are not big and perfect, but the beginnings are there and with time and opportunity they will improve and develop towards the legitimate goal.

(g) *Nomination of officials and non-officials as additional members of elected bodies.*—This device has on the whole worked satisfactorily.

3. *The local and self-governing bodies and their relationship with the Provincial Government*—By the terms of the announcement of August 20, 1917, the development of self-governing institutions with a view to the progressive realisation of responsible government was to be " gradual." With reference to the question under discussion we feel very strongly that official control from the local self-governing bodies was removed too early and too much. Some responsible officer of ripe experience at the helm of these affairs, training and directing the people of the country to rise to a just sense of their responsibilities would have resulted in less serious mistakes and ensured efficient management.

SUGGESTIONS FOR THE FUTURE.

1. *Entire Separation of Burma from India.*—Note (*c*) of the Appendix to the communique issued by the Secretaries of the Indian Statutory Commission invites suggestions for the future. And we now propose to deal with this aspect of the situation.

Burma should be separated from India for reasons geographical, political and economic. Burma, as a Province, forms no part of India. There are indisputable differences in customs, race, religion, language and interests. There can be no question that Burma will grow and develop on gradual and sound lines once she is separated from India.

† " Burma is not India. Its people belong to another race in another stage of political development, and its problems are altogether different. For instance, the application to Burma of the general principles of throwing open the public service more

(*) Pol. Con. the 10th July, 1837, No. 66.

†Report on Indian Constitutional Reforms (1919) p. 129.

widely to Indians would only mean the replacement of one alien bureaucracy by another."

In order to facilitate Separation and to make the transaction fair and equitable to both parties we would humbly request the Indian Statutory Commission to recommend to Parliament that Burma be furnished with accounts showing the amount expended by India on Burma and the amount India has been repaid by Burma during all these past years.

There was a time when the highest Court in Burma was subordinated to the High Court of Judicature at Fort William. In course of time it was felt that we could very well stand on our own legs in this direction and we are so standing now.

Likewise in the matter of Education, our High Schools and Colleges were for a long time affiliated to the University of Calcutta. When, in this matter also, Burma desired to have and work out her own plans for her rising sons and daughters numerous objections (which we need not repeat here) were set up against our becoming a detached entity educationally. The wisdom of our entire separation from the Calcutta University is more than amply justified by numerous incontrovertible facts. Thanks to the parental interest, broad vision and consuming zeal of His Excellency Sir Harcourt Butler, G.C.S.I., G.C.I.E., I.C.S., the first Governor of Burma, our University of Rangoon has won our deepest gratitude and claims the unbounded admiration of her sister universities. In this connection, we quote with pardonable pride an extract from *The Anglo-Indian Review* dated Calcutta, March, 1928, which wrote spontaneously as follows :—

"A great disadvantage under which the Anglo-Indian and Domiciled European Community suffers in India is the absence of a Residential University where the students have the advantage of living a corporate life as in the Western Universities. In fact, it is this disadvantage which deters many of our brilliant young men from going to a University. We have, therefore, much pleasure in bringing to the notice of parents and young men the splendid advantages offered by the University College at Rangoon. The new University buildings are rapidly nearing completion and will be ready for occupation from June this year. The University stands on an estate of 485 acres and is actually a miniature town. It will be one of the finest Universities in the East having every accessory of a modern University and being equipped with its own lighting arrangements, water and sewage equipment, roads, parks, playing fields, rowing and swimming clubs, gymnasium, theatre and a club house."

In the days when we asked for a University of our own, when we demanded the right of shaping and forming our educational policy in accordance with the aspirations and needs of our people and our Province, there were not a few who strongly objected to the severance of our long-established connection with the University of Calcutta, giving all sorts and kinds of imaginary draw-backs and hypothetical disadvantages attendant on the demanded severance. Facts speak louder than words and we are content to leave the facts as they are seen to-day.

Now, as we ask the Simon Commission to recommend to the British Parliament *inter alia* the separation of Burma from India we foresee that quite a number of people will raise their voices against our conception of the future welfare of Burma. We anticipate that the loudest cry will come from India herself. This would be quite natural as no one desires to kill the goose that lays the golden eggs. Continuing the metaphor, we may add that Burma has laid golden eggs for the benefit of India, but India has neglected Burma, has not considered our interests in the spirit of fair play and all this despite the fact that she has been exacting from us a very large portion of our revenues.

Over and above the considerations we have already advanced, there is another and more weighty reason and we beg to stress very particularly this particular aspect of our case. In our considered opinion the separation of Burma from India and that alone will make it possible for the different indigenous races of Burma—the Burmese, Karens, Kachins, Chins and Shans—to be usefully welded into one solid Nation. Unless opportunities are open to the indigenous races of Burma to regard Burma nationally—and Burma as a separate entity under the British Crown is the only way!—Burma can never progress nationally. As long as Burma is kept dangling on India's *dhoti* so long will there be no cohesion among the indigenous races of Burma.

We are firm in the belief that just as Burma has wonderfully progressed in the two definite directions we have indicated above—first, in the matter of our Law Courts and then in the line of our educational institutions—since we stood out independent of India, equally wonderfully or still more so shall our fair country progress when as a separate entity, under the fostering care of the British Government, her indigenous races welded into one nation will think not merely in terms of isolated racial pride but in the larger national consciousness of "Burman" citizens and will accordingly work heart and soul towards a common nationhood and a natural ideal.

II. *Communal Representation.*—We have already dealt with this important question on general lines This subject was discussed fairly fully in 1921 by one of the signatories to this Memorandum. *Vide* "Memorandum of Evidence submitted to the Whyte Committee . . . by Sydney Loo-Nee, Barrister-at-Law," appended to this Memorandum as Appendix A.

The Whyte Committee after very carefully studying the whole question granted to the Karens of Burma, as we have already acknowledged, five communal electorates to safeguard the interests of the Karens. We respectfully submit to the Simon Commission that the Karen representation in the Burma Legislative Council will be adequate and complete if the Members of the said Commission unanimously recommend the creation of additional Karen Electorates, one each for the City of Rangoon and the following Districts : Insein, Hanthawaddy, Tharrawaddy, Henzada, Tavoy, Toungoo, Pegu, Salween Mergui and Pyapon.

We beg to state that many, many years before the Members of the Indian Statutory Commission were born the Karens were "most civil and friendly" (*) to the British Government and the British Government in its turn were most solicitous about the welfare of the Karens who were even prior to 1835 "English subjects." (†)

We, therefore, earnestly pray that if the British Government of to-day regards that it still has obligations to the Karens of Burma, statutory provisions may be made to safeguard our interests and increase, even accelerating, our progress and prosperity politically, socially and economically.

III. *Karenization.*—Finally, we submit that provision may be made for the adequate representation of Karens in the various public services.

Rangoon :
The 26th day of June, 1928.

APPENDIX A. MEMORANDUM OF EVIDENCE SUBMITTED TO THE WHYTE COMMITTEE BY SYDNEY LOO-NEE, BARRISTER-AT-LAW, SENIOR VICE-PRESIDENT THE NATIONAL KAREN ASSOCIATION, BURMA.

To

THE HONOURABLE MR. A. F. WHYTE,
Chairman,

The Burma Committee on the Franchise and Division of Subjects.

Rangoon, the 5th day of November, 1921.

Sir,

This is your first visit to Burma. We hope it will

(*) Pol. Con. the 10th July, 1837, No. 66.

(†) Rev. Dept. (Gov't of Bengal), O.C. the 22nd Sept., 1835, Nos. 1 & 2.

not be the last. We wish to offer you a very cordial welcome to Burma and her peoples.

. . . . . .

In conjunction with some others I have been honoured with an official invitation to give evidence before your Committee now sitting in Rangoon.

INTRODUCTION.

Being one of the Karen witnesses invited to give evidence before your Committee, you will perhaps wish me to say something about the activities of the Karens with special reference to the Constitutional changes to be born of the historic announcement in the House of Commons on the 20th August, 1917. Hence, before discussing the matters now engaging the attention of your Committee, I propose, with your permission, to lay before your Committee a resumé of the necessitated action taken by the Karens to safeguard their national existence.

RESUMÉ OF KAREN REPRESENTATIONS.

When His Majesty's Secretary of State for India visited India in 1917 the Karens of Burma delegated the Honourable Dr. San Crombie Po, M.D., and your witness to represent and voice the sentiments, wishes and aspirations of the Karens of Burma. We were privileged to wait upon the Secretary of State and the Viceroy on the 6th day of December, 1917.

On that memorable occasion we had the pleasure of the company of two sections of our Burmese fellow-countrymen, the Elder Party, representing the Burmese Community of Burma in general and the Burmese Merchants' Association and Co-operative Societies of Burma in particular and the Younger Party, representing the Y.M.B.A.'s of Burma.

In 1918, the Honourable Dr. San Crombie Po, M.D., Saw Po Min and your witness were privileged to wait upon the present Head of the Burma Government at Maymyo and His Honour the Lieutenant-Governor of Burma was graciously pleased to give us an assurance that Karen interests would be safeguarded.

In 1919 in response to the invitation of the Local Government freely inviting criticisms and suggestions anent its proposals commonly called the "Craddock Scheme," the National Karen Association, Burma, on behalf of the Karens of Burma, duly submitted through the appointed channel its criticisms and suggestions on the framework of the Constitution recommended by the Local Government, for the solution of the problem of Burma's political evolution.

Not desirous of either wasting the time or wearying the attention of your Committee, I do not propose to read out the said document. It suffices to note that you will find it *in extenso* on page 93 of the Joint Select Committee on the Government of India Bill.

To pass on. In this very year, feeling very strongly that the Karens' legitimate aspirations had not been sympathetically appreciated by Sir Reginald Craddock's Government, the National Karen Association, Burma, considered it expedient to despatch a Karen Deputation to England for the purpose of appealing to the wisdom and justice of British Statesmanship. And here again, perhaps, I may, for the sake of brevity, be permitted to refer your Committee to the Joint Select Committee on the Government of India Bill, Volume III, Appendix N., pp. 81 and 82.

As I leave this portion of my evidence I desire, if I may, to place on record here my humble tribute to the Right Honourable the Earl of Selborne, who presided over the deliberations of the Joint Select Committee with natural grace, characteristic courtesy and sympathetic interest, for the noble Earl and his Committee's cordial reception of the deputations from Burma.

I propose now to take up the terms of reference seriatim.

I.—FRANCHISE.

I believe the opinion is unanimous that the franchise should be broad and the electorates devised in such a manner so that all classes of taxpayers may secure their representatives by election.

While, therefore, on the one hand, the usual qualifications, ex-gr.. age, state of mind, etc., are to be insisted upon, on the other hand, in rural areas, those who pay Capitation tax and *Thathameda*, and, in urban areas, those paying Municipal rates and taxes or assessed to income-tax should have the franchise equally with those who, for valid reasons, are especially exempted from those taxes.

II.—DIRECT ELECTION.

Consistently with the avowed object of making or beginning to make Responsible Government an assured fact in India and Burma, election should *ipso facto* be direct.

With reference, however, to the Ministers of the Executive Council they may be elected by the Governor from the elected members of the Legislative Council.

III.—(a) TERRITORIAL ELECTORATES.

Burma, for administrative purposes, is divided into 8 Divisions. The Karens are mostly to be found in the Divisions of Pegu, Irrawaddy and Tennasserim as well as Rangoon, Syriam and Insein.

With due respect, I would urge for the creation, present and immediate, with an assurance that an irreducible minimum of representation will be fixed, of special Karen Electorates in the three divisions above-named, each electorate returning two representatives and the Rangoon, Syriam and Insein Electorates returning one representative to represent the Karen interest in the Provincial Legislature.

The answer to the hypothetical query: What about the Karens in the other Divisions? is that the Karen clannishness bids fair to save the whole race.

In support of this view I wish to invite the attention of your Honour's Committee to the Karens' dutiful and loyal address of welcome to Lord Chelmsford on the occasion of His Excellency's official visit to Burma. The address is dated Rangoon, December 1st, 1916, and paragraph 3 thereof reads as follows:—

"3 . . . We rejoicingly appreciate the fact that the present illustrious Head of the Government of of Burma (Sir Harcourt Butler), whose ingenious conceptions, not merely in the matter of Local advancement but also in the direction of Imperial interests, have struck the warm imagination of the aspiring peoples of this province, has been graciously pleased to invite a Karen—we allude to the Honourable Dr. San Crombie Po, M.D.,—to the deliberations of the Burma Legislative Council. Never in the annals of our race has such an enviable honour been conferred on one of our race, and this considerateness, not to say recognition of our ancestors' loyal devotion to the British in this country under all circumstances touches, we beg to assure your Excellency, a very tender chord of our heart which still beats high with loyalty to the British Raj."

Here, sir, is a Karen from the Irrawaddy Division whose elevation to the Burma Legislative Council is hailed with acclamation by his fellow Karens all over Burma. Not a breath of jealousy is heard, not half a syllable of aspersion is uttered by his own people. On the contrary, there is the documentary fact I have just cited to your Committee. *Ipsa res loquitur.*

But, my objector pulls me up, Dr. San C. Po was selected to represent the Irrawaddy Division as a whole—not you Karens specially.

My unhesitating answer is:—*A fortiori*, if Dr. San C. Po was a real representative of his own people, our joy would know no bounds—the binding bond between him and his people would be more real, the interests would be identical.

Further, should a benign Government feel persuaded that the Karen interests are not adequately represented in the manner hereinbefore indicated, an additional number may be nominated to fill up the gap.

III.—(b) MINORITIES AND BACKWARD CLASSES.

(i) *Communal Electorates.*—As your Honour is a stranger within our gates I would like to entertain you, sir, for ten minutes or so with an account of the Karens of Burma.

I frankly confess at the outset that what will follow in a moment is a wholesale quotation. I cheerfully acknowledge my great indebtedness for the following to Mr. C. Morgan Webb, whose knowledge of the Karens is at once profound and unique.

About 10 years ago Mr. C. Morgan Webb wrote as follows :—

"*Tribes of the Sinitic Group.*—The total figures for the tribes of the Karen or Sinitic racial group are for the first time complete in the records of the current census. Hitherto, the exclusion of the Karenni Sub-division of the Southern Shan States from the possibility of racial classification has rendered the figures but a partial presentation of the numbers of the Karen race. The total of 1,102,695 persons can be assumed to be as accurate as the conditions of census enumeration in Burma will allow. The whole, with the exception of the small number of 5,717 members of the Brè tribe who were the subject of an estimate, have been directly enumerated. The increase for the decade is 199,334, but of this amount, 63,628 is due to the inclusion of the records for Karenni sub-division. Without the extra area, the increase would have been 135,700, or approximately 15 per cent., a rate of increase which coincides closely with that for the population of Burma proper.

The Karens, of all the races to be found in the province, have intermingled least of all with the members of other races. It has already been recounted in this chapter how quietly and unobtrusively the progenitors of the Karens migrated from their original home in Western China to their headquarters in the Karenni Sub-division of the Southern Shan States. It has also been related in Chapter VII how the phenomenon of endogamy is to be found among the Karen tribes to a degree not known among any of the remaining races of the province. As a result of this ethnical isolation the Karens stand out as a highly individualised racial group. Linguistically, the Karens belong to the Siamese-Chinese sub-family, but the connection between the Shan and the Karen languages is so remote that the cleavage between the two races must have taken place in pre-migration times. There is nothing in the literature or legends or customs of either race to suggest any ethnical connection between them. A striking contrast exists between the mass of information available concerning the Karens as they exist at the present time and the paucity of anything approaching certainty as to their history. They have left no impression whatever on the history of other races which would serve to check or substantiate their rather nebulous legends as to their origin. In the midst of communities who have readily amalgamated with whatever tribes and races happened to be in their immediate vicinity, the Karens alone have remained isolated and self-contained. The ready reception they have accorded to the teachings of Christianity has tended to strengthen their individuality as a racial group, and to widen the differences existing between them and the remaining indigenous races of the province. While the Talaings, at one time supreme over the whole of the deltaic portion of Burma, are being absorbed by the Burmese, there is no suggestion that any such absorption, or even that any amalgamation between the Burmese and the Karen races is within the range of possibility. So far as past history and present tendencies indicate, the Karens, however much they may suppress and abolish their internal tribal divisions, will remain a distinct and progressive group."

"CENSUS OF INDIA, 1911 : VOLUME IX : BURMA : PART I.—REPORT : pp. 275–276."

Let this extract serve as an introduction to the topic near and dear to the Karen heart, to wit—Communal Representation.

Communal Representation has incessantly and consistently been the main platform of the Karens right from the beginning.

While it is a source of unabated gratification to the Karens that the Burmese Elders in their Scheme (paragraph 4), formulated some years ago in connexion with the Montagu-Chelmsford Reforms with especial reference to Burma, fully recognised the Karens' claim to communal representation, it is deeply deplorable that Sir Reginald Craddock has signally failed to see in this vital and far-reaching matter eye to eye with the Karens.

Communal representation was inaugurated in India by the Morley-Minto Reforms in 1909, fulfilling Lord Minto's promise made in 1906. In 1919, the Montagu-Chelmsford Reforms honoured the pledge. The Joint Parliamentary Committee accepted it, embodying it in the statutory rules under the Government of India Act. In 1921, the Earl of Reading regards it as a sacred trust.

Sir, I submit to your Committee with all respect that the argument of the Local Government that special representation with separate electorates for the Karens of Burma will stereotype an unnecessary division is idle.

And, with regard to the fear that special representation of the Karens will encourage them to settle down into a feeling of satisfied security, I submit with due deference that, on the contrary, the boon, especially if embodied in the statutory rules under the Government of India Act, will be a great impetus for the Karens to justify their national existence.

I sincerely believe that the grant of communal representation to the Karens will mark an epoch in the evolution of Burma which bids fair to produce healthy results.

Burmese Leaders and Karen Leaders will learn to respect one another and Burmans with their fellow-countrymen, the Karens, will find it easier to work together for the common cause with a large measure of solidarity.

I need not recapitulate paragraph 6 of the Karen Memorial submitted through His Majesty's Secretary of State for India to the Joint Select Committee on the 16th day of August, 1919, in the House of Lords. I only ask that this portion of my evidence be read together with it.

I belong to the non-vociferous section in Burma. Our policy is to strive by constitutional methods to vocalise our rights and privileges, our sentiments and wishes, our needs and aspirations.

Surely, sir, a people that came "forward loyally during the late Great War and . . . furnished more men in proportion to their numbers than" the other indigenous races of Burma "for the Burma Regiments lately raised," must avowedly deserve some concrete recognition.

In concluding another portion of my evidence before your Committee, I submit that the granting of communal representation to our community will be making the assured bond of loyalty, which binds our race to the British Raj, stronger and doubly sure.

III.—(b)—(ii), (iii) & (iv)—SPECIAL CLASSES IN PLURAL CONSTITUENCIES, NOMINATION AND PROPORTIONAL REPRESENTATION.

Having said so much on the preceding topic, I prefer to pass over these particular phases in silence.

The time which a considered discussion of the above topics would assuredly consume had better be devoted to the Cause of

EDUCATION.

Humanly speaking, Karens are what they are

educationally—I would not dwell on the spiritual aspect of the Karens' progress; because I have no desire to usurp the sphere of our Karen divines. And, further, it were foreign to and wholly outside the scope of the deliberations of your Committee—yes, sir, we are what we are to-day, thanks to the British boon of education which has been tenderly nursed and lovingly nurtured by the selfless effort and consuming zeal of our Christian Missionaries who have come to us from England and America, Italy and France. And, wherever educational facilities have been offered to the Karens, they have been availed of with increasing avidity.

Shortly after my return from England—and that is a matter of months only—I was credibly informed that at the opening of the last school session our Karen High School in Rangoon, established in 1852 by the first Vintons whom, with their famous son the Rev. Dr. J. B. Vinton, the Karens will ever remember with an affection almost adoring, had actually to turn away numbers of would-be pupils, both boys and girls—(Karens have believed and still believe in co-education !) owing to the schoolroom and housing problem.

The facts being what they actually are we would register a prayer here that " in all extensions of educational facilities adequate provision is made for the special needs of the Karens."

IV AND V.—NUMBER OF NOMINATED OFFICIAL MEMBERS AND SIZE AND COMPOSITION OF THE COUNCIL.

With reference to the number of nominated official members and the size and composition of the provincial Legislative Council I have nothing to add to the recommendations of the Local Government, save that, in my opinion, the strength (not considering for a while the composition) of the Council should be increased commensurate with the importance and progressive character of the Province.

VI.—WOMEN'S SUFFRAGE.

In view of the triple fact that the women of Burma are comparatively highly literate, are getting educated in greater numbers, and are untrammelled by any system of caste, coupled with the additional fact that they already enjoy the Municipal Franchise, their enfranchisement, at the very dawn of Burma's new era, must warm the imagination of every lover of progress.

The Local Government is, therefore, to be warmly congratulated upon its unequivocal recommendation to confer the vote on the women of Burma.

VII.—DIVISION OF FUNCTIONS.

With regard to the transferred subjects the Local Government's proposal of adopting *in toto* Schedule II to the Devolution Rules which is practically the list of the Feetham Committee is seconded with one qualification, if possible.

To obviate acute situations Karen Education should be included among European and Anglo-Indian Education. Having concluded my evidence I wish to thank you, sir, and along with you the members of your Committee for a hearing which is both patient and kind.

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*Memorandum by the Karen National Association, Burma, to which are affiliated Branches of the Karen National Association from Bassein, Myaungmya, Henzada, Maubin, Tharrawaddy and Prome, Rangoon, Thaton, Toungoo and Papun.

We, the Karens in Burma, hope to be understood that our observations will have reference to Burma in particular. We were invited to submit our views on this very big subject at the last moment. Besides, we were not prepared to offer anything in the big tug-of-war, in which we know our position is absolutely unqualified to allow us making any gestures. We would, therefore, ask the indulgence of the Commission to take only the senses of the terms, employed for the sake of terseness and expressiveness, and not to pay much attention to the forms thereof.

1. THE REPRESENTATIVE SYSTEM AS APPLIED TO BRITISH INDIA.

(*a*) *The basis of the Franchise.* We have nothing to grumble about in this connection as far as the present is concerned. However, for the sake of fairness and equity, we would like to see the fair women of Burma have the same privilege, as a large number of them are supporters of their families.

(*b*) *Methods of Election.* Theories are, as a rule, fine, but the manner of working them out is seldom near to anything satisfactory. Our present method of election is no exception to the rule. Dishonesty, insincerity, lack of the sense of duty and lack of right earnestness are the main causes of failure in the responsible jobs. We would beg leave to invite a reference to the " Proceedings of the Karen National Union, 10th February, 1926," annexed hereto, marked, " Annexure I," submitted to the Local Government about April, 1926, particularly to Resolution 6, on page 11.

We would, however, make the following suggestions in addition :—

(1) Polling centres should be increased so that there may be one in every circle of three or four or five miles radius. There should be one polling station in an area of six or eight or ten miles square, or one station to every group of between 600 and 1,000 voters, making an allowance of one minute to a voter on the average. Personation, a well-known trick, could be well safeguarded, we believe, as voters within the small area know one another, as a rule, and agents could easily make use of his own voters as detectives.

(2) In towns and cities personations are made pleasurable tricks and subjects of amusement in the after-talks. Crowding and hurrying facilitate the games, and the remedy we see is (i) extending the polling time, or (ii) taking the constituency quarter by quarter, or if necessary block by block.

(3) Taking thumb impression would a long way help eliminating the " tricks."

At the close of each polling or each day's polling, boxes should be opened and tokens counted by the presiding officers in the presence of all the agents, and the leading villagers, if they choose to be present. The counting may be checked by the agents if necessary. The result of the counting should be drawn up in as many copies as there are agents plus one, all signed by the agents and the presiding officers, and sealed by the office seal. The boxes might then be sealed and returned to the Deputy Commissioner for checking. Each agent will have one copy, the presiding officer retaining one for himself.

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* NOTE.—The Annexures to the Memorandum have not been printed.

KAREN NATIONAL ASSOCIATION, BURMA. [*Continued.*

(*c*) *Methods whereby particular interests, communal, local, social, and economic, may obtain adequate representation on local self-governing, provincial and central representatives and constituents.* It is very difficult to make a hard and fast rule for these interests. Directly speaking, we are not in favour of giving commercial bodies and Universities any representatives. The one is a private affair or aggregated private affair for gain and, therefore, on principle has no claim for representatives; or else any private enterprise will claim for one—at least, it has the right to do so. In fact, they are part of the province or, more correctly, part of the people of the province and, therefore, have already been represented in the people, and we see no ground why they should be represented twice. If they are given such a unique privilege, other associations, unions, leagues and trusts that are being born fast, and yet to be born, will, in course of time, claim for the same privilege.

The Universities draw their funds from the Government, and Government draw theirs from the people. Another source of feeding is by donations, free or compulsory, as in the case of the Rangoon University —from the people again. For these reasons, Universities are the concerns of all, and have, therefore, been represented in the people. There is no necessity of their being represented again in the Legislature. But making allowance for the conservative nature in human beings, we would allow not more than two representatives for each of the above bodies. Whether it should have one or two depends on its size and importance; in other words, each case is to be decided according to its own merit.

Communal Interests. Communal representation is objectionable in the viewpoint of the Hindus and the Burmese, and this they say on principle; but in that of the Muhammadans and the Karens, it is an absolute necessity, and that on the score of practice.

In matters for local bodies, we strongly urge that Karens should have separate councils and boards where possible. For example, Karen villages are distinct by themselves by natural selection, so to say, hence they have got their schools separate. They have also got their own sub-inspectors and deputy inspectors of schools. We do not see why they should not have their own assistant inspectors and inspectors of schools and their school boards separate. The reason or reasons for urging the separation are as given in resolution 7, on page 13 of the "Proceedings of the Karen National Union, 10th February, 1926," hereto annexed, marked, "Annexure I."

This joining, or combination, is putting a bullock and a tiger under the same yoke, with a matter-of-course ploughman following behind. It is a simple thing for any simple brain to see that the combination profits neither the bullock nor the tiger nor the farmer. In fact, it hurts one, both, and all—and seriously, too. Let man give freedom to each separate aspiration in this matter; yea, let him prepare the way for it, and let Nature work the combination, if there should be any, in her far-seeing eye.

Social Interests. Properly speaking, there is no such a class of people as Depressed or Outcast in this "Beautiful Land of Pagodas" to merit special representation. However, we understand that certain classes of Christians are outcasted by their own blood-kins and find no welcome in any quarters. Hence, they are equally an outcast in the parliamentary social functions. With the big spirit of Charity for all, we would suggest one or two representatives for them, provided their number justifies such representation.

Communal Representation on Local Self-Governing and Provincial Bodies. We, the Karens, now are given five representatives for five of the sixteen districts in which Karens reside. The Karens in the five districts are, of course, represented; but the position of the Karens in the remaining eleven districts is anonymous. Hence our position as a whole is anomalous, being neither communal nor non-communal. As a rule, the five representatives identify themselves with their constituencies only, which are the five districts. We, therefore, urge that our case be absolutely communal, and that our representatives may be in number at least in the exact proportion of our population, and that in form they be elected as those by the Anglo-Indian community. That is to say, we should like to have our representatives elected by our whole community, residing in the sixteen districts in Burma. The privilege, if granted, would not only serve as a safeguard to the Karen interests against outside influences, but would also help reviving the Karen spirit and strengthening their associations, unless our rulers secretly wish us *non esse*.

Our position in the local self-governing bodies is most insecure and our interests are thereby affected adversely; for instance, the primary education of the Karens. In this connection we would like to state that in pre-Reform days the Karens, though backward they might have been in the eyes of others, had maintained their primary education in their villages with such organised form as to attain some measure of unique success, to the envy of their neighbours. But, alas! during these Reformed days and this transitory period, about twenty per cent. of their village schools are left to starve to death, receiving no more grants from the so-called Education Department. Such being our plight in local self-governing bodies, we strongly urge that provisions may be made whereby the Karens may have representatives in these local bodies in number, at least, in the exact proportion of their population in the various districts concerned, if our claim for separate Councils and Boards cannot be granted.

Central Representative Body. To be short and to the point, we are tired of being tied up to the tail of India for ever, nor do we like to see our land flooded with Indians and Chinese. Burma is Burma, and it has been so from time immemorial; and we have learnt painful lessons in being an apron-string to India. We eagerly look forward to the time when Burma will be separated from India. Really speaking, we see nothing good coming from having representatives in the Central Legislative body, except waste of money and time.

(*d*) *Relationship between Representatives and Constituents.* In one sense, Burma M.P.'s represent nobody. The general mass, or greater portion of the mass is sleeping unconcerned; a large part of the waking are down in the breeze with no real or definite object in view, or cheap profiteers easily bought and sold like hot cakes. The present working of election has not reached the mass.

We see no public spirit, but all self-spirit in the representatives. Take away the honour and the pay—we sincerely believe the Council House will be desolate. Most of the members know nothing of the people or the place they represent, much less their needs and difficulties. Many wear the cloak of public spirit for self-gain.

(*e*) *Growth of Parties.* These are growths of mushrooms on thin surface soil and among the thorns, nourished by the manure of self-interest or by that of the old lost love; more by the former judging by the number of detached groups.

(*f*) *Growth of Informed Public Opinion.* The channels through which public could express its opinions are Presses and Platforms, and these are found fairly in large number of late years, though not so large as it ought to be in order to effectively educate the public. In spite of the smallness of its number and the tenderness of its age, when it is about to increase and take on strength, it is met with a set-back through repressive measures stifling its growth. We are for Freedom of the Press and Freedom of Speech, allowing the public to express its opinions and, at the same time, giving the Government an opportunity to study different shades of opinions which find expressions in Presses and on

Platforms. If Government would like to see itself as the public see it, then it should encourage the public to express its opinions freely and unreservedly.

Opinions may be informed, but they are generally speaking soiled and superficial. They lack the background, or backbone of solid virtues. We attach no importance to these growths as far as real and substantial progress is concerned. The country has long been under the Western tuition, particularly the British, and when the pupils make no improvement in a certain direction or get in bad ways, it is either that the teachers are themselves bad or incompetent, or that they are too thick to know that they are blowing on the glow-worm at night, without ever getting fire for the chilling, freezing home.

(*g*) *Nomination of Officials and non-Officials as additional members of elected bodies.* This sounds hope-refreshing to the minorities, but, in actual working, it is heart-breaking. For the choice only falls on the sure puppets and never on the doubtful plummets. The reasons are, perhaps :—

(1) True plummets are scarce to find in these days of endless learnings that are never able "to come to the knowledge of Truth," and

(2) Party interest is pre-eminently outweighing in Parliamentary games. There is no wonder in this, perhaps, for the "Education" of all Parliaments the world over is for party cliques, party interests, party victory, and so forth. In our view, the Governor should be the true Umpire unshackled with party cords. If Governors have been rich with true sincerity, true sympathy, true greatness of heart, true integrity, true justice, as the world-wide teaching of their gospels is, in other words, if they are rich with all the good qualities of "Big Souls," things would not have been as they are now, placed in such favourable position as they have been. But Governors are human as anybody else, and human beings must reap the harvest of their ways and of their sowings, good or bad, everywhere, and at all times.

2. THE SUITABILITY OF EXISTING AREAS FOR LEGISLATIVE AND ADMINISTRATIVE PURPOSES, AND FOR THE GROWTH OF REPRESENTATIVE INSTITUTIONS.

We attach no importance to "areas" that have no faults of their own. The faults are in the heart of the areas-makers, be they rulers or agitators. If the heart is right, many of the sores in defective areas would be cured without any external efforts; and these external efforts are often thin cloaks or means of evasion veiling the inward defects. Mere splitting and shuffling in the conflicting myriads of interests, real or feigned, will not make a permanent cure, if they make any at all. The disease is deep rooted, and these are but ointments rubbed on the surface. The disease is in the root. Why then make great fusses over the withering branches and the falling leaves at such expense in money, brain and energy? Are we only bees hovering around and about the branches and leaves making deep ominous hummings, only expecting to see flowers to suck? Are there no real farmers that would dig deep into the roots?

3. THE LOCAL SELF-GOVERNING BODIES.

(a) and (b). Constitution and functions are, properly speaking, one and the same. One directs, and the other performs. There may be little faults in these, and therefore they are not much to blame, as a rule. Rules and regulations can always be altered or modified to suit circumstance, all other things being well. Laws are fine or even holy sometimes, but it is the custodians or the handlers of laws that are rotten. This, we believe, is the main grievance of India and Burma, as it is the grievance of the world itself.

(c) *Relationship with Officials of Provincial Government.* We would suggest that local bodies have direct dealings with the Ministers or the Governor. Firstly, the Deputy Commissioner has his hands full, if he cares to do his work properly, and should not be given extra burdens. A man is in his fine form within a certain degree. If he is pushed above this, he becomes fiery or dizzy or crazy. The result is pretty serious, for not only the work suffers, but also the atmosphere. As for the Commissioner, there has been strong agitation to evict him, and we support it as we consider the office to be unnecessary growth of flesh on the body. Secondly, we have known enough of appeals which never profit or edify. One thing it can do, of course, that is to delay and stale matters or rot the meat.

(d) and (e). *Control by Provincial Government and Finance.* Control should be firmer and closer particularly in matters where money is concerned. As things are now, most Chairmen and Secretaries are sharp daring thieves, as all having eyes see or should see. There is nothing extraordinary in this. For they have been watching their elder brothers in the old offices skimming the cream with their mouths vigorously watering. *Vide* pages 18, 19 of Annexure I. We do not propose to go into details in these questions. Let us first purify the main spring, before we talk about the pipes, tubes, taps, and so on. But if those responsible for the purifying would confess their inability to do so, as could be interpreted from their attitude and behaviour, let them honestly say so and "resign."

4. THE PROVINCIAL GOVERNMENT.

(a) The same remarks in 3 (a) above equally apply here. And if we were required to express our opinion explicitly, we would rather urge for "Full Responsible Government" or "Dominion Home Rule." Home Rule in India and Burma might be bloody rule, but blood often purifies rules; it at least simplifies them.

(b) *Working of Dyarchy.* We beg to invite a reference to Resolution 18 on page 10 of Annexure I, on this subject. In the old form of Government, which we would call Constitutional Despotism, we fared no better. *Vide* Annexure I, Annexure II and Annexure III.

(c), (d) and (e). *Governor, Ministers and Executive Council.* If Burma is separated from India and full Responsible Government or Dominion Home Rule is granted, the position and powers of the Governor will automatically change. However, during this transitory period, we would like the Governor to have vetoing powers, and not merely advisory. The Government of Burma would then form itself into a Cabinet with a Prime Minister taking the responsibilities. In this connection we would urge that the pays of these Cabinet Ministers be reduced as far as possible, say about Rs.1,000/-p.m., so as to mark out true patriotic sons, who are willing to sacrifice their petty interest for the welfare of their Mother Country.

(f) *Growth of Party System.* This, an unfortunate term, to us is a Western disease imported into the East. The West seldom allows diseases to go unchecked. But this it not only cherishes, but also nourishes. Party system kills the individuality as well as the originality, hence the vitality too. It then makes a man a blind follower and a false form. There is nothing good in or about it in our view. It may be said that no one is tied down to any party, but in many senses he is, and only open mercenaries are not.

Yes, it may be good food for the West, but surely it is not good for India and Burma. Unsteady, loose, cheap as the people are, it will make them more so. It again encourages hypocrisy and dishonesty. What would it look like, if our Houses are full with loose sand or with hypocrites?

But Government have been tutor in this, and the system has been formed. At present we see not one but three prominent systems, viz.: Racial System,

Money System and Power System. There is no knowing as to how things would shape as we go along. In all probability, it will end in the elimination of the first and in the assimilation of the second to the third, and the Government would automatically become Aristocratic or Autocratic.

(g) *Working of Particular Departments.* As we have said, it does not trouble us much how each department works, so long as they and their children are honest. But if they are not honest, though they be placed on paths of gold, they will fall into chaos.

(h) *Classification into Reserved and Transferred Subjects.* The remarks in (g) above similarly apply here.

(i) *Desirability of Second Chambers.* The British Second Chamber is the greatest of farces, and perhaps the biggest folly of conservatism. There are nations which are run by one Chamber. Why then give ourselves the trouble and expenses of having two, with fructuous delays as the result ?

(j) *Provincial Autonomy.* We beg to invite reference to remarks in 1 (c) under Central Representative Body, and 4 (a) under the Provincial Government.

(k) and (h). *Finances and Financial Control.* The remarks in 4 (c), (d), (e), (g), (h) and (j) cover these two also.

5. THE CENTRAL GOVERNMENT, AND
6. RELATIONS BETWEEN CENTRAL GOVERNMENT AND THE PROVINCIAL GOVERNMENT.

The questions in these do not arise if our views in 1 (c) and 4 (a) above are sustained.

7. THE COURTS AND THE JUDICIARY.

We would invite a reference to Resolution 10 on page 16 of Annexure I. We would also add here that a few months ago, the People's Party, in the Burma Council, moved that officers be made to swear on oath and drink the dreaded " Nyaungye " annually (the water of the flowers offered to the house gods), but the Government Party pooh-poohed the motion and knocked it out. We absolutely fail to understand this attitude of the Government Party, and could only draw the inference in the saying of the Burmese, " They are beans of the same baskets " or " Birds of the same feather." Surely, the father fox will not kill its foxling or wish to see them killed. So much about this at present. Further amplification will follow later at about the conclusion.

8. THE CONSTITUTIONAL PROBLEM IN RELATION TO SUCH VITAL MATTERS.

(a) and (b). Law and Order and Justice in British India.

Suffice it to say that Law and Order are farces, and Justice is mockery in India and Burma. Reference may be made here again to Annexure III and IV for better understanding. The observations in Annexure III do not profess to be exhaustive. They are only one-tenth of the floating iceberg above the surface. Forests, the Land Records, and the Police Departments are still worse. In fact and in short, Departments and Sub-Departments, with all their roots, branches and trunks, are rotten. Some one might ask for " the bright side." But the bright side is on the top, where offices and powers enjoy the glorious light of the biased Sun. We are in the bottom and with the bottom, and therefore cannot but see things in the darkness of the bottom, and if the bright side is still called for, let the glorious top give it.

(c) *Defence of India.* Though we Karens are regarded as a fighting race, on the whole we stand for Peace, International Peace and Universal Peace. In our opinion, the implements of War will do more harm than good both to the Aggressors and the Aggressed. Besides nowadays, defences and offences are in the air, and we are still footers that cannot fly. Let the fliers then discuss the question in which they qualify and not us.

(d) *Social Progress.* There is very little of it in Burma, and that little is more apparent than real. What progress can we expect of a people so light, so loose and so cheap like night-bazaar commodities ? By chances they form and by chances they disintegrate. There are again powerful destructive forces known in the common name of self-interests in which money and power play prominent.

(e) *Federation in India.* There will be enforced Federation as long as the British cannon booms and thunders. When the boomings subside, there will be bloody disintegration, we are sure, unless some unseen Agent works changes in the hearts of the people.

(f) *The Status and Position of India,* and

9. THE RELATIONSHIP BETWEEN THE CENTRAL GOVERNMENT, &C.

We presume that the remarks in (c), (d) and (e) in 4 above equally apply here. We would however pray that the best of spirits may enter the heart of the British, and with a large heart give to India whatever Status, Position, or Power, India may now aspire after.

10. THE POSITION OF THE SERVICES.

We do not believe in the names of Services appearing under this head. If all men are as broad as their words, there will be no necessity of classifying Services. It does not matter whether the Services are All-India, or All-England. But if the words are all lip and hypocritic or untrue, nothing will please the Hindus other than the All-Hindu Services. It is the same with the Mussulmans, the Burmese, and the Karens. We have no belief in I.C.S., or B.C.S. or P.C.S., or any other Services. We would at present propose to invite a reference to the statements made on page 2 of Annexure IV. Fuller discussion will be given in the Draft Scheme herein following, or in the concluding portion of this Memorandum.

Provincial Services and recruitment and of Public Services Commissions. We do not believe in examinations which make our light grains abhorably conceited, when they are successful. We want elderly men to be in offices and by election, removable at any time by " votes of censure." Public Services Commissions, and the kindred Commissions Boards and all are only fine expensive farces.

(e) *Indianization.* We see that Indianization must sooner or later come as a natural result. Likewise Burmanization will, but Burmanization without British specklings will make the Karen position intolerable, because although the British Officers may be Burmanised, as in fact they are, there may yet be a very small fraction who may retain some amount of fervour in them for the Karens. But if, on principle, Britainization should go, we would that the Karens' interests be safeguarded by a speckling of Karenization right through, by earmarking if necessary.

EDUCATION.

11. GROWTH OF EDUCATION.

" Education " in its present scope and form is making big leaps into laudable fields of self-aggrandisement at the expense of the great mass and of morality. From another point of view, it is more and more expensive and killing. There is no wonder in this, for what else could mere intellectual advancement lead to without a corresponding advancement in character, or in other words, in morality. Corruption in various forms, forms the aggregate of immorality, the degree of which may be gauged from the four Annexures read together.

True Education must be cheap and within the reach of all, but in fact is not so ; and it is the untrue Education of the present day that has clogged the True. The question is truly big and wide, but we will try to make it as short and concise as possible, circumstanced as we are now.

1. True Education, properly pursued, merges into

religious, moral and spiritual Education, but false Education, in spite of all its glories which are but superficial and transient, is bound to lead into chaos.

2. True Education is not confined in the great Metropolis, nor in the bricks and walls as many believed, but in the fields and skies, in streams and files, in hills and valleys, and so forth, where everything is pure and refreshing to both the body and soul.

3. It is not in distant dignified lectures, but in simple, close and heart-to-heart talks. It is not in the imprisonment for several hours in a day within the walls of the school prison, but in the open field, farm, garden and so on. If there must be confinement in that prison, let it not be more than three hours in a day.

4. Breathing, physical exercise, out-door games and sport, manual works, drinking of good water are the best of medicine for the body, and therefore, form the most important part of Education.

5. In the imparting of Education, spiritual or moral Education (which some say are two distinct things, but we say are one and the same) must predominate, the intellectual and other may follow, for the spirit is the basis of all matters. If the spirit dies, the frame wrecks or perishes; but if the frame dies, the spirit blazes. Herein we see the world has long been guilty of a serious, yea, fatal blunder in dividing the soul and body, and in assigning two separate guardians for them.

FURTHER SUGGESTIONS IN DETAILS.

(*a*) We would strongly emphasise on practical Education, not the soaring theoretical one that detaches the brain and soul from the living foundation of morality, and enslave them within the narrow sphere of that low animal, self. Let the pupils be taught carpentry, smithery, dairy farming, agriculture and so on, and for girls cooking, weaving, spinning sewing and so on. In short, vocational training be given to the pupils according to their inclinations.

(*b*) Let Education be within the reach of all by making and teaching the pupils earn, pay their ways and save each year, so that at the end of their educational period they may be able to exhibit a substantial purse in the annual School Exhibition.

(*c*) Let moral Education predominate right through, and see that it not merely gives loose forms, but that it is instilled into the very nature of the pupils.

(*d*) Let not the pupils be confined within the walls for literary education more than three hours in a day, and let the other hours be for the practical noble studies enumerated in (a) above.

(*e*) Let there never be over-stinginess or stinginess about holidays and free days. Holidays keep the spirit of the children bright and buoyant, and it is far easier for instructors to push forward buoyant spirits than the sinking ones. Let the school days put together be not more than seven or eight months in a year divided into three or four terms.

(*f*) Let not a child go to school until he is about 10, and let not the Education period be more than 10 years. Of this period the Primary and Secondary Education will occupy six or seven years, and the remaining three or four will be for the College Education. Let all the pupils go through the whole training within the period.

(*g*) There should be only three real examinations, one Middle School Examination, one High School Examination and one College Examination. Mere strictness in forms in these examinations should be done away with. For fitness for a pass, the whole year's general work and worth should be taken into consideration. A pupil should not be kept in a class more than one year ordinarily, but in no case should he be kept there more than two years. Nothing should prevent a fit brain to jump over two or three classes in a year. Special talent in any direction should not be stunted and killed by its weakness in other directions, but should rather be encouraged in every way possible.

(*h*) The best teacher should have charge of the lowest class, and be given the highest pay. A teacher must be a teacher, not a mercenary, nor a man limping on one leg, nor a man going one-sided with only one eye in his tremulous head, nor a corrupted rot as we see everywhere to-day; and teachers' pay must be raised, and raised higher than any other kind of pay.

(*i*) Physical training and sports and games should not be forgotten. Real education is religion, or, to suit more ideas, its counterpart.

DRAFT CONSTITUTIONAL SCHEME.

As we have said on pages 10 and 11, in Resolution 10 of Annexure I, Mono-Archy or Dyarchy or Tri-Archy do not matter. It is the custodians of the Archis that do. The Central Power in the custodians is the heart. *Vide* also page 1 of Annexure II.

Human fancies vary, and hardly coincide. Any reasonable Constitution will do, in our view. Only the heart is to be corrected and placed in its right place and everything will slowly return to its normal condition.

This is the sum total of our Draft Scheme, and we feel that no further details are necessary.

APPENDIX. NOTE (C).

Many suggestions and observations have been given in the foregoings. A few more may be added here.

(*a*) "*Hang the Useless Hounds.*" The multiplicity of works are the creation of our officers themselves; and who are responsible when they say they are too busy, that they cannot see you, or talk to you when you want to see them. In spite of all their breathless activities they achieve nothing, for aught we know. Crimes have been increasing by big leaps and bounds, according to the reports; but reports simply know a certain portion of things, never the whole; and so criminals, or the desire within them, it may be presumed. The hounds multiply, running about vigorously and a lot, and the foxes with their mischiefs keep on increasing in a greater proportion, and the cries of the suffering, miserable fowls and the worried farmers are ever so greater. Whatever could this strange affair mean? Does it not mean that the hounds are inefficient or useless? In our Karen way, if a dog fails to catch a surrounded wild cat several times, it is disposed of quick.

(*b*) "*The foxes are immuned.*" This has been discussed at length, on pages 16 to 27 of Annexure I. There is no earnestness to dig them out of their holes. If you, by chance, happen to catch any one of them, it will turn heaven and earth to whitewash itself by means more foul than fair, and by making sacred offerings to the various shrines of its former devotion and, one thousand to one, it would be absolved and even exalted.

We would, therefore, suggest that the uncorruptible "Scotland Yard Police" be constituted in Burma, as soon as possible, to dig out the "foxes" and the "shrines," roots, branches and all, and for punishment we would suggest a readier and cheaper method of flogging in the "Forum," and by instalments where necessary.

(*c*) "*Tremendous Bureaucrats.*" One great obstacle in the way of improvement in the present confusion is bureaucracy, with all its inherent sniffs, snaps, snubs and all. Its other great sins are pitch-blindness, conceitedness, pride, haughtiness, domineeringness, put together and crowned with "sinlessness." The greatest sin in the world is, we believe, sinlessness, for therein is hopelessness. Because, first, it is an ultimate stage; second, it

has lost all enervating light—in other words, it is blind. It is absolutely useless talking about changes of forms and of this and that, so long this state of hopelessness exists. Is government or good government impossible without bureaucracy, or is it the last salvation in human Government? Let the heart pervade, and the whole hosts of the evil will flee; this is our deep belief.

(*d*) "*Titles and Rewards.*" We do not believe in these. Men of real worth and virtues keep quiet, and care for little or no reward. Busy and false bodies alone are active for rewards. The results could be imagined when false and selfish forms are installed above quiet virtues.

(*e*) "*Excise Department.*" This department should be abolished. The pros and cons of the matter may by gauged by referring the Annexure III. Give the hound a fresh leash, and it stops tugging. Human nature is like mischievous boys who are tempted to jump over where there is a bar. Remove the bar and the temptation goes. If the object is really to control, removing the bar is the simplest and the best remedy.

(*f*) "*Capital Punishment.*" This also should be abolished. The reasons have already been frequently given by reviving leading opinions in many places.

(*g*) "*Judicial and Executive Departments.*" There have been movements for separating the two. This, if accepted, would result in shiftable responsibility, endless friction, and in ineffectual administration. In fact, the result is manifest. We would rather narrow down the administrative areas to small townships, with an elected Head given full power over all the departments, guided and supported by a "Panchayat Committee" of four or five elected members. The Deputy Commissioner will be a supervisor over an area which may be equal to the present district, there should be no intermediate authority between, as it is now, and no intermediate authority between him and the ministers.

(*h*) "*I.C.S., B.C.S., I.E.S., I.F.S., and other S's.*" Our examinations are for the privileged class only; sons of rich middle-officers, generally speaking. If public cries against corruption are true, then these officers have been sucking the blood of the people, or otherwise put: "the juice of the life of the backbone." Giving this privilege to this class, therefore, means favouring and encouraging corruption or the Demons. Again, precious gems and stones lie hidden deep underneath, while gravels and pebbles remain profuse on the top. Seekers of precious stones dig deep for gems and diamonds, but our Administrative stone-seekers have long been well-contented with scraping the surface. Is it, then, surprising that we have been landed on this present stage of universal confusion?

(*i*) "*Public Spirit and Public Services.*" It is said a woman in China, by a piece of misfortune, honestly married two husbands of apparent equal virtues, each earnest in his claim for her. But when the wife was produced as a "corpse" before them, one sneaked out, and the other begged for the "remains" in order that he might pay the last tribute of love. Therein was true virtue revealed, and his wife was given him alive. Many claim to be of real public spirit and of real virtues just for the fatness of Rs5000/- a month. Reduce this to Rs1000/—as to reduce lower may be inadvisable—and we may have claimers of real virtues, when things may be expected to improve.

(*j*) "*Independence deserves Independence, One Local Interest—Mutrawpu.*" Mutrawpu, now roughly the Papun district, was also known as the Land of the Five Chiefs, and it was once absolutely independent, and more independent than the Karenni States in the time of the Burmese Kings and at the times of the Annexation of Burma, and some time after. How it became part of British Burma deserves discussion, if the League of Nations is sincere. As far as we know it so became merely through a smooth friendship prompted by Karen traditions. If, then, Burma deserves Home Rule, does not Independence deserve, all the more, Independence?

Dated, Rangoon, the 1st August, 1928.

Sd/ Saw Pah Dwai,
President.
Sd/ Saw Maung Le,
Committee Member.
Sd/ San Baw,
Committee Member.
Sd/ Ba Kin, Secretary.

Special Committee appointed by the Karen National Association, Burma, for and on behalf of the Karen Community, Burma.

RANGOON.
5th February, 1929.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE BURMA PROVINCIAL COMMITTEE.

LORD BURNHAM OCCUPIED THE CHAIR IN THE ABSENCE OF SIR JOHN SIMON.

Deputation from the Karen Elders of Burma.

The deputation consisted of:—

Mr. SYDNEY LOO-NEE.
SRA SHWE BA (Member of the Provincial Committee).

69. *The Chairman* (Lord Burnham): We have your Memorandum, and also a Memorandum submitted by the Karen National Association. * * *

70. Am I right in assuming that you are satisfied with the existing franchise both for the Legislative

Council and for the Legislative Assembly ?—That is so.

71. You do not wish it to be lowered ?—No.

72. What have you to tell us in regard to communal electorates ?—Communal representation is absolutely necessary. It is discussed on page 418 of our Memorandum.

73. You are of opinion that it is no exaggeration to say that the Karens would have utterly failed to obtain representation in the Burma Legislative Council except for communal electorates ?—Absolutely.

74. And you say that unless some such provision is made, it is impossible for Karens to obtain representation on municipalities, circle boards, or district councils ?—That is so.

75. You lament the fact that there is no such provision now made ?—Such provisions are made by the Whyte Committee and thereby we have five communal electorates; and but for that provision it is no exaggeration to say that the Karens would not have any representation.

76. Mr. Hartshorn points out to me that you say on page 419: "The Whyte Committee after very "carefully studying the whole question granted to "the Karens of Burma, as we have already acknow-"ledged, five communal electorates to safeguard "the interest of the Karens. We respectfully submit "to the Simon Commission that the Karen re-"presentation in the Burma Legislative Council "will be adequate and complete if the members of "the said Commission unanimously recommend the "creation of additional Karen electorates, one "each for the City of Rangoon and the following "districts: Isein, Hanthawaddy, Tharrawaddy, "Henzada, Tavoy, Toungoo, Pegu, Salween, Mergui, "and Pyapon." That is your opinion ?—That is so.

77. Does that mean that you are asking for eleven instead of five ?—We are asking for eleven in addition to the existing five.

78. *Mr. Hartshorn:* That is altogether 16 ?—Yes.

79. *The Chairman:* That is what you think would be just ?—Yes, and that would be in the spirit of the Reforms, because the idea of the Reforms is to educate us in the art of self-government, and unless opportunities are given us politically, political education will never come.

80. And you say without this provision your community is shut out ?—Exactly.

81. In regard to page 418, the nomination of officials and non-officials, will you tell us something to that in your own words ?—With regard to this, our submission is that so far the working is satisfactory, because what is exactly required is known to Government officials perhaps better than to us. I have a letter here in which one of our Elders says that our Memorandum has not been asking for enough. If, in addition to the communal electorates, some of us can get into these public bodies by nomination, that would be better still. We do not want to ask for too much, so the language of our Memorandum is couched in as moderate a style as we can possibly make it.

82. You wish to remove official control from governing bodies ?—Not remove it, my Lord; just the other way.

Raja Nawab Ali Khan: Which page, please ?

83. *The Chairman:* Page 418. Yes, I see. I also notice that in the official handbook part I, page 10, para. 24,* it is said that the Karens number altogether 1.2 millions, forming 9 per cent. of the total population. It is also stated: "Of the Karens over one-fifth are outside the area "of the Reforms, leaving nearly one million with-"in that area; of this number over 631,000, "that is more than five-eighths, are found in the five "districts of Amherst, Thaton, Bassein, Myaungmya "and Ma-ubin where Karen communal constituencies "have been established." In regard to the control of the local bodies, you want to have more guidance ?—Exactly.

84. Could you tell us in what particulars, because we have a good deal of evidence on this subject, not only here but in India also. You could refer us to the Memoranda of the Government, if you have them with you. I think it is page 594 of the Report on Local Self-Government.—I have not got that.

85. Generally speaking, you think that the Government ought to exercise more control over the local bodies ?—That is so. The Reforms are new, and we are just learning how to walk, and before we yet know how to walk, if we are made to run there will be some disaster.

86. *Sir Hari Singh Gour:* You might break your legs.—Might, might not; yes.

87. *The Chairman:* Then you are in favour of special terms for the adequate representation of your community in the public services ?—In the public services and in the public bodies too. If your Lordship will allow me to go back to page 418, we have submitted that "it is nothing less "than deplorable that whereas ample provision is "made for the representation of numerous non-"indigenous races in Burma on local self-governing "bodies, there is no provision made for the Karens, "who are regarded as an important community, to "secure representation on these bodies except in "only one or two municipalities." Take, for instance, Rangoon. Ample provision is made for other communities which are not indigenous, and we Karens have been left out, and we have been severely left alone. We as a race are not very vociferous: we do not agitate; and the result is that provision is not made for us to enjoy the benefits and carry the burdens that citizens ought to share equally.

88. I observe that during the decade 1911-21 the Karens increased their population by 11 per cent. as compared with about 8 per cent. increase by the Burmans, so you are not declining ?—And we shall be showing better census figures as time goes on.

89. *The Chairman:* I would inform the Conference that the Karen National Association has now sent its representatives to appear before us, and with your agreement, gentlemen, I think we might ask them to come in. (To the witness) You have no objection to them coming at the same time as yourself ?—No, sir.

90. What is your view as to the big question of the separation of Burma from India ?—We are decidedly in favour of separation.

91. For the reasons which are generally given ?—Yes, and, as we have stated in our Memorandum on page 419 . . .

92. "In our considered opinion the separation of "Burma from India and that alone will make it "possible for the different indigenous races of "Burma—the Burmese, Karens, Kachens, Chins "and Shans—to be usefully welded into one solid "nation. Unless opportunities are open to the "indigenous races of Burma to regard Burma "nationally—and Burma as a separate entity under "the British Crown is the only way!—Burma can "never progress nationally."—That is so.

The Chairman: "As long as Burma is kept "dangling on India's 'dhoti' so long will there "be no cohesion among the indigenous races of "Burma." That is quite clear.

93. *Major Attlee:* Your community is highly developed educationally, is it not ?—That is so.

94. You spend a great deal of money yourselves, I think, on education, do you not ?—Exactly.

95. Will not that in time gain you a due proportion in the services, without any special provision ?—Even as it is now I think it is agreed that Karen education has progressed quite well, but so far as representation in the public services is concerned, we regret to say that we do not obtain our fair share.

(At this point, Saw Pah Dwai, representing the Karen National Association, took his seat at the witness table.)

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96. Supposing you had a Public Service Commission set up here, then you should not be hampered at all, should you, to get in on your merits ?—No.

97. Why not ?—How can we be hampered if, by our merits, we can prove that we are fit to enjoy the privileges which others enjoy ?

98. Quite. I say if you had a Public Service Commission you ought to be able to get your fair share ?—Yes.

99. And once you are in a service, there comes the question of promotion and so on, does there not ? —Certainly.

100. If you come in with everybody else, would not you be in a better position rather with regard to general promotion, and so on, than if you sought a special position ? A special position of getting in on a nomination might even prejudice you, might it not ?—That would prejudice not only one particular class, but all classes.

101. I am taking the position of members of your community. Do you think it is really desirable that a Civil Service should be allocated to great races, religions, and so on ?—My submission is that the Karens should have a fair share, just as other races have.

102. You do not claim a share in excess of your merits ; you only want a fair share ?—Yes.

103. If for instance a Public Service Commission is set up and you are to be judged only on your merits, you do not want to claim that because you are a separate community, therefore whatever your merits are, you should have a certain proportion of places ?—No, sir.

104. One question with regard to your representation in the council. You have five separate seats. Can you also contest in other constituencies where you have no special seats ?—Yes, we can, but the chances of success are nil.

105. Is it a question of minority or that only a small number of your community is on the register ? —Both. I might add that Karens are a peculiar race. We are not so rich that we can squander money ; neither are we so poor that we have to beg. In these contests you require money.

106. Would you like a regulation made as to the amount that can be spent on election ?—That would not help us very much.

107. Why not ?—Because we have enough for ourselves, but not very much to spare, and the little surplus that remains over will not be sufficient for such a purpose.

108. If you are well organised you can fight the election on a very small amount of money ?—Yes, but the question of minority comes in.

109. Taking the position of your community is there anything to separate you from the Burmans except on the question of race ? Economically you are in the same position as Burmans, are you not ? —Yes, in the matter of religious outlook there is a very marked difference.

110. Is the relationship between the two races improving ?—Yes, it is. Since the introduction of the Reforms we have come to understand each other much better than we did 15 or 20 years ago.

111. Supposing you have got a keen political life in this province and organised parties, the Karens' vote in places like Insein, Hanthawaddy, and so on would be a valuable thing when the strength of the two parties is fairly equal ?—We are out-numbered.

112. Take for instance Hanthawaddy, where you have got a population of something like 18,000 people. That provides a fair voting strength, does it not ?—Yes.

113. And if you have two candidates who are standing there on different political platforms they have to take care to secure or try to secure the Karens' vote, have they not ?—Not necessarily, sir.

114. Supposing you have Burman Liberals and Burman Conservatives as two rival parties and the fighting is centred between them ?—Unless there is a split between our Burman friends the Karens' case is hopeless.

115. Would not the split be conducive to the building up of a healthy life ? —Yes, but not at this stage.

116. I think you have a considerable number of your people in those areas where you have no special electorates ?—Yes.

117. And I take it that in those areas the contest will be between Burman and Burman ?—The contest will be between Burman and Karen.

118. Are you at present running candidates in those constituencies in which you are asking separate electorates ?—Yes. At the last election a Karen stood in Insein, while in Henzada and Tharawaddy Karens stood in the election before the last one.

119 Was it a fight between a Burman and a Karen ?—Yes

120. Only two candidates ?—In Henzada there were four candidates, of whom three were Burmans. Subsequently two Burmans withdrew and the Karen who contested failed.

* * * * * * * *

121. *Mr. Hartshorn :* You want to have sixteen seats for the Karen community. The Chairman called attention to the fact that you are nine per cent. of the population. There are at present one hundred and three seats, I think, in the present Legislative Council. If you get sixteen seats that will be practically sixteen per cent. of the Council. On what ground are you justified in asking for sixteen per cent. of the seats when you are only nine per cent. of the population ?—It is recognised that the Karens are the second most important race in Burma, and we, as the second most important race, ought to have a fairly larger representation in order that we may educate ourselves politically.

122. We have got another community here, namely, the Anglo-Burman community. They are less than one per cent. of the population . . . ?— They have at present one seat.

123. Yes, but I think they want four additional seats. If you have to get sixteen and they have to get five that would be twenty-one per cent. of the seats for less than ten per cent. of the population. If you have all this representation some of the other communities must be very heavily under-represented ?—I wish to point out that if our Anglo-Burman friends, who are less than one per cent., are asking for five seats the Karens are not making an exorbitant demand when they ask for sixteen seats.

124. That is not my point. How can it be fair to the other communities when you two communities are asking for more than double your proportionate strength ? How to make these concessions that you demand and still be fair to the other communities ? Are there any special reasons why you, as one of the communities, should have a substantially greater number of seats in the Council than you are entitled to on the basis of your population ?—If I may say so, without appearing to be immodest, we Karens are a special race. History shows that so far back as 1837 or even earlier we were regarded as British subjects. Our aim in asking for what we are asking is that there may be mutual help. If you have Karen representatives in the districts which we have named in our Memorandum, you can know what the Karens need for the progress and welfare of their community.

125. Do you not think that the Karen community would be fairly treated if they are given seats in the Council in proportion to their population ?—That would not be an equitable basis, because the fact remains that we are the children of the soil. This is our country, and if we have no voice in shaping our destiny what is the use of our being in this country ?

126. *Mr. Cadogan :* Major Attlee asked a question with regard to what you call the inadequacy of representation of the Karen community in the Public Services, but I do not think he was satisfied with the reply. I should like to have it elucidated further.

The Karen community is the only community which has lodged this complaint. I would like to know whether there is any ban on the Karens entering Public Services ?—There is no ban, as such, but we think that there is no one to push us on.

127. But how do you measure the inadequacy of representation in the public services ? Surely, it is the merit of the individual entrant that counts. If a Karen is qualified for the Public Services the chances are that he will get into the Service ; if he is not qualified he is not likely to be admitted into the public Services for communal reasons. Why do you claim adequate representation in the public Services ?—My point is that unless you give the man a trial, how are you going to gauge the measure of his ability ? If trials are given to educated Karens to prove their worth and then they fail, that would be another question.

128. Surely, that applies to a member of any other community ?—Yes, but opportunities for the Karen to show his mettle are rare.

129. Whom do you blame for that ?—That is partly due to the innate shyness of the Karen and partly to the overlooking of his claims.

130. Do you think that there is any prejudice whatever against the Karens joining the Public Services ?—I am afraid there is a certain amount of prejudice.

131. *The Chairman* (*Lord Burnham*) : Taking the figures supplied by the Government as true, broadly speaking, the Karens are a nation of cultivators ?—So far as this question is concerned it is equally true of other races as well. The large majority are agriculturists. The number of Karens who had taken to the professions and the services fifty years ago was smaller than the number twenty years later, and in twenty years more their number has increased. But so far as agriculture is concerned that is the backbone industry of Burma, and, I think, it will be equally true of other races as well.

132. *Sir Hari Singh Gour :* I wish to ask you a few questions as regards your relations with the Burmese. I have here the proceedings of the Karen National Union. Do you stand for it ? There are certain facts upon which you both agree. I want to know how far you two gentlemen are in agreement with one another on the general question of the future of the Karens.

The Chairman (*Lord Burnham*) : I did not ask the question that I put to Mr. Sydney Loo-Nee to Saw Pah Dwai, I am afraid, but if I ask him now to make a statement it would answer your question as to how far he is in agreement with the Karen Elders. Would that meet your view ?

Sir Hari Singh Gour : Yes.

133. *The Chairman* (*Lord Burnham*) : How far are you in agreement with the Karen Elders ?—(*Saw Pah Dwai*) I do not suppose there is any difference as far as the main questions are concerned.—There may be difference in details.

134. *Sir Hari Singh Gour :* I thought so. Now, the question I wish to ask is this. In the proceedings of the Karen National Union, it is said : " It must be remembered that the Burmese " are in the majority everywhere, and this, coupled " with the natural reservedness of the Karens, " makes the latter meet with misfortunes at every " turn. The misfortunes meant here are concisely " injustice and oppression." You and the Burmese are at loggerheads ? It appears from this statement that your interests are in conflict with those of the Burmese. Is that so ?—Yes.

135. And do you agree with that statement ?—(*Mr. Sydney Loo-Nee*) Two views may be taken, one of which may be extreme. The Karen Elders think that time is a great healer, and we do not go harping on old history. In former times there had been oppression, and nobody will deny that. The Karen Union seem to be still smarting under the old oppression, but we, the Karen Elders say, let bygones be bygones. As I have already stated, with greater contact and with better education, we bid fair to be very good friends.

136. You are speaking of the future, and I am speaking of the present. I want to know how far the antagonism between the Karens and the Burmans as stated in this resolution exists ? According to this resolution the Karens regard the Burmans as their oppressors ?—I will give you a two-fold answer. You are asking me about the present, and that the present may be clear you have got to go back to the past. The relationship in the past was very deplorable, but as I have already said relationship is getting better. The Karen Union Party thinks that the relationship is not as good or improving as rapidly as it should do, but we hold that we are becoming better friends and in course of time this friendship will improve.

137. The next question is as regards your aptitude for military life. It is said in the resolution at page 4 (Proceedings of the Karen National Union) : " Recruiting for the army and Karen recruits. It " has been asked by recruiters, why Karen young men " have not been coming in so quickly, and why " there have been so many desertions ? The answer " is not far to seek. It is quite natural that the " birds in the jungle that flit free through the woods " do not like to give up their happy abode in exchange " for the golden cage laden around with delicious " fruits in the dreamy land. How much more un- " willing would they be if they knew that the cage was " but iron and that occasional starvation formed " part of the routine of life in it. Again fancy the " life of a bird, once free and happy in the woods, " but now tortured by pokes of pricks and by pinches " from the claws of the hawks and kites that invariably " don the cage. Here is the kerosene oil on the " top of the water again." Is that true, that Karens do not like military life ?—(*Saw Pah Dwai*) No, it is far from being true.

138. And they desert as soon as they are enlisted. This is the statement you have made.—There are many desertions.

139. The Karens do not like military life at all ? —They do.

140. But you have stated : " fancy the life of a " bird, once free and happy in the woods, but now " tortured," etc.—They do not like the treatment they are having now. If the treatment is improved they will come in.

141. As regards your social progress I find some disquieting statements made by yourself. This is what you have said on page 425 (Memorandum of the Karen National Association) under the heading, " Social Progress " : " There is very little of it in " Burma, and that little is more apparent than real. " What progress can we expect of a people so light, " so loose and so cheap like night-bazaar com- " modities ? By chances they form and by chances " they disintegrate. There are again powerful " destructive forces known in the common name of " self-interests in which money and power play " prominent." That is the statement made by the Karen National Association. You are responsible for it ?—Yes.

142. It that a correct statement ?—From our point of view.

143. Do you support it ?—(*Mr. Sydney Loo-Nee*) No, not entirely.

144. I find from your Memorandum that you would abolish the High Court and all the Services, the Indian Civil Service, the Provincial Civil Service and everything. You say on page 425 of your Memorandum : " We have no belief in the Indian Civil " Service or Burma Civil Service or Provincial Civil " Service or any other Services. We would at present " propose to invite a reference to the statements made " on page 2 of Annexure IV. Fuller discussion will " be given in the draft scheme herein following," and so on. " Provincial services and recruitment " and of Public Service Commissions. We do not " believe in examinations which make our light " grains abhorably conceited, when they are success- " ful. We want elderly men to be in office and by

" election, removable at any time by votes of censure. " Public Service Commissions and the kindred " Commissions, Boards and all are only fine expensive " farces."—That is your view ?—(*Saw Pah Dwai*) Yes.

145. And is it shared very largely by the Karens ? —I believe so.

146. The majority of them ?—The majority of them.

147. The Elders of the Karens form only a minority ?—I think so.

148. You are a larger body. Now on page 425 you say :—" The British Second Chamber is the greatest " of farces, and perhaps the biggest folly of con- " servatism. There are nations which are run by " one Chamber. Why then give ourselves the " trouble and expenses of having two, with fructuous " delays as the result." Now, you are against the Second Chamber altogether ?—Yes.

149. You would only have one Chamber ?—Yes.

150. You do not believe in a Second Chamber at all ?—Not at all.

151. Regarding them as you do as grand farces ? —Exactly.

152. And you are in favour of Dominion status both for India as well as for Burma ? You say : " The same remarks in 3 (a) above equally apply " here. And if we were required to express our " opinion explicitely we would rather urge for full " responsible government or Dominion Home rule. " Home Rule in India and Burma might be bloody " rule, but blood often purifies rules ; it at least " simplifies them." That is your view ?—Yes.

153. At the same time while you are in favour of responsible government are you opposed to party system : " Party system kills the individuality as " well as the originality, hence the vitality too. " It then makes a man a blind follower and a false " form. There is nothing good in or about it in our " view. It may be said that no one is tied down to " any party, but in many senses he is, and only open " mercenaries are not." So, you are against all party system ?—Exactly.

154. You would abolish the High Court, all Services, the party system and also the Second Chamber ?—Yes.

The Chairman (Lord Burnham) : Is it worth while going through the whole if it ? Of course there is the Karen Elders' view.

155. *Sir Hari Singh Gour :* But they are only a small minority : I was dealing with the majority. So far as the Elders are concerned, you do not agree with the view of the majority on all these points ?—(*Mr. Sydney Loo-Nee*) No ; It is not the view of the majority, either.

156. Now, as regards your separate electorates. You want separate electorates and also nomination to supplement the electorates ?—No.

157. You want joint electorates ?—No. We want 11 additional elected members.

158. Through separate electorates ?—Yes.

159. Not joint electorates and reservation of seats to the Karens ?—No.

160. Because you think in a joint electorate you will not get in ?—Yes.

161. *Sir Zulfiqar Ali Khan :* May I know what is the religion of the Karens ?—The national religion is spirit worship.

162. Are there any Christians ?—Yes, there are many Christians.

163. About how many ? —I have not got the figures with me just now.

164. Are there Muhammadans or Hindus ?—No.

Mr. Campagnac : 693 per thousand of the whole are Christians according to the census.

165. *Sir Zulfiqar Ali Khan :* What is your total population ?—1.2 millions.

166. I should like to know whether in the event of your getting separation from India you would impose the same condition on the settlers from India as the Burmese want to do ?—That question, I think, is premature. First of all, let us have separation and then work out a scheme. Indians need have no fear because there will be British rule, and I am sure you can trust British justice.

The Chairman (Lord Burnham) : Sir Zulfiqar, according to the census report of 1921 just now quoted, of the Christians here 178,000, or roughly 70 per cent., were Karens.

167. *Sir Zulfiqar Ali Khan* : One of the deputations said that for naturalisation in Burma they would like to fix a period of 25 years. Would you please tell me whether you have the same notion about naturalisation ?—As I have already stated I think this question is premature and I must ask to be excused from replying.

168. What is your own view ?

Sir Hari Singh Gour : I think they have come for separate representation.—We have come here for separation of Burma from India, for communal representation on a larger scale and for the Karenization of the Services.

169. *Sir Zulfiqar Ali Khan :* What I understood from your statement was this, that you form the second most numerous community in the province ? —Exactly.

170. And therefore I think your opinions on things here must carry weight ?—That is flattering !

171. That is not flattery. Therefore I would like to know what your view is about naturalisation ? —The view now given would be only an idea and for practical purposes it will be neither here nor there.

172. Why not ?—Because it may be an erroneous idea. It may be an idea which according to the standards of British justice and fair-play may not be acceptable for Burma. The fact is very prominent that it is absolutely necessary to have British rule and guidance.

173. That is true. Nobody denies that.—And so long as you admit that fact I think it must be clear that there is no need to be in a fever of excitement regarding the welfare of Indians in Burma. We are British subjects just as Indians are and if our education means anything, if our Christianity means anything, surely, sir, you can trust your fellow-Indians to us for fair-play.

174. But you must start life with some definite understanding with those who have settled down here, and also, as you yourself are a minority, I think you will concede to other minorities the same privileges which you demand for yourself ?—That is exactly why we want Burma to work out her own national destiny. I do not want to go into past history, but in effect it means that in a certain period of our history we have been unfortunate, and that has a value of its own in that it enables us to feel sympathy for less fortunate people like us.

175. May I know how many representatives you have got in the Council ?—Five.

176. They come from your special constituencies ? —Yes.

177. Can you stand in a general constituency ?— We can, but there is no chance.

178. *Dr. Suhrawardy :* Am I right in saying that you want 15 per cent. of the seats although you are only 9 per cent of the population, that is, you want representation in excess of your numerical strength on the ground of your historical and political importance ? Is that the reason why you want increased representation, because you think that although you are given an increased representation, it will not diminish the majority considerably, that you will still be in a minority, but at the same time you will be a more effective minority than at present ?— Exactly ; and I may also add that, by having this benefit, our usefulness will increase.

179. *U Aung Thin :* At page 419 of your memorandum in the third paragraph you have incidentally mentioned about the national progress of Burma. I take it that that is the ideal you want to set up here, incidentally though, I tell you that communalism and communal electorates do interfere with this development. Do you agree with me ?—To a certain extent, yes. They are things which would interfere more or

less because we are not in a state of perfection.

180. Yes, of course. I was following very closely the questions put to you by Major Attlee, and I want to put it to you whether it is not due more to the nervousness on the part of your community that you dare not take part in the general election in a general constituency ?—It is a racial fact that the Karens have not got the push of the Burmans.

181. Then how long are you to remain aloof ? The more you remain aloof, I think, the more you would lack in that characteristic. Do you not think that the sooner you merge yourself in the general electorate, the more fusion there would be in your general qualities ?—The more we merge ourselves the more shall we be submerged.

182. Is that your imagination ?—No, it is the natural law.

183. But your ideals are still farther away ?—Yes.

184. The sooner we attain the goal, the better it will be for all of us, is that not so ?—Yes, and to work that out at this stage of our political development communal representation is absolutely necessary.

185. But are you not setting up strong iron fences round you ?—Iron fences to be easily broken down to make room for wooden fences.

186. But then you are making it stronger. You may want to supplant it with gold, but you may find it very hard to break it down ?—For the present and for some time to come it is absolutely necessary. When time shows that those fences can be broken down, they will be broken down.

187. Under the present conditions having communal electorates you have to organise your own community leaving other communities outside, and that tendency will grow stronger as time passes. Am I not right ?—That is why we Karens beg to differ from the Burmans. That is a point on which we Karens and the Burmese disagree. I will give you a concrete example. During the election to send one representative from Burma to the Assembly a Burman and an Indian fought, and the Burman in his own country failed signally. You cannot fight a bigger community.

188. Taking the attitude that you did, you would concede similar communal rights or communal electorates to a community like the Burma Moslems ? —Exactly, sir ; charity begins at home ; and also to the Kachins, the Chins and the Shans.

189. Why not to the Burma Moslems ?—Yes, to the Burma Moslems as well, they are a quasi-indigenous people of this country.

190. And in addition to a community like the Burma Moslems ?—Community like the Burma Moslems, community like the Anglo-Burmans and the Anglo-Indians. That would be fair play.

191. I would like just to read out to you one sentence from the Government Memorandum. In paragraph 24 (page 11 of Vol. XI) it is stated :—" the " Talaings, at one time supreme over the deltaic " portion of Burma, are being absorbed by the " Burmese. There is no likelihood that the Karens " will undergo similar assimilation." I take it that the Talaings are a more important race historically, they were at one time supreme over a particular portion of Burma, but that the Karens had never had that fortune ?—You cannot say dogmatically that the Karens had no fortune.

192. I am only drawing a comparison between the two races, the Talaings and the Karens. At one time the Talaings were supreme in Burma and are now being absorbed by the Burmese, while the Karens had not had that eminence ?—And the Karens have not had that absorption.

193. That fusion between the Talaings and the Burmese by closer touch. Is that preferable from your point of view, or not preferable ?—If the Burman would give up his nationality and become Indian, would that be preferable or not ?

194. I am just putting it to you. Will you please answer whether in your opinion you would like that sort of fusion between the Karens and the Burmese just as it is happening between the Talaings and the Burmans for the future goal of yours ?—If you will excuse me, I do not think that it is fair to attribute this to me. I am not a Talaing ; I am a Karen, and so far as we Karens are concerned, we wish to preserve our nationality, and I think that is an absolutely legitimate aspiration.

195. *U Ba U :* Do you both agree as regards your ideal for Dominion Home Rule for Burma ?

Lord Burnham : We find that from their Memorandum.

196. *U Ba U :* At present there are only about 50 seats in the Council to represent rural areas, and so one member of the Council has to represent over two lakhs of population, and if further advance of Reforms comes, there will be more electorates, the constituencies will become less in area and in that way the Karen members being neither very few nor very many, in Burma, you will be able to return your own candidate in a smaller constituency. Is that not possible ?—So far as we are concerned, our grievance is that in our own country there is not a single urban constituency for the Karens, whereas our Indian friends, who are properly speaking aliens here, have *six urban constituencies returning eight representatives.*

197. I am only asking your views about it. Take for instance Toungoo, which is returning two candidates now. Supposing it has to return four candidates, cannot your community in that case get a seat there ?—Unless it is made a Karen constituency, I am afraid there is no chance.

198. The Karens number about one-fourth or one-sixth of the population in the Toungoo district, and so you are likely to return one member successfully since you are large in numbers there ?—If our number is larger there, why not give us a seat there ?

199. In a similar way you will have seats all over Burma wherever there are a good number of Karens ? —I do not think it is right to say " all over Burma," because in Upper Burma you do not find Karens.

200. Of course, what I meant was wherever there are Karens ?—Yes, in Lower Burma.

201. And you say you do not have representation on the local bodies. I understand that the Karens live in a number of villages. Does not the Local Self-Government Act of Burma operate in your villages ?—It does.

202. If there is a group of Karen villages, do not those villages form a circle board ?—If the Burmese villages are taken together, they would, and the Burmese being in the majority in the villages, the Karens have no chance.

203. If you will take only a particular circle of villages, I do not think there will be a majority of Burmans. On the other hand, there will be a majority of Karens, and invariably you will have a chance of working up. You need not be disheartened. —Thank you for your encouragement. I appreciate it.

204. The Karens on the whole number about one million ?—1.2 millions, as I have already said.

205. And I understand that the Burmese as a body also number about the same ?—I cannot say.

206. They do ; they are only about one million and odd, and yet they keep up their own national status, and they are still getting the benefits of Reforms and all that. Cannot you also get that same benefit ?—(No answer).

207. Do you gentlemen of your Association represent both the Christians and the Buddhists ? —(*Saw Pah Dwai*) Yes.

208. How many Buddhists are there in your Association, or at least can you give us the percentage of the Buddhists ?—(*Mr. Sydney Loo-Nee*) I am afraid I cannot say.

209. There is very little, I think ?—We Karens regard one another as brothers.

210. Without regard to the religion ?—Yes without regard to the religion.

211. I understand that there are only about 44,000 of Christian Karens, whereas there are over

9 lakhs of Buddhist Karens ?—I can give you facts, but I am not in a position to give you figures.

212. So, I believe you are trying to bring the Buddhists among the Karens into your own fold ?—Yes.

213. *Mr. Rafi :* At page 419 of your Memorandum you say in the third paragraph :—" In our considered opinion the separation of Burma from " India and that alone will make it possible for the " different indigenous races of Burma—the Burmese, " Karens, Kachins, Chins, and Shans—to be usefully " welded into one solid nation." And you go on to ask for separate electorates, do you not ?—At present.

214. I just wanted to ascertain as to whether these two ideas are not inconsistent with each other ? —No, they are not inconsistent. Take, for instance, the Indian nation. That is one nation, but you have got there the Bengali, the Tamil, the Telegu, the Gujarathi and so on, and they have separate electorates there.

215. You do contemplate a time when you will have a common electorate ?—Yes, but if I may add that time is far distant. At present, in order to have cohesion, we must work by compartments, and then later on have bigger compartments and ultimately have a large common room.

216. You think that the present conditions are such that you ought to have separate electorates although in course of time you would come under the general electorate ?—Yes, exactly.

217. You complained that the Indians have a larger number of representatives than you have. Is it not a fact that the Indians have contributed labour and capital to the development of Burma, while you have not ?—We have, in our own sphere, Mr. Rafi.

218. To an unappreciable extent, I take it ?—I do not think so. We till our fields, and then the Indian comes to reap our paddy.

219. *Lord Burnham :* You fertilize the land ?—And the cream of it is taken by our Indian friends.

220. *Mr. Rafi :* Who employs the Indian labour ?—You, the Karens and the Burmans. Why do you employ them ?—Because they come.

221. Why do you tolerate him ? (No answer.)

222. *Mr. Campagnac :* In your opinion, has there been a tendency in the matter of government appointments to give preference to Burman Buddhists ?—(*Mr. Sydney Loo-Nee*) I have no personal knowledge. (*Saw Pah Dwai*) I do not know what the tendency is ; but the result is that the Burmans always get it.

223. No matter what the qualifications of the other candidates are ?—Yes.

224. You were an elected member in the first Legislative Council ?—Yes.

225. During the life of that Council I believe on more than one occasion the Karens voted with the Nationalist party and against the Government ?—Yes, sometimes. Sometimes we voted with the Government also.

226. Although you were elected by separate electorates you did on occasions vote with the people ?—Yes.

227. *Mr. Eusoof :* I find in Schedule II of the Burma Electoral Rules a Karen is defined to include a Taunghthu. Can you tell us who the Taunghthus are ?—(*Mr. Sydney Loo-Nee*) There are so many clans of Karens, Sgaws, Pwos, Bghai, Paku, Monaybghar and so on.

228. Even amongst the Karens you say there are several castes ?—There is no caste system among us. They are simply divided into tribes.

229. There are different tribes ?—(*Saw Pah Dwai*) Yes.

230. According to the definition given here, the Taungthu is one of the tribes. I want to know whether you represent this class of people classed Taunghthus ?—I represent the Karens.

231. Are there any Taunghthus in your Association? (*Mr. Sydney Loo-Nee*) Not that I know of.

232. Do you know the number of Taunghthus in Burma ?—Regarding the figures I have already said I cannot give exact figures.

233. Do you know anything about these Taunghthus ?—Karens and Taunghthus intermarry.

Lord Burnham : I find the following definition here. " A Karen includes a Taunghthu and means " a person belonging to any race which the local " Government may by notification in the Gazette " declare to be a Karen or Taunghthu race for the " purpose of these rules."

234. *Mr. Eusoof :* Do you maintain that the Taunghthus are distinct from the Karens ?—(*Saw Pah Dwai*) I understand that the Taungthus are the offshoot of the Karens.

235. Are they of the same race ?—If they are the offshoot that means that they belong to the same race.

236. How many members are there on the list of your Association who belong to the Taunghthu race ? —I should like to answer that question by saying, how many Buddhists are there on the list of the Buddhist Registers. The thing is this. We consider all the Karens as one unit. We do not mention the names of each separate tribe.

237. You have been a member of the Legislative Council on two occasions. You know the distinction that is drawn between these two people, the Karens and the Taunghthus. If they belong to the same race where is the necessity to draw any distinction ?—The names of the different tribes only are given.

238. I desire to know how many members of the Taunghthu tribe are in your Association ?—That I cannot tell you.

239. Perhaps you remember that the Karen member of the last Council was a Taunghthu ? —Yes.*

240. He was a chairman of the district Council ?—No ; he was never a chairman.*

241. I want to know whether that gentleman is a member of your Association.

You have stated that you have very little chance of being elected if you were to stand for the general constituency. What are your reasons for saying that ?—(*Mr. Sydney Loo-Nee*) We are in the minority. We are the second race of Burma.

242. What is the nature of your relationship with the Burmans and other communities in Burma ? —are you friendly ?—We are friendly with all people.

243. There is no competition whatsoever between the Karens and other communities ?—In respect of what ?

244. Anything ?—When you contest an election there is rivalry.

245. Regarding the question of Services your complaint is that the members of your community are rarely appointed. Is it not a fact that the recruitment is either by competitive examination or by a selection board ?—(*Saw Pah Dwai*) Yes, but many do not succeed in getting the appointments.

246. Take the police or the magistracy in Paan. When the Government find that the members of your community are poorly represented in these departments, do they not appoint you in greater numbers ?—It is so for the last few years.

247. That policy is pursued on your representation ? —On account of my fight.

248. *U Ba Shin :* What percentage do you claim in the Karenization of services, 16 per cent ?—(*Mr. Sydney Loo-Nee*) Yes.

249. Your population as mentioned in the Government Memorandum is 1.2 millions. If on that percentage the Burman community were to claim representation for 9 millions would you agree that according to the percentage you claim there would be over 144 representatives on the Council ?—I do not wish to commit myself to any figures.

250. According to the percentage you claim it

* The witness subsequently intimated that the questioner and he had different persons in mind.

would be quite fair for the Burman community to claim that representation ?—I am making a claim here on behalf of the Karens and not on behalf of the Burmans.

251. I suppose you know that the seat for the Legislative Assembly was contested by a Burman and non-Burman and eventually the Burman was defeated and an Indian was elected.

Lord Burnham : We have already referred to that.

252. *Sra Shwe Ba :* What class of Karens usually live in towns ?—Educated Karens.

253. Why do the majority of the Karens generally not live in towns ?—I think the times are changed now and the number of Karens coming to the town is increasing.

254. Is it a fact that the Karens do not want to live in towns for fear of being oppressed by the Burmans ?—There used to be that fear ; but I think that fear is greatly diminishing now.

255. Do you think that the Buddhist Karens and the Burman Buddhists have the same view in regard to religion ?—No. The Buddhist Karen is a spirit worshipper and the Burman Buddhist is an idolator.

Memorandum submitted by the Burma Moslem Community.

We beg to submit this Memorandum on behalf of the Burma Moslem Community, numbering about three lacs. The community consists of those Moslems :—

(i) born in Burma of Burmese parentage on both sides (popularly known as the Zerbadees),
(ii) born in Burma of mixed Indian and Burmese parentage (also known as Zerbadees),
(iii) born and domiciled in Burma of Indian parentage on both sides,
(iv) those born outside Burma and settled down permanently here.

The Burma Moslem community consisting of the persons described above is not only an influential community, but also one with historical connections with the past. Among the members include those who are in the Services and the professions, merchants, and traders with fairly large vested interests and stake in the country. Their importance as a community was recognised by the Government until a few years ago, when the latter changed their attitude considerably and their interests do not seem to be regarded to-day with the same seriousness and importance which, in virtue of their position, the community are entitled to. With the introduction of the new Reforms, the place of this minority community, whose rights had been hitherto zealously protected by the Government, has been relegated to the background, so much so that even the safety of the community to-day is threatened. The Burma Moslem community desire special protection in the same manner as the other minority communities in Burma. As regards the historical aspect of the community, we beg to state that our connection with the country dates back to the time when Burma was ruled by her own kings. References are not wanting in the early history of Burma to the days when the Moslem community in Burma played their legitimate part in the commercial, social and political economy of the country. The whole countryside bears testimony to this fact inasmuch as there are villages and other areas in the various parts of Burma where exist people professing our religion and claiming descent from Moslem ancestors—immigrant traders, warriors and others who had settled in this, our homeland, centuries ago. These people, in all respects except their religion, can claim to be as much Burmans as the present-day descendants of other indigenous races. In fact, the community may go so far as to claim that their lot under the rule of the Burmese dynasties was, perhaps, happier than their present condition.

With regard to our representative capacity, we have to point out that the Burma Moslem Society of Rangoon in conjunction with the Young Moslems' Union, Mandalay, which are two of the most prominent organisations representing Burmese Moslems of this province, got into touch with representative Moslem elders in different parts of the province with the result that the Memorandum now submitted may be said to embody the collective views of the Burma Moslem community in the province as a whole. We thus take the liberty of speaking for and on behalf of all the people enumerated in the beginning of this Memorandum, without, however, encroaching on the right of individual organisations or members of the Burma Moslem community to make their own separate representations.

NEED FOR REPRESENTATION.

The Burma Moslems above described have been, as we have already mentioned, labouring under a set of special disabilities, political, social, educational, and economic. Whereas previous to the introduction of the Government of India Act, 1919, into this province, the community's wants and requirements were attended to with paternal care by the Government ; they have been, since the inauguration of the Reforms, treated with scant attention. This growing lack of recognition of the claims of this community may, we venture to think, be traced to the cry, " Burma for the Burmans," which, legitimate as it may seem, has been interpreted to mean, " Burma for the Burman Buddhists." The community, as its name indicates, professing the religion of Islam, has begun to be thrown outside the pale comprised in the term " Burman." The members of this community, who are Burmans in every respect and have a right to be classed as such, have for unknown reasons been classed under the category of " Kalas " or " foreign immigrants." The community feel that they have been made to lose their rights day by day through various indirect and imperceptible processes meant to undermine their importance as a community. They claim that in any future Constitution that may be proposed or accepted for Burma, their claim to be regarded as Burman citizens in every respect shall be recognised and their fullest rights and privileges amply safeguarded. The fact that the community profess Islam should not be made into a cause for classing them under the category of non-Burmans. Owing to their importance, the community claim legitimate political rights and such special protections as are deemed necessary in the case of a helpless minority. We claim adequate representation of our community on a communal basis on all district and circle Boards, village committees, educational Boards, municipalities, public bodies and the Provincial Legislature to the extent of ten per cent. of the seats that may be allotted in each. While we recognise that for nation-building purposes the principle of non-communal representation is a desideratum, we are forced to demand that the representation of our community should be on a communal basis, because we believe that the attitude of our Burmese brethren towards members of our community has not been such as to inspire a feeling of security in them. On the whole, Burman Buddhists have not looked with approval on the political and educational aspirations of our community and have exhibited deplorable

signs of hostility towards them. The Burma Moslem community feel that in the absence of communal representation they will practically go unrepresented in all public and legislative bodies. The working of the system of general electorate in which some members of our community have been included as a result of the recommendation of the Whyte Committee on the Reforms has not been quite happy. Though it is true that in the Provincial Legislature a member or two of our community have been returned by a general electorate, such return, we venture to submit, has been purely accidental and could be explained by the presence at the moment of factors which happened to turn out favourably to the Burma Moslem candidates. We fear that with the growing intensity of political antagonism on the part of the majority of Burman Buddhists, the Burma Moslem candidate, in the future elections for a general constituency, will not stand the least chance of being returned to the Councils.

We have no intention of placing before the Royal Commission any cut-and-dried Constitution. Suffice it to say that whatever Constitution is ultimately adopted for Burma, our rights should be safeguarded in the fullest manner possible.

SEPARATION OF BURMA FROM INDIA.

On the question of separation of Burma from India, which seems to be engaging the serious attention of all minority and a section of the majority communities in Burma, as also, we believe, the Burma official circles, we venture to submit that separation of this province from India at the present juncture will not be to the best interests of Burma. We, nevertheless, recognise the force of the argument behind the demand for readjustment of the financial relations between Burma and India and we are prepared to concede that such relationship requires a thorough revision with a view to release the financial obligations of Burma to India in such substantial manner as in the opinion of experts could be done so as to enable Burma to develop her own material resources and nation-building objects. If, however, the majority of the Burmese Buddhist community desire separation, we have not the least intention of standing in the way of such realisation.

THE FRANCHISE.

On the question of franchise, we are quite satisfied with the existing type. In our opinion, the present franchise has worked satisfactorily in spite of occasional lapses, which are quite unavoidable in the initial stages of political education of a people. The community further want the restriction against females becoming members of the Council removed.

EDUCATION.

Ever since the advent of the British to Burma the educational needs of the community have been a matter of special concern to the educational authorities. In all reports of public instruction in Burma, a chapter used to be devoted exclusively to Moslem education in Burma. We regret to point out that with the introduction of the Reforms this matter has not received the importance that it deserves, so much so that matters pertaining to the educational advancement of the community, important as they are, have now dwindled down from a chapter consisting of several pages of the report to but a small paragraph.

This has naturally caused considerable anxiety to the community who reasonably apprehend that the problem of the education of their children has ceased to be regarded with seriousness under the reformed Government. And these fears have been perfectly justified in view of the numerous cases of hardships which the children of the community have had to face in matters educational all round. Not only have the children of Burma Moslems not been given adequate encouragement and support by the State, but even their admission into some educational institutions, in a number of cases, has been fraught with difficulties, which it has not been so in the case of the children of Burman Buddhists. Owing to the lack of organised efforts on the part of the Burma Moslems, owing to their staunch loyalty to Government and extreme patience, disabilities after disabilities have begun to be heaped upon them. The community desire that the Government should resume the same active, sympathetic and abiding interest in the educational progress and welfare of the Burma Moslem community consistently with their policy towards them in the past. The community, we submit, should be given every facility for higher education, literary and technical, and also their adequate representation on educational bodies and the University Council.

PUBLIC APPOINTMENTS AND SERVICES.

The community demand a fair share in all public appointments and Services proportionate to their importance and numerical strength. They feel that during recent years there has been a dangerously marked tendency to regard members of their community as foreigners and interlopers in the matter of appointment to the Services. They seem to have been singled out for exclusion from the services on the score of their religion, their names, and modes of dress which, in a number of cases resemble those of Indian Moslems. Selection Boards on which members of their community are seldom represented have not treated the cases of bright, promising and deserving young men of the Burma Moslem community with sympathy or justice. The community after their bitter experience, are not very much impressed with the methods of these so-called Selection Boards, and would like to suggest the appointment of candidates by open competitive examinations.

As proof of the inadequate representation of the Burma Moslem community in the services we beg to quote the following figures from the report of census in Burma for the year 1921 :—

PUBLIC ADMINISTRATION :

Indigenous races	..	27,004 total workers.
Burma Moslems	..	468 total workers.

PUBLIC FORCES :

Indigenous races	..	15,872 total workers.
Burma Moslems	..	176 total workers.

The community, therefore, feel strongly that their members who are eligible for the public Services should not be penalised on the score of their religion, their names or modes of dress. As a minority community they look up to the Government to protect their interests in so far as their representation in the public Services are concerned.

CONCLUSION.

The Burma Moslem community, it may be said in conclusion, have permanently settled down in Burma. They know of no other home except Burma. The majority of them are born in Burma and die in Burma. They have all their properties and vested interests in Burma. They regard this province as the land of their birth, adoption and domicile. In the matter of patriotism and in regard to efforts towards social, educational and political amelioration of the country as a whole, they are not a shade less than the Burman Buddhists. They contributed their own share of men and money in no grudging spirit during the Great War. Their participation in all public charities is far beyond their own material resources as a community. In politics, they belong with few exceptions to the moderate school; and are wedded to constitutional methods. They have, with few exceptions, avoided extreme politics for which they have even incurred the wrath of Indians and Burmans of the extreme ranks in the Province. They have been second to none in their complete identification of their own

interests with those of the province. They have no desire to thwart the political aspirations of their Burman Buddhist brethren with whom their lot is cast in this country. In demanding the special safeguards and protections which they have done in this Memorandum, they have been actuated by the best of motives and the natural instinct of self-preservation. It is far from their intention to stand in the way of Burma attaining Home Rule, but it has been their honest concern to safeguard their own positions which they have been driven to do in face of open political hostility evinced towards them by the majority community. Under the circumstances they have no other alternative but to present their case, strong as it is, before the Royal Statutory Commission.

Memorandum submitted by the Moslem League, Burma.

In placing our Memorandum we owe an explanation. We began work too late and consequently it was not possible for us to follow the indications and fulfil the desires embodied in the invitation. Our observations and suggestions generally refer to Burma unless where otherwise stated. We have omitted such matters as are, in our opinion, not of our immediate concern. Our opinion is not necessarily the opinion of the whole Moslem population of the province.

We are in full accord with the policy of progressive realisation of responsible Government by the gradual development of self-governing institutions, as progress in this direction can only be achieved by successive stages.

We oppose the separation of Burma on whatever principle the demand may be based, as in our opinion no separate political evolution will hasten her steps towards the objective nor the false issue of racial discrimination will help her cause.

We maintain that there is no race feeling in the mass and inter-racial marriage system had been its recognised social institution. Apart from our landed, agricultural, industrial and commercial interest mostly our domestic life is thus inseparably bound up with the country.

We demand equal status of citizenship in the economy of Burma by a statutory declaration and our communal representation in all the branches of the Administration—Government or public—of the province.

The population of the whole province is made up as follows :—

Buddhists ..	11,201,943
Animists ..	702,587
Muhammadans ..	500,592
Hindus	484,432
Christians ..	257,106
Confucians ..	14,131
Sikhs	4,843
Jains	1,135
Jews	1,135
Brahmos ..	448
Zoroastrians ..	380
Aryas	270
Shintaists ..	45
Others	18
Total ..	13,169,065

It may be noted that apart from the overwhelming Buddhist majority, the Hindus are also in majority in all the divisions except Arakan, Sagaing and Meiktila owing to our uneven distribution as it appears from the following table made up of the Buddhist, Hindu and Muhammadan communities :—

Arakan Division :	Buddhist.. ..	596,694
	Hindus	16,304
	Muhammadans ..	218,737
Pegu Division :	Buddhist.. ..	1,848,999
	Hindus	252,530
	Muhammadans ..	102,095
Irawaddy Division	Buddhist.. ..	1,835,026
	Hindus	54,447
	Muhammadans ..	38,297
Tenasirim Division :	Buddhist.. ..	1,359,574
	Hindus	76,389
	Muhammadans ..	63,296
Magwe Division :	Buddhist.. ..	1,376,446
	Hindus	12,209
	Muhammadans ..	7,768
Mandalay Division :	Buddhist.. ..	638,118
	Hindus	37,274
	Muhammadans ..	28,961
Sagaing Division :	Buddhist.. ..	1,210,001
	Hindus	10,658
	Muhammadans ..	12,517
Meiktila Division	Buddhist.. ..	1,153,639
	Hindus	11,616
	Muhammadans ..	24,087

Except in large municipalities we have no separate electorates for our communal representation, either in the Legislative Council or in other public bodies. In the existing Indian electorate for the Provincial Legislative Council we have to face the same Hindu Moslem problem as in other provinces. We have no communal protection and our community had been the chief sufferer in social, educational and political progress.

For our political existence separate electorate is of vital importance and it may be noted that in spite of our recognised loyalty and extreme religious tolerance during the Great War the special representation with separate electorates secured to us in 1909 was not given to us in Burma by the last Reforms.

However, in our opinion, the present Legislative Council should be enlarged in size and composition in order to give prominence to the representations of the various communities and interests by direct election in which the proportion of our communal representation on a communal basis should be one-eighth of its total strength and also our representation in municipalities and all other public bodies should be on the same basis.

We also consider it necessary to enlarge the present total strength of the Legislative Assembly and the Council of State with elected majority and to concede a special franchise to our community in Burma for both the Indian Chambers.

We consider it necessary to make franchise as broader as possible, but we are not in favour of adult suffrage. There is not much of reality in the present basis of representation owing to the questionable quality of votes. In our opinion the method of voting should be improved. We propose the following electoral qualifications for all groups and communities :—

(*a*) All persons in whose names any revenue, rent or land or house rates, cesses and taxes are paid.

(*b*) All firms, corporate bodies or joint families by their duly authorized agents in whose names any revenue, rent or land or house rates, cesses and taxes are paid.

(*c*) All literates.

The names of such persons shall only be entered in the Electoral Rolls, on completion of which identification cards should be issued to every voter by the collecting authorities concerned.

This measure, in our opinion, will lead to the use of votes with perception and effect, and will encourage in representatives a sense of responsibility to the people.

Our representation in the public services is practically nil. Special mention is to be made of the total disregard of our communal representation in the appointment of Judges of the High Court of Judicature at Rangoon. With the exception of the Army and to some extent in the lowest grades in the Police, the doors of both the branches of Administration and Force are for all intents and purposes closed to us. As we have no complete statistics at our disposal, our position in the public services can be judged from the following available figures.

Public Administration :		
Indigenous Races	27,404	Total workers.
Burma Moslems	468	do.
Public Force :		
Indigenous Races	15,872	do.
Burma Moslems	176	do.

That there exists a racial discrimination in the public services cannot be gainsaid. It had led a good number of our young aspirants to adopt Buddhist names and to turn renegades to Islam. Its moral effect has threatened our social life and our future is at stake. In the civic affairs also the same spirit is conspicuous. In spite of our large contributions towards the revenue income of the Municipal Corporation of Rangoon our place is hardly traceable in its establishment, which absorbs more than one-tenth of its total income. It cannot be contended that there are no qualified professional men and educated class among us, the fact is that the method of selection has reduced the number of Moslem applicants to its lowest level.

We demand that our representation in Public Services—the Government Department and the Public Bodies—including all grades of the Judicial Department should also be one-eighth of their respective total strength.

As regards Indianisation scheme a fair proportion should be reserved for our community in Civil Service, Army, Navy and other important services. We propose that important posts maintained by the public bodies such as Executive Officer, Engineer, Secretary, Public Health Officer, Assessor, etc., should be filled by a Selection Board directly under the Government control on a suitable basis.

We demand that one-eighth of all grants in aid of education, religion, charity and for social purposes whether given by the Government or a local body to be reserved for our institutions.

In view of our vast interest in land, trade, commerce and industry of the country we demand equal treatment in the distribution of agricultural and industrial loans, grants, subsidies, bounties and other forms of encouragement. We also demand full protection of our shipping industry against the exploitation of our coastal trade by the foreign mercantile shipping.

We claim full right as to the possession of land, forest, concessions, grants and other privileges and urge that the present restrictions in respect of same should be removed and no racial discrimination should be encouraged in disposing of the tenders or contracts for sales, leases or rights or the supplies of stores or labour to the Government Departments, Railways, Port Trust, Municipalities, District Boards, and other public bodies.

We insist upon introducing a change in the Educational policy. In Burma during the year 1925–26 the total expenditure on education including expenditure incurred in the Public Works Department on educational buildings, etc., is Rs. 1,72,41,598 and the average expenditure per head of the population is Rs. 1–4–10. Out of the above amount a sum of Rs. 18,11,578 including expenditure on educational buildings, etc., is spent alone on the European Education, a small community consisting of a total population of 25,005 persons and accordingly the average expenditure per head of European population is about Rs. 72–7–2. Thus it is obvious that a policy of judicious allotment in expenditure is urgently called for.

In his report for the year 1925–26, the Director of Public Instruction has referred to the Urdu trouble. He says " the Deputy Inspectors support their co-religionists on the need for this language, one of them on the curious ground that many Burmese Moslems go on pilgrimage to Mecca. I fancy they are startled when they get there at the shocking ignorance of Urdu among the local Buddhos."

Again in the Seventh Quinquennial Report for the years 1922–23 to 1926–27 he says that as the home language of the Muhammadan children who attend these schools is Burmese or Bengali (in Arakan). Despite this fact, Urdu is the vernacular taught in these schools by teachers who frequently have very little grip of the language themselves, the result is that the children leave from the Lower Primary School with little or nothing to show for their two or three years schooling.

It is a recognised fact that Urdu is a *lingua franca* of the East, and there is no better medium to impart religious instruction for Moslem children and to develop cosmopolitanism irrespective of the linguistic distribution of Asiatic races. We strongly recommend its retention up to the High School standard for the Moslem students throughout Burma.

We deem the preceding safeguards to be essential to our existence in Burma and we will oppose all changes in the constitution unless and until they are guaranteed to us.

M. AUZAM,
Barrister-at-Law,
President,
The Moslem League, Burma.

Rangoon, 24*th January*, 1929.

SUPPLEMENTARY MEMORANDUM SUBMITTED BY THE MOSLEM LEAGUE, BURMA.

With reference to our demand for full protection against the exploitation of our coastal trade by the foreign mercantile shipping mentioned in our Memorandum we deem necessary to submit a fuller explanation as to some of the problems of the indigenous shipping industry of Burma.

Burma has an extensive seaboard and Akyab, Moulmeim and Syriam had been her important outlets from time immemorial. With the advent of British rule and the immense development of her overseas trade, Rangoon became a centre of high importance and one of the most progressive seaports in the East.

The establishment of steamship service ousted the country sailing crafts, which were engaged in her coastal and overseas trade. It was a great blow to her indigenous shipping industry and an uphill task for her national regeneration.

Some time back, the first impulse of revival of the shipping industry came from the deck passengers' suffering which resulted in the establishment of a regular steamship service between Burma and Bengal by Bengal Steam Navigation Co., Ltd.

The Company had two well-equipped steamers for passengers, and cargo traffic and fared well till a passage and freight war was waged against it by the foreign shipowners, and consequently it had to close down after struggling hard for five years.

After an interval of about 20 years, towards the end of the year 1927, Mr. Abdul Bari Chowdhury, a well-known merchant of Rangoon, re-established the Burma-Bengal Service with Hedjaz Straits Steamship Company's Steamers, which were suddenly withdrawn by the Company in January, 1928.

Mr. Chowdhury re-opened the Service under the name of Bengal Burma Steam Navigation Co.,

which was subsequently converted into a public limited liability company in July, 1928.

Against this newly-formed Company the rate war was again carried on with fresh vigour and the less said about its objectionable feature the better. One of the most glaring means used in fighting and discouraging the pioneers of the indigenous shipping concern of Mr. Chowdhury was by running launches against his riverine services of seventy years standing, apart from their action against the Company.

It may be noted that during the last thirty-five years several indigenous inland shipping concerns had been wiped off by such unjust competition and some of their names and descriptions are as follows :

1. Yunan Co., Proprietor Salebhoy. Service Yandoon to Pantanaw. 8–10 Launches, about 40 years ago.
2. Tara Charan Pal, Service—Kyawtan to Thongwa. 10 Launches, about 36 years ago.
3. Dawson, Hlaing. 4 launches, about 32 years ago.
4. Narayan Chetty. Service—Kyaiklat, Twante and Dedaye. 4 Launches, about 25 years ago.
5. Kali Comar Singha. Service—Yandoon, Wakema, etc. 5 Launches, about 25 years ago.
6. Burma River Transport. Proprietor, Mr. Maneckji. Service—Moulmeingyun Wakema, etc. 7 Launches, about 15 years ago.
7. Joy Chandra Shaha & Osman Ali. Service—Eime and Myaungmya. 4 Launches, about 14 years ago.
8. Gherao. Service—Yandoon, etc. 2 Launches. about 12 years ago.
9. Golam Hoosain Atcha & Nobo Comar Dey. Service—Bassein, Thayagon, etc. 12 Launches, about 10 years ago.
10. Phayataga U Shwe Gale. Service—Moulmein, etc. 11 Launches, about 10 years ago.
11. Tofarali Mean Saheb & Dawood Atcha. Service—Pantanaw, Wakema, Maubin, etc. 4 Launches, about 10 years ago.
12. Dawood Atcha. Service—Bogale, etc. 2 Launches, about 10 years ago.

The names and descriptions of the existing inland shipping concerns are as follows :—

1. Mr. A. B. Chowdhury. Rangoon, Pagandaung Service. 17 Launches.
2. Monoo Miyan Serang. Service—some stations in Delta line. 15 Launches.
3. Mobarakali Sawdagar. Service—Yandoon, Moulmeingyun, etc. 5 Launches.
4. Monoo Myan Serang and Arbanali Sawdagar. Service—Myaungmya Wakema, Labota, etc. 8 Launches.

These existing concerns are of long-standing and are struggling hard for their existence. It cannot be contended that such competitions are carried on on healthy lines and that a policy of judicious protection is not called for.

Protection of indigenous shipping industry is a matter of vital importance, particularly for Burma, as she almost entirely owes her existence to her overseas commerce. It is based on the principle of self-preservation and restoration of what is her own.

Against the aggressive foreign competition and ruthless exploitation of our economic resources we have every right to protect our interest by all lawful measures. It is our earnest desire not to deprive anyone of his legitimate share in the trade and commerce, but we shall not allow to wrongfully take away from us anything which is our own.

We hold that the existing shipping ring is a menace to our interest and a barrier in the way of Burma rice to compete successfully in overseas markets. It was only with cheaper freight of Bengal–Burma Line that Burma rice was sold at a cheaper price than Saigon rice in Bengal when famine was threatening her last year.

We strongly support the Coastal Reservation Bill, introduced in the Indian Legislative Assembly by Mr. S. N. Haji, which has unnecessarily drawn a good deal of attention to the foreign capitalists in the various spheres of commercial activity and it is obvious even to a casual observer, that there is a concerted action to repress the growth of indigenous enterprises, and that in regard to shipping there is a concentrated opposition to the Bill. We urge that its passage be expedited in view of the urgent need for protection.

We again demand that full protection be given to the indigenous shipping trade against the aggressive competition of non-Indian concerns and necessary steps be taken to regulate the coastal freight and passages until such competition is removed, and that in view of the payment of about two and a half lakhs of rupees yearly as subsidy by the Burma Government to the Irrawaddy and Arakan Flotilla Companies, the existing indigenous shipping concerns should also be adequately subsidised.

M. AUZAM,
President,
Moslem League, Burma.

Dated 29th January, 1929.

Memorandum submitted by the Provincial Tanzim Committee, Burma.

Before dealing with those questions on which the future of Indians rest, it is necessary to state in brief the mutual aims of the Government and the governed.

Like all other nations the people of India are entitled to control and direct the Government of their own country. But as we are divided into numerous races, castes, and sects, and as we are thought generally backward in education and political training, full powers of government cannot be immediately transferred into our hands. For the proper administration of these powers two Chambers of the legislature known as the Council of State and the Legislative Assembly were established to co-operate with the Central Government and one Chamber known as the Legislative Council was established in each province for the same purpose. It was further provided that in each province the Governor should appoint two or more ministers from among the elected members of the Legislative Council to administer what are known as the Transferred Departments, that is departments, the administration of which subject to the general control of the Governor was transferred into the hands of the ministers and thus in a sense to the Legislative Council and through its members ultimately the people of the province. With regard to other departments the Council was given the right of criticism and suggestion. The object of this association was to associate the people of the country and to train them up for the ultimate assumption of full control over the administration.

PROVINCIAL TANZIM COMMITTEE, BURMA. [*Continued.*

But the introduction was based on a fundamental mistake as the result of an understanding arrived at between the Indian National Congress and the All-India Moslem League, whereby in the Legislative Councils of Bengal and Punjab, two provinces in which the Moslems are in a majority the number of seats allotted to Hindus or the Hindus and Sikhs, practically gave these communities a majority in the elected sections of the councils. The North West Frontier Province was excluded from the operation of the New System on political and military considerations and this exclusion was also operated to the prejudice of Moslems. It was further provided at the time that at the expiry of ten years from the introduction of the Montagu-Chelmsford Reforms of 1919 a commission would be sent out to India to enquire into the working of this system and to make a report as to whether the working of the system justified its extension or called for its curtailment.

Centuries of subjection have made the Hindus entirely incapable of adopting a generous outlook in national affairs. They constitute three-quarters of the population of the country and it is quite evident that whatever concessions they may be prepared to make to the Moslems, the grant of responsible self-Government is bound to invest them with the chief power in the administration of the country and as a community they are likely to benefit most from this transference of power. Having regard to the treatment accorded to the Moslems during the last four years it can be honestly said that they cannot concede to the Moslems even such a share in the Government of the country as the latter are entitled to in some provinces on the strength of the numbers and in other provinces in order to secure to them a fair representation in the institution of the Government.

In order to deprive us of proper representation the system under which members of each community elect their own representatives to the different Legislative bodies should be put an end to and in its place a system of Joint Electorates should be introduced. On the surface this is a perfectly reasonable proposal and there is no doubt that if the different communities are placed in an almost equal footing in economic and educational matters and could be persuaded to abandon their present attitude of unreasoned bigotry the system of representation advocated by the Hindus would be the only suitable system to be adopted, but the introduction of the system at the present juncture, when the Moslems are not only backward in education but are held in economic slavery by the Hindus and are even unable to organise themselves would be disastrous for the Muslims. Even if a certain number of seats were reserved for the Moslems, the Hindus would be able so as to manipulate the elections as to compel the Muslims debtors to support a Moslem puppet candidate who would be completely subservient to the wishes of the Hindus as against an independent Moslem with the result that the majority of the Moslem representatives would only be the hirelings of the Hindus, and Moslem interest would remain practically unrepresented. These tactics are actually employed in Municipal and District Board elections where there are joint electorates and the Moslems are now sufficiently familiar with their results.

There is another plan adopted by the Hindus. Realising that each community would be able to profit by the grant of self-Government in direct proportion to its members and in order therefore to inflate their numbers they adopted the expedient of what is known as Suddhi Movement. Right from the Orthodox Hindus to the Aryya Samajists joined together for proselytisation. Never before such a movement had its appearance in the Hindu history, but this movement has since four years been launched with the sole object of enhancing their numerical preponderance still further and thus enabling them to monopolise the control of the administration. With such object in view efforts were made to convert by means of persuasion, pressure, bribes, false inducements, and misrepresentation, so that the desired object may be achieved the more speedily. Simultaneously with the campaign the Hindus commenced a campaign of vilification against Islam and its holy founder.

All these are attributable directly to the narrow-minded bigotry which desires to see all political power in the hands of the Hindu communities and to that deplorable mentality which would not rest till it had reduced the Moslim to the abject and mean Sudras. This seeking of a vain desire destroyed the peace of the country, arrested its progress, and filled the hearts of men with ill will and their minds with anxiety. And what an irony of fate is that these Hindus have put all these matters in quite a different light altogether before the English people. They say that the disturbances in India are direct results of the system of communal representation and that the system of the Joint electorate should be abolished. The English people owing to their own national traditions are naturally not prepossessed in favour of this system and the Hindu propaganda has, therefore, achieved a considerable measure of success in at least silently appealing to the Statutory Commission of Sir John Simon to modify the present system in such a manner as to lead to its abolition within a short time.

The Moslems in Bengal and the Punjab are in majority, so their representatives in these provinces must be commensurate with the strength of Moslem population.

Similarly the continuation of the exclusion of the North West Frontier Province from the scope of the Reforms Scheme will have a prejudicial effect on the interests of the Muslims of India as a whole. This question is not one affecting that province alone but concerns the Moslems of India generally.

The only two provinces, out of those included within the operation of the Reform Scheme, in which the Moslems are in a majority in these provinces, are so small that they do not afford any margin for compensating the Hindus for their affording to the Moslems in other provinces representation in excess of the proportion justified by their members. In North West Frontier Province, however, the Hindus can be amply compensated for the concession shown by them to the Moslems in provinces in which the latter are in a majority, without in any way jeopardising the interests of the frontier Moslems themselves, and in this way Moslem interests in Bengal and the Punjab, which are at present in a sense mortgaged in return for concessions granted to the Moslem minority in other provinces, can be redeemed.

Ninety per cent. of the people of Sindh are Moslems and the interests of that province are in no way identical with those of Bombay to which, at present, it is subordinated. It is, therefore, necessary that Sindh should be constituted a separate province.

Again it is imperative for the protection of the Moslem interests that the provinces should be freed from the control of the Central Government in all local and provincial matters. All provincial subjects would be under the complete control of a Legislative Council with ministers in charge of the various departments: and that if India is to remain a unit and not become a disintegrated body of warring elements, a strong, firm, and consolidated Central Government, is essential.

A number of the existing reserved subjects would be made Provincial—all indeed except subjects such as the Police Administration (including Village Administration), Control of the Imperial Services, Jails, Backward tracts, Land Revenue Administration, Borrowing and so forth. These would become Central Subjects such as Defence of India, External Relation, Shipping and Navigation, Major Ports, Posts, Telegraphs and Wireless, Customs, Income Tax, Currency, Savings Banks, Public Debt, Audit Department, Civil Law, Commerce, Geological, Botanical, and Zoological Surveys, Criminal Proce-

PROVINCIAL TANZIM COMMITTEE, BURMA. *[Continued.*

dure, Surveys of India, Census, Regulation of Titles, and so forth.

But the Transferred Subjects (from Provincial to Central) are to be under the control of the Governor aided by an Advisory Council—possibly also assisted by a Deputy Governor who could be appointed under the Government of India Act to administer the Frontier areas and the backward tracts of India and Burma. The Government of India Legislatures would of course under this scheme have to be modified in such a way as to ensure that each province was adequately represented by both non-official and official members.

The position and powers of the Governor have on the whole been adequately safeguarded under the Government of India Act, 1919. Much is left to the discretion of the Governor both under the provisions of the Act and of the Rules made under the Act as well as by the instructions to Governors. And it is hoped that a wide discretion (particularly in respect of Central subjects) be retained to the Governor under any revised system. In relation to his Ministers he must be consulted in respect of all appointments of Imperial Service Officers. The outward semblance of a government working in harmony and unity must be maintained.

The Financial position of the country should be most carefully examined. It is Finance that after all determines a Country's prosperity. More and more money will be required for Free Primary Education, Hospitals, Roads, and other similar purposes; and all these depend in the long run for its development in Capital and Labour. Efforts should be made to reduce the overhead Charges of Administration. It would be interesting to see what exactly has been the cost of Reforms in this direction. The Indian Statutory Commission are to bear in mind that Taxation is a heavy burden on many important industries and that the easing of that burden is essential in the interest of India's development as a widening of the franchise or the grant of the increased responsibilities. The members of the Governor's Advisory Council need not be whole time appointments and certainly need not be paid the same salaries as members are at present. The Legislative Council, too, might well be made less of a public charge by increasing the size of constituencies and by reducing the number of Nominated Members with the more efficient administration that might be expected to ensure upon the establishment of a Federalised System of Government, expenditure in other direction might be brought down to a figure which the country would not feel as more than a reasonable charge; for the protection and the amenities it is Government's duty to provide.

Unless consideration is shown in the matter of Financial Settlements and adequate representation, a feeling of bitterness and rancour will be created and will grow and spread, until an act of repression or a curt refusal to a reasonable request produces a state of exacerbated resentment. It is said that Parliament might close its door for a year or two and leave the duty of collecting Taxes and administering the Law to its great body of Civil Servants: but abuses would quickly creep in and the fresh air of criticism would be required to eradicate these and give new life to the machine. A strong Central Executive Authority is required to direct and control the administration and to evolve and state policy. A strong Upper Chamber with extensive powers of control for constituting the Governor and Agent of the Government of India in the discharge of its responsibilities for what are Provincial Subjects, and for making Provincial Legislative Council responsible for the subjects made over to their control, are acts which the Indian Statutory Commission must keep into their view.

The status and position of India in the British Empire is a subject which might exhaust the energies and capacity of one acquainted with the constitutional law of the British Empire. But it can be fairly said that Indians as being a distinct entity in the British Commonwealth of Nations, must have more liberty of action in respect of its power of administration.

Burma's political history is bound up with India's. She cannot be separated from India even to an inch. A well-known Persian Poet says:

(* * * in Persian)

"The rose cannot last long as soon as it is separated from its thorny stem." The Government of India has got to show itself more alive to Burma's interest and more prepared than it has been to listen to the Burma's grievances. Urdu language must be retained in the Burma University course for the respect of the Moslems that live in this country, for the language itself, and for the respect of the Zerbadi Moslems (Burma converted Moslems) of Burma. The Moslems must at all times be left free to obtain and impart instructions in Urdu and facilities must be provided for that purpose. Similarly Urdu language must be retained as the Court language in provinces where this language is current, and it should never be replaced with the Hindu language. The question of language has an important bearing on the progress of Community and should be permitted to fall into the background: and so no change should be introduced in the language of a Province by means of legislation.

It should be made a fundamental part of the Indian constitution that no community shall have the power to restrict the religious freedom of any other community whether directly or in the guise of religious, social, or economic reform; and that the social or economic reform of a community shall rest entirely in the hands of the elected representative of that community. The propagation of religion shall at all times be free from all restrictions and that no direct or indirect limits shall be imposed upon it, for instance, that a change of belief should be evidenced by a declaration made before a magistrate, etc. Such and similar restrictions have in times past been imposed in different countries and there is an apprehension that the Hindus may resort to similar devices in order to check the progress of the Moslems.

In the last the safeguarding of the rights of minorities should be carefully considered by Sir John Simon and the members of his Commission. This question may not be acute amongst more advanced European Nations. In this country parties are at present based largely on religious divisions which are more or less permanent and the result is that a majority will probably continue to be a majority till the latter is able by means of missionary efforts to reduce the majority to a position of minority.

With the above remarks it is earnestly solicited that a careful consideration would be made by Sir John Simon and his worthy co-operators in the formation of an empire on which the destiny of the Moslems rest.

Deputation from the Burma Moslem Society, the Moslem League, Burma, and the Provincial Tanzim Committee.

Representative of the Burma Moslem Society :—
Mr. S. A. RAHAMAN, Barrister.

Representatives of the Moslem League, Burma :—
Mr. MOHAMED AUZAM, Barrister-at-Law (President).
KHALIFA M. A. O. GANI.
Honorary Subedar M. I. ALLEY (Secretary).

Representatives of the Provincial Tanzim Committee :—
Honorary Subedar M. I. ALLEY.
Mr. ABDUL GHANI KHAN KASHIF (Officiating Secretary).

256. *The Chairman* (*Lord Burnham*) : Gentlemen, we have the advantage of receiving your Memoranda which we have all gone through carefully. I do not know whether the spokesman of each body would like to make a statement drawing our attention to any particular matter contained in the Memoranda. If Mr. Rahaman is to a certain extent the spokesman of the whole community I might ask him to begin by making any statement he wishes to make. Perhaps I ought to say that the Moslem community here, according to the Memorandum, consists of, firstly, those born in Burma, of Burmese parentage on both sides, popularly known as the Zerbadies; secondly, those born in Burma of mixed Indian and Burmese parentage, also known as Zerbadies; thirdly, those born and domiciled in Burma of Indian parentage on both sides, and fourthly, those born outside Burma and settled down permanently here. According to Part I of the Government Memorandum, page 10*, the number of Muhammadans in this province is 501,000, 4 per cent. in all Burma, 9 per cent. in Urban areas and 3 per cent. in the remainder. Having said that, would you, Mr. Rahaman, like to make a statement on the Memorandum or draw our attention to special points in your Memorandum ?—(*Mr. Rahaman*) Sir, on behalf of the Moslems of Upper Burma I received a telegram this morning from Mandalay empowering me to speak for them before this Commission. They say that their Memorandum will follow.

The Chairman (*Lord Burnham*) : I see that you are entitled to speak for the Upper Burma Moslems.

The Witness (*Mr. Rahaman*) : The main object of our representation is this : We are Burmans in the true sense of the word except in religion. So whatever Reforms the Burmans are going to get, we, as of right, must have a share. But as we are a minority community like the Karens and Anglo-Burmans, we would like to have our interests safeguarded by reserving so many seats as Burma Moslem seats for the time being. The reason why we insist upon having our representation is this. Burmans at present, sir, are asking for Burma for Burmans and not only Burma for Burmans but I feel that they are asking for Burma for Burman Buddhists, thus excluding their Burman Moslems who have no other home except Burma. As I said, sir, we are Burmans in all respects except in religion. We have no other home ; we are born here, we live here and we die here. Our main object is to bring to your notice the existence of this minority community and to guard their interests as inseparable from Burman Buddhists.

257. *The Chairman* (*Lord Burnham*) : You are satisfied with the franchise as it exists now ?—We are.

258. In regard to education you claim every facility for higher education, literacy and technical, and adequate representation on educational bodies and the University Council ?—That is so.

259. You demand a fair share in all public departments and services. What percentage do you demand ?—I think according to the population we ought to have at least 10 per cent.

260. What have you to say in regard to separate electorates ?—If seats are reserved for us, I do not mind having a joint electorate.

261. The number of seats ?—10 per cent.

262. Is there any other demand that you would like to put forward ?—I have nothing to add to what is already contained in the Memorandum.

263. Do you wish to say anything, Mr. Mohamed Auzam ?—(*Mr. Mohamed Auzam*) The relationship between the Hindus and the Muhammadans in Burma has been very cordial and good and the electorate so far has been joint. But now the Muhammadans are asking for separate representation for two reasons. Firstly, they are very backward in education and politically also, and secondly the Burma Moslems for whom my friend has just spoken want to have separate representation. I have included them in my Memorandum. We do not think it would be advisable to have two sets of electorates for the Moslems, one for the Burma Moslems and the other for other Moslems. Therefore we thought it would be better to ask for separate representation for Moslems as a whole.

264. Is there any other point ?—We want a fair share in the various branches of the administration.

265. I see that the Moslem League demand that one-eighth of all grants-in-aid of education should be reserved for their institutions ?—Yes.

266. What is your point about teaching of Urdu ?—They want to abolish that. We say that it must be taught because if we have no Urdu teaching here we will have no religious instructions here.

267. I see you say that " the Deputy Inspectors " support their co-religionists on the need for this " language, one of them on the curious ground that " many Burmese Moslems go on pilgrimage to " Mecca " ?—Yes.

268. *Mr. Rafi* : Mr. Auzam, is it not a fact that in so far as the municipalities are concerned, the Hindus are separate from the Muhammadans ?—Yes.

269. They have separate electorates ?—Yes.

270. But it is otherwise so far as the Legislative Council is concerned ?—That is so ; we have a joint electorate.

271. Your point is that a common system should be adopted both for the Legislative Council and the Municipalities ; that is to say you want separate electorates for both ?—That is so.

272. You will admit that the relationship between Hindus and Muhammadans in this province has been very cordial ?—Yes.

273. Do I understand you to say that but for the separate representation asked for by the Burma Moslems you would not mind having one common electorate ?—That is so.

274. You have been an old member of the Corporation and also of the Legislative Council for two terms ?—Yes.

275. A question about elections. Is it your experience that there is personation on a large scale ?—Very small ; not worth talking about.

276. Surely a large number of coolies are on the electoral roll, are they not ?—Yes.

277. And a large number of them turn up to vote ?—That is so.

278. I suppose when people see a large number of these coolies at the election booths they run away with the impression that personation is taking place ?—Yes.

279. Is it not a fact that the candidates or their election agents employ a large number of workers ?—They do.

280. They always do see whether personation takes place ?—Yes.

281. And if they come across any case do they not report the instance ?—Yes.

282. Is that your experience also, Mr. Rahaman ?—(*Mr. Rahaman*) Yes.

283. Is it your experience that although there is no legal bar to the employment of Burma Moslems

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or Indians in the Government Services, as a matter of fact discrimination is made?—Yes. (*Mr. Mahomed Auzam*) That is so.

284. Mr. Rahaman, you say in your Memorandum that the Moslem community consists of Moslems "born in Burma of Burmese parentage on both "sides (popularly known as the Zerbadies)." Do you mean born in Burma of Burmese parentage on both sides?—(*Mr. Rahaman*) Yes.

285. I think there ought to be the word "Moslem" after the word "Burmese" so that it can be clear. I notice that the census shows that the total population of Burma Moslems is about 92,000. Have you any reason to suspect that this figure is not correct?—We cannot vouch for the census figure.

286. Take a concrete case. You have Burma Moslems here who bear Muhammadan names and you have got Burma Moslems who bear Burmese names. When a census officer comes round and asks the Burma Moslem his name, if he says Abdulla he will be classed under the category of Indians, but if he gives his name as Maung Gye he is put in under Zerbadies. In that way, I take it, your population has been brought down to so low a figure as 92,000?—Yes.

287. Otherwise it would have been much more than 92,000?—That is so.

288. *Sir Hari Singh Gour:* Mr. Mohamed Auzam, you say in your supplementary Memorandum: "We oppose the separation of Burma on whatever "principle the demand may be based as in our "opinion no separate political evolution will hasten "her steps towards the objective nor the false issue "of racial discrimination will help her cause." Will you kindly explain more fully what you mean by that?—(*Mr. Mohamed Auzam*) We think that if Burma were to work out her own destiny she will have to fight singlehanded, whereas if she remains a part of India, she will get help from India.

289. You fear that if Burma is separated she might be isolated?—Yes.

290. Whereas if she remained joint with India the political strength of India would lend her assistance which she otherwise she could not possess?—Yes.

291. *U Ba U:* What is your view, Mr. Rahaman?—(*Mr. Rahaman*) If a majority of Burmese Buddhists here want separation we do not want to stand in their way.

292. *Sir Hari Singh Gour:* But I see you say: "* * * we venture to submit that separation "of this province from India at the present juncture "will not be to the best interests of Burma"?—Yes.

293. Then you go on to say that if a majority of the Burmese Buddhist community desire separation you would not oppose it. You do not want to stand in the way but all the same you do not approve of it?—Yes.

Mr. Rafi: Provided your interests are safeguarded?

294. *Sir Hari Singh Gour:* In what way would you like your interests to be safeguarded?—To give our community the same rights and privileges as Burmese and to reserve a certain number of seats.

Memorandum submitted on behalf of the Indian Interests in Burma.

This memorandum is submitted on behalf of the Indian interests in Burma. It is unnecessary for our purpose to trace the origin and growth of the Indian community in Burma. Suffice it to say that the Indian community as a distinct community has come to stay in Burma. In all spheres of activity, social, economic and political, Indians in Burma have been playing a leading part in the development of the province and it is largely due to Indian initiative, enterprise and capital that the province of Burma of to-day has become an important province with its vast stretches of paddy lands and its prosperous and imposing cities. By reason of its leading part in the development of the province and the important rôle which it plays at present in all the progressive activities of the province, the Indian community is entitled to have its interests safeguarded. Indians in Burma have always evinced a keen and active interest in the political progress of Burma and have always loyally co-operated with the indigenous communities in their attempts towards political advancement. Acts and measures prejudicially affecting Indians soon after the reforms and the vigorous agitation carried on of late to prejudice the Indian in the eyes of the people, have not altered in the least the friendly attitude of the Indian community towards Burman political advance. At the same time a feeling of insecurity and lack of confidence in the dominant indigenous community to adequately safeguard Indian interests has been created in the minds of Indians in Burma and we are compelled to ask that necessary safeguards should be embodied in the constitution with a view to create a spirit of goodwill and sympathetic understanding between the two communities which are essential to the political, social and economic progress of the province.

We are aware that the European community as well as a small but vociferous section of the indigenous community is advocating the separation of Burma from British India. We do not feel called upon to express any opinion on the question as the terms of reference to your Commission defining the problems under examination preclude in our humble opinion an enquiry into the question as to the addition to, or diminution of, the territories comprised in British India.

We shall therefore proceed at once to outline the measures and safeguards which should be provided in any constitution framed for Burma.

The Provincial Legislature.

Before the introduction of reforms under the Government of India Act of 1919, the Indian community put forward a claim to representation in the legislature by communal electorates; the grounds which our community urged for a communal electorate have not disappeared; but on the other hand our experience after the reforms has amply demonstrated to us that our interests cannot be adequately safeguarded unless our communal electorates are continued and unless we are accorded better and more adequate representation in the provincial and central legislatures commensurate with our interests and the importance of our community in Burma. Under the present constitution our community enjoys the privilege of sending eight elected representatives to the Provincial Council; four from Rangoon and one each from Mandalay, Bassein, Moulmein and Akyab, besides the two nominated members representing Indian Labour and Indian Chamber of Commerce respectively. In other words, we are given roughly one-tenth of the total number of elected representatives and of those who come in by nomination. According to the 1921 census reports, Indians in Burma number 948,768 out of a total population of about 13,000,000. But by reason of our foremost place in the trade and commerce of the country, our very heavy contribution to the public exchequer, which is out of proportion to our numbers as compared to the other sections of the population, the extent of our property in lands and buildings and the capital sunk and invested in the country, our community is entitled to at least one fifth of the total number of elected representatives in the Council. On the basis of the present number of elected members, in the Provincial Council, we claim that our community should have ten members to be elected from Rangoon, two from Bassein, two from Moulmein, one from Mandalay and one from Akyab, by purely Indian electorate, and this should be coupled with the existing right to compete in other general constituencies. As regards franchise, the present franchise appears to us to be sufficiently wide and there would be no object in disturbing it. Provision, however, should be made to ensure that the electoral roll is prepared with greater care and accuracy and after more careful enquiry. We are strongly of opinion that the definition of " an Indian " as given in schedule 2 of the Burma Electoral Rules (page 243, Burma Legislative Council Manual Part III) should be altered so as not to deprive a person of Indian descent but whose father or grandfather has not been born in India excluding Burma, the right to be qualified for an Indian constituency. If the number of elected seats in the Council be increased, the Indian representation should be increased in the same proportion. We are of opinion that a second chamber is unnecessary in this province as the franchise at present results in the election of a preponderating conservative element in the legislature.

Local Self-Government.

We submit that in the matter of election of our representatives to the Municipalities, communal electorates should be continued where they are in existence. Our members in the Rangoon Municipality and other public bodies should be increased in proportion of the Indian population to the rest of the population in Rangoon, and also in proportion to the Municipal taxes contributed by our community.

Public Services.

All appointments to the public services and to the highest offices in the province should be made purely on considerations of individual merit and efficiency irrespective of race, caste, colour, creed or community. After the introduction of the last reforms, rules were so framed by the local Government as to exclude candidates of our community from competing on an equal basis with other communities for the public services. No rules or restrictions should be imposed so as to exclude the young men of our community who are people of the province from competing on a basis of equality for the Indian Civil Service, the Provincial Civil Service, the subordinate Civil Service, or any other services open to the members of other communities in Burma. In this connection we would also urge that all public and Government-aided educational institutions should be open to students belonging to all communities of this province without any harassing or embarrassing rules of exclusion. Likewise all rules intended to preclude our young men from entering professions for which they are qualified should be abolished.

General Rights.

In the matter of grants and transfer of waste lands available for cultivation concessions or leases to extract timber from Government forests, concessions to work out mines, minerals or quarries, the members of the Indian community in Burma should be placed on the same footing as other communities in Burma. Statutory safeguards should be provided with a view to see that no discriminatory legislation is possible against the Indians or other minor communities in Burma. Provision should be made that no acts be passed or measures taken by the Government to create any disability as against the

minor communities. It is noticeable that since the introduction of the reformed constitution in Burma the term "domicile" has been very much requisitioned in the various acts, rules and regulations of the Government of Burma. The term has been used very loosely and has in fact been very much abused, resulting in very serious hardships to the members of our community. We submit the term is misapplied when used with reference to the people of one province of a sovereign state residing in a different province of the same sovereign state. If it is found that the term "domicile" can be so applied, we suggest that the term may be defined with a view to avoid ambiguity and unnecessary hardship to the Indian and other non-indigenous communities residing in Burma.

CENTRAL LEGISLATURE.

We consider that besides the member elected by the European Constituency, Burma should be represented on the basis of its present strength in the Assembly by nine members. We suggest that the present qualification of voters may be retained, but that two out of the nine seats may be reserved for an Indian constituency. It may be urged that an Indian constituency for the Central Legislature is unnecessary in view of the large number of Indians in the Legislative Assembly returned by the other Provinces. It is submitted, however, that with a view to safeguarding the interests of Indians in Burma who have peculiar problems of their own, it is necessary that men with local knowledge of Burma should be sent to the Assembly, as their duties and functions cannot be assigned to representatives from other provinces. If the number of elected members in the Assembly is increased the number of nine seats allotted to Burma should also be proportionately increased.

COUNCIL OF STATE.

It is submitted that the qualification of voters should be the same as at present. On the basis of the present strength of the Council of State, the provision of only one seat for the general constituency is wholly inadequate when the importance of the province is taken into account. We suggest at least three representatives should be allowed to be returned to the Council of State, two by the Burma general constituency and one by the Indian electorate. We claim three seats for Burma on the basis of the present strength, but if the elected element in the Council be increased, Burma's share of representation should be increased in the same proportion.

SUPPLEMENTARY MEMORANDUM SUBMITTED ON BEHALF OF THE INDIAN INTERESTS IN BURMA.

We have already submitted that, having regard to the terms of reference, your Commission, in our humble opinion is precluded from examining the question of separation of Burma from India, as the inquiry as to what territories shall be comprised in British India is beyond the scope of reference. If, however, it is held that our submission is erroneous and that you are justified in going into the question whether Burma should be separated from British India, our community as an integral part of the population of Burma is entitled to be heard on the question.

So far as we are able to gather, the grounds of the separationists are fourfold, viz. (1) excessive financial contribution in the shape of central heads of revenue (2) drain from the country to India by exploitation by Indians (3) fear of the country being swamped by Indians and (4) sentiment and prejudice. We shall deal with these arguments as briefly as possible.

FINANCIAL LOSS UNDER THE CENTRAL HEADS OF REVENUE.

There appears to be a mistaken belief that Burma is financially milched by India. The spread of this belief is due in large measure to the incorrect data and inaccurate financial statements laid by the Local Government on the table of the Provincial Legislature on the 31st January, 1927, in the course of which they say: "The statement shows that the central receipts from Burma in 1923–1924 amounted in round figures to Rs. 9.76 crores and the expenditure to Rs. 2.75 crores or 26 per cent. of the receipts." Another statement (copy attached* showing the central receipts and central expenditure for the rest of India during the same year) indicates that the expenditure amounted to sixty-four per cent. of the receipts. The Accountant-General, Burma, pointed out the inaccuracies and stated: "If the corrections suggested above are made and military receipts and charges (including marine and military works) are excluded, the percentage of central expenditure in Burma comes to fourteen against fifteen for the rest of India. The actuals under the head 19, interest on ordinary debt in statement A, do not represent the expenditure incurred on account of Burma as Burma's share of the debt and annual liability on account of interest are required to be calculated on a different basis. If this expenditure is excluded from statements A and B the percentage of central expenditure comes to ten both for Burma and for the rest of India." The Government of India was not prepared to endorse the accuracy of the Local Government's statements. If there is really any adjustment necessary to relieve Burma of any excessive contribution to the central Exchequer your Commission can make a more equitable adjustment, but there is nothing in this to require the separation of Burma from India.

There is the other question whether the cost of administration of Burma would be cheaper if Burma were to cut away from India. Separated, Burma would then retain the revenues now going into the Central Exchequer, but she would have to expend not only the amount spent in Burma under Central heads, but also further large amounts under the various heads of expenditure which are incurred by India from the Central Revenues for the upkeep of all the departments which are maintained by India for and on behalf of all the provinces including Burma. The most important item under this head would be the army and navy, including marine and military works. The military charges which Burma would have to bear in such case is not to be arrived at by dividing the military expenditure of India, pro-rata, among the provinces composing British India. The Government of India spends about 55 crores of rupees on the army, and even on a division on the pro rata basis between the nine provinces of India, Burma's share would come to roughly 6.1 crores. The military charges of a State depend largely on the nature and extent of the country and its geographical situation. Burma has a very large coast line and a long land frontier, extending nearly a thousand miles, touching the borders of China, Siam and French Indo-China. China, under changed conditions, is a potential factor, and has assumed a much greater importance than ever before. If India has an expensive North Western problem, Burma has, or is likely to have in the near future, a North Eastern Frontier problem of equal importance which will have to be boldly faced. As to the size of the country, of all the provinces of India, Burma has the largest area. Burma has 233,707 square miles, while Madras, the next largest province of India, has an area of only 142,260 square miles. Burma is thus by far the largest province in India with the largest land frontier and sea coast and with only a small comparative population of 13,212,192. Of the major provinces Burma has thus a singularly small population to defend her frontier. Burma offers a poor field for recruitment for the army and the Burman element in Burma's army is likely to be so very small as to be almost negligible for a considerable time to come. In the absence of an element corresponding to sepoys of the Indian Army, Burma

* Not printed.

should necessarily have recourse to the maintenance of an army composed almost wholly of the British element. It is a proved fact that the British soldier costs nearly five times as much as the Indian soldier. For a thoroughly efficient mechanised army for Burma, with all the paraphernalia of modern military equipments, the military estimate would be easily double the quota arrived at by a pro rata division of the military expenditure among the several provinces. The military expenditure would be not less than 10 crores at a modest estimate and this would consume the whole of the revenues derived from the Central heads.

Then coming to the expenditure under the Central heads the Government of India says: "It is extremely difficult to allocate to Burma and to the other provinces a proper share of home transactions and also of transactions relating to the main commercial department, namely, the Railways and the Post and Telegraphs. Generally speaking, the accounts of the Central Government follow the place of receipt or payment, rather than the province to which the receipt of payment properly appertains, etc."

Under the heads of Ports and Pilotage the receipts of the Central Government is shown as Rs. 6,31,600/–, and expenses by the same Government as Rs. 4,06.442/– for Burma. In these expenses the capital expenditure, depreciation, overhead charges and interest are not taken into account. In the same way under the Posts and Telegraphs the gross receipts are shown as Rs. 70,63,500, with working expenses of Rs. 42,43,700, showing a balance of Rs. 28,19,800. It may be remarked that the Post and Telegraph Department is beginning to pay its way in India and showing a small profit. In Burma with vast tracts of land practically uninhabited, over which the telegraph lines are run, it is impossible for the telegraphs to pay their own way. On the other hand, the profits on the postal side would be swallowed up by telegraphs and this Department of Post and Telegraphs would be worked only at a loss.

Burma has got a large programme of capital expenditure. We think we would not be far wide of the mark when we say that only a negligible percentage of the borrowings can be raised internally from Burma. A separated Burma, without the financial backing of India will never be able to borrow at rates bordering on the rates prevailing now, except in the improbable contingency of the Home Government offering to back up the loans. These circumstances will add considerably to the debt charges.

REPAYMENT OF BURMA'S SHARE OF PUBLIC DEBT.

If Burma were to separate from India a final settlement of account will have to be made. The famous debates on the subject of financial arrangements between India and Burma, between the late Mr. Gokhale and Mr. Gates in 1911–1912, are interesting reading. Mr. Gokhale has showed that India had paid heavily for the Burmese War, which cost more than 10 crores, and later on, India had to pay for the development of Burma, costing about 50 to 60 crores. Since 1911–12 it is difficult to say what amounts have been spent by India on Burma, or what share of the burden incurred by India should be debited to Burma. The fact remains that the items of debit on this score would be considerable. The expenditure on this head would be heavy and can only be met by borrowing at a high rate of interest.

The foregoing considerations are matters of serious importance and demand closest attention. It seems to us that on financial grounds the separation of Burma from India is impracticable.

SUPPOSED DRAIN FROM THIS COUNTRY TO INDIA DUE TO EXPLOITATION BY INDIANS.

It is fallacy to say that there is any appreciable drain from this country to India. It is a well-known fact that the money earned by Indians is mostly kept in Burma, and in the case of the vast majority of them the savings from wages and profits from legitimate trades are retained in Burma, and most of the investments are in the shape of immovable property. The bulk of the liquid cash owned by the Chettyars and others is kept in Burma and not in India. The properties and investments are tangible and visible. There are, roughly speaking, 4 classes of Indians in Burma, viz. :—Chettyars, the Suratees and Memons, the Chulias, and the Indian labourers. The small class of Indians in public service and in the learned professions and other allied avocations, may be left out of account for the present purpose, as it is well known that they as a class spend most of their earnings, and their savings are so small as to be almost negligible in a comprehensive survey of the supposed drain. As regards the Chettyars, they believe in extending their business in Burma and their remittances to India are considerably less than their remittances from India to this country. Incidentally in the course of business they are compelled to own landed property taken over in satisfaction of debts owing to their debtors' default, but no figures are available as to what small proportion of the cultivable area is in their occupation. It is well known that but for the enterprise and the heavy risks undertaken by this class of bankers it would have been impossible to open up the country or bring extensive areas under cultivation. The Banking concerns carrying on business on European lines do not care to run the risk of advancing money to indigenous cultivators and traders; and it is left to the Chettyars to undertake the financing of such classes, dealings with whom are naturally a source of heavy risks. Besides the Chettyars, there is a small class of Marwaris and Multanese doing banking business, but they are confined practically to the larger towns. So far as banking business is concerned the Indian Banker is the financial backbone of the people and is held by them in high esteem. His rate of interest is uniform for all communities and he makes no distinctions of race, creed or colour. The Burmese bankers are far from popular, owing to their higher rates of interest and their methods of business. The allegation that the Chettyars are usurious and harmful to the interests of the Burmans is wholly unfounded. It may be pointed out that the highest officials who are in the position of detached spectators have paid well-deserved tributes to the enterprise of the Chettyars and the immense services rendered by them to Burma. Sir Harcourt Butler, the last Governor of Burma, said to the Chettyars in one of his public speeches, "I value your good work. You represent a very important factor indeed in the life of the province. As a class, moneylenders come in for a good deal of criticism, but they have always been an absolutely essential part in the economic growth of any country. When the banker has to call the law into his assistance he is often unfairly criticised, and the vast amount of really good work that he is doing is often lost sight of. You, Gentlemen, have gradually and carefully built up a remarkable system of banking throughout the province, the ramifications of which are known to very few except those who have taken the trouble to make a real study of the question. Without the assistance of the Chettyar banking system Burma would never have achieved the wonderful advance of the last 25–30 years. The Chettyars provide the necessary finance to the agriculturists in practically every village throughout the province, and while enabling the Burman greatly to increase his production, they have at the same time undoubtedly inculcated ideas of thrift and economy by their insistence on regular repayments as regards both principal and interest. The Burman to-day is a much wealthier man than he was 25 years ago and for this state of affairs the Chettyar deserves his share of thanks. Your interest in the province and your desire to help it forward has often been shown

by your public-spirited actions. Those who know you best and whose dealings bring them into daily contact with you have told me how deeply they appreciate your high standard of integrity and I feel confident that whatever future developments of banking may do for Burma, the Chettyar will always hold his own and prove himself in the years to come, as he has done in the past, the real backbone of the banking system throughout the province." Little need be added by us to such eulogy. For a long time to come the Co-operative Credit Societies and the Land Mortgage Banks which are to be established cannot, in the very nature of things, replace to any extent the Chettyar element. It is undeniable that only a third or fourth of the culturable lands in the province has been brought under cultivation and the Chettyars, far from being harmful, are indispensable to the prosperous development of the country. But we must remember that if their risks and their difficulties are increased and a feeling of insecurity is created in the event of separation, they would naturally endeavour to contract their business activities and convert their investments into liquid capital and transfer it to India. There is danger of a drain only in the event of separation of Burma from India.

It is well known that the Muhammadans as a class are noted for investing all their wealth in immovable properties. They have not shown so far any tendencies to transfer their earnings from Burma and are not likely to do so in the future, unless compelled by such drastic change in the constitution as to create a sense of insecurity in Burma.

The Chulias are, as a class, petty-traders all over Burma, and some of them do considerable business in the important towns. Their earnings are small and any savings they may have are re-invested in trade.

Far from being a source of drain, the Indian community has been gradually bringing into Burma the proceeds of the conversion of their available property in India, feeling that it is better to have all their belongings in the country of their adoption rather than leave their properties in India to the tender mercies of their friends and relations.

It is true that the labourers send a small part of their earnings to their wives and children in India, but Burma requires Indian labour just as India requires Burma rice or timber. Just as India pays for Burma rice or timber, Burma pays India for Indian labour. In recent years Burmans have been doing work commonly regarded as characteristically Indian, such as forming large reaping gangs, employment in railway construction (for example in the Moulmein-Ye construction which was carried out purely by Burmese labour) working up barges to transport rice, harvest, etc. As stated in the census report of 1921, it may be expected, that, during the next decade, Indian immigrants will find it more difficult to meet the competition of Buddhists of the most vigorous age, 20 to 35. In short, Indian labour neither ousts Burman labour nor unfairly competes with it. The Indian labourer is indispensable to Burma because there are certain types of work which Burma labour will never consent to undertake, and other types of work for which it is neither fitted nor available in time. If Burma desires to stop Indian labour the Indian community will criticise the desire only from the point of view of the requirements of labour in the country and not because it is Indian labour that is proposed to be stopped. The Indian labourer cannot be easily replaced by indigenous or other labour and a certain amount of drain is therefore inevitable. It must be noted that the drain under this head is very small when compared to the lasting benefits conferred on the country, resulting in an enormous increase in the productive capacity of the country which more than counterbalances the small drain incidental to the employment of Indian labour.

THE FEAR OF BEING SWAMPED BY INDIANS.

The cry is frequently raised in interested quarters that the Indian is rapidly replacing the Burman. This cry is encouraged now and then by the utterances of responsible high officials and others, that on account of the competition from the industrious Chinamen and equally industrious Indians, there is a grave danger that Burmans will lose their distinctive individual national characteristics. The authors of the Census Report of 1921 have made a fairly impartial and comprehensive survey of the situation. We agree with the Census Reports in their statements that this cry is due :—

(1) to the large number of Indians who can be seen landing from the ships that come to Rangoon from India.
(2) to the fact that the Indian population is concentrated in parts in which its presence was particularly noticed by European observers who first raised the cry.
(3) to the fact that about one-third derive their livelihood from cultivation.
(4) to the fact that the bulk of them are engaged in occupations classed as industry, transport and trade, etc.
(5) to the fact that consequently they are either in towns or close beside the railway or river routes.
(6) to the fact that it is true even in the districts in which the Indians are proportionately numerous, and it is exactly such a location as must make them be seen most frequently by observers.

It will be seen from the Census Reports, that the share of Indians in transport and some other industries is exaggerated in the occupational tables, that they have not such a monopoly in skilled occupations and industrial establishments as is sometimes suggested.

In certain places, some areas of paddy land have been legitimately acquired by Indians or are worked by Indians, but such areas are proportionately very small and the problems involved are local.

In the distant districts the population of Indians according to the census is only 1 in 18 of population. The Indian population in Burma has grown by about 10 per cent. in the last decade, instead of 18 per cent. shown by the preceding decade.

The question then arises as to whether the immigrant population is likely to displace the indigenous population. This would depend largely upon the number of immigrant women who come to settle in the country. It is well known that the percentage of women immigrants is very small when compared to the immigrant males. The last census has shown that during the previous decade the increase in the female population was only 2.5 per cent. in 1921 as against the increase of 1.9 in 1901, and that in the distant districts less than half the Indian female population of 1921 were born in India. As is pointed out very rightly in the Census Reports, a single homogeneous immigrant race is far more likely to be absorbed into the indigenous race than to dispossess that indigenous community. The Indians in Burma are far from being an indigenous race. The conclusions taken from the Census Reports give a direct contradiction to the cry that the Indians are likely to displace the indigenous races in Burma.

The common view that the Burmese are in danger of losing their country to the Indians is not new but goes back at least 800 years. It is not unreasonable to ask for special evidence that a dispossession which went so slowly through these centuries when the indigenous races were absorbed in internecine wars, is going to have serious effect now. To a nation alive to conditions the present number of Indians and their rate of increase offer no menace, while the Indians may come to Burma for the advantage both of themselves and of Burma, and there are at present no signs that they will within reasonable time dis-

possess the Burmans and convert Burma into an Indian country.

"Those who come only for a short time cannot do this; those who stay will tend to be absorbed as they are being absored now. By their absorption they will, of course, influence Burmese development, as they have always done, but the essential character of the community must remain Burmese."

It is, therefore, perfectly clear that the fear of being swamped by Indians is wholly unfounded, and the cry raised is wholly mischievous and detrimental to the best interests of the country.

In this connection it may be pointed out that the increase in the population during the decade preceding 1921 was only 1,74,471. There is absolutely no foundation for the fear of hordes of Indians rushing up to settle in the country. The following table will be of interest in this connection.

During the period (1918 to 1927) the total balance of immigrants over emigrants from all places outside Burma was 6,57,413, or an average of 65,781 per annum. It is well known that during this period there has been a considerable increase of immigrants from China and other places. The balance of immigrants over emigrants cannot be arrived at by deducting the number of emigrants from the number of immigrants as was done in arriving at the above figures of 6,57,413, as it is well known that a fair proportion of the immigrant population go a number of times in the course of a particular period for a short visit outside Burma and return again to this country. These figures clearly indicate that the fear of the character of the population being changed by immigration from India is a myth.

It is true that of late there has been a steadily growing pressure of the increasing population of Burma on the means of subsistence. The low economic conditions of the province are due to causes which are world-wide, due to post-war conditions and the inability of the vast bulk of the people to adapt themselves to the ever-changing conditions. The Indians have no special advantage in this province in any walk of life, and if the Burman takes life more seriously and becomes less inactive and exerts himself, he can replace the Indian trader and worker in many profitable avocations, and of late a welcome change is discernible in this direction. There is no doubt a tendency on the part of the Burman to ascribe his low economic condition to the presence of the Indian in Burma. The Burmans were accustomed to a free and easy life. People with educational qualifications were very few and they were easily absorbed by the ever-increasing demand in the public services. The Burmans have taken to higher education in ever increasing numbers and there is a large surplus over and above the requirements of the public services. Their education, as in the case of the rest of India, unfits them for a commercial career. Refusing to recognise the real cause, Burmans naturally attribute all their ills to the presence of the Indians in the province. But a little reflection and a closer examination of facts will disclose to them the error of their conclusions and will show them that the cause and the remedy for their ills lie in their own hands.

SENTIMENT AND PREJUDICE.

There is a common belief that the Indians were responsible for Burma's loss of liberty. Whatever part the Indians have taken in the subjugation of Burma was not due to the desire of the Indians. The Indian people and the national organisations vehemently opposed the Burmese wars and this should be clearly understood by the Burmese people. Burmans seem to think that it is possible to eliminate the Indian community from Burma by discriminatory laws and by adopting methods of expropriation of Indians in Burma. They are slow to recognise the fact that even in a separated Burma the British Parliament will provide statutory safeguards against any such legislation or measures. In other colonies like British Malaya and Ceylon the Indians have a large stake, are found in sufficiently large numbers and enjoy full rights, and in a separated Burma the Indian community will, as a matter of course, continue as a permanent factor even if Burma were separated from India. If this cardinal principle is brought home to the Burman, the cry of the small but vociferous section of the Burmese community against the Indian community will die a natural death.

It is suggested in some quarters that Burma may be separated from India for all practical purposes and may be placed directly under the Secretary of State for India, so that technically Burma may be a part of British India while having nothing to do with the Central Legislature or the Central Government for the rest of India which is under the Viceroy and Governor-General. This would give all the advantages of separation while imposing none of the obligations consequent upon separation. The party most concerned in such arrangement would naturally be India, and it is impossible to arrive at any decision on this question without ascertaining the views of India, and so far none of the witnesses in India have been examined on this point. It seems to us only too obvious that India will resolutely object to assume the invidious rôle thus offered to her. We shall, however, indicate our objection purely from the provincial outlook. All the powers of Central Legislature and the Central Government cannot in the very nature of things be distributed between the Government of Burma (including the Provincial Legislature) and the Secretary of State. There will still have to be central subjects common to Burma and the rest of India. There would be a central legislature and Burma and the rest of India would have an executive. This central legislature and the central executive should be located somewhere in British India, nay, they would be located in the main continent of India as the balance of convenience would be in favour of locating them at a place nearest to the largest number of provinces of India, though it may mean inconvenience to a single province. The other provinces of India would be entitled to send their quota of representatives to the Central Legislature so constituted; and such being the obvious arrangement, we fail to appreciate what advantages can accrue to Burma from it. If it is suggested that there ought to be a central legislature and central executive for India excluding Burma and another central legislature and central executive for the whole of British India and Burma, the proposal has merely to be stated to be rejected as an absurd duplication of the machinery of Government. If on the other hand it is suggested that all the powers now exercised by the central Government should be transferred to Whitehall, it will be going back on the pledged word of British Parliament contained in the declaration of August, 1917, and we as a community interested in conserving our popular powers in the matter of central subjects and in improving upon them would be justified in opposing such proposals to the interest in our power.

A suggestion is also made that in the event of separation, an arrangement can be made with India, by the payment of subsidy or otherwise, to maintain a reserve or to help Burma with the Indian Army when a contingency arises. India has been resisting all attempts to use the Indian army for Imperial purposes. India will not hear of any such proposal as the Indians will not be prepared to sell the life blood of their nationals for mercenary considerations.

It is suggested that in any constitution for Burma that may be proposed by your committee, the definition of "citizen" and "fundamental" rights should be the same as those incorporated in the proposed Indian Scheme for Dominion status as passed by the All Parties Convention in Calcutta in the supplementaty report, *vide* chapter IV., pp. 31, 32, 33.

We are of the opinion that the proposal for separation and the alternative proposals and the implications which follow are impracticable and should not be

entertained. We regret to say that they are made without regard to facts and figures and without consideration for other peoples' legitimate rights. They can have no other result except the straining of the feeling of amity and goodwill which Indians have always fostered towards Burmans. We trust that in any such scheme of reform which may be introduced for Burma full and sufficient safeguards will be prominently introduced so that the minority community of Indians with large and permanent interests in the province may be adequately protected and that they may enjoy unfettered full and complete and equal rights with the indigenous Burman community.

RANGOON.
6th February, 1929.
Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE BURMA PROVINCIAL COMMITTEE.

Deputation of Representatives of Indian Interests in Burma.

The deputation consisted of :—

Mr. N. M. COWASJEE, M.L.C., Indian Chamber of Commerce.
Hon. Mr. P. C. D. CHARI, M.C.S.
Mr. K. B. CHANDOO.
Mr. V. DAYA.
Mr. N. AYMER (for Raja Ramanatha Reddiar, LL.D.).

1. *The Chairman :* We have your Memorandum, gentlemen, and we realise that those on whose behalf you speak would be opposed to separation, and would bring before us a number of points in support of that view ; and that in the second place you ask for certain special provisions, safeguards, wanting, I think, an increase of the nine elected Indian representatives of the Burma Council to 16 ?—(*Mr. Chari*) *:* Yes.

2. * * * (*Mr. Cowasjee*) *:* Two from Bassein, one from Mandalay, two from Moulmein and one from Akyab, besides ten from Rangoon.

3. And you want to increase the total Burman representation in the Legislative Assembly from 3 to 9, as well as the European constituencies ?—Yes.

4. What do you want to do, Mr. Chari, about the Council of State ? This is interesting.—(*Mr. Chari*) *:* We want one out of three. We want three for the whole of Burma.

5. Then you want to introduce a communal element into all these different representations, do you ?—Yes.

6. And apparently you are opposed to an extension of the franchise ?—That the present franchise may be continued.

7. I think I see the main point. Is there anything you would like to say about it ? I dare say one or two of my colleagues would like to put questions to you.—What we have to state we have stated in brief in the Memorandum, but if any questions are asked I am prepared to answer them.

8. *Mr. Cadogan :* I put a question a few days ago on the subject of the opinion of the Indian community as regards separation of Burma from India, and I was told that those Indians who lived in Burma were in favour of the separation, and that it is only those birds of passage who raise any objection.—(*Mr. Cowasjee*) *:* That is not so. It cannot be so, because I have lived in Burma ; I was born in Burma and I am opposed to separation. (*Mr. Chari*) *:* And in fact many of the signatories of this Memorandum have been long residents here.

9. You say those who live in Burma are opposed to separation. Is that so ? You think that is the general feeling ?—The Indians as a class are opposed to separation, and most of the Burmese also are opposed to separation. The vast majority of them are opposed to separation.

10. Do you think that Indian labour supplements or supplants Burman labour ?—Supplements it.

11. Then on page 443 of your Memorandum, under the heading Public Services, the second sentence is this : " After the introduction of the last Reforms, " rules were so framed by the local Government as " to exclude candidates of our community from " competing on an equal basis with other communities " for the public services." Then a little lower down you say : " We would also urge that all public and " Government aided educational institutions should " be open to students belonging to all communities " of this province without any harassing or embarras- " sing rules of exclusion." What are those harassing or embarrassing rules of exclusion ? With regard to the services, cannot you compete on an equal basis ?—We can, but we have got our own educational institutions, which are recognised by the Government, and our people are properly qualified, in fact they are better qualified than other people generally for the Government service ; but members of our community are excluded by a rule which insists upon a Burmese language test of a high standard, which our educational institutions do not provide. I agree that they should, no doubt, be required to pass a language test after entering the service, as, for instance, in the case of the Indian Civil Service, where they have to pass a vernacular test in the province to which they are posted, but in the case of Indians they are asked to produce proof that they have a good knowledge of Burmese, as it is called, without defining what a good knowledge is, and they are practically excluded from offering themselves for recruitment, and then domicile is always insisted upon. Of course, we have no objection to domicile, provided it is not vague and indefinite.

12. You do not attach conditions ?—No, we say that the domicile of a particular province has no meaning in constitutional law. I am only a humble person giving evidence before an eminent jurist, but

my own view is that domicile in a particular province of a sovereign State has no meaning at all, because if this process were extended it would mean that a man might be required to prove domicile in a particular district or township. So far as the Indians are concerned, we say there ought to be no distinction on the ground of domicile with reference to a particular province of India.

13. *Mr. Campagnac :* On what do you base the assertion that the vast majority of Burmese oppose separation ?

The Chairman : What page is this ?

Mr. Campagnac : He just gave that answer.—There are various parties in Burma. Of course, the most influential party is the General Council of Burmese Associations. They have a very good organisation, and in the report made by the local Government about the various parties and their influence, after the Reformed Constitution was introduced, it is stated that the General Council of Burmese Associations has got the predominating influence in politics, and it is generally followed by the people at large. They are against separation. There is the Hundred Committee, which has been formed on a very democratic basis, and they have stated in unmistakable terms that it is to the best interests of Burma to be linked with India. Apart from that, there is the Parliamentary Party, which was recently formed. They are also opposed to separation.

14. *Sir Hari Singh Gour :* In the council ?—In the council, yes. Then the People's Party as a party is opposed to separation. There is the Independent Party and their followers. I do not know how far they are in favour of separation ; I think some of them are for and some against separation ; but the only party so far that is in favour of separation is the recently formed Separation League. We have got figures that it comprised only 4,000 members on the 5th January, 1929, mostly youngsters. It is a recently formed Association, and they are voicing this question of separation and agitating for it. Apart from it, there are only small communities in favour of separation. I find that the Anglo-Indian community has no objection to separation. Of course, they support the separation theory also, they are only a small section of the people, and I am not so sure whether the whole community is in favour of separation. I have heard views from some people who are not in favour of separation.

15. *Mr. Campagnac :* You spoke about the Parliamentary Party. That consists of about four or five members, does it not ?—It is a distinct party with followers in the country ; but the dominating party is the General Council of the Burmese Association.

16. You know that they originally passed a resolution in favour of separation ; it was construed as such by the Government, and debated as such ?—You mean the resolution passed on 31st January, 1927.

17. *Mr. Rafi :* 1924. The mover declined to say whether it was a separation resolution or not.—The Government interpreted it as a separation resolution, but the mover did not refer to it as such. He only wanted a proper financial adjustment ; that is how I take it.

18. *Mr. Campagnac :* Would I not be correct in saying that the majority of Burmans are in favour of separation, but some of them are not in favour of immediate separation ?—The only people who are in favour of separation are members of the Separation League, plus the Anglo-Indian community. The rest are decidedly in favour of being linked up with India, and some of them want to reconsider this question only after Dominion status is achieved for the whole of India.

19. *The Chairman :* Might I ask, for the purposes of information, two questions. Has any resolution been passed in the Burma Council, either this present one or the previous one or the one before that, affirming that the view of the majority of the council was that there should not be separation ?—There was no resolution either way.

20. Perhaps you did not hear my question ; it was carefully framed. What I wanted to know was whether there has been any resolution passed in any of the Burma councils to the effect that the majority of the council was opposed to separation ?—So far as I know there was no such resolution.

21. Now, if you are right when you say that there is unquestionably this large majority of politically-minded Burmans who are opposed to separation, how does it come about that nobody, with all this discussion going on, has ever proposed and carried such a resolution ?—The resolution ought to be the other way.

22. I know ; but one would like to see it put to the test. Do you think that if somebody in this present council, one of your own community, perhaps, was to move that in the opinion of this council there should be no separation of Burma from India, are you expressing a confident view that that resolution would be carried by a large majority ? Is that your view ?—Yes ; but then, apart from it, if it has been raised as an election issue then the indication would be quite clear ; but even apart from it, I have no doubt that the council as a whole would be opposed to separation.

23. What I feel about it is this. We are anxious to learn, but after all, it is very difficult to be sure, because of the different opinions expressed. Nobody really can assert, as though it was a matter of proved fact, that a majority of opinion is so and so, unless it is brought to the test ?—But we people who live in the country have got means of ascertaining——

24. But, you see, we have had other people who live in the country, who have given us exactly the other view. I am not in the least arguing either one view or the other ; but you will agree that it is not very satisfactory to have it in that form.—But then the proper thing would——

26. *Mr. Rafi :* Is it not a fact that most of the non-separationists are boycotters ?—(*Mr. Chari*) Yes, that is the real difficulty.

The Chairman : As far as I remember, all the deputations we have had from Burmese on this subject have been in favour of separation. It is striking.

Mr. Campagnac : May I put one more question on this point ?

27. *The Chairman :* The Karens were in favour of separation. I do not recollect any deputation of Burmese who were opposed to separation.—(*Mr. Cowasjee*) *:* We have the other section, a very large section which is not represented here. That is the trouble. (*Mr. Chari*) *:* In fact, at page 325 of the report on the working of the reformed constitution, a report submitted by the Government of Burma to the Government of India, I find this statement is made : " In 1921 the General Council of Burmese Associations dominated all political activity," and then it goes on and gives the various organisations connected with it, and even to-day it is dominating the Burmese political activity, and then they have a firm hold on the masses. It has not been disputed that the followers of this party would form more than 90 per cent. of the population.

28. *The Chairman :* It must be a most hopeless thing for anybody who oppose them if 90 per cent. support one party.—In fact they are boycotters. Their views can only be gathered from what appears in the press, and from the resolutions that have been passed.

The Chairman : We shall do our best to listen to the evidence that is put before us. May I just look at that book to follow the page ? (*Book handed to the Chairman*).

Mr. Campagnac : Are you aware that Maung Poo, in a speech in the Legislative Council—he is the leader of the People's Party, or was the leader ; he is now the president of the Legislative Council—said this : " We are all unanimous that one day Burma must " be separated from India."—One day, of course.

30. And then he went on to say : " It has been " suggested to me that this resolution has not been " supported by the bulk of the people in Burma. It

"is not so. It is the same resolution as was passed, "if I remember aright, on the 8th February, 1921, "after my second deputation to England. At the "mass meeting at Jubilee Hall, which was overflowing, "we decided on almost identical lines, and therefore, "in spite of the telegram from the * * * "Camp to the Government of India (probably it "was done out of spite), I can assure the honourable "member that this resolution is the unanimous "opinion of the Burmese population." I suppose Maung Poo is a man with a considerable following in Burma?—He has got some following. You will find from the reports published by the local Government it is stated that Maung Poo lost his following and could not get returned to the council after the statement you have read out was made. That had a considerable bearing on his election. Perhaps he was rejected for that.

31. *U Ba U:* But he has been in the council three times. He has been successful throughout?—Now, of course. In his Council speech he refers to events before the Whyte Committee, and before the Reforms were introduced here. The local Government says he lost influence; in fact he had no influence at all. That is what is stated in the book I have just handed in.

32. *The Chairman:* I am obliged to you for letting me look at this book, the report on the working of the Reformed Constitution. The report was made in 1927, and the passage you read to us is on page 325, and refers, as a matter of history, to something in 1921?—Yes.

33. It is contrasting the position in 1921 with the change which took place after 1921. The sentence you read is this: "In 1921 the General Council of "Burmese Associations dominated all Burmese "political activity," and they go on to describe a boycott which was specially directed against persons taking part in the reception of the Prince of Wales, and so forth, and then they go on to say that there was a seceding party from this General Council of Burmese Associations, and it mentions several distinguished names. It describes this seceding party as becoming the Moderate Party.

34. And they go on to describe how these people formed a Moderate Party, became a very important element, two of their members having an official position. They became pledged to a definite policy of co-operation. They trace the story, the results of the 1925 election showing that the Nationalist Party had become unpopular, and so on. I hardly think, Mr. Chari, that one could take that half sentence on this page, which refers to a position in 1921, in support of the view that here in 1929, or in the last year or two, this body is the most important political body.—It goes on to describe the seceders, and I find in a later place that these people who seceded had very little hold on the people afterwards.

35. I am much obliged to you. Is there anything at all in this book, one way or the other, on the subject of popular opinion in Burma as regards separation?—There is nothing so far as I know. That shows the feeling was not strong, and they did not think it necessary to include this aspect of it in the report.

36. The inference we will draw for ourselves. I wanted to know the fact. As far as you know, is there anything in the volume about it?—Not as far as I recollect.

37. *U Ba Shin:* Your community will not be unwilling to recommend a form of government that will content the people of Burma provided your community interests are safeguarded?—Most certainly, of course. We are interested in Burma's political advance quite as much as any Burman here.

38. And if these safeguards are provided in the constitution, you will not be opposing the separation which the Burman claims?—We oppose separation, as you will find from the Memorandum, not because we are afraid of our own position, but in the interests of Burma we are opposing separation. We think Burma would suffer financially and in other ways, as indicated in my Memorandum. In fact we are opposed to separation not because we stand to suffer, as our interests can be safeguarded in a constitution framed after separation, but I am only concerned with the larger interests of Burma.

39. You have never been elected as a member of the local legislative council?—I have never stood for it. I stood for the Council of State, and I got elected.

40. And you got elected because no Burman opposed you?—There was a Burman candidate, no doubt, and he was there till the time the voting cards were being issued. He was eliminated only at the time of the issue of the voting cards; in fact, whoever came to work for him worked for the rival candidate, because the gentlemen who worked for the Burman candidate thought I was responsible for his being disqualified. So as a matter of fact there was a Burmese opposition, and I got returned through the Burmese votes.

41. *U Ba Shin:* Am I correct in understanding that you got the support of the Burmese in your election to the Council of State?—(*Mr. Chari*): Yes, also the support of Indians and Europeans. In the general constituency there is a large proportion of Burmans.

You know that the Burmese are very tolerant people. So will you be against their being given any form of government if your interests are safeguarded?—We want our interests to be safeguarded in any constitution. Apart from that, in the interests of Burma, in the interests of this country we are opposed to separation, not because we are Indians and India will lose Burma.

43. In answer to a question that was put to you you stated that Indian labour merely supplements. Indian labour is cheap compared to Burmese labour?—There is no competition. There are no data available. And for skilled labour it is not cheaper than Burmese labour. If there is competition we can know comparatively whether it is cheaper or dearer than Burmese labour. In fact Indian labour supplements. It does not supplant Burmese labour. It does not compete with the indigenous labour.

44. The Burmese standard of living is higher?—So far as I have seen in the villages one cannot say that the standard of living is higher. Of course it is slightly different. The requirements of the Burmese are different from those of the Indians, but all the same, I think, on the whole the standard of living is not very much higher than the standard of living of the corresponding class of Indians.

45. Do you happen to know U Ni, the leader of the party known as the Parliamentary organisation, and that he was not opposed to separation?—So far as I know that party is not in favour of separation.

46. I want to know whether you have known him and whether you have learnt anything from him as to whether he was in favour or against.—No, I had no personal talk with him.

47. You have known a leader by the name U Ba Soe, M.L.C.?—Yes.

48. Have you had any opportunity of learning from him whether he was in favour or against?—I had very little opportunity of knowing from him direct. . . .

49. I am only asking whether you know direct. I understand that you are representing the Indian interests. Am I to understand that the interests of the Burma Moslem League, whose deputation we had before us yesterday, are also included in your representation?—Our Deputation represents the common interests of Indians.

50. *Sir Hari Singh Gour:* I wish to ask you a few questions. I will first deal with the question of separation. Do you think the Indian community in Burma, that is to say those who are domiciled here—and they are what might be called Indo-Burmans—who have settled down here for generations favour the immediate separation of Burma from India?—They are decidedly opposed to separation.

51. And do you think this opposition to separation

is based on the ground that it will impair the solidarity of the Indian Empire ?—It is largely on the ground that the interests of Burma will suffer.

52. In what way ?—This is a small country. . . .

53. And a very small revenue ?—Yes.

54. And the overhead charges have to be considered ?—Yes.

55. She will have to maintain her own defence and guard her own frontiers ?—As I have stated here in the Memorandum the whole of the revenues may be eaten up by military charges.

56. If you have a self-contained Government with the paraphernalia of a Viceroy and Governor General and so on you will have all the overhead charges. At present they are shared by Burma with India.—Along with a number of provinces in India.

57. What is the origin of the cry, "Burma for the Burmans ?" When did it originate ?—I believe it originated about 1916 in a small way, but as we find from the census report the cry itself is very old.

58. But what was the origin ? Was it merely a national pride or national sentiment or was it because of the fear of the Burmese that their economic interests were being impaired by the influx of Indians and other non-Burmese into Burma ?—Indians are found in large numbers in large cities and alongside the rivers and highways. They are in a concentrated form. And vast numbers of people are seen landing by every steamer. That gives a very exaggerated impression of the number of Indians who come here, and the Burmese are afraid that vast hordes of Indians will rush into Burma and swamp the whole population.

59. In the Memorandum prepared by the Burma for the Burmans League it has been stated that the Chettiyars who come here play Shylock by charging interest up to 60 per cent. and in that way they drain the wealth of the country. What is your view on that subject ?—The interest that the Chettiyars charge is quite reasonable. The interest that a Chettiyar charges is not higher than the average rate of interest which a retail shroff charges in India.

60. What is the average rate of interest that a Chettiyar charges ?—In Rangoon it is generally 1 per cent. and in the districts it is Re1-4-0 to Re1-8-0.

61. That is the normal rate of interest obtainable in India ?—Yes.

62. For the kind of security that is offered ?—Yes. If you give very good security you can get loans from these people for 10 or 12 annas. I know of large amounts being lent like that.

63. Is there any competition on the part of the Burmans for lending money for the purpose of financing the trade and industries of the country ?—Very little. The indigenous Burmese bankers are found in very few numbers—almost negligible.

64. There is no competition at all ?—Absolutely none.

65. Is there any competition by the established mercantile banks like the Imperial Bank, and so on ?—No. In fact these Chettiyars are the channels, the conduit pipes that reach the average peasant from the established mercantile banks.

66. That is to say, the joint stock banks lend money to the Chettiyars and the Chettiyars then lend the money to the people ?—To peasants as well as to traders. The joint stock banks will not think of reaching these people directly because of the risks involved.

67. Therefore they lend money to the Chettiyars and the Chettiyars in their turn lend money to the agriculturists ?—Yes.

68. And so they finance the agriculture of the country ?—Yes. Sir Harcourt Butler has referred to this community and we have quoted extracts from his speech (page 445, Supplementary Memorandum of the Indian Interests in Burma). I shall quote a few lines from it: "I value your good work. You "represent a very important factor indeed in the "life of the province. As a class moneylenders "come in for a good deal of criticism, but they have "always been an absolutely essential part in the "economic growth of any country. . . . You gentlemen have gradually and carefully built up a "remarkable system of banking throughout the "province, the ramifications of which are known to "very few except those who have taken the trouble "to make a real study of the question. Without "the assistance of the Chettiyar banking system "Burma would never have achieved the wonderful "advance of the last 25–30 years. The Chettiyars "provide the necessary finance to the agriculturists "in practically every village and, while enabling the "Burman greatly to increase his production, they "have at the same time undoubtedly inculcated "ideas of thrift and economy by their insistence on "regular repayments as regards both principal and "interest . . ."

69. *The Chairman :* It is on page 445, is it not ?—Yes.

70. *Sir Hari Singh Gour :* Do the Indians unfairly compete with the Burmans in the industrial development of the country ?—The Indians have no special advantage in industries.

71. I am talking of the backwardness of the Burmese to industrialise their country. The Government advances them 15 lakhs of rupees without interest for the establishment of a spinning and weaving mill, and the result was that owing to mismanagement that mill had to be sold to Steel Brothers for 7 lakhs of rupees, and under their management the mill is now flourishing, is it not ?—Yes.

72. It went out of Burmese hands to Steel Brothers' hands ?—Yes, and this fact of Burmese mismanagement has been brought to the notice of the local legislative council by means of a resolution.

73. Then your case is that Burma is not yet sufficiently ripe to enter into the commercial field ?—That is so.

74. It has not received that amount of industrial and commercial stimulus so as to be able to hold its own against the non-Burmans who come and trade here ?—Yes.

75. Now, as regards labour, it has been pointed out to us by the Burmese witnesses that the Indian labourer gets Rs12 to Rs15 and the Burmans want Rs30, and that is the reason why Indians compete unfairly with the Burmans. Is that so ? What are the wages of Indian labourers ?—It differs in various parts.

76. But what would be the average ?—It is never below Re.1 for an Indian.

77. One rupee a day ?—Yes.

78. It has been stated that Burmans themselves employ Indians in their paddy fields for harvesting and for various other agricultural operations ?—That is so.

79. To what extent ?—I think they always have a preference for Indian labour because Burmese labour is not available, and the Indian labour can give a better turn-out.

80. More efficient ?—Yes.

81. There is more sustained work and greater efficiency on the part of the Indian labour and this labour is prized by the Burmese themselves ?—Yes.

82. We examined the European interests in Burma and they said that they employ Indian labour because it is more efficient and they give more sustained work. In the Burma oil fields and refineries, etc., is it a a fact that the Europeans employ Indian labour in preference to Burmese ?—It is not in preference, but because Burmese labour is not available.

83. Now, what is the reason why Burmese labour is not available ? Is it a fact that the Burman has a rooted dislike to hard work ?—Yes.

84. Easy-going men ?—Yes.

85. He does not like hard life ?—No, and he does not like certain types of work. For instance, there are certain types of work for which he is not suited because of the heavy strain that the work involves. There are other types of work which he does not care to take, for instance, scavenging. Apart from

industrial labour there are other types of labour which the Burmese would not take up. There are several types of work which they regard as *infra dig* —pulling rickshaws, carrying heavy loads, etc.

86. Now is it a fact that the Burman is not a thrifty man ? As soon as he gets a little money he goes and enjoys himself ? It has been said that the real reason why the Burman is not rich and is not able to compete even with the small moneylenders, as compared to the Indians is, he is a happy-go-lucky man, makes a little money and enjoys himself spending it. And as soon as he is at the end of his resources he goes and works again only to spend the money as before. Is that true of the Burman ?—That is generally true of the Burmans. There may be exceptions.

87. Now, as regards the franchise, you have stated that you like to retain the present franchise. Do you not think that there should be elasticity in the formulation of franchise and that it should be left to the local council to determine as to what should be the franchise. They may lower the franchise according to circumstances. Do you believe that there should be a rigid rule laid down, or do you think it is preferable to have an elastic system of franchise so that as the people get more educated and there is a greater demand for participation in politics the qualification may be lowered ? —It will be better to have elasticity.

88. You say you want sixteen seats for Indian representation provided the number of members of the legislative council remains as it is now. But have you got any advice to give to the Conference as to the revision of the numbers, whether the numbers should be increased so as to ensure larger representation and smaller constituencies ?—Re-grouping of constituencies ?

89. By cutting up constituencies ?—The present Indian constituencies are quite satisfactory.

90. And as regards the Burmese constituencies can you offer the Conference any advice ?—I have not considered that.

91. As regards further development of Reforms in Burma you have said that there is a galling discrimination in the matter of entering Public Services—what you have described here as " harassing " or embarrassing rules of exclusion." Do you want any percentage reserved in Public Services ?—We want fair field and no favour.

92. As regards your representation in the local council, why do you ask for separate representation ? Why should you not consider yourself as a part of the people of Burma and take your chance with them in regard to representation in the local council ?—The Burmans will never elect us. When there is a question of opposition between a Burman and an Indian, the Indian has very little chance.

93. Supposing we give you reserved seats in a general constituency ?—It will have all the disadvantages without having any benefits of special constituencies.

94. You recognise that separate representation cramps any effort to nationalise the people ?—But here it is only a temporary expedient till the two people get into such a harmonious working as to merge all differences between community and community. Till then separate electorates are to be kept up.

95. Yesterday we had before us a deputation of Mussulmans, and the Mussulmans admitted that as between the Hindus and the Muhammadans there is the very best of feeling here, and they would like to have a joint Indian representation here in Burma, and that there is no such thing as Hindu *versus* Muhammadan or Muhammadan *versus* Hindu here ? —Yes.

Mr. Rafi : They said they wanted separate representation.

96. *Sir Hari Singh Gour :* No ; I am coming to that. But there is another class, namely, the Burma Moslems. The Burma Moslems want separate representation because thay cannot get into the local council through the general constituency. The Buddhist-Burmans and the Burma-Moslems have not the same sympathy, and therefore they would like to have a separate Moslem constituency. The Moslems in Burma may be divided into two classes—first of all, the Indo-Moslems, and secondly, those Moslems whose one parent was of Burman extraction, but they are Burmans by race but Moslems by religion. As regards the Burmans by race but Moslems by religion, that class number about 92,000 and therefore want separate representation, but not the Indo-Moslems at all. What is your view on that subject ?—I understand that was what they stated, but there is no cleavage of interest so far on the ground of religion.

97. Then your point of view would be that if the Burmans by race and Moslems by religion want a separate representation, let them have it ?—Yes.

98. But that is no reason why there should be a difference between the Hindus and Moslems who are getting on on most friendly terms, and you would have a joint electorate for those two people other than the Burma Moslems who may or may not have it as they like ?—Yes ; if the Burma Moslems want a separate representation, they may put forward their case, and we have no objection to that.

99. *Raja Nawab Ali Khan :* It is said that Burma was compelled to part with her money for the purpose of certain protective duties in India. Do you agree with that view ?—In matters of fiscal policy no doubt certain provinces stand to lose as against some other provinces which may be more favourably situated under particular conditions. For instance, there is the steel protection duty in regard to which Burma has to bear the burden, and there is no steel industry in Burma which will get an adequate protection by the protection given to the steel industry. For instance, there is the match industry here which wanted protection. It offers a very large field and Burma stands to gain, whereas the rest of India may gain very little. The same is the case also with bamboo pulp.

100. Would you welcome any machinery in the Central Legislature which would make it possible for Burma to have an effective voice in regard to such matters ?—Yes.

101. Would you suggest some ?—I have asked for larger representation in the Assembly so that if it is a fairly large number, say a *bloc* of ten, they might act as a sort of party with sufficient influence and may act as a margin power. I know that very often in the Assembly the scales are turned by a small compact group, and if we have got a fairly big group, say, of ten (one European and nine other people), it would be sufficiently large to protect the interests of Burma.

102. *The Chairman :* I did not quite understand, Raja Sahib, what you had in your mind in putting that question ?

Raja Nawab Ali Khan : I have in my mind a body like a standing committee in the Legislative Assembly with equal numbers of Indian and Burmans ?—We would welcome it.

103. *The Chairman :* I think it is an important suggestion. But the difficulty is this, is it not ? It is very commonly said, and it may be true, that the fiscal policy of an area like the area in which the Central Legislature is responsible must be one single policy, and if it is to be carried, the tax must be one levied on the same principle and you would not draw a distinction between one party and another. If that is the case, what strikes one is this. How could you get an effective voice for a particular province which at present has got very special needs, but not necessarily general at all ? What had you in your mind, Raja Sahib ?

Raja Nawab Ali Khan : I had in my mind, sir, only this idea of the standing committee for Burma.

104. *The Chairman :* I believe what Mr. Chari proposed was that there should be an increased representation for Burma. But, after all, how does an increased representation for Burma help you in matters relating, for instance, to fiscal policy, which,

as I said, must after all be one single policy in the Central Legislature ?—My idea is that if there is a fairly large proportion of members there, if we are given the same representation as the major provinces —for instance in United Provinces it is 17, in Bengal it is 17, Madras 16, and Bihar and Orissa 12, and the Punjab 11—that will fairly secure our position. We must, at least, have representation just like any other major province.

105. *Lord Burnham :* I should like to pursue that question to have a little information from you, because I am not aware of any Customs rule anywhere which admits of exceptional treatment of one particular area. There may be such cases, but I do not know of them, and I was wondering how in regard to Customs duties you would be able by means of a committee to vary the amount of the tariff in favour of or against Burma ?

Sir Hari Singh Gour : He was not dealing with tariff at all. He was only dealing with the question of a standing committee to advise Government on the general administrative problems arising in Burma.

The Chairman : I misunderstood it too ; I am sorry ; I thought it had something to do with steel.

The Witness : What I had in view was merely a sub-committee to advise on matters of practical administration peculiar to Burma.

106. *Dr. Suhrawardy :* Am I right in saying that you want separate representation for Indians in Burma for the same reason that the minorities in India want separate representation for themselves ? You are familiar with it, I suppose ?—Yes, I am, but our case is not exactly on all fours with the conditions in India.

107. Not on all fours, but broadly speaking ? —Perhaps so.

108. And for the same reason you are opposed to joint electorates with reservation of seats in Burma ? —That is so.

109. *Sir Arthur Froom :* Mr. Chari, I understand that your chief reason against separation of Burma from India is that the interest of Indians in Burma would be jeopardised ?—That is one of the reasons.

110. That Indians by their industry have established a large amount of business in Burma and you are afraid that if it is to be separated from India, Burma might not develop ?—Yes, that is so.

111. Another reason which you have mentioned is that the presence of Indians in Burma has been a benefit to Burma ?—Yes.

112. Supposing the position of Indians in Burma under separation was secured by some legislation, you would still be opposed to separation ?—Yes, because our main source of opposition to the separation is that this country of Burma will suffer.

113. So, it is in the interest of Burma ?—Yes. It is in the best interests of Burma.

114. The two are bound up to such an extent that you think that in the interest of Burma the separation would not benefit Burma ?—Yes.

115. Do you consider that there is any close connection between the Indians as a race and the Burmans as a race ? They are rather separate races, are they not ?—Practically not in point of culture and religion.

116. I am not talking of culture ; but as a race ? —As a race they are separate.

117. Then you do not agree with this cry of " Burma for the Burmans " ?—No.

118. Why not ?—That is because, apart from the question of separation, we do not want any special protection, or special favour shown to us. We only want a fair field. We regard ourselves as Burmans quite as they themselves are.

119. Then how is it you have no sympathy at all with this cry of " Burma for the Burmans " ?—It is not a question of want of sympathy. While their interests ought to be safeguarded, the interests of other people ought not to suffer. That is our standpoint.

120. Then while going through another country, viz., India, we heard the cry " India for the Indians." Would you sympathise with that cry ?—For all practical purposes we say we are also Burmans.

121. That was not my question. My question was if in a great country like India, there is the cry " India for the Indians," why should you object to the cry in Burma, " Burma for the Burmans " ? —If taken in a broad sense, we have no objection to it.

Sir Hari Singh Gour : One is an advanced race, while another is a backward race ; that is the difference.

122. *Sir Arthur Froom :* Turning to page 443 of your Memorandum wherein you ask for safeguards against discriminatory legislation, you want those safeguards irrespective of whether Burma is separated or whether she is not ?—Yes.

123. In any further advance towards self-government you want these safeguards ?—Yes.

124. Mr. Chari, you are a well-known member of the Council of State, is that not so ?—I am a member there.

125. I have got a seat there myself and I have heard him there on many occasions. Now, with this claim for safeguards for your minorities in Burma, would you be prepared to give similar safeguards to minorities in India ?—The minorities require protection, and if there are similar cases like ours, no doubt they are entitled to similar protection.

126. Claiming as you do some sort of special protection for the Indian minority in Burma, and being a reasonable man and, as I say, a distinguished member of the Council of State, you would be prepared to agree to the protection of minorities in India on the same lines ?—Yes.

127. *Sir Hari Singh Gour :* Is there any difference between a politically advanced community requiring certain reservation as the Indians do and a backward community demanding separate representation because they are backward ?—There is a good deal of difference.

128. Then there is a difference between the politically advanced India and a politically backward community. You regard the Burmans as a politically backward community, having had their Reforms only for the past six years, and they have not had that political education which Indians had ? —Yes, when compared to Indians.

129. *Lord Burnham :* I have heard statements made that Mussulmans are politically backward in some parts of India ?

Sir Hari Singh Gour : In some parts of India they are so, sir, but only in some parts.

130. *The Chairman :* Just one question I would like to ask if my colleagues see no objection to it. I have no interest at all to embarrass you in the least unfairly. The question as to the prevailing opinion on the subject of separation of Burma is, of course, a very difficult one for any of us to form a judgment on, nor indeed is the prevailing opinion necessarily the only consideration ; there may be other considerations, too. Still it is a factor, and, now that we have got the Burma Provincial Committee here which has been elected by the Burma Legislative Council and which has just gone through the general election, I was wondering whether there will be any objection to my asking them this question. Is your Committee, U Aung Thin, of opinion, supposing there is a motion in favour of separation, that it is likely to be carried or likely to be lost in the present Legislative Council, assuming that no officials voted ? I have not the slightest notion of what the answer would be, and, of course, it is all necessarily provincial. But would there be any objection to our ascertaining from all your colleagues what your opinion is ?

U Aung Thin : I have not the slightest doubt, sir, that if the motion is put to the Legislative Council it would be carried unanimously, or, if not, by a very large majority.

Sra Shwe Ba : So far as the Karens are concerned they are for separation.

U Ba Shin : I am in entire agreement with what U Aung Thin has stated.

Mr. Eusoof : I am also of the same opinion.

Mr. Campagnac : I think such a resolution would be carried by a majority, and even those who oppose it would only want an amendment that there must be safeguards for the minorities in view of the separation.

Mr. Rafi : I think with safeguards it would be carried in the Council as at present constituted.

U Ba U : I also think so.

131. *The Chairman :* When you say with safeguards, what have you got in mind, Mr. Rafi ?

Mr. Rafi : With a provision for the safeguarding of the interests of the minorities.

132. *The Chairman :* I think it is very useful to have these views. As Mr. Chari said, this question was not the universal issue at the election. We understand that one of the parties made it a plank in its programme ; but the other parties did not make it a definite issue. Is your impression, Mr. Chari, very much different from these gentlemen ? Do you think yourself that it would be carried by vote of the Council ?—My difficulty is that this was not an issue at the time of the election. It may be carried in the Council.

133. You still doubt the real state of public opinion in the country ?—I greatly doubt.

Afternoon.

Deputation of Ladies.

The deputation consisted of :—

Miss COOMEE DANTRA, B.A. (Cantab.), Barrister-at-Law.
Ma PWA HMEE, Barrister-at-Law.
Mrs. M. FRASER.
Dr. MA SAW SA, F.R.C.S.I., D.P.H.
Ma TEE TEE LUCE.
Daw MYA SHWE, Deputy Inspectress of Schools.
Mrs. SEHERA JEEJEEBHOY, Hon. Secretary of the Sarada Sadan Association.
Mrs. MARTINUS.

1. *The Chairman :* Miss Coomee Dantra, you are a Barrister-at-Law ?—(*Miss Dantra*) Yes.

2. Most of these ladies are Burmese ladies, are they not ?—Yes. We have tried to get as many Burmese ladies as possible. There are two Indian ladies with us, one English and one Anglo-Indian lady.

3. Sir Hari Singh Gour is specially interested in the subject and he may put a few questions. I would first like to know if you yourself, Miss Coomee Dantra, would like to tell the Conference as to the points to which the deputation wants specially to call our attention ?—I thank you, sir, if I may do so.

Gentlemen of the Joint Free Conference,

We come before you not as representatives of any body or organisation of women, because our grievance is one which should and ought, in the first instance, be dealt with by the local Legislature, and consequently we organised no definite deputation before you ; but last night Sir Hari Singh Gour convinced me that this was an opportunity to stir up the lethargy of the local Council and to stimulate it to action by showing that we are in earnest, and that we do verily believe we have a real case to put before you as the final tribunal of appeal in this matter—and you have so kindly consented to give us a hearing, for which we offer our sincerest thanks. Since 1922, women have had the power to vote for members of the local Legislature on the same terms as men ; but for seven years we have been denied the right to choose one of our own sex to represent us, and this is the case in Burma, a country where women have taken an active part in public life for generations. In fact there are none of the obstacles in Burma which face women in India. We have no caste system, no *purdah*, we are not illiterate. On the contrary, we may own property and carry on business on the same footing as men, and there are no personal disabilities attached to women in Burma except this one. In fact the Burmese woman is perhaps, if I may venture to say so, through no peculiar virtue of her own save only the necessity of making ends meet and running the home, more thrifty and industrious than the Burman. Yet, while in India most of the provinces have enfranchised women completely by allowing them to vote as well as to sit on the local Legislatures, yet in this province we are only partly enfranchised ; we are only allowed to vote for men to speak for us.

This, no doubt, they can do adequately in a good many cases, and far more adequately in some, but we submit, though humbly, that we have a contribution to make towards the welfare of social life. We are, by reason of our sex, more fitted to deal with certain problems of a social character—Housing, Health and Hygiene and Education of children. All these, it is recognised, have a direct bearing on the prosperity of the country and a very direct bearing on the vital problem of crime in Burma as one of our members, Ma Tee Tee Luce, could convince you had you time. But we will not trouble you with detail. Our main grievance is that we women in Burma must, and are willing to, shoulder our responsibility towards the next generation and the welfare of the State in general. As things stand at present we are denied our full contribution. We may choose others to speak for us ; we may not speak ourselves. We thank you, gentlemen, once more for your great courtesy and kindness in letting us come before you, and we are glad we have availed ourselves of the opportunity in the hope that something constructive may arise out of it by action of the local Legislature which is to sit in a very short time.

4. Perhaps it will be useful if I were to remind the Conference that so far as this question of women being qualified to be elected a member of the Council is concerned, the present electoral rules provide that if a resolution is passed by the Council, after not less than one month's notice has been given of intention to move such a resolution, recommending that the sex disqualification should be removed, the local Government may, with the consent of the Governor, make an order in this behalf providing that no woman shall be disqualified by reason only of her sex from being eligible for election as a member of the Council. Then the members of the Conference will remember that in the Government Memorandum, Part III, page 50, it is stated, " A resolution was " moved on the 3rd February, 1927, to remove the

" sex disqualification for membership of the Council. " In Burma the disqualification may be removed by " order of the local Government made with the " consent of the Governor in pursuance of a resolu- " tion passed by the Council. The division of " opinion on the subject was on party lines." I do " not quite know what that means. " At the con- " clusion of the debate the Home Member opposed " the resolution on the grounds that Burmese women " are unacquainted with Western institutions ; that " such an important constitutional change ought to " be deferred for consideration by the Statutory " Commission ; that, though thousands of Burmese " women belong to Associations, not a single Associa- " tion had requested the removal of the disability ; " and that Buddhist monks would object to being " legislated for by women. The resolution was lost " by 45 votes (including the official vote) to 31."

Would you ladies tell us whether this was one of the subjects that was raised or discussed at the recent general elections ? You had just had a general election in last November. Take the case of England. You know the political change in favour of women was a subject in election time. Of course, women voters constantly ask questions. Do you know whether that question has been raised ?—Yes, it was discussed at the last elections.

5. Have you got a champion in the Legislative Council ?—(*Mrs. Jeejeebhoy*) Yes, in Mr. Rafi.

6. It is difficult to see how a matter of this particular sort could be dealt with on party lines. Our experience in England, of course, is that these questions relating to women's political rights cut right across party questions for the most part. Do you think that there is one party that is solidly opposed to your wish ?—I do not think so. The Government was against the resolution.

7. *The Chairman :* The 45 majority included the official vote. How many provinces are there in India where now women can be members of the Council ? I know they can be in Madras because there is a lady there, Mrs. Muthulakshmi Reddi, and I think I am right in saying that there is at least one other province, the United Provinces.

Sir Hari Singh Gour : In the Central Provinces there is a lady member and I understand it is the case also in the Punjab.

8. *Mr. Campagnac :* So far as the Corporation of Rangoon is concerned there is no sex disqualification, is there ?—No.

9. Only three ladies have come forward to stand for election, one Anglo-Indian and two European. One Anglo-Indian lady and one European lady were elected and no Burman lady has come forward ? —Yes.

10. *The Chairman :* It looks as though even if the change were made the Legislative Council is not in any immediate danger of being swamped ?—No. There is no danger of ousting the men.

Colonel Lane-Fox : I should think this is purely a matter for the Legislative Council to pass a resolution.

The Chairman : I quite agree with you, Colonel Lane-Fox, but I think the decision was deferred for consideration by the Statutory Commission.

11. *U Ba Shin :* I would address my question to Miss Dantra. Of course, I cannot presume that you know the customs and traditions of the Burmese people ?—(*Miss Dantra*) I know that, in dealing with the Burmese people, the women are just as active as men. You see them in business, and also in the legal profession since the disqualification of women to practise at the Bar was removed. They are equally intelligent, if I may say so, and ready to take a share in the duties of citizenship.

12. What I mean by tradition is, you know that it is a kind of established practice in this land of pagodas that man is always regarded as lord and master ?—(*Ma Tee Tee Luce*) It is not true, and you know that we have enjoyed the same freedom as you have enjoyed in our past history and past generations. We still enjoy the same, you know it perfectly well. I think the only reason for denying us the right to enter the legislature is that we have not organised ourselves yet. We dislike being denied suffrage by our Burmese men ; we do not wish to fight for it, we want to be welcomed by you.

13. Would I be expecting too much if I say that your interests would be better safeguarded if they are in the hands of men ?—They are not. If you only give us a chance to work side by side with you, you will find that we work very well.

14. Am I to understand that it is not a question of distrust ?—(*Miss Dantra*) Certainly it is not a question of distrust. We feel that we have our contribution to make and want to share the responsibility of citizenship. We think that there is a definite waste in any society in which the contribution which we are ready to offer is not accepted. As we are all individuals we cannot speak in any representative capacity, but I think that is our main point. We feel that there is something we can do by working with men if men will accept us. (*Ma Tee Tee Luce*) Especially in reducing crime in Burma.

15. *Mr. Rafi :* Is it not a fact that a large number of women carry on business in this country ?—Yes.

16. They play an important part in the commercial life of this country ?—That is so.

17. *U Ba Shin :* I put this question because you said that your cause is being championed by my Hon'ble friend, Mr. Rafi. Now take the case of Muhammadan ladies who have got the system of *purdah*. If I remember aright we were told by the Muhammadan deputation that at any cost they would not give up the old tradition.—We are not talking about Muhammadans, we are talking about the Burmese in Burma.

18. Is it not a fact that Muhammadan ladies in this province number over 20,000 ?—(*Miss Dantra*) : I do not think that will affect the Legislative Council very much.

19. *Mr. Rafi :* Is it not a fact that Burma Moslem women do not observe *purdah* ?—No, they do not.

20. *U Ba Shin :* Mrs. Jeejeebhoy, I think I am right in saying that your father is at present a member of the Legislative Council ?—(*Mrs. Jeejeebhoy*) Yes.

21. Have you ever made an attempt to get your rights protected through his medium ?—As you know, he got into the Council only recently, that is in last November.

22. *Sir Hari Singh Gour :* Supposing by a fortunate chance you are made eligible for membership to the Legislative Council, the experience of women in other parts of India has been that they have a poor chance of being returned to the Legislatures through a mixed electorate. One or two attempts have been made, but they have failed and therefore they are disheartened.

The Chairman : Not all.

23. *Sir Hari Singh Gour :* I think you have in mind Dr. Reddi, sir. She is a nominated member of the Madras Legislative Council. Mrs. Chatopadhyaya, a very distinguished lady and a very capable lady, stood for the Legislative Council, but she was defeated. The difficulty is that they have to go and canvass from door to door and carry on the work amongst men. I think it is also equally difficult for women in Burma. In that case do you not think that a certain percentage of seats should be reserved for women, or that women should be elected by any recognised Association ?—We want both election and nomination. We want the same privileges as men have.

24. I am trying to show that you should be given the same privileges as men, because in course of time perhaps one of you will be appointed a minister, which will not be possible if you are only nominated members of the Legislative Council. Therefore, in order to remove the handicap which stands in the way of your getting returned to the Legislative Council through the open door in which men and women both scramble for a seat in the Legislative

Council, do you not think it is necessary that at least for the next two elections, till women have gained experience in electioneering, a certain number of seats should be reserved for women ?—(*Ma Tee Tee Luce*) It is a very good idea. (*Miss Dantra*) At present this is only an individual opinion. I do not think we can offer any view on this subject except as individuals. Once the door is open I want to have just the same space to enter through as men have. I do not ask that it should be wider for us. If we are to fight (I prefer not to call it fighting, but rather working together), we should fight with them on their own ground ; we want a fair field and no favour. As I said, I do not think we can answer except as individuals because we represent no body of women. (*Mrs. Jeejeebhoy*) There is this point to be considered. We cannot compare Eastern nations with Western nations, because we are handicapped by very many social disadvantages. For that purpose we must have nomination as well as election.

25. *Dr. Suhrawardy :* Do you want separate representation for yourselves ?—No.

26. *The Chairman :* There are three possible ways (I do not say that I am in favour of them) in which the thing might be done apart from the way which has been mentioned by the lady who wants to have a fair field and no favour. One way is to say that out of the total number of members in the councils so many places must be filled by women. That is a possible way ; I do not say it is a good way. Another way is to say that there should be some seats which should be filled by women by nomination. Then there is yet another thing that you have to consider (I have heard it suggested elsewhere), the idea that the women voters should form a separate constituency and should themselves elect women to represent them. The objection to that as I think is very strong ; it is the objection which was put just now that a woman ought to try and take up her position as a citizen and ought not simply to represent one sex as it were in opposition to another sex ; she ought to be a citizen and play a general part in the advancement of the country. I do not know whether any of these considerations are in your mind ?—We want both election and nomination. Just as a certain number of seats are reserved for men by nomination a proportionate number of seats should be reserved for us.

27. *Mr. Rafi :* What you mean is that if you do not secure a sufficient number of seats through election it should be made up by nomination ?—Yes.

28. *Sir Hari Singh Gour :* Supposing there were 100 seats in the Legislative Council what percentage of seats you think should be reserved for women ?—It is very difficult to say that just now.

The Chairman : I doubt if the Conference will itself offer to make such detailed proposals.

29. *Sir Hari Singh Gour :* It has been said in the local council (and I am putting this question specially to the Burmese ladies) that the *pongyis* object to be ruled by women. Is it not a fact that in the whole history of Buddhism the nuns had a very considerable influence over your religion exactly in the same way as your monks ?—(*Ma Tee Tee Luce*) I do not know about the nuns, but we have had past queens and women as individuals who have had great influence over the country, and we still have it.

The Chairman : We wish to thank you, ladies, very much indeed for coming and giving us this interesting information which we will very carefully consider. As has been pointed out by my colleague, Colonel Lane-Fox, the matter really is more a matter for the Legislative Council to pass a resolution than anything else. But at the same time it is undoubtedly a constitutional question which will receive our attention equally. Thank you very much.

Memorandum submitted by the Burma Landowners' Association.

It is an undisputed fact that agriculture is the mainstay of this Province and the bulk of the population is engaged in agricultural pursuits of some kind or other. Of the total occupied areas in Burma more than half are under rice and receipts from land revenue are proportionately larger than receipts from all other sources. Despite this, Landowners in Burma, as a class, have not been given the recognition due to them by the Government; their opinion is not consulted and their advice seldom or never accepted.

To quote a few instances of the disabilities which land-owners and other agriculturists suffer: During the monsoons crops are frequently destroyed on account of floods, but it is understood that lack of funds prevented the Government from carrying out protective works. Then again the present depression in the Burma rice trade is due in a large measure to the imposition of a heavy export duty on rice. Mention must also be made of the increase in the demand of land revenue and other taxes. This Association also feels that the high rate of criminality in the Province is due to the existence of shops where drinks and drugs are sold and from which Government derives revenue. In the opinion of this Association, the financial disabilities above mentioned can be overcome by the expedient of allocating to Burma all revenues obtained from Burma so as to enable the Province to pay its own way for improvement and development in various directions.

Another matter which the Association is very much concerned about is the need for the preservation and improvement of cattle for agricultural purposes. It will be years before machinery can be introduced for agricultural purposes and to safeguard agriculture adequate steps are needed to close down slaughter-houses. Then again attempts have been made in the past by the Local Government to introduce legislation as between the landlords and the tenants, and though such attempts did not materialise owing to public agitation, it is to the interest of all concerned that measures such as these should not be initiated by the Government at all. The Association also views with concern the action of the Local Government playing the part of landlords, and wishes to urge that about 25 acres of waste lands be given to each individual agriculturist for agricultural purposes conferring the right of ownership after twelve years' continuous possession.

The Association therefore begs to request that in order to enable the Burma Landowners to carry out the above and similar projects, to safeguard the interests of agriculturists and to assist the Government in matters relating to the land and allied subjects, at least two members elected by the Land-owners be given seats in the Burma Legislature.

Finally, this Association begs to request that Burma be immediately separated from India and that the form of Constitution granted to Burma should be *in advance* of India considering that Burma is a country inhabited by one race of people professing one religion, Buddhism, and speaking one language, Burmese. Moreover, it is the only Province in India which has worked the Reforms most successfully.

Sir PO THA, Kt., C.I.E., O.B.E., representing the Burma Landowners' Association.

30. *The Chairman:* We are very glad to see you. The Conference has received and read the memorandum of the Burma Landowners' Association We all realise that it is an important document because agriculture is the mainstay of the province. We have many Memoranda which we have carefully studied, even though we do not have a witness about each of them; but we are very glad to have the opportunity of hearing you to-day. Do you consider that the landowners of Burma should have special representation in the council?—Yes; in order to enable us to say what we want to say we require at least two members in the Legislative Council.

31. What would be the qualification of the land-owners who elect them?—We want the Landowners' Association to elect the members for the Council.

32. The Landowners' Association should select the members?—Yes; the Landowners' Association desires to elect its own members for the council.

33. How many members are there in the Land-owners' Association, and what is the qualification of being a member?—There are about 700 to 800 members. Every landowner possessing a certain amount of land is eligible for a membership.

34. What is the size of the land he should possess?—From 300 acres upwards.

35. *The Chairman:* Are there members of the council now who are landowners?

U Ba U: There is a large number of them in the present council nominated by the Government.

36. *Mr. Rafi:* If there are any landowners in the present council would you still want separate representation for your Association?—Yes.

37. Do you consider that the present landowners are not fitted to voice the sentiments of the general body of landowners of this country?—I do not think so.

38. *U Ba U:* Are you very much concerned with the agrarian Bill introduced by the Government?—Yes.

39. You have represented the matter to the local Government?—Yes. In times of flood we have told the Government our needs, but their reply was that they had no funds.

40. *Sir Arthur Froom:* Is the position this, that the more important and wealthy landowners dislike the idea of going through a general election with the bother and turmoil of a general election?—Yes, it is so.

41. *Sir Hari Singh Gour:* When was the Land-owners' Association formed?—Two months before the arrival of this Commission.

42. Have you got any rules?—The rules are being prepared.

43. The Association has not yet been fully formed?—The Association has been formed and it only requires to be registered.

44. Would you give the same privilege that you want for your Association to the payers of income-tax, that is, special representation in the council?—We are not concerned with income-tax payers.

45. Have you got any landowners in the present council?—I have not paid attention to it.

46. Supposing you have landowners in the council, would you still press for separate representation?—We still require to have two representatives from our Association, because the landowners who are now members of the council may not represent us fully.

47. *The Chairman:* I understand that in the first council there were three members who were land-owners; in the second council there were eight members who were landowners, and I have got a list here of the members of the new council. and I am told that eleven of them are landowners and there is one

nominated member, U Kyi Myint ?—He has not got much land ; he is a friend of mine.

48. *The Chairman :* All the members of the Conference very much appreciate your kindness in coming here to tell us your views which we shall very carefully consider.

The Witness : I wish to say one thing more. On two occasions Government tried to introduce legislation as between landlord and tenant. I only hope that in future such legislation would not be introduced by the Government. We also want Government not to increase the revenue as it has done in the past every five or six years. Whenever we had approached the Government in the past with a request for improvement in agriculture we were faced with the reply that the Government had no funds. That is due to the fact that a large sum of money has to be sent away to India. We hope that the money from Burma will be spent in Burma alone. The price of rice in Burma has fallen due mainly to the export duty. We want this export duty to be removed. In Burma we are of one race and one religion, Buddhism. In India there are different races. We therefore wish Burma to be separated from India, and Burma should get a constitution better than that of India.

Memorandum submitted by the Shan Sawbwas.

Under Burmese rule the Sawbwas of the Shan, but not the minor Shan chiefs, ranked as Kings in subordinate alliance to the Burmese King (or Emperor), and this fact is admitted not only by surviving scholars of the Mandalay Palace, like the Wetmasut Wundaukmin and His Holiness the Thathanabaing, but also by English authorities—thus Mr. C. E. Harvey, I.C.S., at page 270 of his "History of Burma" writes of an episode dated 1785 that "Shan chiefs, being royalty, took orders from the Crown alone." They alone could use white Umbrellas, wear Crowns, sit on Thrones, and dwell in Palaces; they took precedence of all Ministers and if in wartime they led their levies in person, they could not be given orders by the Burmese Commander-in-Chief unless he were a prince of the blood.

2. During the annexation of Upper Burma in 1886, in the first negotiations with the Sawbwas, the British were inclined to treat them as sovereigns; thus, in the Memorandum of a Conference between the Sawbwa of Hsipaw, the Chief Commissioner of Burma and the Chief Secretary, 4th February, 1887 (attached), the Chief Commissioner accepted the Sawbwa's contentions that he should be a king in subordinate alliance to the Queen Empress, and that a treaty should be made between him and the British Government.

3. Finally, other counsels prevailed, the Shan States were incorporated in British India, and the Sawbwas became British subjects. At this time of day it is no longer practicable for us to contest this decision, and although we regret it we are proud to be even humble subjects of His Most Gracious Majesty the King-Emperor. But the Montagu-Chelmsford Report, Section 310, refers to us under the head "Native States." In the eyes of our people we are still kings and they look to us to preserve all that they hold dear from the past, nor can we fulfil this duty if we are treated as mere salaried officials.

4. In mediæval times we overran and gave kings to Burma, and though, after the conquests of the great Burmese King, Hanthawaddy Hsinbyumyashin, in 1560, positions were reversed, and the king of Burma became our overlord, we were never ruled by the Burmese people.

5. Therefore we were excluded from the Reform Scheme in 1922. But, although we are not aware that our affairs have ever been laid before the Legislative Council of Burma, we have reason to believe that they have at times been dealt with by the Burmese Ministers and the Home Member.

6. While recognising the good qualities of officers of the surrounding races, of officers of mixed blood, and of promoted subordinates, we prefer Englishmen.

7. The constitution of the Federated Shan States, framed in 1922, was complete before we were formally consulted and we had to assent to it in a single meeting with Sir Reginald Craddock at Taunggyi. Nevertheless we gratefully accept it as a good constitution provided it is worked in the right spirit. But it cannot be worked in the right spirit unless it is interpreted by officers who know our customs. Officers who, before coming to us, have spent a lifetime under regular administration in Burma, come to us with preconceived ideas and it is difficult for them to appreciate our system, which is entirely different. Consequently in recent years instructions have issued which make our position difficult in the eyes of our people, and such instructions could not have been issued by officers well acquainted with our ways.

8. The Customary Law is especially difficult. Under our sanads we are required to rule "according to the custom of the country" and section 11 (2) of the Burma Law Act declares that "the law to be administered in a Shan State shall be the customary law of the State in so far as that law is in accordance with justice, equity, and good conscience, and in so far as the punishment which may be awarded thereunder, or the practices which are permitted thereby, are in conformity with the spirit of the law in force in the rest of British India. "Now under the Customary Law we have for countless centuries wielded powers of life and death, and under British rule we have always done so, our sentences being subject to revision by the Superintendent. The Customary Law, however, does not apply to British Indian Subjects who are not natives of the Shan States, and in order to try these for major offences we were made Additional Sessions Judges. But for every one homicide we try as Additional Sessions Judges, we try ten as Sawbwas under the Customary Law. Yet before the Simon Commission on the 31st of January, a witness, apparently Mr. Anderson, who was for a year our Commissioner, when asked whether Sawbwas have power of life and death, is reported as answering "The Sawbwa sat as Session Judge and an appeal lay to the Government of Burma." So ingrained in Englishmen living under regular administration is the idea that everything is done under their own law, that the witness saw things the wrong way round, not realising that our power is primarily the ancient Customary Law, which existed long before your codes and is still in force, and we were made English Judges only for a secondary purpose as an afterthought.

9. The witness also spoke as if legislation was effected by the Local Government under the Burma Laws Act applying Indian and Burmese enactments to the Shan States, the Sawbwas forming a purely Advisory Council and having no legislative power whatever. This is true only as far as it goes. None of us indeed have power to legislate outside his own State, but under the Customary Law of each State, which has been guaranteed to us by the British Government, we have, each in his own State, what is nothing less than legislative power, for custom has never been stationary, in every age it has changed to meet the changing times, and it was the Chief, acting as the mouthpiece of his people, who declared the change. It is a limited power, for what we promulgate must not be contrary to the spirit of British Indian Law, and we are subject to the guidance of a Superintendent, who sees that this condition is observed; but it is none-the-less legislative power. All past Superintendents in succession have recognised this fact, and they actually used to use the word "legislation" in approving the orders we issued.

10. The Customary Law is superior to British Indian Law in that it is suited to our people who evolved it. It preserves the social system and the Buddhist Church: in Burma there is no king and consequently there is no authority with power to discipline the clergy, and so religion has become disorderly, but with us Shans each Sawbwa is Head of the Church in his State and unfrocks them, so that morality is maintained. The Customary Law preserves local initiative as anything can be done till it is forbidden by a Superintendent. British Indian Law destroys local initiative, as nothing can be done until an Act has been passed to cover it.

11. We therefore wish respectfully to protest against the recent tendency to belittle the Customary Law as antiquated and obsolete, and to deny us all legislative power, nor can we accept the statement at page 2 of the official report on the Federated Shan States for the year 1923-24, that the Customary Law is "the mere will or whim of the Chief." A Chief who acted according to his mere will or whim was no true Chief, he was despised by his brother Chiefs and his people rose against him. The Customary Law was something far greater than his individual will—it was the good custom of old times, modified by the wise elders to suit the present, and the part of Chief, acting on the advice of his Ministers, was only to promulgate and enforce it.

12. Again, high English officials often complain

that the Customary Law is unwritten and has never been codified. Has the Common Law of England ever been codified ? Customs change and can not be fixed in a code. The 1921 Census of India, Imperial Tables X and XIII, pages 134 and 202, of Burma volume X part II, shows that the Federated Shan States contain some thirty different races speaking some thirty languages, and most of them can neither read nor write. Yet each has its own Customary Law well understood by the people themselves. Customary Laws are strange to newcomers, and take long to learn; many of us Chiefs, even, know no English and are slow to answer when questioned by high officials, and that is why we pray that our English officers may be sent to us young and spend their whole lives among us.

13. Our present discontents are partly due to the changes imposed on us by new officers who do not know our ways, whereas Sir George Scott and Mr. G. C. B. Stirling, C.I.E., each served a lifetime among us, and Mr. H. A. Thornton, C.I.E., spent 15 years in the Northern Shan States alone.

14. In conclusion, we pray that His Majesty may be graciously pleased to rule :

(1) that our status as Hereditary Ruling Princes, although British Subjects, be confirmed.

(2) that the validity of the Customary Law of each State be confirmed, together with the power of a chief, always of course, under guidance, to change it, provided that such change is not contrary to the spirit of British Indian Law.

(3) that we may never be put under Burmans or Indians, or be subjected to any Reform Government, but that we shall always be directly under the English Head of the Province without any Asiatic intermediaries.

(4) that the English officers in charge of us shall always be English gentlemen from England who, after a few years training in Burmah shall be sent at an early age to spend their lives among us, as senior officers who have already spent the greater part of their service in Burma cannot understand our Laws and Customs.

(5) that our political relations with the Head of the Province should be through the medium of the two Superintendents, as it used to be in pre-Federation days, and their Assistants should be as few as possible and only in the capacity of advisers.

ANNEXURE A.

SHORT NOTE ON THE MEMORANDUM.

It has been the declared policy of Government to preserve the traditions and customs and to maintain the dignity of the Chiefs, and also to conserve the special powers, rights and privileges which they have enjoyed in the past.

His Excellency the Marquis of Dufferin and Ava, the Viceroy and Governor-General of India, in his speech in reply to an address from the Shan Community said that the British Government was fully determined to respect the independence of the Chiefs, to abstain from all interference with their internal affairs and to maintain the friendly relations which existed between them and the late Burmese Government.

The Chiefs appreciate the efforts of the British Government to carry out the policy as above indicated. In loyalty they are second to none and have every desire to co-operate with the Government in their endeavours.

They wish, however, to point out that the present institution and scheme of Government places them in a very subordinate position in the eyes of their subjects and their independence curtailed as every action of theirs which is prompted for the good of their people is liable to be vetoed by Government.

Summary of views expressed by the Deputation of Sawbwas from the Shan States.

Present :—

Saw ON KYA, Sawbwa of Hsipaw (Spokesman).
Saw KIN MAUNG.
Saw SHWE THAIK.
Hkien PAN SING.
Saw MYA.

1. The Chairman explained that Mr. Thornton had given many Members of the Conference present a good deal of information about the Shan States.

2. Saw On Kya, first correcting the evidence of Mr. Anderson (printed in Vol XV) explained that the Sawbwas as honorary sessions judges have power of life and death when administering customary law among their own people, subject to a first appeal to the Superintendent and a second to the Commissioner, but when the accused person is not a subject of the Sawbwas, e.g. a British Indian, the procedure of the Criminal Procedure Code is followed, and there is an appeal to the Governor as the High Court. The very small Chiefs are not honorary sessions judges, but merely try petty cases. Murders are rare in the Shan States. The last return for the States is for 1923–24, and gives only offences reported without attempting to distinguish true cases. In that year the number of offences dealt with by the Federated Shan Police (Government Police) was 672 in the Northern and 1,027 in the Southern Shan States. The total dealt with by the State Police was 596 and 807 respectively, a grand total of 3,102 offences in a population of 1,500,000, which is not large. "Violent crimes" which include murders, dacoities, etc., are 672. There are Magistrates in the States on pay of from Rs125 to Rs600.

3. The Chairman recapitulated Mr. Anderson's evidence to the effect that any law of Upper Burma can be extended to the Shan States by order of the Governor, with the approval of the Governor-General in Council, and that though the Shan States Council has no legislative power, the Sawbwas are summoned and take part in discussions. Saw On Kya agreed that the position is that inside his own State a Sawbwa may declare what the customary law is and does so after consulting the Ministers and headmen; and that such law changes as it had in Baluchistan where a large jirga had recently changed the system by which it had been sufficient for a husband to declare his wife unfaithful to prove her unchastity. The Sawbwas have jurisdiction in matrimonial disputes, which are settled on a money basis; the Chief of each State lays down the customary law relating to tenants and cultivation for his own State.

4. The Federated Police are restricted to the railway line and the mining centre of Nongto. The State Police are organised under a Superintendent

and Minister and police the whole interior. The villages are formed into circles, and there are both circle headmen and village headmen. There are four constituent States in Hsipaw. They are consulted as well as the headmen on matters of importance.

5. At present there is one Commissioner who is the High Court in the Northern States and Superintendent and Political Officer in the Southern States, and three Assistant Superintendents. The Sawbwas want British Officers, but fewer and better than at present. (This in answer to Lord Burnham's question whether they did not ask for the same sort of personnel as at present). The old arrangement of having separate Superintendents for the Northern and Southern States and no Assistant Superintendents was better. The Assistant Superintendents are too apt to interfere. The Superintendents should be posted young to the States and remain there, as men posted from Burma want to follow the codes.

6. The constitution of the Federated States can be found in the Shan States Manual. The general wish of the States was to remain outside the jurisdiction of the Legislative Council. The States should be consulted before any law of Upper Burma is applied to them. The Council at present meets once a year at Taunggyi for a week or ten days; 18 to 20 Chiefs and 3 British officials being invited to it, the Commissioner presiding. At present the Sawbwas attend merely in an advisory capacity, which is unsatisfactory to them. They may say they want a school, and the Commissioner says then there are no funds for it.

7. As to finance, the Federation gets 6½ lakhs a year from Burma. The money was allocated to the States when the Federation was formed without consulting the States, and the States could quite well do without it. It would not be required if the Government of Burma did not insist on placing in the States an unnecessary number of officials.

8. The States pay up to 50 per cent. of their revenue to the Federation, the poorer States paying a smaller proportion than 50 per cent. The Federation pays 5 per cent. of its whole revenues, or 2 per cent. of the mineral royalties, whichever is greater, to the Burma Government. The four main sources of the Federation's revenue are in order:

1. Contributions from constituent States.
2. Forest.
3. Burma contribution.
4. Mines and minerals (almost the whole from one mine in 1923–24).

The smallest State has a revenue of Rs1,848 a year. The Chief's allowance is shown in the budget. The maximum has been fixed at 25 per cent. for the Southern and 15 per cent. for the Northern States, but no Chief gets as much as this. The actuals vary from Rs8,000 to Rs34 a month.

9. Under customary law the eldest son succeeds a Chief, if fit and suitable. In some cases the Governor-General and in some the Governor has to approve the succession. The people are contented with the rule of the Chiefs.

10. The Federation is on trial for ten years, and is due for revision in 1932, and the Chiefs are forming a committee to inquire into reform.

The Federation controls education, public health and police. There is a school for Shan States Chiefs, and Rs.67,000 were spent on it in 1923–24. The total outlay on education in that year was Rs3,55,000, or over 9 per cent. of the total expenditure, a very good percentage.

Memorandum submitted on behalf of the Anglo-Indian, Anglo-Burman and Domiciled European Community of Burma.

(This Memorandum has been prepared by the Council of the Anglo-Indian and Domiciled European Association, Burma, and by the Council of the Anglo-Indian and Domiciled European Federation, Burma, and approved at a general meeting of the Community, convened by C. H. Campagnac, Esq., M.L.C. (Burma), elected by the Anglo-Indian constituency.)

The Community on whose behalf the Memorandum is submitted.

The term Anglo-Indian is ambiguous, as it has been used synonymously with the word "Eurasian" to denote a person of mixed European and Indian (or Burmese) descent, and also, loosely, to designate a person of pure European birth who, through the exigencies of his business, professional or official, occupation, is obliged to spend most of the active years of his life in India or Burma. Still further complications are introduced into the connotation of the term Anglo-Indian by reason of certain restricted but officially recognised senses in which the word is employed in the Criminal Procedure Code and for electoral purposes. Together with the loose, popular meaning of the term we may ignore all political and legal implications that the word Anglo-Indian may convey. For the purpose of this Memorandum the broadest use of the term, which is ethnological, will suffice, and by an Anglo-Indian will be meant any person of mixed European and Indian (or Burmese) descent whether of legitimate parentage or not and whether the European strain be derived from the paternal or the maternal side. Inseparably associated with the Anglo-Indian cause is that of the Domiciled Europeans many of whom, though of undiluted European descent, have never been west of Suez, and in voicing the claims of the Anglo-Indian Community it is always to be understood that the Domiciled Europeans are deemed to be an integral part of it.

Though comparatively small in numbers, the Anglo-Indian Community is now a factor to be reckoned with and each census shows increase in numerical strength. It is true (indeed it is inevitable) with a race the members of which are of mixed Eastern and Western descent in infinitely varying proportions that those at the European end of the graduated scale should tend to merge into and be absorbed beyond all trace by the dominant white race from which no distinguishable line separates them. This is especially so in these days of increased facilities for travel and communication when so many Anglo-Indian children of the more fortunate classes receive their whole school and university training in England. It is not equally true that those at the Indian end of the scale tend to be assimilated in like manner by races of pure Indian nurture. In accounting for this, we touch on the vital point upon which rests the strongest claims of Community to recognition as an independent body, namely, that Anglo-Indians, if we ignore such accidentals, which are of no psychological or political value, as slight differences in the pigmentation of the skin and a certain provincialism of accent from which after all even the various Counties of England are not exempt, are a wholly Western race in all that goes to constitute the *ethos* of a people, that is, in religion, speech, customs, ethical and aesthetic ideals, and mode of life, dress, habitation and deportment. Though there are gradations in colour amongst Anglo-Indians, yet from the darkest to the fairest they are one with those of pure British culture in their outlook on life, the literature on which their minds are fed, the sports in which they indulge and in the British traditions of which they are proud and which they ever strive to maintain. To whatever category an Anglo-Indian may belong in an ethnological classification, he is psychologically speaking a white man—not nearly so, but entirely so, and in face of a paradox this is true no matter to what degree he may be coloured.

Apart from the above-indicated solidarity which characterises the Community, a claim for special recognition and representation is advanced on the grounds that unlike all other communities whose permanent domicile is India, the Anglo-Indian community is entirely literate, and it has no depressed lower classes which form so conspicuous a part of all the indigenous races. As small and severely handicapped as the Community is, its members are engaged in a surprising variety of skilled occupations and trades throughout the country. A large proportion of the Government appointments in such services as the Judicial, the Telegraph, the Police, Customs and Excise are held by Anglo-Indians. The Anglo-Indian employees are the mainstay of the Railways. In the large business firms and banks, the responsible clerical staff is usually Anglo-Indian. And to come to activities in more responsible fields, we find Anglo-Indians holding important administrative posts and satisfactorily filling the position of Heads of Departments, proving to be efficient barristers, doctors and engineers, and where so fortunately placed as to be given the necessary start, building up great business in the industrial world.

The Franchise.

We are of opinion that the basis of the present franchise is far too wide for a country in which a democratic form of Government has only been in existence for a few years. We think that no person should be entitled to a vote unless he is literate in his own mother tongue and either born in Burma or has at any period been continuously resident in Burma for a term of not less than five years. An exception to the residential qualification which we have advocated should be made in the case of Government or quasi-Government servants, who are liable to be transferred from one Province to another. This rule would not in any way affect elections of the Anglo-Indian constituency, but in view of the fact that Anglo-Indians are entitled to stand as candidates for general constituencies it is a matter of some interest to the Community.

In Burma there is a large floating population of Indian labourers who come to Burma seasonally as reapers and as labourers in Mills and Factories. This section of the Indian population is for the most part illiterate and has no political or other interest in Burma. These people vote as ordered by their "Maistries," *i.e.*, their supervisors, who have taken a contract for supplying labour.

Their votes can be obtained by the highest bidder, and obviously there must be a number of cases of impersonation which it is difficult or impossible to detect as the only persons who can identify such voters are the Maistries. We believe that if the franchise was narrowed in the way which we have suggested, it would result in eliminating these votes.

Representation on the Burma Legislative Council.

In view of the fact that the Community is entirely literate and in view of the important part played by the Community in the life of the Province, we would urge that at least four seats be reserved for the Community in the local Legislative Council.

There should be two seats for Rangoon, and one each for Lower Burma and Upper Burma. It is hardly possible for one member to keep in touch with the needs of the community throughout the whole Province or to keep in touch with the whole of the electorate.

In view of the important part played by women in the life of this Province, we would urge that women be allowed to stand as candidates for the Legislative Council.

Central Representation.

We would urge that so long as Burma remains a

Province of India, the Anglo-Indian Community in the Province should be allowed to elect a representative to the Legislative Assembly. At present there is only one nominated representative of the Community to represent the whole of India and Burma. In the event of the Community in Burma deciding to urge for the separation of Burma from India we can conceive that it might be difficult for a member residing in India to support their claims as Anglo-Indians domiciled in India might be opposed to it. We cite this as an example to show the necessity of the Community in Burma being allowed to have its own representative on the Assembly.

REPRESENTATION ON LOCAL SELF-GOVERNING BODIES.

At the present time, the Community is not given any separate representation on the Corporation of Rangoon. It has to take its chance in a combined electorate of Europeans, Jews, Armenians, and Parsis. In view of the important part played by members of the Community on the old Municipal Committee, and on the Corporation of Rangoon, we feel that in addition to the present representation at least one seat should be reserved on the Corporation for the Community, to be filled either by election or nomination. We would further urge that representation should be secured to the Community on the Committees of the Rangoon Development Trust, the University Council, Burma Railways Advisory Board, Port Commissioners, and any other local bodies which may hereafter be formed. Similarly, representation should be secured to the Community on the Municipal Committees of Moulmein, Bassein, Mandalay, Akyab, Tavoy and Insein.

MINISTERS.

We are of opinion that it is not possible for two Ministers to supervise effectively and direct the policy of Transferred Subjects. We would, therefore urge that provision should be made in the Constitution for the appointment of at least four Ministers to be in charge of the following portfolios :—

(1) Minister responsible for Education, Commerce and Industries ;
(2) Minister responsible for Forests and Communications ;
(3) Minister responsible for Public Health ;
(4) Minister responsible for Local Self-Government and Excise.

We would urge that out of the four ministers appointed, one of them should be elected to be the Minister-in-Chief by the elected members of the Legislative Council. This would ensure the joint responsibility of the Ministers which we consider to be essential for the good government of the country.

EXECUTIVE AND JUDICIARY.

We think that the time has come when the Executive and Judicial services should be separated. It is absolutely essential if the integrity of the Empire is to be maintained that the people of the country should have absolute confidence in the impartiality of Judicial Officers. It is impossible for them to have this confidence when the same officer is called upon to discharge both judicial and executive duties. We think that all Judicial appointments in the Province should be made by the Head of the Judiciary and that the executive should not have any voice in the making of such appointments. Further, we are of opinion that the Chief Justice and the Judges of the High Court should be appointed by the Judicial Committee of the Privy Council in consultation with the Judges of the High Court.

IMMIGRATION ACT.

We consider that an Immigration Act should be passed prohibiting undesirable aliens from entering the Province. We would draw attention to the fact that there has been a large invasion of Chinese undesirables into the Province. A large percentage of Chinamen coming to Burma earn their livelihood by smuggling and keeping gaming houses and opium, cocaine and morphia dens. There is not the slightest doubt that the presence of these foreigners in Burma has had and is having a very pernicious effect on the people of the country.

SEPARATION FROM INDIA.

We are of opinion that Burma would be better off and have a greater opportunity of developing her resources if the Province was separated from India. For this reason, we would urge that a Committee of Enquiry be immediately appointed to enquire and report on the financial relations between India and Burma with a view to bringing about separation at an early date.

EDUCATION.

We attach the very greatest importance to this subject. We are of opinion that the whole system of education in English Schools should be overhauled and brought up to date. With the opening of the University and the large number of Burmese and Indian students who are graduating every year, it is becoming increasingly difficult for the Community to find suitable avenues of employment.

The great majority of the members of the Community are too poor to be able to provide their children with a University Education. It is for this reason in the past the majority of the Community had to be content to find employment in Government Offices and in the Railway and Telegraph Departments. Formerly a lad who had passed his Middle School found no difficulty in obtaining employment. Now, however, it is almost impossible for a lad to obtain any kind of employment, unless he has passed the High School Final Examination, and even then he can only generally secure employment in a very limited sphere. Under these circumstances, it is obvious that the Community must seek for other channels of employment, but unfortunately the present education imparted in the English Schools is not calculated to fit them for employment except in the capacity of clerks.

The only subjects taught in these schools are English, Mathematics, History, Geography and one second language. There is hardly any opportunity for pupils to study subjects such as Physics, Chemistry, and other Sciences, Civics, Economics and Political Economy.

We would, therefore, respectfully request that this Commission do recommend to Parliament to appoint an Expert Educationalist from England to inquire into the present system of English Education in this Province, and to make recommendations which will be binding on the Government of Burma for the improvement of Education in English Schools on the most modern lines and to introduce commercial education into these schools.

SHOULD EDUCATION IN BURMA BE MADE A RESERVED SUBJECT.

This question has caused us considerable anxiety. We have discussed the matter very thoroughly, and we have had the advantage of the advice of three Educational experts in the Province. In answering this question, it is necessary for us to try and forecast the future. We have had to consider whether there is any likelihood of the grants-in-aid of English Schools being cut in the local Legislative Council during the coming decade. The experts whom we have consulted have expressed the opinion that there is no likelihood of there being any reduction in grants during the next ten years. We presume that they have based their opinions on the fact that during the five and a half years the Reforms have been in existence in Burma, no attempt has been

made to cut the grants in the local Legislative Council.

On the whole, we are of opinion that we are not in a position, having regard to the advice given to us, as well as to the fact that there has been no reduction in the grants to English Schools in Burma, to urge that English education should be made a Provincial Reserved Subject.

At the same time, we feel it our bounden duty to urge that the Constitution should provide some safeguards for the Community and that in the event of any attempt being made to reduce the grants or to abolish these schools that the Governor of the Province should be empowered to restore the grant out of Provincial revenues, or that the money be provided out of either Central or Imperial revenues.

We claim that the British nation which was directly responsible for bringing this Community into existence is morally bound to see that these schools are maintained to enable the Community to preserve its racial culture and religious beliefs, and to live up to the traditions of its forefathers. The Community must in justice be enabled to receive an education which will enable its members to fit themselves for employment in the Province of their domicile or birth, and we submit that it would be a great blot on British administration if this Community was allowed to be submerged by the torrent of Reforms which threaten to sweep over the country.

SHOULD ENGLISH EDUCATION BE MADE A CENTRAL RESERVED SUBJECT ?

We are aware that a Conference in Calcutta has passed a resolution that the Community in India should ask that English Education be made a Central Reserved Subject. In view of the fact that substantial reductions have been made by all the Provincial Councils of India in grants to English Schools, we are not surprised that the Community in India should desire that English Education be made a Central Reserved Subject.

In Burma, however, the position is different, and there has been no cutting down of grants to English Schools. Even, however, had there been any reduction in the grants, we would have urged that Education be made a Provincial Reserved Subject rather than a Central Reserved Subject. The Government of India has in the past regarded Burma as a sort of backwater of Empire and has persistently overlooked and neglected the claims made from time to time by the Government of Burma. We feel that if English Education in Burma was made a Central Reserved Subject, there would be grave danger of the needs of the Community in this Province being overlooked. Further, conditions in Burma are entirely different from India. In Burma we have a residential and up-to-date university and the standard of education required for admission to the University is higher than that required for entrance to Indian Universities. We are advised that if the Indian standard of Education in English Schools was introduced into Burma, a pupil after leaving school would have to study for one or two years before he could qualify for admission to the University of Rangoon. Under these circumstances, so far as Burma is concerned, we are definitely against English Education being made a Central Reserved Subject.

THE EFFECT OF THE REMOVAL OF THE 10 PER CENT. RESTRICTION OF NON-EUROPEAN CHILDREN TO ENGLISH SCHOOLS.

Before the introduction of the Reforms, the Managers of English Schools were prohibited from admitting more than 10 per cent. of Non-European children into these schools. Since the introduction of the Reforms, this 10 per cent. restriction has been abolished, and now it is left to the discretion of the Principals of the Schools to admit any number of Non-European children, provided they are satisfied that such children have a sufficient knowledge of English to be able to follow the school curriculum.

The result of the removal of the 10 per cent. restriction has been to increase the percentage of Non-European children in English Schools to about 36 per cent. According to the last quinquennial report, it appears that the result of admitting such a large percentage of Non-European children into schools has been to lower the standard of education. as children whose mother tongue is English have to be kept back owing to the inability of the Non-European children to follow the courses of instruction.

We feel that if the percentage of Non-European children in English Schools is not restricted, there is very grave danger of the character of these schools being entirely changed, and that the schools will cease to be attractive or useful either to English or Asiatic pupils. The reason why the parents of Non-European children desire to send their children to English Schools is because they wish them to obtain a thorough grounding in English and to learn the English modes of life and customs.

There is also the religious aspect to be considered, and most parents feel concerned that their children may be prejudicially influenced by coming into contact with a large number of children of other religions.

INSPECTORS OF ENGLISH SCHOOLS.

Another feature which has contributed towards the lowering of the standard of European education has been the abolition of the Inspectorship of English Schools. We believe that this is the only Province in which there is no special Inspector for English Schools. The post was abolished against the advice of the Education Department of this Province. We would urge as strongly as we can that this post should be recreated immediately. In fact we feel that in Burma two special Inspectors should be appointed for the inspection and guidance of English Schools.

ANGLO-INDIAN TEACHERS.

There has always been a great demand for Anglo-Indian teachers, both men and women in English and Anglo-Vernacular Schools. The last Quinquennial Report points out that it is very difficult at the present time to secure men teachers for these schools. The reason is obvious. Men with University Degrees find it more advantageous to obtain employment in the various Civil Services where the scale of pay and chances of promotion are much greater than in the Education Department. We would, therefore, urge the necessity of increasing the pay and prospects of teachers in English and Anglo-Vernacular Schools, and that pressure be brought on aided schools to similarly raise the pay of teachers in their schools. We do not think it possible for aided schools to increase the present pay, unless there is a proportionate increase in the grants given by Government.

Further, we think encouragement should be given to Anglo-Indian teachers by reserving a certain percentage of posts for them in the superior service and also by appointing them to Inspectors and Inspectresses of schools. We would also point out that it is impossible for a teacher who does not hold an English Diploma in teaching to be appointed as a Headmaster of a School. We know of an instance in which a teacher who had officiated in a Government school for a number of years as Headmistress was informed when she applied to be appointed permanently to the post, that owing to the fact that she did not possess an English Diploma she was not elegible for confirmation.

BURMESE A VERNACULAR SUBJECT.

We wish to draw attention to the fact that since the introduction of the Reforms, Burmese has been made a compulsory subject in European Schools. While we admit that it is desirable that Anglo-

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Indians in this Province should have a knowledge of the Vernacular, we are of opinion that the standard of Burmese which has been prescribed in these schools is so high as to make it extremely difficult for Anglo-Indian lads to pass the examination. All that should be required is that an Anglo-Indian lad should have a colloquial knowledge of the Burmese language, as there are no Burmese Text Books in scientific or literary subjects. In the English High School, Maymyo, 1927, there were 14 failures out of 30 in the High School Final. Out of 14, 13 were Anglo-Indians who failed in the Vernacular paper. Further, we would urge that Burmese should be taught from the first standard, and not, as is at present, the case only from the fourth standard.

PRIMARY EDUCATION FOR CHILDREN OF THE ANGLO-INDIAN AND DOMICILED COMMUNITY SHOULD BE MADE FREE AND COMPULSORY.

We would urge that Primary Education should be made compulsory and free, and in doing so we would draw attention to the fact that Burmese Legislators have urged that Primary Education in Vernacular Schools should be made free. So far as Burmans are concerned every Burmese boy can obtain free education through the medium of Buddhist Monasteries. There are no such facilities for children of European descent. Quite a number of these children are deserted by their European fathers, and we consider it to be a blot on British Administration that such children, who in many cases are by appearance Europeans, should be going about the country without education and practically living as Burmans. It is not surprising that many such children should add to the criminal classes of this Province. We can conceive of nothing more likely to lower British prestige in the East than to allow these children to be roaming about in the towns and villages without any education and without any trade they can follow.

METHODS BY WHICH THE COMMUNITY CAN SECURE A FAIR SHARE OF APPOINTMENTS.

We wish to point out that the Census figures relating to appointments held by Anglo-Indians in Government Services cannot be taken to represent accurately the Anglo-Indians so employed, by reason of the fact that a large number of Goan and Indian Christians come to Burma annually and pass themselves off as Anglo-Indians. It would appear that Government does not put an applicant to strict proof that he is an Anglo-Indian or even a British subject. All that is required is that the applicant should have a European name, be able to read and write English and don European clothes. These Goanese and Indian Christians who get into Government Service naturally keep the doors open for their relations.

We consider that the practice of making appointments through the medium of Selection Boards should be abolished and appointments should be made by competitive examination. Care should be taken to see that the candidates are either born or domiciled in the Province. In the matter of appointments we do not ask for preferential treatment, but demand equality of treatment. In cases where appointments cannot be made by competitive examination, Anglo-Indians should be represented on the Selection Board, and a certain proportion of appointments should in such cases be reserved for them.

DISABILITIES OF LOCALLY TRAINED NURSES.

We have in Rangoon a thoroughly up-to-date hospital, and the surgeons attached to the hospital are highly qualified men with English diplomas. The nurses of the hospital are Burmese, Karen and Anglo-Indian. They have to undergo training for a period of five years before obtaining certificates as qualified nurses. They are eminently suitable for the work as they can all speak at least one Vernacular language, and many of them are conversant with two Vernacular languages. In view of the fact that the majority of the patients are Indian and Burmese this knowledge of the Vernaculars is a very great asset.

These nurses, however, have a very real grievance, as they are hardly ever promoted to be sisters.

The sisters of the hospital are almost invariably recruited from the British Isles. So far as the Anglo-Indian nurses are concerned they are for the most part better educated than the average nurses from England, and we feel it is wrong in principle and against the spirit of the Reforms that these girls should not be promoted as sisters simply because they have not undergone training at an English hospital.

ANGLO-INDIAN MILITARY UNIT.

At least 80 per cent. of the male members of the Community are trained to arms. The majority of them start their military training in Cadet Corps at school. Before the war, the Volunteer Corps of the Province were composed mostly of Anglo-Indians and the same applies to the Indian Defence Force. On the outbreak of war a very large percentage of members of the Community volunteered for active service. Many of them went to England with the Burma Contigents and were drafted into various British Regiments and took part in fighting on the Western Front. A large number enlisted in the Mobile Battery and supplied a constant draft of gunners to reinforce the British troops in Mesopotamia. A number of these men took part in the seige of Kut. In Kut they proved themselves to be efficient artillery men and were frequently mentioned in despatches. One of them, Sergeant Heals, was awarded the D.C.M. When food supplies ran short the men agreed to go on half rations while the Indian troops who were becoming restive remained on full rations. After all their guns had been put out of action by the enemy these men volunteered to lead a bayonet charge to remove the Turks from the front line of trenches which they had occupied. Lead by Major Anderson they regained the trenches, but not until 75 per cent. of them had been killed or wounded. The survivors of the siege took part in the long march across the desert to Turkey, where they were kept in captivity. It is recorded that while a large percentage of the British troops fell out on the march, barely one per cent. of Anglo-Indians succumbed to the trying ordeal. We have set out these facts to prove that the men of the Community are not only good soldiers, but also possess stamina and fighting qualities equal to that of any troops in the world. We would therefore urge that an Anglo-Indian unit be recruited in Burma.

Memorandum submitted by the Indian Police Association, Burma Branch.

In response to the invitation published in the communique issued on 6th March, 1928, by the Indian Statutory Commission, I have the honour to submit the following representations on behalf of the members of the Indian Police Service serving in Burma.

2. The Indian Police Association, Burma Branch, is recognised by the Government of Burma. It can claim to be thoroughly representative of the officers of the Service in Burma, as over 98 per cent. of these have joined the Association.

3. My Association does not desire in this Memor-

andum to set forth any views regarding the desirability or otherwise of extending the Reforms introduced in the year 1919, but desires only to put forward for the consideration of the Commission certain matters regarding which there have been and still are anxiety and dissatisfaction. These matters have already demanded deep consideration under the present constitution and, if a further substantial instalment of reforms is to be given, and the steadying and restraining influence of the British Parliament is to be still further relaxed, they will have to be considered afresh. If a large degree of autonomy and control over the (formerly) Imperial Services is given to local legislatures it can safely be predicted that the members of those Services will receive scant consideration from the new Legislatures—there is no gratitude in politics. It is respectfully submitted that their interest should be protected against such possibilities.

4. Apart from general considerations which apply to all provinces in the Indian Empire, there are some which are peculiar to Burma, and which render it desirable for Police officers serving in Burma to submit a separate Memorandum. The chief of these is the growing belief that Burma will be given separation from India and will thus no longer be under the Government of India.

5. The main points to which my Association is desirous of drawing the attention of the Commission may be summarised as follows :—

(*a*) that the service should not be provincialised, but that it should retain its Imperial status.
(*b*) that recruitment should continue as at present.
(*c*) that, in the event of Burma being separated from India, there should be no reduction in the emoluments of officers of the Service.
(*d*) that a Family Pension Fund, similar to that recently introduced for the Indian Police Service should be established.
(*e*) that the security of ordinary pensions should be guaranteed.
(*f*) that the right to retire on proportionate pension be continued.
(*g*) that the scale of proportionate pensions at present allowed is inadequate and should be revised.

6. These points may be briefly elucidated.

(*a*) If the Service were provincialised there would be grave risk that it would soon develop the defects which led to the Police Commission of 1903. This would mean a very serious loss of efficiency and the degradation of a Service which is acknowledged to be second in importance only to the Indian Civil Service itself, being one of the two Security Services. The handing over even of the subordinate branches of the Service to popular control is to be deprecated for many years to come.

(b) As regards the necessity for the retention of Imperial recruitment, it must be admitted that the genius of the Burmese race does not lean towards the maintenance of a high state of discipline or efficiency. For this reason and for the fact that there are other besides Burmese interests to be safeguarded it is respectfully submitted that the present proportion of Imperial to local or Provincial recruitment—namely 50–50 should be maintained. The Governor in Council should control the postings of Imperial Officers.

(*c*) There should be no attempt to whittle down the emoluments of officers on the ground that recruits could be obtained at lower rates.

(*d*) A Family Pension scheme for the Non-Covenanted Services in India has recently been sanctioned. If Burma is separated from India a Family Pension Fund similar to that sanctioned for the Indian Non-Covenanted Services should be established for similar services in Burma, any contributions which have already been paid into the Central Fund being credited to the Fund to be established in Burma together with interest which has accrued on the same.

(*e*) The security of ordinary pensions is another question which has been the cause of grave anxiety in the past. This anxiety will be accentuated if Burma is given separation, and my Association would urge that, in the event of the Provincial Government's defaulting in this vital matter, the British Government should automatically become responsible for the payment of these pensions.

(*f*) It has lately been announced by the Secretary of State for India that an Officer who is at present working in a reserved field will be allowed to retain for a year after his field of service has been transferred the right to retire on proportionate pension. My Association would urge that it would only be equitable to allow an officer—no matter to what service he belonged—to retain the right to retire on proportionate pension whenever his conditions of service were altered by the grant of a further instalment of self-government. It would, in any case, be an unwise and short-sighted policy to discontinue the concession of proportionate pension with effect from the introduction of this, the second instalment of reforms as that would immediately drive into retirement a number of experienced and valuable officers who would not risk staying on under what might prove to be irksome conditions.

(*g*) The Proviso to Section 96B (2) of the Government of India Act states that: "Every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the Civil Service of the Crown in India shall retain all his existing or accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." There is some doubt as to the interpretation of the words "existing and accruing rights" but my Association would respectfully urge that the existing scale of proportionate pension does not give adequate compensation for the loss of career and prospects—particularly in the case of a specialized service like the Indian Police—and would submit that compensation in addition to proportionate pensions should be granted to such officers of the Police Service as may find themselves unable to accept the new conditions of service. A precedent for this will be found in the treatment accorded to British Officers in the service of the Government of Egypt when that country was granted independence and in the terms proposed in the suggested new constitution for Ceylon.

7. In conclusion, my Association would urge the advisability of appointing a special Commission to inquire into and advise upon the whole question of the Police and other Services in Burma and their relations with the Local Government and with the Secretary of State. This would appear to be specially necessary with regard to the Security Services, for any chance of their becoming the instrument of local politics must be strongly guarded against.

Memorandum submitted on behalf of the Mussulmans of the Central Provinces and Berar by Mr. TAJ-UD-DIN.

CENTRAL GOVERNMENT.

I am not going to discuss what sort of Government is suitable as Central Government and would like to leave this question to All-India Associations and All-India leaders of public opinion. But whatever form the future Government of India may take, I am strongly of opinion that it should be stable and strong and with " real powers " of control over the Provincial Governments. There should always be one-third members of both the Houses from the Moslem community, to be elected under separate electorate by Moslem votes from different provinces.

The present representation of C.P. and Berar Moslems by one member in the Assembly and half member in the Council of State is most inadequate and this number must be raised. As I have not discussed the details of the composition of the Upper and Lower Houses of the Central Government, hence I can not fix any number for the representation of Moslems from our Provinces. But the members for the Lower House should not be less than seven and for the Upper House not less than three. This figure is on the assumption that the Lower House will be consisting of about five hundred members and Upper House of about two hundred members.

FRANCHISE.

The voter's qualification for the Lower House may be reduced, but for the Upper House, though the direct election should only take place, the qualification may only be reduced to this extent that the voter's qualification for the present Assembly be put in for the qualification for the Council of State. If indirect election is put into practice for the Upper House then Moslem members must be elected by Moslem votes only. That right of Moslems to elect under separate votes and separate register should not be changed. As we have discussed this question of separate representation, of joint election and joint election with the reservation of seats in all its bearing in the chapter dealing with local bodies, we do not wish to repeat the arguments for and against it, but we wish you to note that taking away this right will be killing the Moslem representation and placing the important Moslem minority at the mercy of the Hindu majority.

In the Central Legislature (in both the Houses) one-third seats should be for Moslems and we cannot agree to lesser number of seats than one-third. This should be guaranteed in the Constitution.

THE PROVINCIAL GOVERNMENT.

The number of the members of the Provincial Legislative Council of C.P. and Berar should not be less than 200 and out of which 50 should be Mussulmans. The election of Moslems should be under the separate election and by Moslem voters only. The distinction of " transferred " and " reserved " subjects should be done away with. In the Executive Council, which should consist of five to six ministers, there should always be two Moslem ministers. Besides placing important portfolios under two Moslem ministers, they should be put in charge of the Moslem education and Islamic culture. They should be in charge of supervision of primary education, schools, orphanages, widow homes and Urdu language and its script. One of them should look after the interest of Mussulmans in Services, local bodies and justices. In these subjects they should have direct access to the Governor and their power should be real. Their salary and vote of confidence on them should only be on Moslem councillors' votes.

The franchise should be as wide as possible and universal adult suffrage should be adopted. The present constituencies for the election of Moslem members are too big and unwieldy. The Moslem constituencies should be made small and of lesser area than they are at present. If fifty members are allowed, I will suggest that thirty should be from C.P. and twenty from Berar. This number can be reduced proportionately if the Provincial Council is constituted of less than two hundred members. The Governor's power of veto and certification should be maintained and for the protection of minority interest steps should be taken to invest him with adequate powers of control, superintendence, and supervision.

Further, we strongly advocate that the most important provision contained in the so-called Lucknow Congress League Pact of 1917, that " no Bill nor any clause thereof, nor any resolution introduced by a non-official affecting one or the other community (which question is to be determined by the members of that community in the Legislative Council concerned) shall be proceeded with if three-fourths of the members of that community in the particular council, Imperial or Provincial, oppose the Bill or any clause thereof or the resolution " should be incorporated in the new Constitution of India. The authors of the Montagu-Chelmsford report objected to this as being too widely-worded and would in practice be so widely interpreted by those to whom its interpretation is specifically committed that it would be unworkable. But the same in our opinion can be so amended to make it less wide in interpretation and certain wordings may be added to make it workable. It is important for the safeguard of the Moslem minority interest, and should not be treated so lightly as it fared in the hands of the last authors of the Reforms.

MUSSULMANS IN THE ADMINISTRATION.

The question of service is not a question of bread-and-butter, but everywhere in the world public servants are required for guidance and control. It is a source which contributes to the growth of our national prosperity and peace. Hence the struggle for and bitterness about the representation of the Moslems and other communities is not merely that of fishes and loaves, but has got something behind them. In the words of Dr. Shafaat Ahmad Khan, " Whatever the ostensible ' Constitution ' or policy established, a very great deal does, and for decades to come must depend on how and who directs and operates in its actual working. The number of public officials may constitute only a microscopic minority of the total population, yet it is because they are virtual directors of the nation's destiny that Britons and Indians, Hindus and Moslems are competing so eagerly for their due share in them. We are free to acknowledge that the Reforms have, by bringing India face to face with the problem of self-government, precipitated the struggle for powers and emoluments of office and, in fact, for control of the entire machinery of the Government. As the process of withdrawing is steadily in operation, as more and more people new to power come to sway, the more will be the experience and training, the technical skill, and administrative efficiency of officers be effectively used and valued. As we approximate more to swaraj and real self-government, the more will the influence of these guides, philosophers, and friends of the public bodies and leaders increase in the first instance, and the more will there be action and reaction of opinion and actions, public and official."

The time has come when definite ratios be fixed in each service between Hindus and Moslems, because the majority community officers use their " religious fervour to obscure their judgment and prejudice their conduct." In the words of the Governor of Bombay, " a popular minister could not resist the lure of power and patronage to surround himself with a permanent staff recruited almost exclusively from his own community." Failing a fair and frank uncompromising ratio is settled between the two communities and the same is legalised in a parliamentary statute " greatest of all human tyrannies

will reign supreme in India, the tyranny of an unmitigated oligarchy of caste or creed over free and democratic Islam." With the full support of Hindu Ministers, executive councillors, office bearers of the local bodies and administrative officers, everything will be done exclusively for the benefit to perpetuate the monopoly of the Hindus. No remedial measures will have a remote chance of success and this will lead to killing the legitimate trade of the minority community by extending advantages and privileges, by giving contracts and state subsidy to the major community's trade.

When we ask for our share in these services, a blunt charge of " slave mentality, selfishness, petty-minded obsessions with bread and butter " is made against us, but if our demand is so mean as described in these words, why does the major community capture all posts and rather wish to die than give a portion of it? In the words of the Governor of Bengal, " Without a larger proportion of Muhammadan officers than now employed the interests of the population as a whole are not likely to be secured. Putting aside the natural reliance of the several communities in officers of their own community in times of tension, the Governor-in-Council considers it inevitable that Muhammadan officers will be in closer touch and sympathy with the needs and aspirations of their community than any other officer." In the words of a Bengali leader, " There was no incentive to bury the hatchet and to put shoulders to the wheels of national or administrative chariots of future India, if any community justly feels that it is being done out of even its minimum share of responsible positions and control of national policies. Bitterness between Hindus and Moslems is fast growing, and will continue to grow as Muhammadans get more and more educated. As Indianisation proceeds and Moslems alone fail to get their due share owing to natural tendencies or unnatural intrigues of Hindu Monopolists, the bitterness will grow." The great Indian leader, the late Mr. C. R. Das, brought about the Bengal Pact and " provided that in his province of Bengal 55 per cent. of the Government posts should go to the Moslems and Mussulmans satisfying the least test should be preferred till the percentage is attained, and after that according to their due proportion subject to this, that for the intervening years a small percentage of posts, say 20 per cent., should go to the Hindus."

The Government of India, through its Home Member, Sir M. Haily, laid down in 1923, by public declaration, that " the definite policy of the Government of India was to prevent the preponderance of any community, caste and creed in the services under its control." Following this, the Bengal Government in 1925 laid down by the order of the Governor in Council, " that in 45 per cent. vacancies filled by direct recruitment, Government reserves the right to appoint Muhammadans alone, provided they possessed the minimum qualifications or secured only the qualifying marks in the competitive tests." In the Bengal secretariat staff, 33 per cent. of all vacancies are reserved for the Moslems and " the very minimum proportion is to be immediately established." The Bombay Government has made it obligatory in all recruitments " a fair proportion to Moslems in the Presidency proper, and 50 per cent. in Sindh." The Madras Government has accepted the policy of giving preference to candidates from communities which have not got a due share of appointments in public service and accepted the proposal of the Muhammadan Staff Selection Board, that in proposing lists of candidates suitable for clerical as well as other appointments in public service, the following percentage should be adopted as a general rule " non-Brahmins, 40 per cent.; Moslems, 20 per cent.; Brahmins, 20 per cent.; Indian Christians and Anglo-Indians, 10 per cent.; Depressed Class and other, 10 per cent." The U.P. Government notified on the 29th May, 1920, that of the six vacancies to be filled in the Provincial Executive Services, two shall go the Moslems." But in our province of C. P. the policy outlined by the Government of India has had no practical effect, as will be seen from the comparative statement given elsewhere.

As early as 1910, the Government of India, in their Resolution (Home Department) N. 1040–58, Simla, the 19th August, 1910, lays down the general conditions, which should govern recruitment for the Provincial Civil Service. The Government of India gave special prominence to this principle while permitting Local Government to frame rules for such recruitment. The very first general condition laid down by the Government of India is that " The rules must be adopted on the one hand to obtain thoroughly efficient candidates, and on the other to secure the representation in the Public Service of the different classes of community." In reply to the Honourable Mr. Subah Rao, who moved a resolution for the appointment of a commission in the Legislative Council of His Excellency the Viceroy, on the 17th March, 1911, the Honourable (then Mr.) Archdale Earle, said that a fair proportion of the offices should be given to the various communities of India.

It is sometimes asserted by politicians of the monopolist class that some communities in India hanker too much after " loaves and fishes " of office. That the importance of a community as well as its happiness depends to a considerable extent on its position in the Public Service of the country is the necessary corollary of India's demand for a larger share of the posts for her sons. What is true of India as a whole is also true of its component parts, namely the communities. But even the problem of " loaves and fishes " is not to be despised of. There are several communities in India, and the Mussulmans are one of them, who were the last to turn to the new education that threw open the doors of office to them. They are, consequently, in most provinces, still behind the Hindus both in English education and in their share in the Public Service, but they are just the people who possessed, and, I believe they possess, great administrative talent and have been for ages most dependent upon Public Service for their maintenance. If you close to them the avenues of the Public Service, you deprive them almost entirely of their means of subsistence.

Now we are faced with the unsatisfactory phenomenon of the big community growing yearly more numerous and at the same time less prosperous; of a community which owing to the instinct and tradition of administration has been excluded more and more ever year from the administration, and of a community which has good ground for tracing misfortunes to an unfavourable condition imposed on it by the British Government. Mussulmans are restless and dissatisfied and the question before the community is to determine in what form their repressed energy subdued by misfortune and threatened by despair should find its vent? It lies within your power to utilise this energy in right quarters. Since we are making steady progress in Western education with a rapid pace, we find a tendency in our rulers, who are under the influence of Hindus, to disregard the real needs of our community. The result is that we, the Moslems, are now growing more conscious than before of the strength of our rights, privileges and claims and yet have confidence of having those recognised by our rulers in India and in England, simply because their resistance to a good deal of injustice tacitly tolerated has not been as great as that of politically speaking more forward and assertive communities. The Government and the English have not yet realised the menace lurking calmly behind the situation. Both as a measure of justice and of political expediency it is necessary to allow the Mussulmans, specially in these provinces, in which they are still very backward, an opportunity of coming into line with other communities. This is no favouritism, but the only practical form of fair play. I admit that the system proposed, which will solve the tangle,

is not so easy as an open competition, but no solution of our difficulties is likely to possess the merit of simplicity, for the problem is one of the most complex that has ever cried out for a speedy solution. Where else do we find a parallel to the India of to-day, whose population consists in the main of peoples, two of which cannot touch the third, and when such ordinary social relationship as inter-dining and inter-marriage are considered sinful. Where else do we meet with such a variety of communal talents, virtues and failings? Nowhere except in India the 20th, 15th, 10th and the 5th centuries exist side by side! India is a country of contrast, few rules can be made applicable to her generally without doing injustice to a vast number of persons and even retarding her general progress. It is often said that the Mussulmans claim special treatment, but it will be proved to you that we are not allowed to win our bare proportion in the Public Service of the country and there is no dearth of well qualified candidates among us. No doubt we are seeking for justice and not for favouritism. We do not want to lower the standard of service. Our only claim is that so long as we do not get our proper share in the service of the country, our candidates, possessing the minimum qualification for Government service, should be given preference over those of other communities.

Convention, pact or official circulars will not help us in either securing the fixed ratio, or if we try to do so the already Hinduised secretariat will whittle them down in actual working. In 1901 the Secretary to the Government had to condemn the machinations of the subtle and expert Hindu monopolist in a fresh order: "Notwithstanding the distinct order of the Government on the subject only 26 out of 382 teachers in Government service were Muhammadans. Inspectors of schools should adhere to the degrees laid down and not to give preference to a Hindu possessing a higher degree, which is not an essential qualification for the vacancy." We therefore want our position and ratio of 25 per cent. Moslems in all services, either Government or of Local bodies, and this be embodied in the Parliamentary statute and nothing less. The present atmosphere of the country is surcharged with racial and communal rivalry and this is keener for services in the State. Mussulman servants are being dismissed and discharged one after another from the local bodies. If no charge can be made against them, the retrenchment plea is the safest of all. In the Government service an organised propaganda is set on foot to disgrace the Moslem servants. Owing to mutual distrust the administration is not inspiring that confidence which is badly needed at a time when the feelings of the two great communities are badly strained. There have been so many riots recently in our province, but the riot at Nagpur and the way it was handled have created an atmosphere of suspicion and distrust, and intensified the Moslem feelings against the Hinduised administration.

Not only the Hindus have monopolised all the services but they cannot also see the few Moslems still in some departments. Moslem officials are passing through very trying times. Hindu public is levelling bitterest criticism against their administration, as their (Mussulmans) subordinates are Hindus who also try to discredit them and their character at every step. Organised agitation is followed by meetings and violent press propaganda. The council is flooded with questions, Hindu Secretariat and the press with appeals. The Moslem officials are, therefore, in a most humiliating position. Their (Moslems) superiors are Hindus and the Local Government, with Hindu ministers and executive Councillors influenced by this subtle propaganda, is apt to dismiss or reduce them from the office they occupy. The main object of this propaganda is to eliminate the Moslems from the Service. We therefore want an effective check over this and a safeguard for the Moslem servants. We want a guarantee before we can consent to leap into the dark. When the effect on the service of the transferred subjects has been so disastrous for Moslems, and when the Hindus have not only monopolised the transferred alone, but also have influenced the Reserved half, we are afraid that whatever we have to-day will be taken away from us to-morrow. We had the bitterest experience of the Hindu monopolists. All countries in Europe have made provisions for safeguarding the rights of the minorities in the Services and we claim only what is conceded to others in similar circumstances. We want a guarantee for the future, and that should be laid down in the Parliamentary statute and in the constitution of the country, so that nobody may touch it here. The "Efficiency" theory is propped by the Hindus to meet their own ends. We should not be sacrificed on the altar of this bogus theory, but our demand of 25 per cent. representatives be embodied in the Parliamentary statute.

Now I wish to take department after department, and would like to show how the majority community has usurped all the powers and monopolised all posts in the province.

Indian Civil Service. The posts held by the Indians in Civil Service are divided on the scale of pay into :—

(1) Select grade on superior scale on a scale of Rs1,000 to Rs2,500 excluding the oversea allowance. As these posts are in major numbers held by non-Indians they are left out of consideration for the purpose of comparison.

(2) We take the Inferior Scale posts on a time scale pay of Rs450 to Rs1,350, excluding the oversea allowance. There are 11 Indians holding these posts for 12 years and below. Out of these 11, there are 10 Hindus drawing Rs8,010 per month. There is only one Moslem getting Rs850 a month. There are nine Indian officers though not I.C.S. Out of them 7 are Hindus drawing Rs14,250 per month as against two Mussulmans drawing Rs3275.

Provincial Civil Service. The Provincial Service comprises of two distinct branches :

(*i*) The Executive and

(*ii*) The Judicial.

Executive. Appointments to the executive branch are made in rare cases by promotion from the subordinate Civil Service, or occasionally from other departments, and mostly direct recruitment is made every year. Here the selection committee plays an important part—the required candidates are recommended by it and nominated by the Local Government. They should be graduates, who can speak Hindi or Mahratti. There are 108 posts of Extra Assistant Commissioners, out of which 105 on a time scale pay of Rs300 to 850 p.m. Then there is a selected grade with a time scale pay of Rs900 to Rs1,100 p.m. There are 74 Hindus drawing Rs36,400 and 27 Mussulmans drawing Rs14,430.

The Subordinate Civil Service. The subordinate Civil Service, which is a branch of executive, recruits candidates from among the natives of the province. There are 114 posts for Tahsildars, out of which four are on a select grade of Rs300 to 350 p.m. and the remaining 110 on an ordinary scale of Rs175 to Rs275 p.m. The total strength according to the Civil List is as follows :—

114 Hindus drawing Rs24,675 p.m., and 29 Muhammadans drawing Rs7,600 p.m. (These figures include officiating officers in place of those who are on leave and those who are on deputation.) There are 118 Naib Tahsildars exclusive of "Probationers." 92 are Hindus drawing Rs11,030 and 26 Moslems drawing Rs2,830 p.m.

Judicial. The Judicial branch of administration as now constituted consists of Sub-Judges and Munsiffs. Candidates for Judicial Service are appointed on the recommendation of the Judicial Commissioner, who is assisted by a selection committee. The candidate must be either a barrister-

at-law or a graduate-in-law, and be able to speak Mahratti or Hindi. The time scale pay is Rs300 to 850 p.m. with four select grade posts on Rs900 to 1,200 p.m. There are 49 Sub-Judges and 74 Munsiffs. Out of these 117 are Hindus drawing Rs75,000 and 6 Moslems drawing Rs2,910 p.m. For the administration of Civil Justice there are 11 District Judges in addition to the above. Eight District Judges are Hindus, and to our despair we note that there is not a single Moslem who has been found fit by our Hinduised rulers to hold the office. Among the Small Cause Court Judges, we find no Moslems as against six Hindus. The Court of the Judicial Commissioner has, after a long expectation and delay, got one solitary Mussulman. The hopelessly poor number of the Moslem officers in the Judicial branch is deplorable and we feel rightly that in the matter of appointment in this department pure and simple injustice has been and is being done to our community. It is not the question of bread and butter, but it is a question of power, prestige and influence. We cannot, therefore see our community kicked out of the Judiciary—we protest against this "Hindu-Raj." The Hindus have concentrated their energy and established their "Raj" authority, and the Moslems, who are 582,032 in number (in this province), have only six officers in this department. How can justice be expected in so intensified communal surcharged atmosphere? In the clerical staff of the different courts and offices the position of the Moslems is the most deplorable; it is but natural that the Hindu Munsarims, Superintendents, Head Clerks and Judges recruit for their clerical staff members of their own caste. Indeed it is purely a Mahratta department. We, therefore, strongly press that 25 per cent. of the posts in the J.C.'s Court, in all Judgeships, Ministerial staff and Clerical staff, should be given to the Moslems. Not only the present Hindu monopoly be done away with, but also in future 25 per cent. of all the vacancies be reserved for Moslems, who should be selected from among the Moslem candidates.

The Secretariat. There are two Executive Councillors, two Ministers and a Governor, among whom the portfolios of different departments are distributed. Ever since the Reforms, there never has been any Mussulman as Minister or as an Executive Councillor, except once for a brief period of a month or two as a Minister. When the Moslem Minister was appointed, the Hindu majority sent him away in no time. Leaving the I.C.S. Secretaries, who are mostly Europeans, all the under secretaries are Hindus. In the Ministerial staff Mussulmans are few and on unimportant posts. The Hindus have monopolised the real power and authority.

Administration of Law (*Reserved*). Beside the Deputy Commissioners, Extra Assistant Commissioners, Tahsildars and Naib-Tahsildars (who have been already dealt with) there are other important officers, who demand our attention. Tahsils are divided into Patwari's Circles. Each circle consists of several villages. Three or four circles are grouped together and placed under a Revenue Inspector. This is done so to keep record of land, hence the Land Record Department. The Revenue Inspectors are supervised by the Assistant Superintendents of Land Record, who are under a District Superintendent of Land Record. The head of the Department is the Director of Land Record, who is also the Commissioner of Settlement. The Commissioner of the Division controls the "Court of Wards." This court takes charge of the affairs of the owners of large estates, which cannot be managed by them on account of "age," "sex," or other disabilities. Our position in these departments is rather disappointing. Out of seventy-one posts held by Indians, sixty-three are held by Hindus, getting Rs9,345 p.m. and eight by Moslems getting only Rs990 p.m. This is the condition in the gazetted posts. In the lower rung of the ladder the position is still more pitiable. The number of the Moslem Patwaris is ridiculously small. It is the Patwari who plays a very prominent part in rural areas. In the "Settlement Department" the same tale of Hindu monopoly is to be repeated. Out of eighteen gazetted posts there are fifteen Hindus (on Rs6,735 p.m.) and three Moslems (on Rs695 p.m.)

Administration of Justice. In the beginning of the chapter we have dealt with the Criminal and Civil Court Officials. The position of the Moslems, suffice it to say, is quite hopeless. There are eleven Civil Districts. At the headquarters of each there is a District and Sessions Judge. Where the work is heavy an additional District and Sessions Judge is posted. To our surprise we find not a single post given to any Moslem. Is it not a shameful state of affairs that a community is elbowed out from these high offices and Hindus have monopolised them to the extreme? The duties of a Sessions Judge are of far-reaching consequence. In such a communal surcharged atmosphere, when so many riot cases are trumped up for trial, is it not a matter of grave concern that Mussulmans should be forced to be tried and sentenced by a Hindu Sessions Judge, who is not above communal feelings? In fact, the life and property of Mussulmans is in danger. I do not mean that all the Hindu officers and judges are partial, but what I want is that justice must be above reproach. How can a community like ours, that is kicked right and left by Hindus, have faith in Hindus and expect justice without any misgivings, especially when knowing that they (judges) are from the same community who has dragged them to the Court in that pitiable condition? The position is most serious, and I earnestly pray that this should be done away with.

Benches of the Honorary Magistrates have been favoured, in important towns and villages, with first, second, and third-class powers usually for a successive period of five years. Few Honorary Magistrates exercise powers sitting singly. About one-fourth of the total cases are disposed of by them. A complete list of the number of the magistrates is given in the Appendix, where a comparison has been made of Moslems with other communities. The appointment of these Magistrates is made not on any academic qualification, nor is it based on any efficiency quality, but it is simply the will of the Government which makes and unmakes these highly-powered personages styled as Honorary Magistrates. When the atmosphere is surcharged with the ideal of the Hindu Raj, the local government must also be influenced by the same view. To pass his term of office comfortably and with ease H.E. the Governor has to placate the Hindu sentiment. Hence, the injustice to the Moslem minority. When the Secretariat is full of a particular community, when continuously the Home member and Ministers belong to that favoured class, and when the Executive is under the thumb of the majority, nothing can be expected from the English officers, also, even though they wish to do justice to the minority. Tales from the Judicial Commissioners' Court to the third class Magistrate is the same of Hindu monopoly. There are three districts, Seoni, Hoshangabad, and Bilaspore with two Mussulman Honorary Magistrates, as against thirteen Hindus. In Jubbulpore, Chindwara, and Yeotmal there are only three Mussulmans (in each) against seventeen Hindus in Jubbulpore, seven in Chhindwara, and nineteen in Yeotmal. There are two districts, Drug and Balaghat, in which not a single Mussulman is to be found as an Honorary Magistrate. In Damoh, Betul, and Mandla there is one Mussulman as against ten Hindus in Damoh, five in Betul and four in Mandla. In twenty-two districts of this province there are five hundred and eighteen Honorary Magistrates—eighty-seven Mussulmans and four hundred and twenty-six Hindus. As regards the powers these magistrates enjoy, it is not surprising that majority of Mussulman magistrates have been invested with third class powers; first and second class powers are mostly enjoyed by

Hindus. Not content with the numbers, they have been shrewd enough to usurp all the powers. In this connection there is only one aspect of the question worth consideration. The magistrates of this class do not belong to the permanent service, whose activities can be controlled and guided by their superiors, but they are from among the commoners ; therefore they cannot be expected to be above the party and communal outlook. To expect justice with communal prejudice and bias from them is to ask for the moon. Except the power of appeal, which petty litigants are not expected to exercise, Government has very little control over these Courts.

Not only the system of recruitment requires complete overhauling, but also the Moslem ratio must be fixed for each district.

Registration (*Transferred*). Offices for the registration of documents have been established and they are in charge of Sub-Registrars. There are 119 Sub-Registrars, on a scale of pay of Rs60 to Rs175. There are ten ex-officio registering officers ; Hindu monopoly reigns supreme in this department. No provision has been made for Mussulmans. They are nowhere found except such as can be counted on fingers. There are four Moslem Inspectors of Registration drawing Rs1,160 p.m., and the rest are Hindus. It is a simple and pure Hindu department.

Law Department (*Reserved*). The Law Officer of the Local Government is the Legal Remembrancer, also Secretary to the Local Government on the Legal Department and Secretary to the Legislative Council. The Assistant Legal Remembrancer is the Government Advocate, who is also the *ex-officio*, Standing Counsel and Public Prosecutor. Though one of the Law Officers is a Hindu, yet not a single Moslem is to be found among them. There are seven Hindu Public Prosecutors as against two Mussulmans. For the Magisterial Courts Police provides the ordinary prosecuting agency. Mostly Hindu lawyers are engaged. Because of the English element, the Hindu Raj has not been established in this department, but wherever Indians are appointed Hindus jump in, and the result is progressive Hinduisation. It is earnestly appealed that Moslem position be definitely fixed to avoid Hindu monopoly.

Police (*Reserved*). Except the posts of Inspector General and his deputy, who are Europeans, there are three Hindus and two Moslem District Superintendents of Police. Out of three Indian Assistant Superintendents of Police, not a single one is a Mussulman. Among the Deputy Superintendents of Police (Provincial Service), ten are Hindus and six are Moslems. As to Circle Inspectors, eighty-one are Hindus and forty-eight Moslems. We may briefly state here why justice has been done to us in this department. It is the only department in which Mussulmans are found in such a number. " It is because Hindus as a class are considered, and are really unsuitable for Police duties, and only the members of the martial race are recruited and selection is based on other grounds than those of mere literacy and bookishness, which are the prerogative of some of the clerical castes of the Hindus. Robust health, good physique and proficiency in sports are considered as a *sine qua non* for the Police Service."

But systematic and persistent effort is being made to oust the Moslems from the Police Service, therefore, in the Subordinate Service, Mussulmans are being reduced in number. Attempts are also being made to blacken their personal diary, so that they may not have any chance of promotion. In spite of " their glorious achievements, fine records and unsurpassed devotion," campaign of vilification against the Moslem Kotwals and other officials is already set on foot, every effort is made by the Hindus to monopolise this department. What will be the fate of " Law and Order "—God forbid !—when Hindu Raj is established in this Department ? It can be better imagined than described.

Jail (*Reserved*). The Inspector General of Prisons, who is an Officer of the I.M.S., controls this department. There are two central, nine subsidiary and ten District Jails in the province. Out of two officers who are Indians (drawing Rs1,600 p.m.) not one is a Mussulman. As regards Jailors, against 11 Hindus (Pay Rs2,350), there are only three Moslems (Pay Rs470 p.m.). Figures for the Subordinate staff are not available, but Moslems are few, and their percentage is low. It will not be out of place if it is mentioned here, that Moslems, who are under trial and kept in jails under custody, are not given mutton. They are made vegetarian.

Forest (*Reserved*). The head of the department is the Chief Conservator, under whom there are three Conservators. Under them are the Divisional Forest Officers, who are either Deputy or Assistant Conservators in the grade of the Provincial Service. Divisions are divided into Ranges in charge of Rangers, with Deputy Rangers, Foresters and Forest Guards. Figures for non-gazetted officers are not available, but in the gazetted rank there are sixty-two Hindus and 10 Moslems (Pay Rs14,740 and Rs3,220 p.m. respectively). It is most essential that 25 per cent. seats of all candidates be reserved for Moslems undergoing training at the Imperial Forest College, Dehra Dun, for appointment in the Provincial Service and Forest College Coimbatore and the Provincial School at Balaghat for the posts of Ranger and Deputy Ranger.

Local and Municipal Administration (*Transferred*). *Public Instruction* (*Transferred*).—These two departments and position of Moslems in them are dealt with in separate chapters.

Excise (*Transferred*). The head of the Department is the Excise Commissioner, who is aided by a Distillery Expert and a Superintendent of Excise. In each district there is a District Excise Officer. The district is divided into Circles, each under a Sub-Inspector, with two or three peons to aid him. Besides this, there is an establishment at distilleries and warehouses. The position of Moslems in this department is as bad as in others. There are thirty-five Hindus and three Moslems drawing Rs.97675 and Rs520 p.m. respectively. This is a transferred subject, which has been successively under Hindu Ministers and the Hindu officials in the Secretariat. The result has been proved disastrous to the Moslem community. The above noted figures are for the gazetted officers. The position of the Moslems in the non-gazetted posts is still unspeakably bad. We are nowhere seen in this department. It is completely Hinduised. If immediate steps are not taken to break the monopoly, those of the few Moslems will be replaced by the majority community in the department.

Public Works Department (*Transferred*). (*a*) Roads Buildings, Bridges, etc.—Roads, buildings, bridges, etc., under the P. W. D., are controlled by a Chief Engineer, who is also the Secretary to the Government in his department. He is assisted by an Under Secretary who is generally a Senior Executive Engineer. The province is divided into Circles, each under a Superintendent Engineer, each circle is divided into divisions under an Executive Engineer, and each division into sub-divisions under a Sub-Divisional Officer, under whom are upper and lower subordinates. This department being under successive Hindu Ministers, has been also Hinduised to the core. Out of seven Indians holding the posts of Superintendent Engineers and Executive Engineers drawing Rs7,700 p.m. not a single one is Mussulman, all are Hindus. Out of twenty-five Assistant Engineers, two are Moslems, with the pay of Rs660 p. m. as against twenty-three Hindus drawing Rs10,671 p.m. There are eighty-two Hindu Sub-Engineers drawing Rs10,761 p.m. and eight Moslems drawing Rs1061 p.m. The position of the Moslems in the upper and lower Subordinate Service is still much more pitiable.

(*b.*) *Irrigation.* This branch is under the Chief Engineer, who is also the Secretary to the Government. He is assisted by a Senior Executive Engineer as an Under-Secretary with a similar organization of Circles, Divisions and Sub-Divisions. The posts are filled by the Indian Service Engineers, Engineers in the Provincial Service, and below them are upper and lower Subordinate Services. The position of the Moslems in this branch is far more deplorable than in any transferred subject. Out of five Executive Engineers, four are Hindus (pay Rs3,000 p.m.), and one is a Moslem (pay Rs675 p.m.). As for Assistant Engineers, 19 are Hindus (pay Rs7,490 p.m.). There is not a single Moslem. The position among the Sub-Engineers is equally bad. There are 101 Hindus drawing Rs12,560 p.m. against four Moslems, drawing Rs550 p.m. Out of five Revenue Establishment Deputy Collectors (Pay Rs1,865 p.m.) there is not a single Moslem. Out of 27 Inspectors, 26 are Hindus (Pay Rs3,355 p.m.) and one Moslem (pay Rs120 p.m.). There are two temporary Engineers (drawing Rs1,850 p.m.). Both are Hindus.

The above detailed account of the P.W.D. gives an idea how the Hinduisation of the department has been completely made. The handful of Moslems who are seen there will be no more if the process is allowed to go on and prompt steps are not taken to stop it. The chief reason for such a small number of Moslems in these departments is the policy pursued in the different Engineering Colleges and Schools. We therefore press that 25 per cent. seats for students of colleges and schools should be reserved for the Moslems. The competitive examination for admission should be stopped and if continued the percentage for Moslems be reserved and the Moslem students be taken out of the Moslem candidates only. The Hindu monopoly for each department should be at once done away with; Moslem teachers in the staff of the Engineering Schools and Colleges be appointed, and 25 per cent. ratio for the Moslems be fixed in the upper and lower subordinate service.

Medical Relief and Public Health (*Transferred*). Under the Minister of Medical Relief and Public Health is the Inspector General for Civil Hospitals. For each district there is a Civil Surgeon, who is also the representative of the District Public Health Department. Where there is no Central Jail, he supplies the place of the Superintendent of Jail. Under him there are Assistant and Sub-Assistant Surgeons. Moslems are few in these all-important departments. There is one Indian in the Imperial Service. He is a Hindu on Rs2,750 p.m. In the Provincial Medical Service there are 46 Hindus (pay Rs13,825 p.m.) and five Moslems drawing Rs1,230 p.m. In the Public Health branch, there is not a single Mussulman, though there are two Hindus in gazetted rank. Not only the Medical and Public Health departments are being Hinduised, but effort is also made to keep Moslems away from the Medical Schools and Colleges. Under the plea of the test Examinations, Moslems are rigidly excluded from them. It is, therefore, essential that the percentage of Mussulmans in the Schools and Colleges be fixed and a fixed number of Moslems having minimum qualification be taken, along with this further recruitment of Hindus be stopped and serious efforts be made to give 25 per cent. of all posts to Mussulmans. In this way our community can stand against the majority community. The above stated is the condition in the upper grade. Position of the Mussulmans in the rural and urban dispensaries, which are under the charge of the Sub-Assistant Surgeons (L.M.P.) is the most distressing. In short, the Medical and Health departments seem to have been made reserve for Hindus. This department of all others depends entirely upon the confidence, goodwill, and trust of all the communities, but it has been and is Hinduised to its utmost. In these days when Hindu-Moslem riots are an everyday affair, the treatment to the Moslem victims meted out can be better imagined than described. The high position these Medical Officers enjoy before a court in police evidence is well-known. It is, therefore, sheer injustice that Hindus have been allowed to monopolise the department. The argument is not that Hindu Medical men are generally dishonest or partial in their duties, but what I want to impress with all emphasis at my command is, that this monopoly does no good to the profession or to the department. It is pure and unalloyed injustice to allow one community to capture all posts and usher out the other important community.

Agriculture (*Transferred*). This is another department which has been Hinduised. Here the "Shuddhi" is in full swing. In the Indian Agriculture Service out of two posts held by Indians, both are occupied by Hindus (Pay Rs1,050 p.m.). Out of 18 Provincial posts 17 are held by Hindus (pay Rs6,300 p.m.). There is only one Moslem (drawing Rs425 p.m.). In the subordinate service there are two Muhammadans (pay Rs245 p.m.) as against 55 Hindus drawing Rs7,885 p.m. With a Hindu Minister and Hindu Officials this is a purely Hindu Department. The state of affairs in the Agriculture College is the same. Moslems have no chance of admittance into the college either as students or as members of staff. If there are few students, attention is not paid to them.

Civil Veterinary Department (*Transferred*). Mussulmans in this department are not so badly off as in others, but Hindus are on the offensive. As long as candidates were recruited from Lahore College, where the medium of instruction is Urdu, some Moslems could come forth, but now the majority community is putting forth its candidates. In the Provincial Service there are four Hindus and two Moslems drawing Rs1,420 and Rs575 p.m. respectively. In the Subordinate Service there are 11 Hindus and four Moslems (pay Rs2,000 and Rs650 p.m. respectively). In the case of Veterinary Assistants the ratio of Moslems is not fair.

Industries (*"Reserved" and "Transferred"*). This department has been divided into "Reserved" and "Transferred." Factory, Boilers, Electricity Inspectors, the prevention of smoke nuisance, and the investigation of labour problems are under the "Reserved" group. Companies, Development of Industries, Technical and Industrial Education are under the "Transferred" side. The Director of Industries is the head of the department. He is also the Registrar of Co-operative Societies. He is assisted by an Advisory Board of twenty members, of whom five are officials and nine council members. His staff consists of a Chief Inspector, two Inspectors of Boilers, one Electrical Adviser, a Textile Expert, a Leather Expert, and Inspector of Industrial Schools, a senior Inspector of Factories, and a Commercial Agent. The department controls seven schools of handicrafts and Reformatory School at Jubbulpore. The Museum at Nagpur is also under it with a curator and a coin expert. This department is also a stronghold of Hindus. Their monopoly is complete. In the whole department there are only two Moslems (pay Rs740). Not content with the staff, they have completely Hinduised all the seven schools. They are maintained for the exclusive benefit of the majority community. All the teachers are Hindus. It is seldom and with great difficulty that Moslem students are admitted.

Co-operative Societies (*Transferred*). This department like others has been successively under a Hindu Minister. It is no wonder if we note that it has been Hinduised. Out of three Registrars, one is a Moslem—he has been deputed to this department—and two are Hindus (pay Rs850 and Rs1,300 p.m. respectively). All the Circle Officers are Hindus. There are 35 Hindu Auditors—Pay Rs4,365 and two Moslem Auditors (pay Rs255 p.m. respectively).

Income Tax (*Central*). It is a central subject controlled by the Board of Inland Revenue. The Local Government has nothing to do with it, except in the appointment of Income-Tax Commissioner and Assistant Commissioners. It is under a Commissioner, who is assisted by two Assistant Commissioners, 13 Officers, 12 Inspectors, 6 Examiners and 25 Sub-Inspectors. Though at the top there is a Muhammadan, yet under him we find all Hindus except two or three Moslems. The Moslems here are no better off. In all there are two Moslems and 28 Hindu gazetted officers drawing Rs2,780 and Rs11,875 p.m. respectively. It is said that it is a Muhammadan department, since its head is a Moslem, but the Hindu clique majority and monopoly can better be imagined than pointed on paper, when one takes into consideration the above figures and the number of these who are non-gazetted officers.

Audit Department. It is a purely Hindu department. Out of five Indians holding office, there is not a single Moslem.

Post and Telegraph. In this department out of six Indians, five are Hindus drawing Rs2,755 p.m. as against one Moslem (pay Rs350 p.m.). In the account section there is not a single Moslem, though there are three Hindus drawing Rs2,230 p.m.

Such is the pitiable condition of the Moslems in different departments. Hindu monopoly reigns supreme on the "Transferred" side, and they have succeeded in making successful onslaught on the "Reserved" Half. If this state of affairs be continued to go on, Mussulmans will be nowhere in the Public Service and the result will be that the next decade we will be classed among other "Gonds" and "Bhils" of the country. Thus history will repeat itself. It is therefore imperative that our rights, privileges and claims be safeguarded in the proposed constitution of the country by the British Parliament and that we be allowed to enjoy our share in directing and controlling the destiny of our nation through thick and thin. Our demands in brief therefore are:—

(1) The recruitment of Hindus be stopped in all departments which they have monopolised at present, and 75 per cent. posts be given to Moslems, till their ratio of 25 per cent. is reached in each branch of service.
(2) Moslem candidates possessing minimum qualification be taken from among the Moslem applicants.
(3) Certain number of seats may be reserved in Agricultural, Engineering, Medical and other vocational institutions.
(4) A European Official, with the duty of keeping a list of Moslems who satisfy the minimum qualifications laid down by the Public Service Commission, should be appointed. He is to be assisted by a Moslem Advisory Board. No appointment is to be given to other community unless the Moslem candidate is not forthcoming either directly or departmentally. This is essential, because the already Hinduised offices and their heads destroy or tamper with the application of the Moslem candidates.
(5) Ratio and proportion of Moslems in different departments be fixed in Parliamentary Statute. H. E. the Governor be instructed to carry out the same within a few years. No legislature or executive order should be allowed to touch it.

It may be noted that we will not accept any constitution if it does not guarantee our representation in the Public Services of the country in the ratio mentioned above. If without the above as fundamental safeguard any constitution is imposed on us, we will oppose it tooth and nail.

MUSSULMANS IN LOCAL BODIES.

Aim of the present Memorandum is not to show you what the Local Bodies are, what are their functions, and what are the amenities of life which are enjoyed through them. Suffice it to say that Local Bodies are almost democratised in our Provinces. The control of the officials is almost nominal. In fact there is full swaraj as far as the Local Bodies are concerned. In the Government Report: "Wide financial powers, an electorate on a liberalised franchise designed to comprise at least 5 per cent. of the population, an increase in the proportion of elected members, the practical elimination of official members and relaxation of official control, mark a very wide advance." When the above noted changes took place the Government said, "It was perhaps not surprising that the public should in the past have been apathetic towards local bodies which were criticised on the ground that they were too dependent upon Government and too limited in the duties entrusted to them to arouse real enthusiasm; the new Acts greatly extend the scope and importance of the Local Bodies and their independence of official control, and this grant of wider responsibilities should do much to dispel the present apathy of the Local Electorates."

The control of the Deputy Commissioner has been, as laid down under the new Act in force, confined to the examination of proceedings, inspection of immovable property or works in progress, inspection of documents and the right to require the submission of statements, accounts and reports. The Commissioner's control over the Municipal committees is almost nil, though in the case of the District Councils he receives reports from the Deputy Commissioners.

What was expected of these bodies was that they should be honest, efficient, and impartial in the discharge of their duties. They should not set at naught the wishes of a linguistic or religious minority. Their expectations have not been, we are sorry to say, fulfilled. It is not required of me to tell whether they have been efficient and honest, but one thing I will say, that neither have they been impartial nor have they respected the needs and wishes of the Moslem minority. There have been attempts innumerable and in actual working at some places they have been abusing their power. It has been an object lesson to us. No one would plead for unlimited power or limitless power to be given to these local bodies. But I would like to explain my attitude towards this intricate question that it may not be misunderstood. I, therefore, say that if a local body acts efficiently and honestly within the sphere of work committed to its charge, and so long as the rights of racial, linguistic and religious minorities are respected, it should be left free from interference by the Government, and its autonomy should be scrupulously respected, its privileges should be inviolate and its powers should not be impaired.

The District Councils and Local Boards of these provinces are governed by the Local Self-Government Act of 1920 and the Municipal Committees by the Act of 1922. These Acts gave them almost complete autonomy. We have to see how Moslems have been treated under these Acts by the bodies thus created.

Let us first examine the population of Mussulmans in these provinces. According to the last census Mussulmans live mostly in cities. Following figures will bear testimony to the above statement :—

	No. of persons per mile.
Total population ..	90
Hindus	86
Mussulmans	414
Christians	324
Jains	300
Parsees	847

The above will show that Mussulmans form a comparatively large proportion of the urban population. In the following towns Mussulmans form twenty to fifty per cent. of the population :—

MUSSULMANS OF CENTRAL PROVINCES AND BERAR. [*Continued.*

Town.	Total Population.	Hindus.	Mussulmans.
Saugor	39,319	29,246	8,010
Jubbulpore	108,793	75,755	24,312
Seoni	12,772	8,740	2,811
Narsinghpur	9,839	6,997	1,905
Hoshangabad	12,048	8,840	2,102
Harda	11,077	8,029	2,608
Sohagpur	7,053	4,829	1,924
Pachmari	4,568	3,257	998
Khandwa	26,802	18,518	7,217
Burhanpur	35,916	22,847	12,761
Kamptee	20,226	13,597	4,853
Balaghat	7,300	5,956	1,027
Raipur	38,341	30,824	6,017
Amraoti	40,694	32,224	7,537
Amraoti Camp	4,775	3,412	899
Ellichpur	23,899	16,344	7,206
Badnera	12,372	9,382	2,369
Anjangaon	9,338	6,502	2,626
Talegaon	5,971	4,594	1,134
Kolahrpur	4,306	2,642	1,547
Chandur Bazar	4,701	3,508	1,109
Akola	37,864	28,401	8,337
Karanja	13,645	8,523	4,175
Akot	16,887	12,699	3,920
Basim	10,971	8,053	2,557
Murtizapur	10,552	8,039	2,107
Barsi Taluka	5,405	3,289	2,076
Balapur	10,567	5,332	4,782
Patur	5,734	3,785	1,934
Mangral Pir	5,490	3,146	2,285
Malkapur	14,947	9,875	4,650
Chikli	6,093	4,668	1,372
Umerkhed	6,442	4,790	1,594
Darhwa	7,460	5,175	1,858

Though in no town Mussulmans have majority over Hindus in the whole of C.P. and Berar, yet they are practically equal in number; no doubt weak in actual voting strength in one or two towns. In other towns, as shown above, Mussulmans form twenty per cent. to thirty per cent. of the population. As the Mussulmans have not the guarantee of the separate election, and have to stand in the same election booths and under joint electorate without reservation of seats, they have fared very badly. Ratio of Mussulmans in the rural area is not that of towns. In the villages they are few and in small number. It is in towns that resources of our civilization are concentrated and chief brains of the community are supplied from the towns. All the economic, social, and religious movements are born in the towns, and fortunately in the towns we are living in greater number. In spite of all this we have suffered tremendously under these two Acts. By not giving us the separate electorate, the Acts deprived us of our representation.

If we are accused of communal feelings, let us see what our Hindus have done where they are in minorities. The *Punjabee* of Lahore wrote, in 1911: "The fact that in Wazirabad the Muhammadans considerably outnumber the Hindus and the Sikhs combined is no justification for permanently placing the Hindus and the Sikhs in a position of utter dependence and subordination in the municipal committee. Mere numerical strength, we have stated, is no standard by which to determine the extent of the representation. To place an important community permanently in such a position as almost to eliminate its representation is certainly an irritating proceeding." We make a present of these remarks of a Hindu paper to his co-religionist and C. P. and Berar with the hope that they would apply them to the case of C.P. and Berar, where the Mussulmans are "in a position of utter dependence and subordination" in local bodies, and "an important community" is being placed "in such a position as almost to eliminate its representation." The demand of the Mussulmans is not that the minority should be converted into a majority. They would be satisfied if the minority is made more substantial in local bodies, on the basis of proportion to the total population. But in itself the concession asked for is a trifle and we are not sure that it will help Mussulmans much. Even then, they would be but in minority and will depend on the goodwill of the Hindu majority. It would be by courting the friendship of the Hindus rather than hostility that the Mussulmans will be able to safeguard their interests. But there is not still enough magnanimity in the majority even to concede this trifle. Shylock was asked to show mercy, but replied that it was not in the bond, and insisted on having his pound of flesh.

Probably in C.P. nobody cares to know that there had been pledges continuously made by the Government that there should be separate representation for the Mussulmans not only in the Legislatures, Imperial and Provincial, but also in local bodies. In fact, these pledges have been treated by our Hindu brethren as mere scraps of paper and the local bodies of these provinces enjoy the Hindu Raj pure and simple under the so-called joint electorate. On the memorable 1st October, 1906, Lord Minto gave a "Pledge" at Simla which is as emphatic as it is clear. The Mussulmans, in their address, had stated as follows:—

> "As Municipal and District Boards have to deal with important local interests, affecting to a great extent the health, comfort, educational needs and even the religious concerns of the inhabitants, we shall, we hope, be pardoned if we solicit for a moment your Excellency's attention to the position of Muhammadans thereon before passing to higher concerns. These institutions form, as it were, the initial rungs in the ladder of self-government, and it is here that the principle of representation is brought more intimately to the intelligence of the people. Yet the position of Muhammadans on these Boards is not at present regulated by any guiding principle of general application, and practice varies in different localities.
>
> "We would, therefore, respectfully suggest that local authority should, in every case, be required to declare the number of Hindus and Muhammadans entitled to seats on Municipal and District Boards, such proportion to be determined in accordance with the numerical strength, social status, local influence and special requirements of either community. Once their relative proportion is authoritatively determined, we would suggest that either community should be allowed severally to return their own representatives."

In reply to the above, the "Pledge" given by Lord Minto is as follows:—

> "The pith of your address, as I understand it, is the claim that *in any system of representation whether it affects a Municipality, a District Board or a Legislative Council* in which it is proposed to introduce or increase an electoral organisation, the Muhammadan community should be represented as a community. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muhammadan candidate, and that if by any chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his own community, whom he would in no way represent, and you justly claim that your position should be estimated not merely on your numerical strength, but in respect to the political importance of your community and the service it has rendered to the Empire. *I am entirely in accord with you.* Please do not misunderstand me; I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent. The mass of the

people of India have no knowledge of representative institution. *I agree with you gentlemen, that the initial rungs in the ladder of self-government are to be found in the Municipal and District Boards and that it is in that direction that we must look for the gradual political education of the people.*

The above was in 1906, and in 1911, H.E. Lord Hardinge, the then Viceroy of India, in reply to the address of the Punjab Moslem League, said : " You may rest assured that *pledges once given by Government will not be broken.*"

As Lord Minto has said, in 1906, he made no attempt to indicate by what means Moslem representation could be obtained. It was not till three years that the Royal Decentralisation Commission held by an almost unanimous opinion that the interests of minorities should be secured by methods different from those which had till then been in force. The Commission wrote, in paragraph 789 of its report, that :—

" As regards the methods of election, we are in entire accord with the resolutions of 1882, as to the impossibility of laying down any general system and the desirability of trying different schemes in different localities, including methods of proportional representation and elections by castes and occupations, etc. Having regard to the different circumstances of different areas, we think it essential that the system adopted in each should be such as to provide for the due representation of different communities, creeds and interests. It has always been recognised that it is the duty of the British Administration to protect the interests of the various communities in India and to secure impartial treatment to all. Moreover, in the cognate matter of the selection of members for Legislative Councils the discussion which resulted in the passing of the Indian Councils Acts of 1892 embodied the emphatic testimony, not merely of distinguished Anglo-Indian officials, but of British statesmen *as to the necessity for securing special representation of Muhammadan and other minorities and so to the danger of allowing undue predominance to any one caste.*"

In other words, a Commission appointed by His Majesty on the advice of so liberal a minister as Lord Morley, and composed of some of the most broadminded officials and non-official members, confirmed the testimony of distinguished Anglo-Indian officials and British statesmen, with only a half-hearted dissent of the late Mr. R. C. Dutt, who considered the system of Government nomination to help minorities a wise exercise of power, and could not say anything more against the views of his colleagues than that " Separate election by castes and creeds is not known elsewhere in the British Empire," and that the people of India had generally been taught " to ignore distinctions of caste and creed in civic life." With reference to this, we only regret that while the predominant majority is fully cognisant of the educative value of municipal elections and wishes to avail itself of them, one of its most distinguished members, now, unfortunately, no more, still considered the system of Government nominations sufficiently helpful for the minorities. Had the people of India learnt the lessons of British rule, like apt pupils, and in practice forgotten distinctions of caste and creed, there would have been no need of Government nominations to help minorities, which, unlike most minorities in other parts of the British Empire, are less numerous communities out-voted for the simple reason of differing from the majority in caste or religious belief. This shows that the conditions of India are almost unparalleled anywhere else in the British Empire, and our evils being different there need be no hesitation in providing remedies not known elsewhere in the British Empire, so long as they suit the disease.

Coming nearer now, as early as in 1918, authors of the report on Indian Constitutional Reforms, Mr. Montagu and Lord Chelmsford wrote, in paragraph 227 :—

" At this point we are brought face to face with the most difficult question which arises in connection with elected Assemblies—whether communal electorates are to be maintained. We may be told that this is a closed question, because the Muhammadans will never agree to any revision of the arrangement promised them by Lord Minto in 1906, and secured to them by the reforms of 1909. But we have felt bound to re-examine the question fully in the light of our new policy and also because we have been pressed to extend the system of communal electorates in a variety of directions."

This is no new problem. It has been discussed periodically from the time when the first steps were taken to liberalise the Councils. There has hitherto been a weighty consensus of opinion that in a country like India no principle of representation other than by interests is practically possible. Lord Dufferin held this view in 1888, and in 1892 Lord Lansdowne's Government wrote that :—

" The representation of such a community upon such a scale as the Act permits can only be secured by providing that each important class shall have the opportunity of making its views known in Council by the mouth of some member specially acquainted with them."

We note that in 1892 the small size of the Councils was reckoned as a factor in the decision and that the contrary view was not without its exponents, but we feel no doubt that Lord Minto's Government followed the predominant opinion when, in 1908, they passed for an important extension of the communal principle. Thus we have had to reckon not only with the settled existence of the system, but with a large volume of weighty opinion that no other method is feasible. Because the principle is opposed to the teaching of history and perpetuates class divisions and also stereotyped existing relations, the learned authors were opposed to it, but they said :—

" At the same time, we must face the hard facts. The Muhammadans were given special representations with separate electorates in 1909. The Hindus' acquiescence is embodied in the present agreement between the political leaders of the two communities. The Muhammadans regard these as settled facts and any attempt to go back on them would rouse a great storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular government. The Muhammadans regard separate representation and communal electorates as their only adequate safeguard. But apart from a pledge which we must honour until we are released from it, we are bound to see that the community secures proper representation in the new Councils. How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible Government, that its reversal will eventually be to their benefit and that for these reasons we have decided to go back on it ? Much as we regret the necessity, we are convinced that so far as the Muhammadans, at all events, are concerned, the present system must be maintained until conditions alter, even at the price of slow progress, towards the realisation of a common citizenship. But we can see no reasons to set up communal representation for Muhammadans in any province where they form a majority of the votes."

Commenting on the above report His Excellency the Governor in Council of Madras wrote :—

" His Excellency in Council is strongly impressed by the necessity of devising some means of

providing for the representation of communities which have in the past been unable to secure any adequate share in the elective portion of the Legislative Council. It is a patent defect in the working of the present system that the representation has been so largely monopolised by a single class . . . and the Government trust that the (Franchise) Committee will be able to devise some means for ensuring the due representation of the great mass of the community."

The views of the Government of Bengal are embodied in the following. Thus wrote His Excellency the Governor in Council.

" The subject of communal and special electorate has attracted much attention. While the theoretical objections to their continuance are admitted, the general view of all sections, officials and non-officials, Europeans and Indians, is markedly in favour of their retention, on the ground that in no other way could certain important interests secure a place in the new councils. The Muhammadans strongly urge that they should be given communal representation whether they are in a minority or not, and it is evident that they would regard any other treatment as a breach of faith. The Muhammadan opinions are remarkable for the insistence with which they urge the necessity for special provision in this respect, not only in the councils but also on standing and grand committees and similar bodies, as also in the Public Services."

In another paragraph His Excellency the Governor in Council said :—

" Theoretically it would no doubt be advantageous to have general electorates only, and the objections urged in the Report to Communal representation are just, but it is necessary to deal with the country as it is, not as it ought to be. Concessions have been made to Muhammadans from which it is impossible to withdraw without their consent, and they have made it clear that they do not consent, even to the proposal in para. 231 of the Report, that communal electorates should be retained only in those provinces where the Muhammadans form a minority of the votes. In Bengal, owing to the predominance of Hindu landlords and moneylenders in districts where the bulk of the population are Muhammadans, the latter have every reason for apprehending that their interest will not be duly safeguarded even where they are in a numerical majority."

The Lieutenant Governor of the Punjab writing on the subject said :—

" Apart from the theoretical objections to it, the system of communal representation would afford the simplest solution of conflicting claims in the Punjab. It would meet the views of Muhammadans and Sikhs and though deprecated by the Hindus generally their political leaders could not well go back on the Congress League pact of 1917."

His Honour the Lieutenant-Governor in Council of Behar and Orissa wrote :

" Muhammadans' opinion in the province, where it is not merely a re-assertion of the Congress League Scheme, is content to dwell upon the necessity for Muhammadan representation greatly in excess of the proportion which the Muhammadan element in the population bears to the whole."

Honourable the Chief Commissioner of Assam wrote in detail on the subject. Said his Honour :—

" To my mind it is immaterial whether the community concerned is or is not in a numerical majority in the area under consideration. The real questions are these :—

First.—Is the community one in regard to which it is desirable for political reasons that they should now be represented on the Council by spokesmen of their own race and religion ?

Second.—Has the community any real chance of being now so represented in the absence of a communal electorate ? "

If the answer to the first question is " Yes " and the answer to the second question is " No," then I would brush aside all theoretical considerations, look the situation straight in the face and grant a communal electorate. I have frequently disagreed with my late colleague, Mr. P. C. Lyon, and on no question have disagreed more completely than on the question of constitutional reform, but I desire to express my fullest concurrence with his letter to the *Times*, dated the 8th August, 1918. After discussing the question of communal representation he concludes as follows :—

" The supporters of the new scheme who have had experience in the working of the Legislative Councils in India ask for communal representation, because they agree with its opponents that it is most important that Indians should learn to work together without consideration of class. It is by using it now to bring all parties together to share alike in public service and responsibility that we shall gradually persuade India that she can do without it."

Continuing His Honour wrote :—

" In view of the recommendations in the Report it is almost unnecessary that I should put forward any arguments on behalf of communal representation for the Muhammadans of the province. Here as elsewhere they are a peculiar people with peculiar interests, and it will be many centuries before they will amalgamate politically with their Hindu or Animist neighbours. They are in a slight majority in the Surma Valley, but in a hopeless minority in the Assam Valley. Taking the two valleys together they amount to one-third of the population, and I therefore propose to give them 10 members out of 30."

Lieutenant-Colonel H. C. Beadon, I.A., Officiating Chief Commissioner of Delhi, said :—

" In these paragraphs it is postulated that electorates must not be communal and that there must be direct connection between members of a Legislative Council and the original votes. Such theories are based on the English conception of democratic rule and representative Government, the idea of mixed electorates is wholly opposed to Oriental ideas and their introduction will cause intense dissatisfaction in Northern India ; racial and inter-creed feeling will be accentuated to such an extent that elections will be impossible . . . I do not deem it advisable to write at length on these subjects, because there is really very little chance of mixed electorates or a system of direct elections being established within the next generation : I merely emphasise that unless good material can be found for the foundations the superstructure must not be built."

Hon'ble the Chief Commissioner of C. P. was against separate election for the Muhammadans, and wrote thus :—

" The Muhammadans are but a fraction of the population and are widely scattered ; it is next to impossible to suggest separate constituencies to meet their case, and in the Central Provinces it would in my opinion be correct to lay down from the outset that the special exception which the Report has made as to the representation of this community cannot be carried into practical effect."

The above written opinion of the Hon'ble the Chief Commissioner of C. P. shows the mentality of the Hinduised Government of our Provinces. Hindus since the Minto-Morley reforms have been the *de facto* rulers of the province, and against the wishes of the Hindus and the pro-Hindu Chief Commission, Moslems got separate electorate

in the Provincial Legislative Councils, but the Chief Commissioner and later on successive Hindu Ministers could dispense with this essential safeguards for the Moslem privileges and rights as far as the Local bodies are concerned. Now let us see the result of the working of the joint electorate in these bodies. Figures given in the Appendix will show the real state of affairs. Not only that the pledges, given by the responsible and highly placed British statesmen, officials and successive government, have been treated as scraps of paper, but deliberate attempts have been successfully made by the Hindu majority in the Legislative Council, supported by the Ministers, to do away with the Moslem representation. Three successive elections of the Local bodies have been held since the new Acts came into force, and there are more than a dozen Municipal Committees and more than half of the District Councils in which not a single Mussulman has been elected as member. The "Direct Election" on joint system of election has been disastrous for the Moslem community. Following are the Municipal Committees which had the fortune of not getting any Mussulman in the election.

The list of Municipal Committee with Zero Moslem members.

Year	Name of Municipal Committee	Hindu Members Elected	Moslem Population	Hindu Population
1928	Ramtake	8	487	7881
,,	Katol*	11	918	8568
,,	Tumsar	8	446	6093
,,	Warora*	8	1004	7054
1928 and 25–26	Pulgaon	8	649	6385
,,	Saugor*	13	8010	29246
,,	Deori	6	542	4351
,,	Chota Chhindwara	6	272	3108
1928	Balaghat*	10	1027	5956
,,	Damoh*	13	2831	11174
,,	Dhamtari*	10	918	10855
,,	Ellichpur C.S.	9	separate figures not available.	
1925–26	Deoli	5	359	5451
,,	Arvi*	16	1432	11265
,,	Sehora	9	644	5630
,,	Bina Itawa*	8	1561	6656
,,	Drug*	9	878	9983
,,	Wun	7	866	5559

In the year 1925–26 in ten committees only one Mussulman came in through the general election in each committee, and in the year 1928 there are thirteen committees in each of which one Moslem member has come in. Detailed examination of the figures, and absence of the Moslems from the elective bodies can well be seen by the enclosed subsidiary tables. It is sufficient to say that no Moslem, however in the forefront of political life he may be, and whatever his educational qualifications may be, could have any chance of successfully competing with a mediocre Hindu. The tables will show that being in the majority they (Hindus) could run the elections in the manner of their liking.

The above shows the pitiable condition of Mussulmans in the Local bodies under the Joint Electorate. Now our opponents say that as the separate election is not good and Mussulmans want some safeguards for them, we are ready to reserve some seats for them. This subject has been so ably discussed by Dr. Shafaat Ahmad Khan in the U. P. Moslem Memorandum to the Simon Commission that I would like to reproduce it in full :—

*These towns, either as headquarters of the district or as important trading centres, in spite of so much Moslem population, are without any Moslem member through any election whatsoever.

JOIN ELECTORATE WITH RESERVATION OF MOSLEM SEATS.

"In order to deal effectively with this subject, it will be necessary to examine in a little greater detail the condition of the Hindu and Moslem society in these provinces of the present day. The United Provinces of India have been the real home of the Moslem rulers of India. Delhi and Agra have been their capital. Oudh, firstly a province of the Moslem emperors of India, was later ruled by Moslem Kings. The Moslems were thus the rulers and the Hindu the ruled. The British acquired these provinces from the Moslems, who naturally at that time had the large interest in the country. Their interest in landed property was considerable. They occupied then, and continued so to occupy for long afterwards, a position of vantage in all public offices, judicial, executive and ministerial. The employment of their own language was also a great asset to them.

The Moslems kept sullenly aloof from all those institutions—educational and political—that the British rule brought in its wake. This attitude of the Moslem brought suspicion in the mind of the British, which was fed by the other communities anxious to secure benefits for themselves. He thus easily became the target of all those invectives and calumnies that were levelled against him. The cumulative result of all these disintegrating forces has been that the Moslem, despite his frantic efforts to recover the ground lost during the last half a century, finds himself backward educationally and economically. His property has been steadily slipping from his hands, and as he is not allowed to engage in banking pursuits, is largely under the influence of the Hindu moneylender. Other communities, e.g. the Hindus proper, on the other hand, took the fullest opportunity of every avenue of progress and advancement that was open to them. Added to this, their endeavour throughout has unfortunately been to dislodge the Moslems from all positions of influence and power. The attitude of *laissez faire* that the Government adopted towards the Moslems has further contributed to their present position. The result is that while on the one hand the Hindus at present occupy in these provinces position of vantage—they are educationally far superior to the Moslems, they are economically on the strongest possible position, they are organised, they are capable of creating and keeping up agitations, they are imbued with a strong sentiment of creating a nationality of their own which means Hinduism, to the exclusion of all other faiths and peoples—while the Moslems, for reasons which have been detailed above, are less educated, are economically weak, are looked upon as foreigners by the Hindu, are disorganised principally because they are scattered over a large area, are not fond of agitations, and are by habit anxious to give as little trouble to the Government as possible.

Such being the present state of Hindu-Moslem society, could it for a minute be conceived that joint electorates will not mean another inroad on the Moslem position, and will the Moslem be far wrong, in further doubting the bona fides of the British Government towards the Mussulmans of the country if joint electorates were substituted for separate electorates? There is thus no alternative for the Moslems in the present state of the country except to insist on separate electorates and separate representation of the Moslems, much, indeed, as is their desire that it should be done away with soon. Joint electorate with reservation of seats for the Moslems will not avail, for the following among other reasons :—

(1) If separate electorate is bad, joint electorate is bad enough, and both are the negation of democratic theory.

(2) Owing to various reasons, a considerable number of Moslem voters are influenced by Hindu moneylenders, and we fear that if joint electorates with even reservation of

seats for the Moslems are established, Moslem voters will not be in a position to exercise their power of voting freely, and Moslem interests will have no chance of representation. A Moslem elected from such a constituency will always be in the hands of the Hindus, and will never be able to stand for purely Moslem rights. He will be nothing if not a mandatory of the Hindus.

(3) Election of Moslems in such joint electorates will further embitter relations between the Hindus and the Moslems, and will be a fruitful cause for constant friction. We will illustrate this by saying that in such an electorate if two Moslems stand, one a nominee of Hindus and the other a nominee of the Moslems, the latter will obviously have no chance. If two Moslems holding conflicting views came in, and the Hindus back one who is a supporter of their views, as the Moslems will be naturally opposed to such a candidate, an atmosphere of discord will be created, and the bitterness engendered will be further reflected in the everyday relations of the two communities.

(4) In all joint constituencies the numerical strength of the Moslems being necessarily very weak, no Hindu need approach the Moslem voters, while the Moslem has no chance except by invoking the aid of the Hindu. The result is the Moslem is being put in a position of inferiority to the Hindu even in democratic institutions in the country, and the further logical sequence following this will be that the Hindus will swamp the election by men, both Hindu and Moslem, of his views, while the Moslem cannot in the least influence the elections.

(5) Moslems standing against Hindu odds and wealth in joint electorates will emerge unsuccessful and financially a wreck. Therefore no Moslem, unless he is a protégé of Hindus, dare stand in joint electorates.

The avowed aim of the British Parliament is to grant to Indians responsible Government within the Empire. This is susceptible of successful fruition only if all the links in the chain of Indian nationalism are equally strongly forged. Unless and until the Moslem link is paid special attention to, will self-Government have any chance of success in this country? The Hindus have so far done nothing, and they refuse to do anything as the course of negotiations during the last few months has shown, to win the confidence of the Moslem minority. It is for the Government now to reassure the Moslem mind by guaranteeing to him the safeguard of his special rights, and by securing him separate seats by separate electorate. The member thus returned by separate electorate has manfully stood for the Moslem rights, has fought the Moslem battle, has represented to the Government the Moslem point of view. Could it for all this be ever said that he has ever betrayed the cause of the country in any one single instance? He has joined the Swarajist group, he has joined the Independent group in Legislature, and has in all cases thrown his weight on the popular side. He (i.e. coming from separate electorate) is a necessity both for the Government, for the country and for the community.

We hope it is clear that if joint electorates are alone restored, Moslems will be wiped out of the Legislatures. If seats are reserved for them in joint electorate, Moslems returned from these electorates will be Moslems in name only, they will be the protégés of the Hindus, and will in no way represent the Moslems.

A great deal has been lately made of the communal troubles. These are attributed to separate electorates granted to the Moslems. Any impartial observer of the trend of events will at once see the hollowness of these illogical assertions. This is a pure innovation, and has been devised to sidetrack the issue. If separate representation has done anything, it has appeased the tension. The real cause of these disturbances is the determination of the majority community established in its own way its political dominance in India by wiping out and crushing the minority community which not long ago was its ruler.

This aggressive policy of the majority community has now taken a concrete shape in the origination of the Hindu Mahasabha, a politico-religious body, which now dominates and guides the action of the Hindu community, in spite of resistance and opposition from the Congress and the ineffective and mild persuasions of other Hindu political bodies, with the result that the Hindus as a community regard the Mahasabha as a genuine organ of their communal aspiration in political, social and religious matters. In our province the Mahasabha has already displaced the influence of the Congress and other political bodies in which the Hindu element predominates. The preachings and activities of the Mahasabha have brought about all the evils which are attributed to separate electorate. The followers of this organization interfere with the religious liberties of the Moslems, knowing that the community, though inclined to put up with every kind of iniquities, cannot tolerate in the least any violation of its religious rights. The hostility which the Hindu Mahasabhite entertain towards the Moslems is manifested by their insistence on the playing of music before mosques just at the prayer time, and in such an aggressive way as to interfere with religious worship; in their parading the streets singing hymns excitable both in purport and prosody, in their staging tableaux vilifying the achievements of the greatest and noblest of the Moslems; in their describing the Moslem rule as the most tyrannical and one whose sole mission in India was forceful conversion of the Hindus to Islam and dishonour of their womenfolk. These activities of the Hindu Mahasabha have made communal riots the normal feature of the life of these provinces. The latest exhibition of the antagonism of the majority community towards the Moslem is the "Shuddhi and Sangathan" movements, whose preachers occupy the highest position in the political, economic and social life of the Hindus. No Moslem could possibly have any objection to these movements if they were pursued, one of them for the propagation of religious faiths and beliefs, and the other for the consolidation of Hindus. Indeed, we would welcome these movements if carried on within their legitimate ambit. But Shuddhi and Sangathan are preached merely to excite hatred against the Moslems. Shuddhi and Sangathan were started in 1923, after the possibilities of the Reforms had been realised by the majority community. The former aims at securing greater numerical superiority for the sake of canvassing political ends, while Sangathan is nothing but a combination of forces for assuming physical triumph against the Moslems. The aim and object of all these activities is to weaken the Moslem as much as possible in order to involve him in financial ruin and creating a feeling of dread in him. We have described this in some detail in order to expose the mind which is anxious to sidetrack the issue to cover its own machinations. The *raison d'être* of the Hindu mind is that he must create eventually a kingdom for the Hindu alone in India, and that all other communities must be so much reduced in numbers and strength that they must finally merge in them. The irony of the whole situation is that the Government of the land seems to have been so much overpowered by Hindu numbers and by their agitation, however spurious and artificial it may be, that it follows the line of the least resistance, with the result that the minority communities are beginning to lose faith both in its strength and policy. This augurs ill for the future peace and prosperity of the country. Another reason why this

charge against the separate representation is made is that the Moslem elected by means of the separate electorate feels quite independent of the Hindu, and is a free agent to represent boldly, to the power that may be, his grievances. This the Hindu does not like; he wants all his acts of unfairness and injustice to remain screened, indeed even under the Union Jack he wants to establish a despotic oligarchy for himself."

The above, though written for U. P., is, word by word, applicable to C. P. and Berar. Being numerically more weak than Moslems in U. P., we, the Mussulmans of C. P. and Berar, will be nowhere under the joint election with reservation of seats.

Now let us see the working of these Municipal Committees and District Councils. The separate election alone will safeguard our right as far as the entry of Moslem members is concerned, and this is not the only chief means for the safeguarding of Moslem interest. There must be effective safeguards for the education of our children, the representation of our community in the administration and the defence of our religious rights. Few members in a committee of four or five times more non-Moslem members can safeguard our interests. They may protest, and dissent, and go to the extent of getting their protest recorded, but it is insufficient. So not only that we should be adequately represented, but also some means be found to guarantee our proportion of grant for Moslem education, fair number of posts in each department of local bodies and good number of contracts for Moslem contractors.

Separate electorate alone is useless. We want it supplemented by effective safeguards for the defence of our rights. This may be against democracy or other theory of State, but it is based on painful experience of the working of these so-called democratic bodies. Let us examine how the majority community has distributed the power and influence. In practically every Municipal Committee and District Council, Hindus have elected chairmen of their own community. In whole of C. P. and Berar in the year 1925–26, out of fifty committees only one had a Mussulman chairman, and in the year 1928 there is again only three Mussulman Chairmen of the Municipal Committees. As regards District Councils, and Local Boards, the position is still worse. The Hindus can find Moslem chairmen in every town for the boycott of Simon Commission and for any and every political movement, when the Congress Committees are formed, and they find no Moslems in their rank, and when, as a community, Mussulmans refuse to join them, they catch hold of one or two Mussulman hirelings and make them Presidents and Vice-Presidents; but when they go to these Local Bodies and find that there goes power and prestige with the office-bearers, they deliberately exclude Mussulmans. In the year 1925–26, out of 100 Vice-Chairmen elected, not even twelve were Mussulmans. And in the year 1928, Moslems have fared still worse. Out of 45 Committees, for which figures are available, forty are entitled to elect two Vice-Chairmen each, and there are five committees that can elect only one each, thus making the Vice-Chairmen eighty-five in number, out of which fifteen are Mussulmans. There are thirty Committees, out of forty-five, which have non-Mussulmans as Vice-Chairman and two seats of Vice-Chairmen in these Committees have been monopolised by the Hindus. Position in the District Councils and Local Boards is still worse. There you will find Hindus as Chairmen and Vice-Chairmen in all the places, and it is the general accepted rule, and if there is any Mussulman it is exception to this general rule.

In the Municipal Act, it is provided that to bring in men of eminence, high qualification and having experience, the elected and nominated members are given power to select few members. This saves the candidate from the election fight and canvassing to a large body of voters. Here again the Mussulmans have been the greatest sufferers. In the year 1925–26, out of fifty Committees, in thirty-seven not a single Mussulman was selected. In the year 1928 Mussulmans have fared worse. Figures for forty-six Municipal Committees which have up till now held the selection are available. Out of these, there are thirty-one Committees which have the fortune of not having even one Mussulman as selected member, and in thirteen Committees one Mussulman in each Committee came in. Pro-Hindu attitude and tendency of the Local Government, which is responsible for all the above misfortune of the Mussulmans for not providing separate electorate for the Moslems, will be shown when we have the figures of fifty-five Committees in which Government nominated members are as many as two to four. Out of these thirty-six Committees could get no Mussulman. In fourteen Committees Government nominated one member in each. There is not a single Committee which got two nominated members from Moslem community.

Position of Mussalmans in Notified Area, Local Boards and District Councils, cotton grain and mining committees can well be seen by the subsidiary tables and summary attached with each. The tale is so pitiable that a glance at the figures will show the condition in which we Moslems have been put in.

SERVICES UNDER BODIES.

As these bodies contain an overwhelming number of Hindus, they are bent upon Hinduising every department and all Services. All the posts from top to bottom, with the exception of one or two unimportant posts have been captured by the Hindus. To put them in figures is useless. Suffice it to say that you will not find half a dozen Secretaries or Health Officers. Some old hands have been dismissed or their services dispensed with on the plea of retrenchment. In fact the avenue of services under the Local bodies whether Municipal or District Council are completely closed for Mussalmans and they have no chance at the hand of Hindu majority.

EDUCATION.

There is already a separate chapter on education hence I do not wish to repeat the same here. Suffice it to say that local bodies are deliberately trampling over our rights. Moslem children are compelled to learn Hindi in Nagri script and they have "violated all rules of neighbourliness, good taste and *camaraderie* by resorting to actions which have made an honourable existence for our community impossible." Hindu teachers are exclusively in local body schools. They try to kill our culture and civilisation.

CONTRACTS.

The natural tendency of the Hinduised committees and District Councils is to give all their contracts to Hindus and nobody else. Even Moslem contractors tendering low rates are not given contracts. Contracts, small or big, under these bodies are exclusively given to Hindu contractors. To collect figures is waste of time. They call it the spoils of office. As they have established complete Hindu Raj, the benefit in the hands of these bodies must go to their co-religionists. With Hindu P.W.D. committees, Hindu Chairmen, Hindu Secretaries, Hindu Engineers, and Overseers, it is no wonder that Hindus alone get all the contracts.

SLAUGHTER HOUSES.

All efforts are made by Hindu majority to close the Slaughter Houses within their area on one pretext or other. Unsuccessful attempts made at different places are well known. Various European I.C.S. Commissioners and Deputy Commissioners have been witness to the fact that their intervention alone has given us this essential article of food. The meat by hawking is being objected to. The Hindus want to stop the slaughter of all animals in general and cows in particular. Attempts are made to hamper the trade of butchers.

SUB-COMMITTEES.

The functions and actual working of the Municipal Committees, District Councils and Local Boards are carried into practical effect through various sub-committees, such as City Site, Education, P.W.D., Finance, Working or Managing, Sanitary, Plague, special sub-committees. Positions of Mussulmans can better be imagined than described, in short, they are not seen in any such committees.

GENERAL.

Majority is making detrimental effect on the house property of the Moslems. Applications of Mussulmans for house construction are rejected on petty technical grounds. Drainage is only confined mostly in Hindu quarters. Provision of light has the same monopolistic tendency. Hindu wards are lighted and Moslem wards are kept in darkness. The same treatment is as regards water. Water mains and standard pipes for public use are only put in wards and roads mainly inhabited by the Hindus. Though several Mandirs have been allowed to be built, and temples encroaching on Nazul and municipal lands are allowed to be built, whereas mosques for Mussulmans on the land belonging to Mussulmans are not allowed. Moslem institutions of charity, library, etc., receive very nominal (?grants), whereas Hindu institutions are handsomely given big grants for all sorts of purposes. As regards sanitation the same stepmotherly treatment is given to Moslem wards. The dominating majority of Hindus contemptuously disregard the Moslem feelings and abuse their powers in contravention of all laws and rules.

In short, we may say that all the local bodies of this province are Hinduised. Hindus have monopolised all the posts and services. Hindu language is thrust on the Moslem children; our religion, culture, civilisation, and historical importance are despised, discouraged and held up to ridicule. The Hindus, knowing that they are fully protected by the British troops, misuse the powers given to them under the Municipal and Local Bodies Acts for consolidation of their influence and power. Thus they trample over the rights of all minorities. They have not only killed Urdu, they force us to learn a new language. They have kicked away our contractors. The powers vested in these Acts touch us at all points in life. As they have been granted large and substantial powers, the same is being used against the Mussulmans.

In short, the majority community has failed to protect the rights of the minorities. There can be no stable constitution of India unless protection for the safeguard of the rights of the Mussulman minorities is guaranteed. There is no other way of returning Moslem representation but through separate election. The joint electorate has failed miserably to bring in our representation. Mussulmans in those towns where they are twenty-five to thirty per cent. of the population are represented by not more than ten per cent. of their members. The position of Moslem minorities is peculiar, and you, sir, should take note of it.

In conclusion, I would like to summarise the difficulties and hardships in which Moslems have been put by the majority community :—

(1) The Moslems cannot be represented in any of the Municipal Committees, District Councils and Local Boards to the extent of their numerical strength demands, and in a large number of places where they are even twenty per cent. to thirty per cent. *not a single* Mussulman member has been elected, and this is the blessing of the joint electorate which has been thrust on us by the Hindu majority of the Legislative Council with Hindu minister for local self-government. More than seventy per cent. of Local and District Boards go without Moslem representation. Not one in ten to thirty Hindu members is a Moslem.

(2) In election of office-bearers the same tale of Hindu monopoly is repeated. There are not more than six chairmen in the whole of C.P. and Berar in all the local bodies, which are more than two hundred.

(3) In the sub-committees the same Hindu majority is seen.

(4) In almost all local bodies, Moslem contractors are eliminated. For show, there may be one or two on the list, but they are not given any work.

(5) All fair and unfair, open and secret attempts are made to stop cow-slaughter; the Burma meat trade of Saugor, Damoh, Rahatgarh and other places is destroyed and the legitimate trade of Mussulmans in this branch is stopped. Meat selling by hawking is not allowed in different places.

(6) Not only Moslem servants under the local bodies are being dismissed one by one, but also every effort is being made to create difficulty in their fresh recruitment. There are Municipalities and District Councils which have not a single Mussulman in their service.

You will not find a Moslem sanitary inspector, health officer, secretary, octroi superintendent, water works inspector or supervisor of school, as all these posts are held by Hindus only.

(7) Moslem quarters are not getting full share of expenses for making roads, lights, and water-pipes. In short, Moslem quarters are ignored and their sanitation neglected.

(8) Hindu majority in all the bodies does not like to pay anything for the primary education of Moslem boys through Urdu. All attempts are made to close Urdu schools and whereas Hindu religious institutions get large amounts as contributions, Moslem institutions are ignored altogether.

(9) Moslems are not permitted to construct mosques, whereas Hindus are given permission at many places to erect temples, and they encroach upon municipal or Nazul land.

(10) Applications in our national language (Urdu) are not accepted and Moslems are forced to put in applications in Nagri script.

(11) Proceedings of local bodies are being kept in most of the places in Hindi (Nagri script) and the copies of the proceedings are sent to Moslems in Sanskritised Hindi. No provision is made to keep the same in Urdu.

After seeing the above pitiable condition of Mussulmans under Hindu majority, you will agree with us that unless fundamental safeguards for the Moslem minorities are guaranteed, there is no hope of justice to be done to our community. These are the rights of Mussulmans which must be guaranteed by the Parliamentary Statute, which should not be allowed to be altered by any Legisfature in India, Central or Provincial. Parliament of Great Britain must guarantee these before any constitutional change is made, otherwise we will move heaven and earth to scrap it, if any constitution imposed on us without these essential safeguards.

(1) Adequate representation of Mussulmans in each Municipal Committee, District Council, Local Board, Mining Committee, Grain Market Committee and Notified Area Committees be made through separate electorate by Moslem voters alone. Number of seats to be awarded by seeing the numerical strength, past historical and present political importance of the community are to be taken into consideration.

(2) Representation of the Mussulmans in the services of the Local Bodies in all their branches in proportion of the seats held

by them be fixed. The recruitment, supervision, control and power of dismissal to be vested in a Provincial Service Commission. The Local Bodies are not to be allowed to dispense with or dismiss their servants and all this power to be vested in this commission.

(3) Fixed percentage of grant in aid to Moslem institutions be paid according to the seats they hold in that body.

(4) Safeguard for Urdu, its script, primary education, through Urdu is required for Moslem boys. Moslem Public and Moslem members to be supplied with all papers, publication record, notices, summons, and proceedings in their own language (Urdu).

(5) Adequate number of contracts in quality and quantity to be given to Moslem Contractors.

(6) The Local Government and the Governor should be given power to see that rights of Moslem minorities are not trampled upon.

(7) No resolution or part thereof affecting any community, which question is to be determined by the community in the elected body concerned, shall be passed or given effect to if three-fourths of the members of that community oppose the resolution or motion or part thereof.

(8) Sub-Committees of each elected body should be elected by single transferable vote to ensure representation of minorities.

(9) Nomination of members should not be entrusted to any Minister, but a committee of 3, one European, one Hindu and one Moslem member of the counsel, should be appointed to select the members for nomination from the list submitted by the Deputy Commissioner and the Commissioner.

(10) The Chairman of all local bodies should be alternatively Hindu and Mussulman, and out of two vice-chairmen one must always be Moslem.

STRANGLING OF OUR LANGUAGE.

The greatest drawback of the Government of India Act is the lack of fundamental safeguard for the protection of minorities in India. Nothing has been done to protect our national language—Urdu. It is in Urdu that our literature is enshrined, in it are preserved our historical, political and religious traditions. To it we owe the preservation of our political existence and cultural life. Our boy is not an isolated unit, but is a link in the mighty chain that stretches from one part of India to another. If he learns Hindi, he is completely cut off from that stream of Moslem culture and tradition, which is, and must always remain, the distinctive contribution of Islam to India. Consequently if a Moslem parent hears that Hindi is being forced down the throats of his little ones, he will rather forego all the advantages which education offers, than expose his son to a process which may de-Islamise him. This feeling is so keen, intense and vivid, and it is so well known to every one who has the least acquaintance with the educational movement and educational progress of this country, that we do not think it necessary to emphasise it here.

But persistent, organised and systematic attempt is being made to completely wipe out and kill our national language. We have no complaint if no other people use it, but to force our community to leave it is an endeavour which is rightly to be condemned.

The *C. P. Gazette* publishes the translation of all the bills and acts in Marathi and Hindi, but no translation of the same is being given in Urdu. Even the language, in Hindi, has the tendency of being Sanskritised rather than being made Hindustani. The summonses, Court notices and other orders are forced on Urdu-knowing Mussulmans in an unknown language and Urdu summonses are nowhere to be found.

District Councils, Local Boards and Municipalities are making their office language Hindi instead of English and that also in Nagri script.

Out of 22 District Councils and about 100 Local Boards and 65 Muncipal Committees, there are only few committees which can be numbered on fingers who pay little grant to Urdu Schools. In fact Urdu Schools are being systematically closed. Since 1922–23, Hindi, Marathi and Urdu according to local circumstances were introduced as the medium of instruction in the High Schools, and in Government institutions they were made compulsory. Only those schools which contained more than one section of a class were permitted to retain English as medium of instruction in one section, provided that there was a substantial demand for it on the part of minority communities. In the words of the Director of Public Instruction: "Except in the Muhammadan High School, Amraoti, where Urdu has been prescribed as the medium of instruction, one or other of the main vernaculars of the Province, Marathi or Hindi has been prescribed in all Government High Schools." This means in all the Government High Schools except, of course, the Muhammadan High School, Amraoti, the medium of instruction is Hindi or Marathi. The Director of Public Instruction admits that this had led to the sacrifice of the language of minorities. In the University, the same tale is to be told. No arrangement in any of the colleges of the Central Provinces has been made to give instruction in Urdu, though arrangement for studying Marathi and Hindi has been made in more than one College.

Above is the attempt made through Government and non-Government agencies. The Congressmen's attitude towards our language is more dishonest and misleading. The 14 districts of C.P. are called by the Congress Hindustani C. P., and it is told by Mahatma Gandhi and other Congress leaders that Hindustani is the language which can be written in either script Nagri or Persian. It is Hindi and Urdu both, but, in actual practice, what is being done is that a Hindi of highly Sanskrit type with Nagri script is used. To the outer world and Mussulmans Hindustani in name is shown, and whereas they (Hindus) also use a language which is high class Hindi with Nagri script. Their proceeding books and records will vouchsafe the above statement.

In short the education of our boys through the medium of our language is being purposely neglected and a language that is devoid of our culture, sentiment and nationality is thrust down their tender throats.

The local bodies are not paying even a small fraction of their grants for Urdu schools. Government High Schools have excluded the Urdu language, and by making Hindi and Marathi as the medium of instruction are forcing our boys to leave Urdu altogether. The Government orders and summonses are being forced on us in another language. Government publication is being confined to Marathi or Hindi language. University has not arranged tuition in this language, and on top of this non-official agencies are bent upon killing this language and thrusting on us a script of Nagri.

We therefore state it clearly that we will not accept any constitution which does not guarantee us by a Parliamentary Statute an adequate safeguard for the Urdu language in the courts, Government Departments, Educational institutions, local and other elective bodies created and controlled by the Legislature. The above safeguard of our national language should be through the Parliamentary Statute and no local body or legislature in India should be allowed to touch it.

MOSLEMS AND UNIVERSITY EDUCATION.

The Calcutta University Commission, more often called the Sadler Commission, in its chapters 49, 33, 32 and 31, laid down certain principles. Without going into the details, which you, sir, will see yourself, suffice it to mention that the Sadler Commission laid down that in every important body

of the Universities Muhammadans should be given adequate representation. The Court of the University is the most important body and next to it is the Executive Council which carries out the policy of the Court. The Sadler Commission is emphatic and clear in its recommendation that good number of Mussulmans should be its members. Then the other important bodies in their turn are Selection Committee, different faculties and Academic Council. They ought to have adequate representation of the Moslems. The Sadler Commission further wanted a Moslem Advisory Board invested with great and very important powers. If I give the extracts from the able report of the Commission it will be sheer repetition, but I request you to read the chapter referred to above. It will show you clearly and plainly the type of University the Commission desired. Now let us see how far these recommendations have been carried out in our Nagpur University, and whether it has justified the hopes and expectations of the Commission. We do not object to the principle of Autonomy which the Act has conferred on the Nagpur University, but we strongly object to the deliberate, systematic manner in which the recommendations of the Sadler Commission—recommendations that were integral part of the Scheme formulated by the Commission—have been ignored and trodden down. No provision has been made for the establishment of a Moslem Advisory Board, and nothing has been provided in the Act to safeguard the interest of the Moslems. Natural result of this deliberate negligence of the claims of the Mussulmans is that Moslem interests have been jeopardised. In the election to various bodies of this University as well as in appointments Moslems have practically no chance of election or appointment. We declare that in these appointments as well as in the election to various bodies of the University, Moslem interest and Moslem claims have not been deliberately given due attention—they have simply been ignored. The Nagpur University in the opinion of our community is more or less a Hindu University, a " Bhonslai Varsity " as called by the students of the Hindi-speaking districts. We are nowhere to be seen in the Registrar's office, in the departments of teaching of this University and in its Colleges. We have absolutely no chance of winning seats in any one of these bodies whatsoever. It is our painful and bitter experience that such elections are being run on communal lines. As the Hindu voters are overwhelmingly in majority and the system of election is that much praised " joint one," Moslems are crushed at the altar of the so-called democratic system. In fact, sole monopoly has been established by the Hindus in all the bodies of the University and its teaching department. It is so strong and effective that no Moslem has any chance of advancement in the Nagpur University. That state of affairs is such that you will readily condemn it in no ambiguous language and take steps to reform it.

The Nagpur University was incorporated under C.P. Act No. V of 1923, known as Nagpur University Act of 1923, and the same having received the assent of the Governor-General of India on 6th June, 1923, came into force. Following are the officers of the University.

(1) The Chancellor.
(2) The Vice Chancellor.
(3) The Treasurer.
(4) The Registrar.
(5) The Deans of the Faculties.
(6) Such other officers as may be declared by the statutes to be officers.

For the last five years the Hindus have been enjoying the sole monopoly of the 'Varsity in appointing the Chief Officers, the rest being the European servants of the Crown.

Under section 15 of the Act following are the authorities of the University :—

(1) The Court.
(2) The Executive Council.
(3) The Academic Council.
(4) The Committee of Reference and
(5) The Faculties.

I will take the above one by one and will show how they have been monopolised by the Hindus.

Leaving the Chancellor and the Visitor, who is the Governor of C.P. and Governor-General of India, who are Europeans, the Vice-Chancellor, the Treasurer the Registrar and the Assistant Registrar are all Hindus. In the Court as constituted under Sec. 16 (*i*) of the Act, the Governor of C.P. is the Chancellor, who is a European, Vice-Chancellor is a Hindu non-Official. Of the members of the Executive Council and Ministers of the Governor of the C.P. one is European I.C.S. and the rest three are Hindus. Judicial Commissioner and Bishop of Nagpur, who are members because of their posts, are Europeans. Representative of the Executive Council is a Hindu and five Deans of Faculties are all Europeans. Four members elected on Court are all Hindus. Four members elected by the Academic Council are all Hindus. The only exception is the one member nominated by the Local Government who is a Mussulman. Member elected by the registered graduates to the Legislative Council is a Hindu. Members of the Academic Council, who are Principals of the Colleges, are all Europeans with the exception of one who is a Hindu. Two members elected by the Faculty of Law are Hindus, out of three elected by Faculty of Art, one is a Parsee and two Hindus. All the three elected by Faculty of Science are Hindus. Three elected by the Faculty of Education, two of the Faculty of Agriculture are all Hindus. Out of five nominated by the Chancellor (the Governor) only one is a Mussulman, one European and three are Hindus again. Three elected by the Court are all Hindus. Out of two co-opted members one is a Mussulman and the other a Hindu. As ex-officio members, the Director of Public Instruction, Central Provinces, Inspector General of Civil Hospitals, Principal of Agriculture, Chief Conservator of Forests, Chief Engineer to the Government of C.P. Commissioner of Berar, Inspectors and Inspectress of Schools are all Europeans, and two representatives of the Legislative Council, two Headmasters of High Schools nominated by the Government and Director of Industries are all Hindus. In Class III under Section 16 (*i*) (xii) of the Act, Registered Graduates elected, on 8th January, 1927, 24 members, and all were Hindus. Not a single Mussulman graduate came in as a member. Under paragraph 2 (five) of the First Statutes Colleges elected 16 members and all the 16 representatives were Hindus, and in this also not a single Mussulman is seen. The Chancellor nominates 10 members under Sec. 16 (*i*) (xvi) of the Act, in which 2 are Europeans, 2 Parsees, 1 Mussulman and again 5 Hindus. In short, the Court has not a single Mussulman through any sort of election; three Mussulmans have been nominated by the Local Government and one is the co-opted member. This means that in all elections, whether by the Graduates or donors of different Faculties of Council or Executive Council, no Mussulman can hope to come in the Court.

Now I come to the Executive Council under paragraph 3 (*i*) of the First Statutes: out of 17 members 10 are Hindus, 5 are European officials, one Parsee and one Mussulman. The important point to note is that through election not a single person other than Hindu came. If the European officials were not then in their respective posts all the seats would have been captured by the Hindus. The solitary figure of a single Mussulman is due to the nomination by the Government.

The Academic Council consists of 38 members, and no Mussulman could come in through election by the Faculty of Law or Faculty of Art, or Faculty Science, or Faculty of Education, or Faculty of Agriculture or through election by the Court. Out of 4 nominated members there is only one Mussulman, who has been nominated by the Chancellor, and another came in by co-option. This means

that the whole Academic Council of 38 members has, by the grace of Government, one Moslem and one other by co-option as member. The Committee of Reference consists of 15 members and there is only one Moslem in it. The Faculty of Arts consists of 36 members. There are 4 Mussulmans in this body, out of which 3 are there because of their being Professors of Persian and Arabic in different Colleges. In the Faculty of Science there are 16 members with *not a single* Mussulman. There is not a single Mussulman in Faculty of Education which has 9 members, in Faculty of Law which has 10 members, and in Faculty of Agriculture which has 12 members. Now the same tale is to be told about the Board of Studies. In English there are 8 members, out of which 2 are Hindus and 6 Europeans. In Philosophy, which consists of 6 members, 2 are Europeans and 4 Hindus. In History, out of 8 members, 3 are Europeans and 5 Hindus. In Economics out of 6, 2 are Europeans and 4 Hindus. In Sanscrit, Pali and Prakrit there are 9 who are all Hindus. In Persian and Arabic out of 8, 7 are Mussulmans, but even there a Hindu is again found. Modern European and Classical Languages are under the Europeans. In Political Science, out of 6, four are Hindus and 2 Europeans. In Modern Indian Languages out of 10 one is Mussulman and 9 Hindus. In Physics, Chemistry, Mathematics, Zoology, Botany, Law, Education and Agriculture there is not a single Mussulman.

The University Library Committee has 9 members, with only one Mussulman. In the Subject Examination Committees, except for Persian, Arabic and Urdu, all the members are Hindus save one or two Europeans.

The Finance Committee, the General Examination Committee, Extension Lectures Committee, Law College Committee, Special Examination Committee are solely and wholly composed of Hindu members with the solitary exception of one or two Europeans, who have won these seats through their high position in the Colleges or Educational institutions.

Representatives of the University on Inter-University Board, India; Board of High School Education C.P., and Berar C.P. Legislative Council and Court of India Institute of Science, Bangalore, all have been thoroughly Hinduised from top to bottom.

The above is the picture of the Nagpur University from within and without. This shows how the so-called "Cultured" and "Enlightened" body is communal-stricken. When the centre of learning consisting of educated people is so much communalised, no wonder the country is surcharged with it. The whole machinery from top to bottom is composed of Hindus. Wherever they had the power of election they had strictly excluded Mussulmans from it. When the whole structure is standing on communal grounds and is utilised for the sole benefit of one community, the natural result will be that all work will be done for that community only. Now I would like to show the result of the activities of this pure Hindu University. Let us take the list of examiners for the year 1927. Casual reading will show that the examinations of all subjects in all classes have been solely monopolised by Hindus alone for the sole benefit of Hindus. Examiners for Intermediate are all Hindus except of Persian and Arabic who are Mussulmans, and one or two Europeans. The same Hindu monopoly is to be found in the Degree examination of B.A., B.Sc., M.A., M.Sc., LL.B. and L.T. and Degree of Agriculture. There is one aspect of the question worth considering. The Examiners get remuneration, which is from Rs50 to Rs200 for setting a question paper and Rs1-8 to 2-8 for marking each answer book, besides the payment for practical examination (in Science), *viva voce*, etc. The University has thus paid Rs27,340 in one year only. The money-loving and gold-worshipping community is so selfish that it even cannot like the idea of sharing this amount with the other sister community. In fact, leaving few hundred rupees to be paid to other community, the major portion of this sum, which will be not less than Rs27,000 has been swallowed by the Hindu Examiners. The mania for monopoly is so great that even in Persian, Arabic and Urdu a Hindu examiner is thrusted.

As regards the Colleges maintained by the University, the University College of Law has got one Bengalee Principal and 4 lecturers, and all of them are Hindus. Following institutions are admitted into the privileges of the University.

(1) Morris College, Nagpur—In this college English, French, and History Professors are Europeans, and the rest, 15 professors, are all Hindus, except for Persian, for which two Assistant Professors are, of course, Mussulmans.

(2) Hislop College, Nagpur—The same story is of this college also, which is a missionary institution, and has 4 Europeans and 12 Hindu Professors. This college has no Mussulmans on the staff; even Persian Classes are not maintained though there are Marathi Classes with one Marathi Professor.

(3) The Victoria College of Science, Nagpur—There are 2 Europeans and 11 Hindu Professors, Demonstrators and Assistant Professors. This college has the good honour of not having a single Mussulman in its staff.

(4) The Robertson College, Jubbulpore—It has one European, one Indian Christian, one Parsee and 15 Hindu Professors with their Assistants and Demonstrators; the only exception being one Moslem Assistant Professor of Persian.

(5) The King Edward College, Amraoti—It has one European, 2 Indian Christian, and 11 Hindu Professors, Assistant Professors and Demonstrators, with one Mussulman as Persian Assistant Professor.

(6) The Spence Training College, Jubbulpore—It has one European and 6 Hindus on the staff, but not a single Mussulman.

(7) Agriculture College, Nagpur—Out of 22 members on the staff, not a single Mussulman finds a place.

The above finishes the picture of the teaching staff of the Nagpur University.

Now to come to the result. Figures are available for the years 1924–27. It is just what can be anticipated when the atmosphere is surcharged with communal feelings and the chief officers of the University, members of the teaching staff and examiners are all Hindus. Students of other communities cannot fare better. For this reason alone, our promising students are compelled to seek admission into other Universities, which are free from communal contagion. These youths are kept away from the Government service on the unsound ground that they do not hold the degree of this "Nagpur University" which is "Marathi," in nature, spirit and character. Following is the number of successful students of different communities in various degree examinations from the year 1924 up to the year 1927:—

	Hindus.	Christians.	Mussulmans.
M.A.	47	1	3 (in Persian).
B.A.	360	5	26
M.Sc.	18	0	0
B.Sc.	102	0	6
LL.B.	170	2	6
L.T.	64	0	8
Intermediate Arts	271	4	14 (for the year 1927 only).
Intermediate Agriculture	16	0	1

One more difficulty which Mussulman students have to undergo is that their mother tongue is Urdu,

but not a single college in C.P. has made arrangements to give them lessons in it, though the same is one of the modern Indian languages. Naturally they are handicapped in this respect. Morris College, Nagpur, teaches Marathi up to M.A., and Hislop College up to B.A., and Robertson College, Jubbulpore, has been allowed to teach Hindi up to M.A. Naturally, the question arises, what arrangement has the University made for those students who wish to take Urdu as one of the modern Indian languages ? It would have put them to no extra cost if teaching of Urdu had been allowed through the Professors of Arabic and Persian. By not making arrangement for the teaching of Urdu in any of the colleges no student other than a teacher can be permitted to appear in this subject, because of their not having attended regular course of study in any of the recognised colleges.

The above statement will clearly show that the position of Mussulmans is scandalously nil and at stake in the University. Unless you, sir, step in, the Government is sure to sleep over this massacre of the Moslem interest. How is it possible for Moslem boys to get education in an hostile atmosphere and to show his real worth ? In spite of all drawbacks the report of the Director of Public Instruction says :

> " Muhammadan students have done well in " collegiate education. The Principal, King " Edward College, Amraoti, bears witness to " the fact that in spite of their small numbers " as compared with students of other communi- " ties in the college, the Muhammadan students " have taken a prominent part in all phases of " college life. They have shown energy and " enthusiasm and have acquitted themselves " extraordinarily well, exerting a healthy " influence both in the class room and in general " life of the college. Some of them have won " Government and King Edward Memorial " Scholarships and have distinguished themselves " in the University examinations. They have " also taken a prominent part in the University " sports and in college games and have done well " in the inter-collegiate debates of the Nagpur " University Union."

In this communal-cursed country, where one God-made man is not touched by another, I say definitely, Hindu teaching staff, who control all the sphere of the Nagpur University, are generally unsympathetic to Moslem students. In fact Moslem students are badly treated and their religion is despised. Innumerable instances are found to insult them and to expose them to indignities. In spite of all this, our boys have shown their worth and are endeavouring to make great headway in college education. It is an honour to their religion and pride to their community to get the endorsement of the Director of Public Instruction as quoted above. If the situation is changed and a certain number of Professors, Readers and Demonstrators are put in from the Moslem community, the impetus to Moslems for higher education will be tremendous.

We are therefore of the opinion that we cannot have our claims at the mercy of the major community which is in power. Our interest at every stage of education has been trampled down. We are convinced that the only safeguard is by the insertion of our demands in the new Constitution of India with the clear mandate that no Legislature or other body in India should be allowed to touch it.

The paucity of Moslem teachers and students in Agricultural college, Engineering school, Medical school and Law college is such that your immediate attention is drawn to it. The number of students there is so small that they can be counted on fingers. The prospect of vocational training of our community is dangerously alarming. Unless seats are reserved for our students, there is no hope of their entry in these colleges.

Our recommendations therefore are :—

(1) We are strongly of opinion that in all bodies of the Nagpur University, such as Court, Executive Council, and various committees, the number of Moslem members should be reserved and in none of these bodies their percentage be less than 25 per cent. In future no University in the province be allowed to be established unless this fundamental right of the Moslems is incorporated in its constitution. This does not mean that we object to the autonomy of the University, but what we emphatically object to is the failure to reserve our proportion in those bodies.

(2) We strongly advocate that 25 per cent. of all appointments in the University and in each department of teaching be reserved for Moslems and unless this be done evidently Moslem students will not join in that number in which they ought to join in the University.

(3) We propose that 25 per cent. of the students who are admitted to the colleges affiliated to the Nagpur University should be Moslems, and specially in the vocational colleges and schools 25 per cent. seats should be reserved for the Moslems and preference to this extent be given to them.

(4) We further propose that the Nagpur University should establish chairs of Islamic History, Islamic Philosophy, Islamic Jurisprudence, Arabic, Persian, and Urdu. Though the course of study prescribed Urdu up to M.A. (one of the modern languages) yet no arrangement of its teaching has been done in any of the colleges. Immediate steps should be taken to make arrangements for it.

(5) We are of opinion that election to different bodies of the University for the reserved number of Moslem seats should always be made through Moslem graduates and other class of electors from the Moslem community, and the election should not be made under the so-called joint ticket, because that will bring, though in name Moslem representatives, yet in fact it will be negation of all Moslem representative. Because their re-election will be at the mercy of the Hindu majority votes, they will never prove true to their community, but will always be the spokesmen of their electors, viz., the Hindus.

(6) We take it a very serious matter that Hindus are holding monopoly as examiners for different examinations of the University. Not only that they swallow Rs27,000 every year under this head alone, but Moslem students are naturally the first who are kicked by them as failures. We therefore claim that not only 25 per cent. of the examiners should be Moslem, but the proportion of the money paid be fixed, because we are afraid that Hindu monopolists will put in any number of Moslem examiners, but they will send few papers for examination, hence strict proportion be made.

(7) Immediately a Moslem Advisory Board be set up and the same should be invested with real powers as suggested in Calcutta University Commission report, and its formation, authority and powers should be clearly defined in the constitution, so that no law making or executive body can touch it or whittle down its powers.

(8) Finally, we are of opinion that representation in the different bodies of the University, in the teaching staff and in the students should form a fundamental part of the constitution of India, and should not be

left to the mercy of the Hinduised legislature of the country.

POSITION OF MOSLEMS IN PRIMARY AND SECONDARY EDUCATION.

There has been a growing belief in some quarters for some time past that the Indian Moslems have earnestly and resolutely set themselves to the task of organising communal education. We do not know if there is any solid ground for such belief, but for Indian Moslems there may exist such belief; as far as the Mussulmans of Central Province and Berar are concerned, there is no remote chance of this belief even. No doubt the community is astir with new hopes and fresh desires. The problem of education too, one must acknowledge, has bulked large in recent communal discussions, but there is no attempt to solve the main educational problems of C.P. and Berar Moslems. Moslem education throughout the Province is, according to all reasonable standards, still in a backward state. The rate of educational progress amongst the Hindus is growing proportionately higher every year and the amount of energy that the Mussulmans have recently shown is not at all adequate to enable them to cover an ever-increasing distance that divides them from the progressive Hindu community. It matters little whether the number of Mussulmans receiving instruction in the public schools and colleges of the provinces has appreciably increased unless this increase helps to raise the percentage of the educated Mussulmans on the basis of their numerical strength in the population. The pace has got to be quickened considerably if the general educational level of the country is to be attained. But even more important than the rate of progress is the organisation of communal education in accordance with the communal needs. The rate of progress itself depends to a large extent on such organisation.

C.P. and Berar is one of the provinces where Mussalmans are only just beginning to see that they are hopelessly backward educationally.

The most glaring feature of the statistics relating to education in C.P. and Berar is the very low percentage of the successful Moslem candidates in the various examinations held by the Nagpur University, C.P., High School Education Board and Department examinations.

of British rule, there have been certain peculiar influences which have been operating with disastrous effect amongst the C. P. and Berar Moslems and have kept them so far behind the race. Hindus furnish perhaps the most remarkable instance in history of the adaptability of character to environment. He took to English education as a duck takes to water, with a facility that is amazing, as if he had no race or creed loyalty to which violence could be done, no sense of possession in some historic culture having its roots deep in history. His new acquisition brought him official favours, wealth and influence. With the taste of new power his appetite increased. He profited by his opportunities with masterly shrewdness. As a matter of fact he loomed with fearful dominance over the whole range of public affairs in the Province. He altogether suppressed the Mussulman who stood aloof from modern education. He swamped the new schools, monopolised the public services and created the sort of public opinion which became the only standard of judgment for the rulers in the administration of the province. The Mussulmans, forced to retire tortoise-like within their shell, almost lost the sense of their own individuality. The Hindu spirit pervaded every sphere of public life. It even invaded the schoolroom, and the Moslem boys in the public schools of the province have to learn text books even to-day which are saturated with the spirit of the Hindu mythology and ancient lore of Mahabharat. In brief, the Moslem problem of C.P. and Berar has all along been how to rescue the community from the thraldom of Hindu influence and set it on its legs again. Emancipation in its widest sense has been the one supreme need of the C.P. and Berar Moslems.

When the late Hon. Mr. Gokhale brought forward his Bill for compulsory primary education, the All-India Moslem League re-affirmed its resolution in support of the main provisions of the Bill " with some reservations to safeguard Moslem interests." The need for " reservations " must have been felt to have grown marked and insistent in view of the frank enunciation of the policy of Hindus with regard to language and kindred questions. It is useless at this stage to criticise or deplore the growth of narrow party passions and political shibboleths with which the natural development of a common Indian language has been sought to be arrested and

	1922—23		1923—24		1924—25		1925—26		1926—27	
	Total	Moslems	Total	Moslems	Total	Moslems	Total	Moslems	Total	Moslems
High School Scholarship and Entrance Examination	1564	179	3951	344	1647	119	1768	176	1990	195
High School Certificate Examination	507	32	589	44	406	27	425	24	556	37

FOLLOWING IS THE RESULT OF THE UNIVERSITY EXAMINATION FOR THE YEARS 1921–22 TO 1926–27.

Examinations.	*Total*	*Moslems*	
M. A. final	52	3	
M. A. previous ..	85	5	
M. Sc. Final.. ..	18	0	
M. Sc. previous ..	26	0	
B. A.	405	26	
B. Sc.	119	6	
Intermediate ..	978	64	
L. T. (Teaching) ..	64	8	(only from 1924 to 1927)
LL.B.	256	7	

The causes that have brought about this undesirable state of affairs are not far to seek. Apart from an instinctive hatred felt by the Moslems all over the country towards modern education in the beginning suppressed. The one question with which the Mussulmans were very anxiously concerned was to make sure that in any scheme of mass education formulated and worked by the State, adequate provision is made for the instruction of Moslem boys through the medium of Urdu. If the compulsory primary education is to be introduced and is to come into force at the initiative of the local bodies which will enjoy extensive powers of control and even of taxation, the Mussulmans should have a right to insist on a legislative recognition of their claim that at any rate for the Moslem boys, whose mother tongue is Urdu, it shall be the medium of instruction. The constitution of the Local bodies and passing of the Primary Education Act in 1920 almost killed the Moslem minorities and their script and dialect. There is another matter in regard to which Mussulmans felt very natural apprehension, and this was

the question of the religious instruction of the Moslem boys in the primary schools. The period of the primary education is just the period of life when the young mind is most plastic, is directly under the sway of sense-impressions and receives, for good or evil, its initial impulse towards the evolution of character and personality. The Moslem parent would therefore be anxious to see that his boy is getting the necessary religious education along with secular training. This anxiety could have been and can be easily removed by setting apart a period for the religious instruction under communal control, supervised by the department. The Moslem demand for such provision is eminently just and reasonable. His religion is to a Mussulman an actual living reality. So, too, I believe, is his religion to the Hindu. It is to the abiding advantage of both the communities to see that their younger generation are reared in an atmosphere of reverence and faith. " Patriotism " and " Motherland " may be good rousing cries for corporate political action, but religion alone can educate the affection and impart that unity to individual life without which " Patriotism " and " Motherland " are barren superstitions. Mussulmans at any rate cannot afford to let their children grow in an atmosphere of chance morality and convictions reared by accident.

In the year 1926–27 the number of primary schools for boys in C.P. and Berar was 4,182, and there were 315,627 pupils reading in them, out of which 21,317 passed the primary examination; out of these, i.e. 315,627 pupils, there were 31,527 Moslem pupils, and if we go in detail, there are 242 Anglo-Urdu institutions with 17,389 pupils, but there are only two Government institutions. Besides the above there are 20 unrecognised institutions; thus the distribution is: C.P., 64, and Berar 178 schools for primary education of Mussulmans.

As regards the primary schools, teachers, including those employed in the primary classes of the vernacular middle schools, numbered 10,018, and out of these, 8,978 were employed in Municipal and District Council schools and 626 were employed in private-aided schools; of these 769 Moslem teachers are in District Councils and 417 Moslem teachers are in the Municipal schools and 157 Moslem teachers are in recognised private institutions.

MAKTAB, MULLAH AND PATSHALA SCHOOLS.

As regards Maktab, Mulla schools and Hindu Patshalas, following information will be useful, and clearly indicate the mentality of those who are controlling the local bodies.

	No. of institutions.	Pupils.	Expenditure from Local bodies.	Other private source.
			Rs	Rs
Maktab and Mulla schools for the Moslems ..	23	1099	175	7550
Patshalas for the Hindus ..	48	1206	3552	14584

As regards the training of teachers there are 1,137 scholars reading in the Normal and Training schools, and out of these there are 127 Moslems, but there is only one institution for Urdu teachers, having 87 teachers under training. There are 660 scholarships, out of which there are only 30 for Urdu teachers. Whereas all these scholarships are renewed in the second year and third, 30 reserved for Urdu teachers are not renewed and they are paid only for one year.

HIGH SCHOOL EDUCATION.

The High School Education Act, which was brought into operation in August, 1923, has through the institution of the " High School Education Board " provided an opportunity of bringing public opinion to bear in an increased measure on the problems of secondary education. " The Director of Public Instruction is an ex-officio Chairman and the Deputy Director has been appointed Secretary of the Board by the Local Government. The Board includes also an Inspector of Schools, six head masters, representatives of the University, of the Training College, of Women's education, of Medicine, Commerce, Engineering, Agriculture, the Legislative Council, Local Bodies and minorities and two co-opted members. Considerable powers (including the power of recognition of High Schools and the prescription of courses of study and text books for High and Middle Schools) have been vested in the Board, and the maintenance of an efficient standard of High School education now lies mainly in its hand.

There are 24 Government, 4 Municipal, 15 Aided, and 2 Unaided High Schools. Out of the 15 Aided there are 4 High Schools run by Mussulmans from their private subscription, and out of 24 Government one is a High School for Muhammadan boys. As regards the pupils there were 3,185 students in Government, 302 in Municipal, 1,208 in Aided and 83 in Unaided institutions; total, 5,085, out of which 424 are Mussulman students.

Representation of the Mussulmans in the High School Education Board is only due to the Government nomination, and there are no reserved seats for the Moslems. Through election they have not any remote chance of representation.

Moslem representation in the teaching staff is very small. Following figures will tell their own tale. In the Indian Educational Service there are 12 Europeans and 4 Hindus, out of which there is not a single Mussulman. As regards Inspectors of Schools who are 4 in number, though there is one Mussulman as officiating, but no permanent. Out of 8 Assistant Inspectors of Schools 6 are Hindus, 2 Mussulmans. Of the 74 Deputy Inspectors of Schools 8 are Mussulmans and the rest Hindus. Though there are 6 Inspectresses and Assistant Inspectresses of Schools, out of which not a single one is Mussulman. There are in all 610 teachers in the trained and untrained grade of High and Anglo-Vernacular Schools, out of which 94 are Mussulmans, who are mostly in the lower grade. There are few Europeans still left in the Educational service, but according to the report " the European male element in the services is gradually disappearing owing to the stoppage of recruitment and the retirement of officers," and " it is safe to assume therefore that in the absence of recruitment to fill posts which have long remained vacant, the European element in the Indian Educational service will disappear during the next ten or twelve years at the latest." In other words, as the Moslems have no chance in the recruitment, the services in the Educational Department will fully be monopolised by the Hindus within the next ten or twelve years, and there will hardly be any Moslem to look after the interests of his community in the all-important Educational department.

MEDIUM OF INSTRUCTION.

" The Vernacular, Hindi, Marathi or Urdu, according to local circumstances, was introduced as the medium of instruction in the High Schools in 1922–23." The above is from the Government Report and looks very nice, but in the next paragraph it is written: " The introduction of the vernacular has complicated the problems of administration both with regard to instruction in the schools and with regard to the conduct of examinations. Except in the Muhammadan High School, Amraoti, where Urdu has been prescribed as the medium of instruction, one or other of the two main vernaculars of the province, Marathi or Hindi, has been prescribed in *all Government High Schools*. To prescribe both vernaculars as media in any one school would be

likely to involve a duplication of staff and buildings. Consideration of economy has therefore of necessity limited the prescription to one vernacular for each school, the particular vernacular chosen being the court language of the district. This has led to the *sacrifice of the language of minorities.*" Continuing, the Report said: "In such districts pupils in schools which maintain only one section in the High School classes are faced with the alternative of learning through the medium of a vernacular with which they are not familiar or migrating to schools which provide instructions in their mother tongue."

In other words out of 28 Government and Municipal High Schools there is *only one High School* at Amraoti which has Urdu as medium of instruction, the doors of all these 27 institutions are closed for Moslem boys whose mother tongue is Urdu. In plain words the Hindu Minister, the Hinduised Educational Department of the C.P. does not wish that Moslem boys should take any advantage of the Government and Municipal High Schools. If there had not been 4 aided Moslem High Schools as against 11 Hindu aided institutions then the outlook for the Moslem secondary education would have been worse.

The Government Report on Education says: "Of the high schools, one is the Government Muhammadam High School, Amraoti. The remaining four are the Anjuman High School, Nagpur, the Anjuman High School, Jubbulpur and the two Bohra High Schools at Burhanpur. . . . There has been a general consolidation and improvement in every circle, and signs are not wanting that the Muhammadan community is taking an increased interest in education. The Inspector of Schools, Nagpur, reports: "Steady rise in the number of Urdu schools indicates the growing desire among the Muhammadan community in the circle to have facilities for educating their children." Continuing, the Report says: "In Berar, where the demand for instruction through the medium of Urdu is most widespread, the Inspector of Schools reports that there is much cause for gratification. The Urdu classes attached to Anglo-Vernacular Schools are now well established and without any apprehension or doubt as to their future. Secondly, the aided and recognised Anglo-Urdu school at Khangaon, and the effort to establish similar institutions at Yeotmal and Kali, are a distinct advance with regard to the attitude of the Muhammadan community. This is the first time in the history of Muhammadan education in Berar that private Muhammadan enterprise has shouldered a part of the burden of secondary education in Berar and there are signs of desire for further advance, and another high school for West Berar is importunately sought for by the community. Their case is now before the Local Government. Besides this, several towns would like to have Anglo-Urdu schools, but the community being poor, private enterprise cannot shoulder the burden."

If one reads the above remarks from the Government Report carefully, he will understand that in spite of the community being poor, the Moslems have taken increased interest in education through private enterprise. The surprising part of the whole show in this province is that the education through the Government agency is confined to Hindus. All the High Schools, Government and Municipal, are reserved for Hindus, except one. The same is the condition as regards Anglo-Vernacular Middle schools. Out of 152 Anglo-Vernacular Middle Schools 11 are for Mussulmans, which are mostly run by Mussulmans privately, aided by Government. Our definite charge against the Hinduised Government of C.P. is that though Mussulmans pay rent, taxes and revenue in proportion to their population, but the doors of the Government institutions are closed for their boys. By making Hindi or Marathi as the medium of instruction in most of the Government and Municipal schools (High and Middle) the Mussulman students had to go away without education or to incur extra expenses and migrate to near-by towns where there is a Moslem Private School, and that is more difficult because of the poverty in the community, and so in many cases they have to remain without any education. Is this not shameful, that out of 28 High Schools controlled by the Government and Municipalities, except one, the remaining 27 are for Hindus and Hindus alone? Not only the teaching staff is Hindu, but the way the admission is done and other reasons, the doors of these institutions are practically closed for the Moslem boys.

Vocational Education. The Government report is silent about the progress of the Mussulmans in the Medical, Engineering and Agriculture education. In fact the position of the Mussulmans in this branch is sadly deplorable. It is still worse than what they have done in other sections. Following figures tell their own tale:—

COMPARATIVE STATEMENT OF PUPILS IN DIFFERENT INSTITUTIONS.

Institutions	Europeans and Anglo-Indians	Indian Christians	Hindus		Mussalmans
			High Caste	Depressed Classes	
Medical Schools ..	0	7	228	0	11
Normal Training Schools	0	12	964	31	127
Engineering Schools ..	1	5	134	3	12
Schools for defects ..	0	0	18	0	0
Schools for adults ..	0	0	251	280	154
Other Schools	0	0	92	0	0
Law College	1	1	183	0	9
College for teachers training	0	4	103	0	13
Agriculture College ..	0	1	88	6	6

The pitiable position of students of Moslem community in the above institutions is due mainly because of the absence of the Moslems from the teaching staff and also because of the partiality shown in giving admittance in these institutions. Agriculture, Medicine and Engineering is wholly and solely monopolised by the high caste Hindus, and the sooner this monopoly is broken the better for the minorities.

The third difficulty is of not giving any scholarship or stipend to Moslem students. There are 10 scholarships awarded annually to sons of agriculturalists in high schools to encourage them to join the Agriculture College after completing their high school course. For the College itself 16 Scholarships of the value of Rs12 per mensem, of which eleven are available in the Degree Class, are allotted among students of the first year of the intermediate, primarily to the sons of agriculturalists and in accordance with their ability as shown after joining and their means. Eight scholarships of the face value of Rs15 per mensem are available, each year for students in the second part of the course studying for the degree of Bachelor of Agriculture. These stipends are given by the Department of Agriculture and require that the holders will serve in the department on qualifying should the same need their services. In addition there are two scholarships of the annual value of Rs120, the gift of the Society of Agriculture and Industries and tenable in the Intermediate or Certificate classes, and another of Rs13 per mensem, termed the Makrai Scholarship, reserved for students from that State or from the Hoshangabad district. Though for the education in Agriculture so many scholarships and stipend are given, but not a single one is reserved for Mussulmans. The Hindu staff and the Hindu officials distribute this solely to the Hindu boys, and the result is disastrous to our poor community.

In Medicine the same poor result is seen. Though there are scholarships in good number of the value of Rs15 and Rs25, tenable in the Medical School, Nagpur, again the Mussulmans are getting no advantage out of it. The department, being Hinduised from the top to the bottom, has not reserved any scholarship or stipend for the Moslems, all are being awarded year by year to Hindus and that also of high caste.

The same story is of the Engineering School. Unless a fixed number of scholarships are not awarded to Moslems every year this monopoly will not break.

Female Education.—When the condition of the education of Moslem males is so bad, the position of female education is naturally worse. The state of affairs is so bad that to put figures is sheer waste of time. We only state bare facts to show the most pitiable state of affairs regarding Moslem female education.

RACE OR CREED OF SCHOLARS IN FEMALE INSTITUTIONS IN 1926–27

	Europeans and Anglo-Indians	Indian Christians	Hindus		Moslems	Parsis	Sikhs	Others	Totals
			High Caste	Depressed Classes					
Population, total ..	3,025	15,903	45,47,169	12,98,279	2,68,646	798	479	—	69,61,361
PRIMARY									
1st class	402	919	10,976	533	2,273	140	10	292	15,554
2nd ,, ...	134	475	2,867	80	383	36	5	71	4,051
3rd ,, ...	114	525	2,220	65	252	23	0	49	3,248
4th ,, ...	117	581	1,578	45	136	18	2	28	1,505
MIDDLE									
5th class	0	339	253	3	19	0	0	5	619
6th ,, ...	59	184	139	1	3	11	0	0	401
7th ,, ...	43	118	64	0	1	15	0	0	237
8th ,, ...	44	74	34	0	0	13	0	0	163
HIGH									
9th class	0	27	21	0	1	0	0	0	49
10th ,, ...	21	27	25	0	0	3	0	2	78
11th ,, ...	12	31	13	0	0	0	0	0	56
No. from above in recognised institutions	946	3,298	18,190	727	3,068	259	26	447	26,961
Do. in unrecognised institutions ..	0	104	385	0	418	0	0	0	907
Normal and training schools	0	105	117	5	1	0	0	0	228
Technical and Industrial Schools ..	0	96	5	0	0	0	0	0	101
Schools for Adults ..	0	0	218	44	0	0	0	0	264

The above state of affairs is due mainly to the special needs of the community and the Hinduised Government deliberately ignoring those necessities and needs of the Mussulmans as regards the education of girls. The total expenditure on girls' schools was Rs5,15,776, in the year 1926–27 and we dare say that even a fraction is not paid or spent on the Moslem girl education. Whatever we see the number of girls in primary schools, it is being maintained by Moslem private agency aided but mostly unaided by local bodies. In fact, these 5 lakhs are swallowed by the Hindus and spent on the sole education of Hindu girls. There has been no improvement made in the curricula of girls' schools of any grade. No arrangement made by the Education department for the supply of Moslem-trained efficient teachers, and nothing has been done to open separate schools for girls. As in all the Government as well as Local bodies schools Hindi is the medium of instruction, it has been impossible for the Moslem girls to leave their mother tongue and learn a new language, natural result is neither in the past nor in the future any Moslem girl will ever attend any of the Hindi Government or Local Body's school. This is the main cause coupled with the total absence of Moslem lady teachers from the staff. In short, the money spent on female education by the Government and Local Bodies, in which Moslems contribute their fair share, is used only for Hindus, and Moslems are not getting even a fraction of the same.

We have dealt with the deplorable position of Mussulmans in the University education, in the primary, secondary education and vocational training, and in the last paragraph we have dealt with the girls' education. Now we would like to draw your attention to another aspect of the situation. Numerically we, the Mussulmans in these Provinces, are weak and " to adopt numerical proportion as the basis of calculation in the matter of education of such a backward but important community as the Mussulmans of the Provinces is not only unfair but also misleading." Our educational needs should be determined by our status, past history and present condition in the country and the " principle that numerical strength is not the only criterion for determining the question of communal rights and interests has now been accepted as a fundamental principle by the Government of India and Parliament.

In the matter of figures and population of Hindus and Mussulmans there is more than one point to note. For the purpose of numerical strength Hindus count

lakhs of untouchables and call them Hindus, but the following will show how the higher class Hindus gain the educational advantages :—

NUMBER OF SCHOLARS OF DIFFERENT RACES.

	Hindu High Caste	*Hindu Depressed Class*
Primary Education	2,17,188	38,376
Middle	31,737	1,358
High	4,168	60
Inter college	752	5
Degree classes ..	424	5
Post graduate ..	62	0

The foregoing will show that although the Depressed Classes outnumber the high caste Hindus in population, in education they are nowhere, and still the number of these illiterate untouchables is counted by the Government in working out the percentage and deciding the fate of Moslem education. Let us examine the literacy of the different castes in comparison to Mussulmans.

The literacy table below will clearly show in average Hindu literacy is much higher than the Mussulmans. As compared with high caste Hindus who are the real monopolists of power, wealth, and education, Mussulmans are nowhere. To add into the Hindus, to make their percentage low, untouch-

FOLLOWING FIGURES SHOW LITERACY ACCORDING TO RELIGION.

	Total Population.	Literate or able to read or write.	Illiterate.	English-literate.
All religions	1,59,79,660	6,61,553	1,53,18,107	64,798
Hindus	1,31,31,802	5,42,291	1,25,89,511	42,574
Jains	69,794	33,635	50,552	1,333
Mussulmans	5,82,032	66,599	5,15,442	6,600
High caste	Literacy of Hindu castes			
Brahmin	4,57,377	107,949	3,49,428	20,737
Kayasth	34,330	10,423	23,907	2,362
Rajput	4,55,422	33,941	4,21,481	3,771
Bania	2,04,500	50,172	1,54,328	2,187
	11,51,629	202,485	9,49,144	29,057
Total Low Castes	1,19,80,173	3,39,806	1,16,40,367	13,527
Ahir	4,10,228	7,370	40,2,858	589
Barhai	97,046	6,026	91,020	244
Basor	29,366	70	29,296	4
Bharia (Bhuria)	34,781	24	34,759	0
Bhil	21,634	65	21,569	–
Bhilala	13,633	207	13,426	32
Bhoyar	58,348	1,203	57,145	23
Chader	24,826	309	24,517	1
Chamar	8,81,674	3,709	3,77,968	152
Darhayat	7,588	315	7,273	2
Dangi	17,806	1,137	16,669	5
Darji	50,579	6,395	44,184	433
Dhangar	17,343	533	16,810	21
Dhimar	2,62,303	3,338	2,58,965	113
Dhobi	1,65,624	3,477	1,62,147	126
Gadaria	29,823	1,205	28,618	57
Ganda	95,868	493	95,375	6
Ghonsi	7,529	225	7,304	1
Gond	21,09,583	10,927	20,98,656	263
Gowani	1,15,782	986	1,14,796	23
Gujar	50,232	2,197	48,035	21
Halha	30,904	632	30,272	12
Kachchi	1,11,327	2,192	109,135	101
Kahar	12,322	136	12,186	5
Kalar	1,88,681	12,389	1,76,292	577
Katia	36,573	544	36,029	20
Kawar	85,878	457	85,421	3
Kirar	42,487	1,857	40,630	12
Kol	78,679	121	78,558	1
Korku	1,26,599	151	1,26,448	2
Korhti	1,30,609	9,186	1,21,423	419
Kumhar	1,21,408	2,514	1,18,894	168
Kunbi	12,37,713	50,131	11,87,582	1,534
Kurmi	2,72,404	11,330	2,61,065	262
Lodhi	2,95,612	9,377	2,86,235	321
Lohar	1,74,187	5,383	1,68,802	272
Mali	3,57,859	12,349	3,45,510	514
Mehra	11,70,737	16,201	11,54,536	373
Nai	1,60,122	6,497	1,53,625	270
Oraow	72,909	103	72,806	0
Panka	1,27,575	1,931	1,25,644	90
Sawara	55,702	294	55,408	17
Sunar	1,29,380	18,161	1,11,219	718
Teli	8,90,240	27,648	8,62,592	826
Wanjni	44,232	481	43,751	5

ables and Depressed Classes who are still in a very primitive state of civilisation is absolutely wrong. These low caste Hindus are not given any benefit of school, college or University education, and they never get a remote chance of getting any share of office or service. In other words, " their number is always included in calculating the percentage in order to lay the foundation for claiming their share of the benefits, while those benefits are actually monopolised by the caste Hindus to the exclusion of such untouchables and Depressed Classes." If you will read the Government report carefully, you will see that the higher caste Hindus alone flood the educational institutions and services.

There is another aspect of the question which deserves earnest consideration. It cannot be denied that for all practical purposes it is only the urban population which takes to the secondary and collegiate education. Therefore, when estimates are made of the proportionate progress of Mussulmans in the higher education, the total population should not be taken into account, but the calculation should be confined to the urban population. If we see the position of Mussulmans through this way, then it will be clear that our position is still worse.

Though out of a total population of C. P. and Berar, 82 per cent. are Hindus, but their population in towns and municipalities is only 79 per cent. Out of the total population of C. P. and Berar, 4½ per cent. are Mussulmans, but their population in towns and municipalities is 16 per cent., and out of the total population of C. P. and Berar 13 per cent. are Animist, but their population in towns and municipal areas is only 1 per cent.

The above will clearly show that we are 16 per cent. in the towns and municipal areas, and not 4½ per cent., which is the basis of calculation at present. And if further figures are quoted we can prove to the hilt how backward we have become because of the anti-Moslem policy of the Hinduised Government, we, who have been noted for the culture, enlightenment and energy have been so much deliberately neglected as to become one of the " Depressed Classes."

In spite of the fact that the Government of India, through the Honourable Mr. Sharp, in Letter No. 585–595, dated the 3rd April, 1913, invited the attention of all local governments to the subject of Muhammadan education. The Government of India, he said, are " anxious that all reasonable facilities should be provided for the education of this backward community," but though various Local Governments appointed committees to report on the subject our Local Government did nothing of the kind. No scheme for opening Islamic schools was formulated, and no special officer appointed to see that Moslem education received its adequate share of revenue. Here we wish to write and copy in full the opinion of various Government high officials written from time to time on this all-important subject, and would like to show that all these were ignored by the C. P. Government, and since the advent of the Reforms the Hindu Ministers are simply ignoring them purposely.

Sir William Hunter wrote in 1871, and though so many years have passed, his remarks regarding Moslem education are true to-day as they were in 1871, and though the same were written for Bengal they are no less applicable to C. P. Moslems. He wrote : " The truth is that our system of public institution ignores the three most powerful interests of the Mussulman heart. In the first place it conducts education in the vernacular of Bengal, a language which the educated Mussulman despises, and by means of Hindu teachers. The Bengalee schoolmaster talks his own dialect, and a vile Urdu, the latter of which is, to him, an acquired language as much as it is to ourselves. Moreover, his gentle and timid character unfits him to maintain order among Mussulman boys. " Nothing on earth," said a Muhammadan husbandman recently to an English official, " would induce me to send my boy to a Bengalee teacher." In the second place, our rural schools seldom enable a Moslem to learn the tongue necessary for his holding a respectable position in life and for the performance of his religious duties. Every Mussulman gentleman must have some knowledge of Persian, and Persian is a language unknown even in our higher class district schools. Every Mussulman from the highest to the lowest, ought to say his prayers in one of the sacred languages, Persian or Arabic, and this our schools have never recognised. In the third place, our system of education makes no provision for the religious education of the Muhammadan youth. It overlooks the fact that among the Hindus a large and powerful class has come down from time immemorial for the supply of this part of a boy's training, while among the Muhammadans no separate body of clergy exists. Every head of a Mussulman household is supposed to know the duties of his religion, and to be his own family priest. Ministrations are, indeed, conducted at the mosque, but it is the glory of Islam that its temples are not made with hands, and that its ceremonials can be performed anywhere upon God's earth or under His heavens. A system of purely secular education is adopted to very few nations."

In 1854, the Court of Directors, through Sir Charles Wood, in his famous despatch on education wrote :—

> " We shall receive any proposition which may appear to be likely to supply the wants of so large a portion of the natives of India."

Soon after the Hunter Commission made the following recommendations :—

(1) " That the special encouragement of Muhammadan education be regarded as legitimate charge on Local, Municipal and Provincial funds."

(2) " That special standard for Muhammadan Primary schools be prescribed."

(3) " That indigenous Muhammadan schools be liberally encouraged to add purely secular subjects to their courses of instructions."

(4) " That Hindustani (Urdu) be the principal medium for imparting instruction to Muhammadans in Primary and Middle schools except in localities where the Muhammadan community desires that some other language be adopted."

(5) " That the official vernacular in places where it is not Hindustani (Urdu) be added as a voluntary subject to the curriculum of Primary and Middle schools for Muhammadans maintained from the public funds, and that arithmetic and accounts be taught through the medium of that vernacular."

(6) " That where necessary a graduated system of special scholarship for Muhammadans be established ; to be awarded (*a*) in Primary schools, and (*b*) tenable in Middle schools."

(7) " That in all classes of schools maintained from public funds a certain proportion of free studentships be expressly reserved for Muhammadan students."

(8) " That in places where educational endowments for the benefit of Muhammadans exist and are under the management of Government, the funds arising from such endowments be devoted to the advancement of education among Muhammadans exclusively."

(9) " That where Muhammadan endowments exist and are under the management of private individuals or bodies inducement by liberal grants in aid be offered to them to establish English-teaching schools or colleges on the grant in aid system."

(10) " That where necessary normal schools or

classes for the Muhammadan teachers be established."

(11) "That wherever instruction is given in Muhammadan schools through the medium of Hindustani, endeavours be made as far as possible to appoint Muhammadan teachers to give such instructions."

(12) "That Muhammadan inspecting officers be employed more largely than hereto for the inspection of Primary schools for Muhammadans."

(13) "That associations for the promotion of Muhammadan education be recognised and encouraged."

In 1924, His Honour Sir James (now Lord) Meston in the Government resolution number IV, paragraph 1, in the following words wrote: "It is useless to ignore the fact that in existing conditions the ordinary board schools do not and cannot adequately cater for certain sections of the community and for the education of these sections special measures must, therefore, be taken."

Question of education of Mussulmans was the subject matter of a resolution as early as of the August, 1871, when Lord Mayo wrote :—

(1) Further encouragement should be given to classical and vernacular languages in all schools and colleges.

(2) English schools should be established in avowedly Muhammadan districts; the appointment of qualified Muhammadan English teachers might, with advantage, be encouraged.

(3) As in vernacular schools, so in avowedly English schools, assistance might justly be given to Muhammadans by grant in aid to create schools of their own.

(4) Greater encouragement should also be given to the creation of vernacular literature for the Muhammadans.

The U.P. Government, in their resolution Number 1611/XV, dated 25th August, 1914, sanctioned the appointment of a Muhammadan Inspector for the province and Muhammadan Deputy Inspectors for the different divisions. It further established provincial and district Maktab committees and special provision made to appoint Mussulmans as teachers and as members of the inspecting staff, and the resolution continued, said: "The Boards are being asked to insist that Muhammadan boys be freely admitted and properly treated in schools where Hindus predominate." The resolution further urged, "that special facilities should be given for spreading primary education among the Mussulmans by efficient teaching in the Persian script, and by establishing Moslem schools in any town or village where the attendance of at least twenty boys is guaranteed and by allowing the use of special readers suited to the requirements of the Mussulmans and approved by the Maktab committees."

Every Local Government did something or other to provide facilities for Moslem education, but we in C.P. got nothing out of it. As long as the education was under the pre-Reform system our appeals had a remote chance of acceptance, but since the advent of Reform and Hinduisation of the Education department our claims are not even thought over. In fact, we are being deliberately kept in ignorance. The local bodies, who are aggressively Hinduised, have now the control of the primary education and they purposely do not wish to help Mussulmans in this direction. The Hindus directly and openly wish to kill Urdu, and it is sheer nonsense to expect that they will agree to spend a pie on an education which is done through it. In spite of their wish there are Urdu schools under municipal committees, but every effort is made to starve them of their necessary requirement. It is interesting to note that not a single Urdu school was opened by any local body since same have been democratised. The local bodies are invested with enormous powers and the Act has imposed no check. The primary education being one of the strongest elements in raising the economic, social, and material welfare of a community, the majority used it deliberately, systematically and effectively to kill it.

In this province, the Local Government with successive Hindu ministers did nothing for the Moslem education. It is only private enterprise which is doing something in this direction. No special Muhammadan inspector has been appointed, not even a special officer appointed to look after the Moslem education. Opening of Maktab and Islamia schools was never thought of, even. There is no way and no fixed rules under which the local bodies can be forced to pay even a fraction of their income for the Moslem education. The most thorny question is of language. The Hinduised Government, the local bodies, and the Education department want Mussulmans to learn through an alien language—Hindi; and no Mussulman can agree to leave Urdu and kill his own mother tongue. The paucity of Moslems in teaching staff and in inspecting staff is fast growing and nothing is being done to recruit Moslems for the posts of teachers and as members of the inspecting staff. The same Hindu monopoly reigns in secondary education. Not only that, the doors of all the Government High Schools are closed for Mussulmans because of the medium of instruction which is fixed either Hindi or Marathi. Here, again, the Moslem staff is nowhere seen. In the question of scholarship the Moslems are treated as if they do not exist in the province. In the vocational training, their position is made still worse. Admission in the engineering, agriculture, veterinary, science and medical institutions is confined to Hindus, and under the plea of the test examination Mussulmans are rigidly excluded.

Question of questions as regards Moslem education is the question of language. Though we have referred more than once to this thorny question, we cannot rest content unless we have dealt with it exclusively once more. Primary education and Urdu is one and the same so far as the Mussulmans are concerned. If Urdu is to be sacrificed, we deprive five lakhs of Moslems—and these the best of Moslems, if heredity counts for anything—of their mother tongue, in which they think to-day. In addition to this, we deprive them and the remaining millions of Mussulmans of the consolation which their religion has to offer to them. For our part, we think it is the loss to the latter whose mother tongue is not Urdu that is irreparable. It is possible for Mussulmans, as it is being made possible for Hindus in Northern India, to give up the use of a familiar Persian word or Arabic expression and substitute for it a strange word or expression from Sanskrit for ordinary purposes of life. Time and use would make strange phrases familiar, and time and disuse would make familiar phrases strange. But what of the familiar word and phrase of the religious literature? Language is the expression of thought and where thought differs so radically, as in Islam and Hinduism, can the same language express it adequately in each case? Consider it whatever way you like; it has to be confessed in the end that Urdu is the irreducible minimum to which the most compromising Mussulman could consent. Not that there is no room in Urdu for a larger admixture of Sanskrit words, but they can glide in naturally and smoothly; they cannot be pushed in by force. In the intercourse of India with other Asiatic countries, at least, it is not Sanskrit but Arabic and Persian that will be of use. To exclude from the *lingua franca* of India the only source of help in its intercourse with other Asiatic countries, is not patriotism, nor business, but sheer imbecility.

This brings us to the question of a script, though we are concerned here mainly with that of language. Islam was neither insular nor peninsular, and if Mussulmans lacked something in their love for the land they lived in, they have been charged with a

little too much of it for the lands of others. Their conquests brought them worldly gain and afforded them facilities for conversion. Just as in the case of European nations to-day, commerce follows conquest, in the history of Islam the faith followed the flag. For a world-wide empire a common language was an impossibility, and as we have shown, Arabic was not imposed on the conquered lands. But a common script facilitated a common understanding, and to-day, while Arabic, Persian, Pushto, Urdu and many other languages are used by Moslems, the Arabic script is common to all. Here, again, the irreducible minimum was found by people ready to compromise. Efforts are now being made in India to have a common script. So long as Islam remains a world-wide religion and Mussulmans retain their present sympathies with other Moslems, no matter where they be, Indian Mussulmans cannot give up their present script for Devnagri. We have heard a great deal about the scientific character of the latter, but few of its advocates have examined its suitability for transcription of Arabic words, and all seem to ignore the fact that the Arabic script is, perhaps, the only form of shorthand which is common blessing for many millions. Granting for argument's sake that Devnagri is more scientific, does it entitle it to any greater consideration than that which such a shrewd and businesslike nation as the Americans paid to Mr. Roosevelt's short list of phonetically-spelt words? And, finally, in the matter of script even more than in the case of language, the general adoption of Devnagri to the exclusion of Arabic character would be to curtail the facilities of intercourse between India and other countries. As Punjab, U.P., C.P., and Mussulmans of other provinces only read through Urdu, to force another language with Nagri script on the Mussulmans is to force them to be completely cut off from their brethren outside their province.

The only conclusion at which we can arrive is that neither in the matter of language nor in that of script can the Mussulmans afford to concede more than what they have already done in adopting Urdu as their only vernacular and retaining the script that is practically common to the Islamic world. But unless we take practical steps to safeguard the language and "the script, both are endangered by the narrow and exclusive nationalism" which is growing more and more militant every day.

After dealing with the all-important question of language and script in detail, suffice it to say that as the local bodies are being Hinduised, unless the primary education for the Mussulmans is put on surer ground we have no chance of getting any benefit through them; on the contrary there is going on an active movement to wipe out our language and script. In short, we want Urdu schools for our boys and girls, and that also in good number.

The other condition which is also very important is the inclusion of Moslem teachers in the primary schools. It is far from our wish to state that all Hindu teachers are unsympathetic. But we dare say it with great conviction, and that also after seeing the work of Hindu teachers, that the class of people from which the Primary School teachers are recruited is generally unsympathetic to Moslem students. But this question cannot arise if Urdu primary schools are opened in greater numbers, and as they will be exclusively for Moslems all the teaching staff must come from this very community. The difficulty arises in Anglo-Vernacular Middle Schools. And we are obliged to state that in schools which are almost staffed by Hindu teachers Moslem students are treated badly; their religion is despised and they are exposed to insults and indignities which we as a high-spirited community cannot possibly endure. Many Hindu teachers are now imbued with a missionary spirit and they use all devices to spread Hindu culture and inculcate Hindu ideals in the minds of tender children.

As the education is a transferred subject the Government is helpless, and the Hindu Minister, the Hinduised education department and the Hindu monopolised local bodies, which control the education from the first stage to the last, can do anything they like. We therefore request that our demands should be included into the fundamental safeguards and be put in the constitution of India by Parliamentary statute so that nobody be allowed to touch it in India.

(1) As the majority community has done absolutely nothing for our education, on the other hand they have deliberately tried to kill our language and script and have Hinduised the whole educational department and our claims have been completely ignored, hence our demands in this connection should be embodied into an Act of Parliament and nobody in India from a local body to the highest assembly of the State should be allowed to touch it.

(2) An adequate and substantial share of grant in aid be fixed for Moslem education, and each local body and the Government should be compelled by law to spend such portion of the grant in aid on Moslem institutions.

(3) Provision for instruction to Moslem children in Urdu schools and opening of such Urdu schools where more than ten Moslem students could be found. Maktabs and Mulla schools to be given substantial grants in aid.

(4) Sufficient number of Moslem members in the Education sub-committees of each Local Body.

(5) A special Inspector of Muhammadan education be appointed for the whole province and except Moslem education no other duties should be assigned to him. His office establishment should be an integral part of the office of the Director of Public Instruction. This post must be immediately created, and the same should carry the status and position of a Divisional Inspector.

(6) In every circle there should be an Assistant Inspector of Schools for Moslem education, under whom there should be Deputy Inspectors of Schools in each district to look after Islamic schools and Maktabs.

(7) In each district there should be formed under the law Moslem Educational Committees; their chairman should be a Government Moslem servant of high rank and the Moslem Deputy Inspector as Secretary. The powers of appointment, leave, dismissal, transfer, control of all Islamic schools and Maktabs should be vested in these committees and their position and status should be equal to the Education Sub-Committees of the Local Bodies. And the Local Bodies should not be allowed to take any action on any question regarding Moslem Education unless it comes through this Moslem Educational Committee.

(8) The annual budget prepared by this committee shall be incorporated in the general educational budget of the Local Bodies. Instead of the savings of the budget being lapsed it should be lawful for this Moslem Educational Committee to spend it for the Moslem education.

(9) The Moslem Education Committee shall have power to select candidates for the teachership in the vernacular training schools, training classes and normal schools. The Committee be empowered to correspond directly with the Education Department officials. The Committee should also prepare an annual report on the Moslem education, and it should incorporate all proposals made by the Committee and rejected by the Local Body. The Committee be supplied by the Local Bodies all the figures of general education, so that this committee could make out a comparative statement of Moslem education.

(10) Primary Education should only be given to Moslem boys in Urdu language and through Moslem teachers.

(11) Fixed proportion of free and half-freeships and scholarships for Moslem boys be fixed, and it should not be less than 25 per cent. of the total.

(12) Female education should be under the Moslem Education Committee to be formed as stated above.

(13) Provincial grant for Moslem primary education be separately put under a Provincial Moslem

Educational Committee, and the same will alone be responsible for its distribution.

(14) In the Anglo-Vernacular middle schools and high schools Moslem students should not be forced to study through the medium of Hindi. Urdu section should be opened and if no such arrangement is possible, then English should be the medium of instruction for Moslem boys. On no account should Moslem students be forced to read through Hindi. In all schools Urdu classes for Moslem boys be opened enabling them to take Urdu as one of the vernaculars. Where there are sufficient number of students arrangement for teaching of Persian and Arabic as one of the optional classics be made.

(15) In all Government and Municipal Middle and High Schools at least 25 per cent. of the teaching staff should be Mussulmans.

(16) The curriculum of studies for Islamic schools should be drawn by the Provincial Moslem Education Committee.

(17) The High School Education Board should have 25 per cent. of its members from Moslem community and the election of the same be done by Moslem electors, say Moslem graduates, Moslem institutions, etc.

(18) There should be more Muhammadan Government High Schools and Middle schools on the type of the Amraoti Muhammadan High School at different centres.

(19) Moslem representation in the Committee of courses and studies be fixed and no "body" constituted under this High School Education Board should be without Moslem representation.

(20) In the examiners very few Moslems are found and therefore we urge that 25 per cent. of the examiners for the High School and Middle School examinations be from the Moslems.

(21) Moslem girls teachers training school be opened immediately so that trained female teachers be made available.

(22) In the Inspecting Agency sufficient number of Moslem Inspectors of Schools be appointed.

(23) Special High Schools for Mussulmans be opened at least in each division and an Anglo-Vernacular Middle School in each district.

(24) Twenty-five per cent. of all seats be reserved for Moslem students in Engineering, Medical and other vocational institutions and fixed number of scholarships be kept reserved for them. The test examination either should be done away with, otherwise the Mussulmans having the minimum required qualification be taken in the classes of the above schools.

(25) Moslem teachers in the vocational institutions be appointed at once.

(26) In the Agriculture and Training College, seats for Moslem boys be at once reserved and scholarship separately allotted for them.

(27) The Provincial Moslem Education Committee which is to be immediately formed should consist of elected Moslem representatives of the Moslem councillors of C. P. representatives of the Islamia High and Middle Schools; the Director of Public Instruction and the special Inspector of Moslem Education as President and Secretary respectively.

COMPARATIVE STATEMENT OF THE MUSSULMAN MEMBERS AND OFFICE-BEARERS WITH POPULATION FIGURES OF THE MUNICIPAL COMMITTEES OF CENTRAL PROVINCES AND BERAR FOR THE YEAR 1928.

Number.	Name of Municipal Committee.	District.	Elected members.		Selected members.		Nominated members.		Chairman.		Vice-Chairmen.		Voting strength.		Population.		
			Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Hindus.	Moslems.	Total.
1	Nagpur	Nagpur ..	38	2	4	0	4	0	1	0	2	0	48	2	1,18,155	16,988	1,45,193
2	Ramtek	do. ..	8	0	2	0	2	1	1	0	2	0	12	1	7,981	487	8,580
3	Kalmeshwar	do. ..	10	1	2	0	2	0	—	—	—	—	—	—	4,543	233	4,851
4	Umrer	do. ..	9	1	3	0	3	1	1	0	2	0	18	2	14,198	722	15,061
5	Mowar	do. ..	10	2	2	2	2	0	1	0	1	0	14	4	4,354	390	4,795
6	Saoner	do. ..	10	2	3	0	3	0	1	0	2	0	16	2	6,520	455	7,078
7	Katol	do. ..	11	0	2	1	2	1	1	0	2	0	25	1	8,568	918	9,795
8	Tumsar	Bhandara ..	8	0	2	0	2	0	1	0	2	0	14	0	6,093	446	6,692
9	Pauni	do. ..	10	2	2	0	2	0	1	0	2	1	17	3	9,554	876	10,481
10	Gondia	do. ..	11	2	2	0	2	00	1	0	2	1	18	2	8,810	1,231	10,617
11	Chanda	Chanda ..	11	2	2	0	2	0	1	1	2	0	15	2	20,643	1,744	22,981
12	Warora	do. ..	8	0	—	—	1	0	1	1	2	0	10	1	7,054	1,004	8,809
13	Wardha	Wardha ..	—	—	—	—	2	1	—	—	—	—	—	—	13,320	1,538	16,044
14	Arvi	do. ..	16	0	—	—	—	—	—	—	—	—	—	—	11,265	1,432	13,248
15	Deoli	do. ..	6	1	2	0	2	0	1	0	1	0	11	1	5,451	359	5,991
16	Hinganghat	do. ..	12	3	2	0	2	0	1	1	2	0	19	4	14,451	2,008	17,200
17	Pulgaon	do. ..	8	0	1	0	1	1	1	0	2	0	10	1	6,385	649	7,443
18	Balaghat	Balaghat ..	10	0	2	0	2	1	1	0	2	0	14	1	5,956	1,027	7,300
19	Jubbulpur	Jubbulpur ..	23	5	6	0	6	0	—	—	—	—	—	—	75,755	24,312	1,08,793
20	Sehora	do. ..	9	1	1	0	1	0	1	0	2	1	12	2	5,630	644	6,387
21	Murwara	do. ..	10	2	2	0	2	0	1	0	2	0	14	2	16,128	2,745	19,682
22	Saugor	Saugor ..	13	0	—	—	2	1	—	—	—	—	—	—	29,246	8,010	39,319
23	Deori	do. ..	6	0	2	0	2	1	1	0	2	0	10	1	4,351	542	5,369
24	Etawah	Saugor ..	8	3	—	—	2	0	—	—	—	—	—	—	6,756	1,561	9,226
25	Khurai	do. ..	7	1	—	—	1	1	—	—	—	—	—	—	4,234	1,275	6,078
26	Damoh	Damoh ..	13	0	2	1	2	1	1	0	2	0	20	2	11,174	2,831	15,296
27	Seoni	Seoni ..	12	1	—	—	2	0	—	—	—	—	—	—	8,740	2,811	12,772
28	Mandla	Mandla ..	12	2	2	0	2	0	1	0	2	0	16	2	7,407	1,165	8,784
29	Hoshangabad ..	Hoshangabad	12	1	2	0	2	0	1	0	2	0	17	1	8,840	2,102	12,048
30	Harda	do. ..	14	5	2	1	2	0	1	0	2	1	20	6	8,029	2,608	11,077
31	Seoni Malwa	do. ..	10	1	—	—	1	1	1	0	1	1	—	—	4,982	845	6,004
32	Sohagpur	do. ..	11	1	2	0	2	1	1	0	2	0	16	2	4,829	1,924	7,053
33	Betul	Betul ..	13	2	2	0	2	0	1	0	2	0	17	2	5,368	247	5,773
34	Chindwara	Chindwara	13	1	—	—	3	1	—	—	—	—	—	—	9,676	2,351	13,383
35	Pandhurna	do. ..	12	2	—	—	1	0	1	0	2	0	10	1	7,680	812	8,611
36	Saunser	do. ..	8	1	1	1	1	0	—	—	—	—	—	—	4,783	356	5,318
37	Narsinghpur	Narsinghpur	12	1	2	0	2	1	1	0	2	0	19	2	6,997	1,905	9,839
38	Gadarwara	do. ..	9	1	1	0	1	0	1	0	2	0	11	1	6,907	1,242	8,539
39	Chota Chindwara ..	do. ..	6	0	2	0	2	0	1	0	2	1	12	1	3,108	272	3,836
40	Burhanpur	Khandwa ..	18	8	2	1	2	0	1	0	1	1	24	10	22,847	12,761	35,916
41	Raipur	Raipur ..	19	3	2	1	2	0	1	0	2	1	26	5	30,824	6,017	38,341
42	Dhamtari	do. ..	10	0	2	0	2	1	1	0	2	0	14	1	10,855	918	12,721
43	Drug	Drug ..	9	1	2	1	2	0	1	0	2	0	16	2	9,983	878	11,274
44	Amraoti	Amraoti ..	18	7	4	1	4	0	1	0	2	1	26	8	32 234 3,412	7,537 899	40,694 4,775
45	Ellichpur City ..	do. ..	18	7	3	1	3	0	1	0	2	1	24	8	16,344	7,206	23,899
46	Ellichpur Civil Lines..	do. ..	19	0	2	0	2	1	1	0	2	0	13	1	—	—	—
47	Akola	Akola ..	18	4	4	1	4	0	1	0	2	0	26	5	28,401	8,337	37,804
48	Akot	Akola ..	10	3	2	0	2	0	1	0	2	1	14	3	12,699	3,920	16,887
49	Karanja	do. ..	9	3	2	1	2	1	1	0	1	1	13	5	8,523	4,175	13,645
50	Basim	do. ..	9	1	2	0	2	1	1	0	2	0	13	2	8,053	2,557	10,971
51	Murtizapur	do. ..	9	2	2	0	2	0	1	0	2	0	13	2	8,039	2,107	10,552
52	Buldana	Buldana ..	9	3	3	1	3	0	1	0	2	1	15	4	4,400	969	5,691
53	Shegaon	do. ..	10	2	3	0	3	0	1	0	2	1	16	2	12,302	2,112	14,531
54	Malkapur	do. ..	10	2	3	1	3	1	1	0	2	1	16	4	9,875	4,650	14,947
55	Yeotmal	Yeotmal ..	—	—	2	0	2	0	—	—	—	—	—	—	14,348	1,854	17,238
56	Wun	do. ..	7	1	1	0	1	0	1	0	2	0	9	1	5,559	866	6,841
57	Digras	do. ..	—	—	2	2	—	—	—	—	—	—	—	—	5,528	1,920	7,857

(Figures for the blank columns are not available).

Summary of the Statement on the subject of Municipal Committees of 1928.

ELECTED MEMBERS.

Zero Moslem Members. Election figures for 54 Committees are available. Following 13 Committees are so fortunate as not to get even one elected Mussulman member through the Joint Electorate—(1) Ramtek 8. (2) Katol 11. (3) Tumsar 8. (4) Warora 8. (5) Pulgaon 8. (6) Balaghat 10. (7) Saugor 13. (8) Deori 6. (9) Damoh 13. (10) Chota Chindwara 6. (11) Dhamtari 10. (12) Elichpur C. S. 9. (13) Arvi 16. (Total number of members selected are printed after each Committee's name).

One Mussulman Member. Following 16 Committees could get only one member each through the Joint Election. Total number of members are shown after it—(1) Kalmeshwar 10. (2) Umrer 9. (3) Deoli 6. (4) Sehora 9. (5) Khurai 7. (6) Seoni 12. (7) Seoni Malwa 10. (8) Sohagpur 11. (9) Chindwara 13. (10) Saunsar 8. (11) Narsinghpur 12. (12) Gadarwara 9. (13) Drug 9. (14) Hoshangabad 12. (15) Basim 9. (16) Wun 7.

Two Moslem Members. Following 13 Committees could get only two members through Joint election out of the members noted after each Committee's name. (1) Nagpur 38 (2) Mowar 10. (3) Saoner 10. (4) Pauni 10. (5) Gondia 11. (6) Chanda 11. (7) Nurwara 10. (8) Mandla 12. (9) Betul 13. (10) Pandhurna 12. (11). Murtizapur 9. (12) Shegaon 10. (13) Malkapur 10.

Three Members and more. There were only five Committees in which three Mussulmans came in, and in Akola out of 18 members 4 Moslems were elected, in Harda out of 14 5 Moslems, and in Amraoti and Elichpur city out of 18 members 7 Mussulmans came at each place through the election.

SELECTION.

Figures for selection of members for 46 Municipal Committees are available; out of this there are 31 Committees which had the good fortune of not getting even one Mussulman member through the selection and there are 13 Committees which have secured one Mussulman each, whereas there are out of these 46 Committees only two Committees in which 2 Mussulman members each were selected.

NOMINATED MEMBERS.

Pro-Hindu attitude and tendency of the Local Government can well be shown when we have seen the figures of 55 Committees for which Government nominated members, as many as 2 to 4, and out of these 36 Committees could get no Mussulman. In 19 committees Government nominated one member each and there is not a single Committee which got two nominated members from Moslem Community.

OFFICE BEARERS.

Tale of election of chairmen is better not told. There are 45 Committees of which elections have taken place, out of which 42 Committees got non-Moslems as chairmen (i.e., 40 Hindus, 1 Christian, 1 Parsee) and three Committees got Mussulman chairmen.

As regards vice-chairman, out of 45 Committees 40 are entitled to elect two vice-chairmen each, and there are five Committees which can only elect one vice-chairman, making the total vice-chairmen 85 in number and out of which only 15 are Mussulmans. There are 36 Committees which have no Mussulman vice-chairmen and even two seats of vice-chairmen have been monopolised by the Hindus.

VOTING STRENGTH.

There are 44 Committees of which figures are available, and in which there are 14 Committees of 11 to 14 members which have only one Mussulman to vote. There are 16 Committees of 15 to 48 members in which only two Mussulmans are eligible to vote. There is only one Committee which has three Moslem votes and largest number of Moslem votes is eight out of 26 and 24 in two Committees.

COMPARATIVE STATEMENT OF THE MUSSULMAN MEMBERS AND OFFICE-BEARERS WITH POPULATION FIGURES OF THE MUNICIPAL COMMITTEES OF CENTRAL PROVINCES AND BERAR FOR THE YEARS 1925–26.

Number.	Name of Municipal Committee.	District.	Elected Members.		Selected Members.		Nominated Members.		Chairman.		Vice-Chairmen.		Voting strength total.		Population.		
			Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Tot'l.	Moslems.	Total.	Hindus.	Mussulmans.
1	Nagpur	Nagpur	38	4	4	0	7	1	1	0	2	1	51	6	1,45,193	1,18,155	16,988
2	Umrer	do.	9	1	2	0	3	1	1	0	2	0	14	2	15,061	14,189	722
3	Kalmeshwar	do.	10	2	2	1	2	0	1	0	2	1	14	3	4,851	4,543	233
4	Saoner	do.	10	2	3	0	3	1	0	2	0	10	2	7,078	6,520	455	
5	Katol	do.	10	2	2	2	2	0	—	—	—	—	—	9,795	8,568	918	
6	Chanda	Chanda	11	1	2	1	3	1	1	0	2	1	18	4	22,881	20,043	1,744
7	Warora	do.	9	4	1	0	2	1	1	0	1	1	11	5	8,808	7,054	1,004
8	Hinganghat	Wardha	12	4	2	0	3	2	1	1	2	0	18	6	17,200	14,451	2,008
9	Deoli	do.	5	0	1	0	1	0	1	0	2	0	9	0	5,991	5,451	359
10	Pulgaon	do.	8	0	1	1	1	0	1	0	2	0	12	0	7,443	6,385	649
11	Arvi	do.	16	0	—	—	3	1	—	—	—	—	—	—	13,248	11,265	1,432
12	Hoshangabad	Hoshangabad	12	2	2	0	3	0	1	0	1	0	17	2	12,048	8,840	2,102
13	Sohagpur	do.	11	4	2	0	2	1	1	0	2	1	14	1	7,053	4,829	1,924
14	Seoni Malwa	do.	10	1	1	0	2	0	1	0	2	1	14	1	6,004	4,982	845
15	Harda	do.	14	5	2	1	3	0	1	0	—	—	—	—	11,077	8,029	2,608
16	Itarsi	do.	10	3	—	—	3	0	1	0	—	—	—	—	7,007	5,159	1,295
17	Khandwa	Nimar	17	6	2	1	4	1	—	—	—	—	—	—	26,802	18,518	7,217
18	Burhanpur	do.	18	9	2	0	4	1	—	—	—	—	—	—	35,916	22,847	12,761
19	Betul	Betul	13	3	2	1	3	1	1	0	1	0	18	2	5,773	5,368	247
20	Narsinghpur	Narsinghpur	12	3	2	1	3	1	1	0	1	0	18	5	9,339	6,997	1,905
21	Chota Chindwara	do.	6	0	2	0	2	1	1	0	2	0	11	1	3,856	3,108	272
22	Gadarwara	do.	9	2	1	0	2	0	1	0	1	0	12	2	8,539	6,907	1,242
24	Chindwara	Chindwara	13	1	2	0	4	1	1	0	2	0	19	2	13,383	9,676	2,351
23	Pandurna	do.	12	1	—	—	2	0	—	—	—	—	—	—	8,611	7,680	812
25	Saunser	do.	8	2	—	—	2	0	—	—	—	—	—	—	5,318	4,783	356
26	Jubbulpur	Jubbulpur	23	7	3	0	6	1	1	0	2	0	32	8	1,08,793	75,755	24,312
27	Sehora	do.	9	0	1	0	2	0	1	0	2	0	15	0	6,387	5,630	644
28	Katni Murwara	do.	10	2	2	0	3	0	1	0	—	—	—	—	19,682	16,128	2,745
29	Saugor	Saugor	13	0	—	—	3	2	1	0	—	—	—	—	39,319	29,246	8,010
30	Khurai	do.	7	0	1	1	1	0	1	0	—	—	—	—	6,078	4,234	1,275
31	Bina Itawa	do.	8	2	—	—	2	0	1	0	—	—	—	—	9,226	6,756	1,561
32	Deori	do.	6	0	2	0	2	1	1	0	—	—	—	—	5,369	4,351	542
33	Damoh	Damoh	13	2	2	1	3	0	1	0	2	1	18	3	15,296	11,174	2,831
34	Mandla	Mandla	11	2	2	0	3	0	1	0	2	0	15	1	8,784	7,407	1,163
35	Balaghat	Balaghat	10	2	2	0	2	0	1	0	—	—	—	—	7,300	5,956	1,026
36	Raipur	Raipur	19	4	2	0	4	1	1	0	2	1	26	6	38,341	30,824	6,017
37	Bhatapara	do.	4	1	—	—	4	1	1	0	—	—	9	2	4,714	4,130	499
38	Dhamtari	do.	10	1	2	0	3	1	1	0	1	0	16	2	12,721	10,855	918
39	Bilaspur	Bilaspur	11	1	2	0	—	—	1	0	—	—	—	—	24,295	19,886	3,045
40	Drug	Drug	9	0	2	1	1	0	1	0	2	0	15	1	11,274	9,983	878
41	Buldana	Buldana	9	1	—	—	3	1	1	0	—	—	—	—	5,691	4,400	969
42	Jalgaon	do.	8	4	—	—	2	0	1	0	—	—	—	—	10,207	8,245	1,909
43	Akola	Akola	0	0	—	—	—	—	1	0	—	—	—	—	37,804	28,401	8,337
44	Basim	do.	9	3	2	0	2	1	1	0	—	—	—	—	10,971	8,053	2,557
45	Akot	do.	10	3	2	1	2	0	1	0	—	—	—	—	16,381	12,699	3,920
46	Murtizapur	do.	9	2	2	0	2	0	1	0	—	—	—	—	10,552	8,039	2,107
47	Yeotmal	Yeotmal	14	1	2	0	2	0	1	0	—	—	—	—	17,238	14,348	1,854
48	Karanja	do.	9	3	2	0	3	0	1	0	—	—	—	—	13,645	8,528	4,175
49	Digras	do.	9	2	—	—	—	—	1	0	—	—	—	—	7,857	5,528	1,920
50	Wun	do.	7	0	—	—	1	3	1	0	—	—	—	—	6,841	5,559	866

Figures for the blank columns are not available.

MUSSULMANS OF CENTRAL PROVINCES AND BERAR. [*Continued.*

SUMMARY.

The table of 1925–26 shows the state of affairs and the chief points to be noted are :—

(1) Out of fifty Municipal Committees for which efforts have been made to compile the statistics, there are ten, in which not a *single Mussulman* has been elected.

(2) There are more than ten Committees in which only one seat out of as many as even fourteen seats have been filled in by Mussulmans through election.

(3) There are more than thirteen Committees in in which two seats have been captured by Mussulmans through elections.

(4) Out of selected members there are thirty-seven Committees in which not a single Mussulman member has been selected.

(5) As regards the election of Chairman, there is not more than one Committee in all the fifty Committees where a Mussulman can find himself as Chairman.

(6) Fate of the election of Vice-Chairman is just the same, and in all about one hundred Vice-Chairmen elected there are not even twelve Mussulman Vice-Chairman in the whole province.

(7) Voting strength is just what is anticipated.

(*a*) There are four Municipal Committees in which not a single elected, selected, nominated member nor any office bearer is Mussulman.

(*b*) There is not a single Committee in which Mussulmans are more than six out of even fifty-one seats.

(*c*) There are seven Municipal Committees in which, including Government nominated members, there is only one Mussulman representative.

COMPARATIVE STATEMENT OF LOCAL BOARD AS ELECTED IN 1928.

No.	Name of Local Board.	District.	Elected Members.		Appointed Members by Government		Elected Chairman.		Vice-Chairman Elected.		Voting Strength.	
			Total.	Moslems.	Total.	Moslems.	Total.	Moslems.	Total.	Moslems.	Total.	Moslems.
1	Mekhar	Buldana ..	14	0	4	1	1	0	1	0	19	1
2	Jalgaon ..	do. ..	10	0	3	1	1	0	1	0	15	1
3	Chikhli	do. ..	15	1	3	1	1	0	1	0	18	1
4	Khamgaon ..	do. ..	10	0	3	1	1	0	1	0	14	1
5	Malkapur ..	do. ..	14	1	4	1	1	0	1	0	19	2
6	Wardha.. ..	Warora ..	17	0	..	..	..	..	..	..	..	..
7	Arvi	do. ..	13	0	..	..	..	..	..	..	..	..
8	Hinganghat ..	do. ..	12	1	..	..	..	..	..	..	..	..
9	Akola	Akola ..	12	1	4	2	1	0	0	0	18	2
10	Akot	do. ..	12	1	4	1	1	0	0	0	17	3
11	Balapur ..	do. ..	11	0	3	1	1	0	0	0	15	2
12	Basim	do. ..	15	0	3	1	1	0	0	0	19	1
13	Mangrul ..	do. ..	10	0	3	1	1	0	0	0	13	1
14	Murtizapur ..	do. ..	10	2	3	3	1	0	0	0	13	2
15	Seoni	Seoni ..	15	2	3	0	1	0	0	0	20	2
16	Lakhnadaun..	do. ..	15	3	3	2	1	0	0	0	20	6
17	Amraoti ..	Amraoti ..	13	1	4	1	1	0	0	0	17	2
18	Chandpur ..	do. ..	15	0	3	1	1	0	0	0	18	1
19	Morsi	do. ..	13	0	4	1	1	0	0	0	18	1
20	Ellichpur ..	do. ..	11	0	3	0	1	0	0	0	15	1
21	Daryapur ..	do. ..	12	0	4	1	1	0	0	0	16	1
22	Yeotmal ..	Yeotmal ..	13	0	4	1	..	..	..	..	..	..
23	Kelapur ..	do. ..	14	2	3	1	..	..	..	..	..	..
24	Wun	do. ..	10	0	3	1	..	..	..	..	..	..
25	Dharwa ..	do. ..	15	2	3	1	..	..	..	..	..	..
26	Pusad	do. ..	15	0	3	0	..	..	..	..	..	..
27	Bhandara ..	Bhandara	7	0	1	1	1	0	1	0	10	1
28	Sakoli	do. ..	10	1	2	0	1	0	1	0	14	1
29	Gondia ..	do. ..	12	0	2	0	1	0	1	0	16	0
30	Kelapur ..	Yeotmal ..	..	..	..	..	1	0	1	0	..	..
31	Mangrul Pir ..	Akola ..	..	..	..	..	1	0	1	0	..	..

SUMMARY OF THE ABOVE.

Election. Total number of Boards, for which election of members figures are available, are twenty-nine. Out of these, in sixteen Boards, not a single Mussulman has come in the election. In eight Boards there are one each Moslem member, and in four boards there are two Moslem members each. Largest number of Mussulman members elected are three, and that also in one Local Board.

Appointment of Members by the Government. Figures for twenty-six Boards are available, in which Government have nominated members, and out of these, in six, not a single Mussulman member has been nominated. In eighteen Boards one Moslem each has been nominated, and in two Boards largest number of Moslem members, i.e. two, have been appointed by the Government.

Office-bearers. Out of twenty-three Chairmen elected, not a single Mussulman has been elected, and as Vice-Chairman, out of twenty-three, as many as twenty-one are Hindus.

Voting Strength. There is one Board of sixteen members, with Zero Moslem members. There are fourteen Boards, with ten to nineteen members having only one Mussulman in the following order: One Board of ten members, three Boards of fourteen, fifteen and eighteen members; two Boards of nineteen members; three Boards each of ten, sixteen and thirteen members. In six Local Boards there are only two members from Mussulmans, and there is only one Board where we find three Mussulmans, and another one with a total of twenty votes having six Mussulmans.

MUSSULMANS OF CENTRAL PROVINCES AND BERAR. [*Continued.*

NOTIFIED AREA COMMITTEES IN 1928.

No.	Name of Town.	Elected Member.		Nominated Member.		Chairman.		Voting Strength.		Population.		
		Total.	Moslems.	Total.	Moslems.	Total.	Moslems.	Total.	Moslems.	Total.	Hindus.	Moslems.
1	Betul Bazar	5	0	2	1	1	0	7	1	Figures not available.		
2	Bamora	4	0	3	1	1	0	8	1			
3	Itarsi	10	1	3	0	1	0	14	1	7,007	5,159	1,295

Out of three notified Area Committees for which figures are available, only in one Committee one Mussulman has been elected out of ten members. In two Committees at Betul Bazar and Bamora, not a single Mussulman has been returned. In nomination, the same tale is told, and the Government nominated one member each in two Committees. As regards Office-bearers, not a single Mussulman is naturally elected Chairman. In short, the whole three Committees are manned by the Hindus, with the solitary exception of one Mussulman member in each.

DISTRICT COUNCIL, 1928.

No.	Name of District.	Elected Members.		Selected Members.		Appointed Members.		Chairman.		Vice-Chairman.		Voting Strength		Population.		
		Total.	Moslems	Total.	Moslems	Total.	Moslems	Total.	Moslems	Total.	Moslems	Total.	Moslems	Total.	Hindus.	Moslems.
1	Buldana	20	2	5	0	4	1	1	0	1	0	31	3	699,429	632,333	59,131
2	Akola ..	24	0	6	0	6	1	1	0	1	0	37	1	798,544	712,116	73,348
3	Amraoti...	20	3	5	0	6	0	1	0	1	0	32	3	828,384	697,666	70,773
4	Yeotmal	20	1	5	0	Figures not available.								748,959	604,585	41,772
5	Bhandara	16	2	4	1	5	0	1	0	1	0	26	3	717,147	627,955	12,976
6	Seoni ..	12	2	3	0	3	1	1	0	1	0	20	3	348,871	193,534	15,553

Figures for 1927 election are not available, in which most of the District Councils of Central Province and Berar were constituted.

SUMMARY OF ABOVE.

Election. Out of six Councils, in one Council of twenty-four members, and in which district 78,348 Mussulmans live, not a single Mussulman has come in through election, and in one only one Mussulman member has been elected. Two members came in three Councils, and there is only one Council in which three Mussulmans came as elected members.

Selection. This is another name of Co-option, and out of six Councils, as many as five have no Mussulman as selected member, and in one there is the solitary exception of one member.

Appointment by the Government. Out of five Councils for which the Government made the appointments, there are two Councils in which the Hindu Minister for Local Self-Government quite forgot to nominate, even out of four and five, and in the remaining three Councils the Government nominated one Mussulman member each out of as many as three to six members.

Office-bearers. In all the Councils, not a single Mussulman has been elected either as Chairman or Vice-Chairman, and hence all the five Councils have Hindu Office-bearers.

Voting Strength. Out of thirty-seven votes of Akola District Council, there is one Moslem vote, and in the remaining four Councils three Moslem votes are found in total votes of twenty, twenty-six, thirty-one and thirty-two.

MUSSULMANS OF CENTRAL PROVINCES AND BERAR. [*Continued.*

COMPARATIVE STATEMENT REGARDING COTTON, GRAIN MARKETS AND MINING LOCAL COMMITTEE, 1928.

No.	Name of Place.	District.	Name of Committee or Board.	Appointed Members.		Population.		
				Total.	Moslem.	Total.	Hindus.	Moslems
1	Pusad	Yeotmal ..	Cotton market Committee.	5	0	7,510	5,541	1,712
2	Umerkhed	do. ..	do.	5	1	6,442	4,790	1,594
3	Ghatanjee	do. ..	do.	5	0	..	..	..
4	Yeotmal	do. ..	do.	5	0	17,238	14,348	1,854
5	Digras	do. ..	do.	5	1	7,857	5,528	1,920
6	Pandharkhanda ..	do. ..	do.	5	0	..	..	..
7	Chikhli	do. ..	do.	5	1	6,093	4,668	1,372
8	Dharwah	do. ..	do.	5	0	7,460	5,175	1,858
9	Basim	Akola ..	do.	5	1	10,971	8,053	2,557
10	Mekhar	Buldana ..	do.	5	0	..	..	..
11	Wun	do. ..	do.	5	0	6,841	5,559	866
12	Nandura	do. ..	do.	5	0	6,667	5,456	1,173
13	Murtizapur	do. ..	do.	5	0	16,552	8,039	2,107
14	Ellichpur	Amraoti ..	Grain Market Committee.	5	0	10,552	8,039	2,107
15	Chindwara	Chindwara.	Independent Mining Board.	9	1	..	..	..
16	Ellichpur	Amraoti ..	Cotton Market.	5	0	10,552	8,039	2,107
17	Anjangaon	do. ..	do.	4	1	9,338	6,562	2,626
18	Karanja	Akola ..	do.	4	1	13,645	8,523	4,175
19	Telhara	do. ..	do.	4	1	..	..	..
20	Akola	do. ..	do.	4	1	37,804	28,401	8,337
21	Balapur..	do. ..	do.	3	2	10,567	5,332	4,782
22	Khamgaon	Buldana ..	do.	5	0	..	..	..
23	Dattapur	Amraoti ..	do.	5	0	..	..	..
24	Daryapur	do. ..	do.	5	0	..	..	..
25	Chandur	do. ..	do.	5	0	4,701	3,508	1,109
26	Shegaon	Buldana ..	do.	5	0	14,531	12,302	2,112

(Figures for blanks are not available).

SUMMARY.

Out of twenty-four Cotton Market Committees, there is no Mussulman member appointed by the Government in fifteen Committees, and one member each has been appointed from the Moslems in eight Committees. The only one Local Board for mining area in Chindwara has, out of nine members, one Mussulman. As regards the Grain Market Committees, the Government, out of five members, thought fit not to appoint even one member from the Mussulmans.

HONORARY MAGISTRATES IN CENTRAL PROVINCES AND BERAR.

No.	District.	1st Class Powers.			2nd Class Powers.			3rd Class Powers.			Total according to religion.			Total Magistrates in each district.
		Hindu.	Moslem.	Christian	Hindu.	Moslem.	Christian	Hindu.	Moslem.	Christian	Hindu.	Moslem.	Christian	
1	Nagpur ..	8	0	0	15	1	0	25	5	0	48	6	0	54
2	Bhandara ..	0	0	0	10	2	0	5	2	0	15	4	0	19
3	Balaghat ..	0	0	0	0	0	0	7	0	0	7	0	0	7
4	Chanda ..	0	0	0	4	1	0	15	4	0	19	5	0	24
5	Wardha ..	1	0	0	9	1	0	10	3	0	20	4	0	24
6	Jubbulpur ..	0	1	1	6	1	1	11	1	0	17	3	2	22
7	Saugor.. ..	1	0	0	4	1	0	13	4	0	18	5	0	23
8	Damoh ..	2	0	0	8	1	0	0	0	0	10	1	0	11
9	Mandla ..	0	1	0	2	0	0	1	0	0	3	1	0	4
10	Seoni	2	0	0	4	0	0	7	2	0	13	2	0	15
11	Hoshangabad ..	2	0	0	8	0	0	11	2	0	21	2	0	23
12	Betul	0	0	0	1	0	0	4	1	0	5	1	0	6
13	Chindwara ..	0	0	0	2	0	0	5	3	0	7	3	0	10
14	Narsinghpur ..	4	1	0	7	0	0	15	3	0	26	4	0	30
15	Nimar ..	2	0	0	7	2	0	7	4	0	16	6	0	22
16	Raipur.. ..	1	1	0	9	1	0	12	3	0	22	5	0	27
17	Drug	0	0	0	0	0	0	11	0	0	11	0	0	11
18	Bilaspur ..	1	1	0	4	0	1	20	1	0	25	2	1	28
19	Amraoti ..	2	1	0	14	4	0	25	8	0	41	13	0	54
20	Akola ..	1	0	0	17	4	0	17	6	0	35	10	0	45
21	Buldana ..	3	1	0	9	2	0	16	4	0	28	7	0	35
22	Yeotmal ..	1	0	0	5	2	1	13	1	0	19	3	1	23
	Total ..	31	7	1	145	23	3	250	57	0	426	87	4	517

SUPPLEMENT TO THE CASE OF MUSSULMANS OF CENTRAL PROVINCES AND BERAR SUBMITTED BY THE MOSLEM DEPUTATION ON 15TH MARCH, 1929, AT NAGPUR (C.P.)

Copy of the Resolutions passed at the All-Parties Moslem Conference of C.P. and Berar, held on 26th January, 1929, at Jubbulpore under the Presidentship of Mr. Mobinur Rahman, B.A., LL.B., M.L.C., of Berar :—

(1) This Conference accords its approval to the case of the Mussulmans of C.P. and Berar prepared by Mr. Taj-ud-din, subject to the following modifications :—

A. Full Provincial autonomy should be given to Provincial Government and the representation of the Mussulmans in the Cabinet should be guaranteed. All those subjects which affect the interests of the Moslem community should be included in the portfolio of the Moslem member of the Cabinet.

B. The present representation of the Mussulmans of the Central Provinces by one member in the Assembly election is exceedingly inadequate. The failure to give any representation to the Mussulmans of Berar in the Legislative Assembly has proved exceedingly injurious to that part of the province. On the assumption that the Lower House will consist of 500 members and the Upper House of 200 members, the number of Moslem members in the former shall be seven, including two from Berar and in the latter three including one from Berar.

C. The proportion of the Moslem members for C.P. and Berar in the Provincial Legislature shall be three to two.

D. Whereas the position of the Moslems in the C.P. and Berar is one which is historically, politically and numerically no less important than any other and no less than most, their interest shall receive proper adequate and effective safeguard in the constitution and their representation therein shall be 25 per cent. of the total strength in the Provincial Legislature provided that where the Mussulmans constitute more than 25 per cent., they shall receive representation in proportion to their population.

E. That this conference conveys its thanks to Mr. Taj-ud-din for the labour and expense in preparing the case of the Mussulmans in the Province.

(2) This conference supports whole-heartedly the resolutions passed at the All-Parties Moslem Conference held at Delhi under the Presidentship of the Aga Khan.

(3) This Conference appoints a deputation of the following members with power to co-opt to wait upon the Royal Statutory Commission to put up the case of Mussulmans of C.P. and Berar published by Mr. Taj-ud-din and amended by this Conference :—

(1) Mr. Mobinur Rahman, M.L.C.
(2) K. B. Syed Zakir Ali, I.S.O.
(3) Shamshul Ulma Molvi Mohammad Amin Sahib.
(4) Mr. Hifazat Ali, M.L.C., Ex-Minister.
(5) Mr. Taj-ud-din.
(6) Mirza Rahman Beg Sahib.
(7) Mr. Majid-ud-din, M.L.C.
(8) Dr. Yusuf Shareef, Barrister.
(9) K. B. Hafiz Willayat, Ullah, I.S.O.
(10) Mr. Abdul Razzaq, Pleader.
(11) Mr. Abdul Raheem Khan, Pleader.
(12) Mr. Vakil Ahmad Sahib Rizvi Sahib, M.L.C.
(13) Mr. Akber Khan Sahib, Malguzar.
(14) Mr. Syed Abdul Hadi, Municipal Commissioner.
(15) Haji Mohammad Khan Sahib, Merchant.
(16) Malak Sahib, son of K.B.H.M. Malak Sahib.
(17) Abdul Raheem Sahib, Pleader.

SUPPORT FROM PUBLIC BODIES, ASSOCIATIONS AND PUBLIC MEETINGS.

Mussulmans in mass public meetings held at the following places gave whole-hearted support to the Memorandum in the following words :—

" Mussulmans of assembled in public meeting do hereby declare that we support wholeheartedly the Memorandum published by Mr. Taj-ud-din of Jubbulpore, on behalf of the Mussulmans of C.P. and Berar and resolve that the demands formulated therein are most essential for the safeguard of our rights and unless the same are incorporated in the constitution of the country by British Parliamentary Statute, the new contemplated constitutional changes shall not be acceptable to us."

Date.	Place.	District.	Name of Chairman.
27 Nov., 1928	Dhamtari	Raipur	Mr. M. A. Hakeem.
8 Dec., ,,	Murtizapur	Amraoti	Mr. Mohammad Nasir Khan.
9 ,, ,,	Chikli	Buldana	Mr. Wali Mohammad Khan.
10 ,, ,,	Katni Murwara	Jubbulpore	Haji Man Khan.
11 ,, ,,	Balaghat	Balaghat	Mr. Abdul Rahim Khan, B.A., LL.B., Pleader.
13 ,, ,,	Sohagpur	Hoshangabad	Mr. S. A. Ali.
14 ,, ,,	Mandla	Mandla	Qazi Mohammad Khan.
15 ,, ,,	Hoshangabad	Hoshangabad	Niaz Haider Khan, B.A., LL.B., Pleader.
20 ,, ,,	Ramtek	Nagpur	Mr. Shekh Chand.
23 ,, ,,	Chindwara	Chindwara	Mr. Nawab Khan.
23 ,, ,,	Pauni	Bhandara	Haji Ishaq Mohammad Sahib.
11 Jan., 1929	Saugor	Saugor	Mr. Faqir Mohammad.
11 ,, ,,	Khariar	Raipur	Saleh Mohammad Sahib.
4 ,, ,,	Damoh	Damoh	Md. Kasim Sahib.
4 ,, ,,	Seoni	Seoni	Mr. Abdul Jabbar Khan Sahib, Malguzar.
11 ,, ,,	Narsinghpur Kandeli	Narsinghpur	Mr. Kamal Khan Sahib, Honorary Magistrate.
14 ,, ,,	Basim	Akola	Md. Ali Sahib.
28 ,, ,,	Shegaon	Buldana	Mr. Yusuf Abba, Merchant.
22 ,, ,,	Sadak Arjuni / Sakoli	Berar	Mukeem Khan, Chairman Local Board.

FOLLOWING MOSLEM SOCIETIES ACCORDED THEIR SUPPORT TO THE MEMORANDUM.

1. Anjuman Khadim ul Islam, Seoni.
2. ,, Islah ul Musleemin, Chindwara.
3. ,, Islamia, Balaghat.
4. ,, ,, Katni Murwara.
5. ,, Fateh Musalmeen, Sohagpur.
6. ,, Mufeed ul Islam, Hoshangabad.
7. ,, Islamia Committee, Pauni Chindwara.

SUPPORT OF LEADERS OF MOSLEM PUBLIC OPINION.

More than five thousand representative Mussulmans of all shades of opinion signed the manifesto in support of the Memorandum prepared by Mr. Taj-ud-din, as it is practically impossible to put the names of all of them in such a short space, hence selected few names are given below.

JUBBULPORE.

1. Khan Bahadur Syed Zakir Ali, I.S.O., Retired Deputy Commissioner, Honorary Cantonment Magistrate 1st Class, Member Municipal Committee and District Council.
2. Seth Ahmad Ali, Proprietor Nadri Press.
3. Hafiz Abdul Shakur, brother of Hazarat Maulana Abdussalam Sahib.
4. Munshi Shamsuddin.
5. Haji Abdul Aziz.
6. Syed Jawad Husain, B.A.
7. Gulam Rasul.
8. Zafar Beg.
9. Haji Md. Yaqoob.
10. Alimuddin.
11. Gulam Husain.
12. Noor ul Khan.
13. Abdul Ghani, B.A., Teacher.
14. Anwar Khan, Ex-Municipal Commissioner.
15. Nazir Ahmad Khan, Contractor.
16. Hakeem Bashir Uddin Ahmad.
17. Rahmat Ullah Khan, Insurance Agent.
18. Hakeem Fazalurrahman.
19. Shekh Abdul Rahim, B.A., LL.B., Pleader.
20. Seth Karim Ali.
21. Abdul Hafiz Khan, Landlord.
22. Rafiuddin, B.A., L.T.
23. Hakeem Manzurruzzaman.
24. Seth Abdul Karim Usman.
25. Seth Dada Bhai.
26. Seth Abdus Shakur.
27. Seth Tyeb Ali Abdul Rasool.
28. Abdul Rahman Khan, B.A., LL.B., Pleader.
29. Syed Israr Husain, B.A., LL.B., Pleader.

DAMOH.

1. Abdul Karim Khan, Merchant.
2. Khalilulla Sahib.
3. Haji Wali Mohammad, Merchant.
4. Mohammad Qasim, Merchant.
5. Shekh Rahmulla.
6. Abdul Hafeez Khan.

SEONI.

1. Abdul Jabbar Khan, Malguzar.
2. Abdul Rahim Khan, B.A., LL.B., Pleader.
3. Abdul Hai Khan, B.A., LL.B., Pleader.
4. Syed Mahboobul Hasan, B.A., LL.B., Pleader.
5. Sardar Khan, B.A., LL.B., Pleader.
6. Khan Sahib Mir. Ahmad Ali.
7. Habib Khan.
8. Haji Rahim Khan.
9. Abdul Rahim, Master.

NARSINGHPUR.

1. Shekh Md. Ahmad, B.A., LL.B., Pleader.
2. Muzzafaryazdan, Malguzar, Honorary Magistrate (1st Class).
3. Kamal Khan, Honorary Magistrate. Ahmadulla, Malguzar.
5. Syed Md. Shakir Ali, Pesh Imam.
6. Malak Manzoor Hasan Khan, Merchant.
7. Tahir Ali.
8. Shah Abdul Rahman.
9. Hayat Md. Khan.
10. Abdul Rahman.
11. Mirza Nizam Uddin Beg.
12. Ilahi Bux.

RAIPUR.

1. Mohammad Murtaza.
2. Taj Md., Khariar.
3. Hameed Ahmad, Malguzar, Khariar.
4. Md. Ali, Dhamtari.
5. Zahirulla, Dhamtari.
6. Syed Abdul Hakeem, B.A., LL.B., Pleader, Dhamtari.
7. Seth Imam Uddin, Merchant.

CHINDWARA.

1. Nawab Khan, President, Anjuman Islahut Muslmeen and Member Municipal Committee.
2. Tahsin Ali Khan, B.A.
3. Syed Atfat Ali, B.A.
4. Nawab Wilayat Ali Khan, President District Moslem League.
5. Qurban Husain, Merchant.

NAGPUR

(District.)

1. Shekh Chand, Member Municipal Committee.
2. Zafar Md. Sahib, Rantek.
3. Mohammad Rafiq.
4. Ibrahim Khan.
5. Abdul Aziz Khan.

KATNI MURWARA.

(Jubbulpore.)

1. Haji Man Khan, President Anjuman Islamia and Member Municipal Committee.
2. Shekh Rahmat Ullah Siddiqi.
3. Mahmood Mohammad.
4. Mulla Gulam Karin, Merchant.
5. Mulla Imdad Ali, Mulla Hasan Ali.

HOSHANGABAD.

1. Chowdhari Niaz Haider, B.A., LL.B.
2. Shekh Ghulam Ali, M.A., B.T.
3. Mirza Md. Beg.
4. Mirza Ahmad Bux.
5. Taj-ud-din Ahmad.
6. Abdul Razzaq, Municipal Commissioner.
7. Abdul Hai, Malguzar.

BHANDARA.

(Pauni.)

1. Haji Ishaq, Merchant.
2. Mirza Gulzar Beg.
3. Dr. Abdul Hafeez, Vice-Chairman, Municipal Committee.
4. Syed Abdul Rahman.

MANDLA.

1. Haji Sardar Khan, Rais & Merchant.
2. Haji Qazi Mohammad Khan, Merchant.
3. Fazal Khan.
4. Kalan Khan.
5. Khwaja Ahmad Gori.
6. Abdul Gaffar Khan.
7. Murad Khan, Contractor.

SHEGAON.

(Bhandara.)

1. I. A. Khan, M. E. & Vice-President Municipal Committee.
2. Seth Usman Salah Mohammad, Merchant.
3. Seth Ibrahim Sale Md., Merchant.
4. Abdul Majid Khan, B.A., LL.B., Pleader.
5. A. R. Khan, Merchant.
6. Abdul Subhan, Merchant.

BERAR.

(Rasod Basim.)

1. Syed Ali.
2. Zavar Ali.
3. Nawab Shah Khan.
4. Ahmad Mir Khan.
5. Inayat Ali Khan.
6. Amjad Ali Khan.

WUN.

(Yeotmal.)

1. Abdul Rauf Ahmad, President Municipal Committee and Member Tahsil Local Board.
2. Adbul Ghafoor, Zamindar.
3. Sheikh Chand, Merchant.
4. Fateh Khan.
5. Abdul Salam Khan.
6. Shekh Md. Ismail.
7. Hakeem Abdul Rahim.
8. Qasim Khan.
9. Abdul Razzaq.

MURTAZAPUR.

1. Md. Nasir Khan, Samindar and Vice-President Municipal Committee.
2. Mohammad Yaqub.
3. Seth Noor Mohammad Umar, Merchant.
4. Abdul Samad.
5. Mohammad Ismail.

PROVINCIAL SUPPORT.

In the All-Parties,C.P. and Berar Moslem Conference which was attended by most prominent representative Moslem leaders, resolution in support of this Memorandum (subject to slight modification) was passed. This conference was attended amongst other by :—

1. Mobinurrahman, B.A., LL.B., M.L.C., Akola, President of the Conference.
2. Mr. Iftikhar Ali, M.A., LL.B., Chairman, Reception Committee.
3. Mr. Syed Abdul Hadi, Vice-Chairman, Reception Committee.
4. Mr. Sharfuddin, M.L.C., Amraoti.
5. K. B. Hafiz Wilayat Ullah, I.S.O., Retired Deputy Commissioner, Nagpur.
6. Seth Faqeer Mohammad Sahib, Saugor.
7. Mr. Abdul Qadir Siddiqi, B.A., LL.B., Pleader and Member legislative Assembly.
8. Mr. Bashir Ahmad Khan, B.A., LL.B., Pleader, Burhanpur.
9. Mr. Syed Hifazat Ali, B.A., LL.B., M.L.C., Ex-Minister.
10. Mr. Shekh Abdul Raheem, B.A., LL.B., Pleader, Jubbulpore.
11. Mr. Abdul Husain Sahib, Bhandara.
12. Haji Abdul Gaffar, Bhandara.
13. Dr. Yusuf Shareef, B.A., B.L., Barrister-at-Law, Ph.D.
14. Mr. Majid Uddin, B.A., LL.B., Pleader, M.L.C., Saugor.
15. K. B. Syed Zakir Ali, I.S.O., Retired Deputy Commissioner 1st class, Honorary Cantonment Magistrate, Member Municipal Committee and District Council.
16. Khan Bahadur Ihfazur Raheem, Retired Tahsildar.
17. Mr. Siraj Ahmad, M.A., Retired E.A.C.
18. Mr. Taj-ud-din, Jubbulpore.

MESSAGE OF SYMPATHY AND SUPPORT.

The author of the Memorandum received more than 500 letters of appreciation and support from all over the C.P. and Berar thanking him for the noble endeavour and effort, the messages received by the Chairman of the Reception Committee were read over in the open conference, among others the most prominent absentees who sent in messages were the following :—

1. Mr. Abdul Hafiz Khan, B.A., LL.B., Pleader, Bilaspur.
2. Mr. Mohammad Murtaza Khan, Malguzar, Seoni.
3. Mr. Abdul Razzaq, Pleader, Nagpur.
4. Mr. Sajjad Husain, Editor, " Aziz-a-watan," Yeotmal (Berar.)
5. Mr. Syed Yasin, M.L.C.
6. Mr. Mohammad Akbar Khan, Malguzar, Bilaspur.
7. Mr. Vakil Ahmad Rizvi, B.A., LL.B., Pleader, M.L.C., Raipur.

CASE FOR THE MUSSULMANS OF THE CENTRAL PROVINCES AND BERAR.

COPY OF THE RESOLUTION PASSED BY THE ALL-PARTIES MOSLEM CONFERENCE, CENTRAL PROVINCES AND BERAR, HELD AT JUBBULPUR ON THE 26TH AND 27TH JANUARY, 1929.

(1) This Conference appoints a deputation of the following members, with power to co-opt to wait upon the Royal Statutory Commission to put up the case of the Mussulmans of Central Provinces and Berar, published by Mr. Taj-ud-din, and amended by this Conference.

Mr. Mobinur Rahman, M.L.C., Akola.
Khan Bahadur Syed Zakir Ali, I.S.O., Retired Deputy Commissioner, Member of the Municipal Committee, District Council. First Class Hon. Magistrate.
Shamshul Ulema Moulvi Mohemed Amin, Retired Session Judge, Jubbulpur.
Mr. Syed Hifazat Ali, B.A., LL.B., Pleader, Ex-Minister, M.L.C., Khandwa.
Mr. Taj-ud-din, Merchant, Jubbulpur.
Mirza Rahman Beg Sahib of Berar.
Mr. Majiduddin, B.A., LL.B., M.L.C., Saugor.
Dr. Yusuf Shareef, B.A., Barrister-at-Law,Nagpur.
Mr. Abdul Razaq, B.A., LL.B., Pleader, Nagpur.
Khan Bahadur Hafiz Wilaitullah, I.S.O., Retired Deputy Commissioner.
Mr. Abdur Raheem Khan, B.A., LL.B. (Alig.), Pleader, Balaghat.
Mr. Vakeel Ahmad Rizvi, B.A., LL.B., M.L.C., Raipur.
Mr. Akber Khan Malguzar and Rais, Bilaspur.
Mr. Syed Abdul Hadi, Municipal Commissioner, Jubbulpur.
Haji Mohemad Khan Sahib, Merchant, Mandla.
Mr. Malak, S/O Late Khan Bahadur H. M. Malak, Nagpur.
Mr. Shiekh Abdul Raheem, B.A., LL.B., Pleader, Jubbulpur.

(2) This Conference accords its approval to the case of the Mussulmans of Central Provinces and Berar prepared by Mr. Taj-ud-din subject to the following modifications :—

(*a*) Full provincial autonomy should be given to the Provincial Governments and the representation of the Mussulmans in the Cabinet should be guaranteed. All those which affect the interests of the Mussulman Community should be included in the portfolio of the Moslem Member of the Cabinet.

(*b*) The representation of the Mussulmans of the Central Provinces by one member in the Assembly election is exceedingly inadequate. The failure to give any representation to the Mussulmans of Berar in the Legislative Assembly has proved exceedingly injurious to that part of the Province. On the assumption that the Lower House will consist of five hundred members and the Upper House of two hundred members, the number of Moslem members in the former should be seven, including two from Berar, and in the latter three, including one from Berar.

(*c*) The proportion of the Moslem members for Central Provinces and Berar in the Provincial Legislature shall be three to two.

(*d*) Whereas the position of the Moslems in Central Provinces and Berar is one which is historically, politically and numerically no less important than any other, and no less than most, their interest shall receive proper adequate and effective safeguards in the constitution, and their representation therein shall be 25 per cent. of the total strength in the Provincial Legislature provided that wherever in Local Bodies Mussulmans constitute more than 25 per cent. they shall receive representation in proportion to their population.

(*e*) That this Conference conveys its thanks to Mr. Taj-ud-din for the labour and expense in preparing the case of the Mussulmans of the Province.

NAGPUR.

15th March, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD BURNHAM AND MAJOR ATTLEE), AND OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND SIR ZULFIQAR ALI KHAN).

Deputation from the Moslems of the Central Provinces and Berar.

The deputation consisted of the following :—

Khan Bahadur HAFIZ WILAYATULLAH, B.A., I.S.O., Retired Deputy Commissioner (Spokesman).

Mr. M. Y. SHAREEF, M.A., LL.B. (Cantab.), Bar-at-Law.

Mr. ABDUR RAHEEM KHAN, B.A., LL.B. (Alig.), Mining Proprietor.

Mr. ABDUL RAZZAQ KHAN, B.A., LL.B. (Alig.), High Court Pleader.

Mr. TAJ-UD-DIN, Merchant.

Mr. MAHFOOZULKABEER, B.A., LL.B., Pleader.

Mr. HAJI QAZI MUHAMMAD KHAN, General Merchant.

Nawab MIR MEHDI ALI KHAN, Landholder and Jagirdar, Berar.

Mr. SYED ABDUL HADI, Municipal Commissioner.

* * * * * * * *

5. *The Chairman :* What I would like to know from you first of all is whether you have any observations to make * * * as regards the future ? (*Khan Bahadur Wilayatullah*). In order to be effective and adequate, we want more representation, because the Muhammadans, though they are numerically so few here, belong to a very important community and in view of the anticipated increase in the powers under the reforms which may, perhaps, be granted to India, we think that our position should be made secure and strong, and for that reason we want increased representation.

6. But if we consider what is called the " Lucknow Pact," my recollection is that 15 per cent. is suggested as the Muhammadan percentage out of the total Indian seats ?—But now actually we get only about 12 per cent. out of the fifty-five seats.

7. It is correct to say, is it not, that there are fifty-five elected seats, of which forty-eight are of general constituencies, whether they be Muhammadan or non-Muhammadan, whether they be urban or rural, and the other seven are special constituencies, for instance, the University seats ?—In fact our contention has been that we should have been given 15 per cent. out of the fifty-five.

8. I quite follow that. Then none of the members of the special constituencies are, in fact, Muhammadans ?—No.

9. I quite follow what you say. So, of the elected seats, whether they are general or whether they are special, what you say is that you do, in fact, get seven out of a total of fifty-five seats ?—Yes. Practically, sir, the special constituencies have not benefited us in any way.

10. *The Chairman :* There is a passage in the Government Memorandum which I might read, because everyone has not got the book. It says this : " Muhammadan representation is greatly in " excess of the proportion of Muhammadans to the " rest of the population, but the number of con- " stituencies allotted to them is considered to be the " minimum that would afford the community any " effective representation." I understand the point of the deputation is that they really think that the minimum should be raised ?—Yes.

11. I think I am right that there has been only one case in the Central Provinces where there has been a Muhammadan Minister ?—Yes, he was a Minister for a month or two.

12. And that was during the second Council ?—Yes.

13. Has not there been any other case ?—No.

14. Then comes the question of representation in the Central Legislature. Have you got anything to say about that, Khan Bahadur ?—If the Legislative Assembly were to consist of five hundred members, we would say that there should be seven from the Central Provinces and Berar ; and the proportion between the Central Provinces and Berar may be fixed at 4 to 3.

15. At present there is one Moslem member, is it not ?—Yes, for the Central Provinces only.

16. When you spoke of seven for the province out of five hundred, were you limiting yourself to the Moslems ?—Yes.

17. May I ask how many non-Moslem members are you contemplating from the Province for the Central Legislature ?—Twenty-one.

18. I thought so. Your idea is that your representation should be 25 per cent. ?—Yes.

19. I think you would just like to say a word or two on the subject of what is sometimes called representation in the services, would you not ?—We want also some reservation of posts ; I mean to say, we want some guarantee that a fair proportion of posts

will be given to the Muhammadans. At present, and especially since the Reforms, we have been seeing that the Muhammadan element is being eliminated.

20. I have had some figures taken out which show the extent to which at present the Moslems take their share in the public services. Did you see the figures which are contained in a return supplied to the Legislative Council recently ?—In the judicial service ?

21. In all the services. I notice this point has been mentioned, among other things, by Mr. Taj-ud-din in his Memorandum, which I have carefully gone through. Take, for instance, the subordinate revenue service,* I mean tahsildars and naib-tahsildars. I am informed that there the Moslems are thirty-four out of the total ; in other words they are 19 per cent. I am told that in the provincial executive service there are twenty-five Muhammadans out of one hundred and six ; in the provincial judicial service there are nine out of one hundred and thirty-eight. I am not quite clear. Do you think, Khan Bahadur, that as things are in this province, the Moslems are not getting a considerable share of the posts ? I quite understand your asking for more ; it is human nature for everybody to ask for more.—The belief of the Muhammadans in this province is that they are not getting a fair share.

22. You might tell me, has there been a return given in the Legislative Council recently which shows what the proportions secured by the Moslem community are ?—It may be, sir, that in a particular department, there may be a reasonable and fair proportion of Muhammadans, but in other departments like the judicial, public works, secretariat and others, and in ministerial posts generally, there are very few Muhammadans.

23. You see, Khan Bahadur, we are practical people, and we want practical suggestions. What is the method of form you would suggest by which this grievance is to be corrected ?—A minimum standard of qualification may be fixed, and none below that may be appointed, but so long as men possessing those qualifications from the Moslem community are available, they may be given the appointments.

24. Are you suggesting that this should be put into some Act of Parliament ?—I do not want inefficient persons, and persons possessing less qualifications than those which are prescribed for particular posts, to be appointed.

25. I would be quite frank with you, as I have tried to be with everybody. What I should value very much would be the view of the deputation as to how their desire is to be secured. That is a practical point which we have to consider. Of course, I quite understand the plan that you should secure a good number of seats in the Legislature, because that is done by statute or by statutory rules. But what I want to know is how is it proposed to secure a particular proportion of the ministerial posts, or if you like, judicial posts ; do you think it should be done by statute ?—Yes. Anyhow, this is a thing which we desire, and we would leave it to the Commission to make that safeguard for us in whatever way they may consider it feasible.

26. I think that brings out the main points of your deputation, does it not ?—Yes.

27. *Colonel Lane-Fox :* I want to be clear on one point. Your community are 3 per cent. of the total population of the province ?—Yes.

28. Though you are 3 per cent., you have now 12 per cent. of the elected Indian seats in the Council, and you want more ?—Yes.

29. *Mr. Cadogan :* I should like to ask a question about your complaint that a sufficient number of posts for your community in the administrative services are not given. Take for example irrigation. On page 472 of your Memorandum you say : " The posts are filled by the Indian Service of " Engineers, Engineers in the Provincial Service, " and below them are upper and lower Subordinate " Services. The position of the Moslems in this " branch is far more deplorable than in any trans- " ferred subject. Out of five Executive Engineers, " four are Hindus and one is a Moslem." I take it that these four Hindus and one Moslem obtained their posts by open competitive examination, is that so ?—They were appointed by selection from outside.

30. I am talking of the engineers. They must have really competed for the examination ?—There is no local examination. I know that the engineers in the Irrigation department were all imported from the Punjab and other places.

31. They have not been through any examination at all ?—No, not in this province.

The Chairman : May I interrupt ? I think it will be agreed, won't it, that the really important things are the provincial services in the executive, judicial and police branches ; these are the main ones. I have got some figures before me which show that in the executive branch of the provincial service here there are 25 Muhammadans out of 106 ; in the judicial branch there are nine out of 138, and in the police branch there are five Muhammadans out of 19. These seem to be the actual figures.

32. *Mr. Cadogan :* What is the actual nature of the complaint ? You used the word " eliminated." But how ?—We find that our number is becoming less and less gradually in the services.

33. Do you say that you have not got the same opportunity of obtaining posts in the services ? Is it due to any prejudice against your community ?—Whatever it may be due to, we find that in spite of qualifications there are difficulties in the way of the Muhammadans getting appointments.

34. *Dr. Suhrawardy :* Kindly turn to page 498 of your supplementary Memorandum wherein you say : " A full provincial autonomy should be given " to provincial governments and the representation " of the Mussulmans in the Cabinet should be " guaranteed. All these subjects which affect the " interests of the Moslem community should be " included in the portfolio of the Moslem member of " the Cabinet." I find that you bitterly complain of the elimination of the Muhammadans under the Dyarchical system and yet you demand full provincial autonomy. Will you kindly explain what you mean by this ?—We recommend provincial autonomy on the terms we have indicated, viz. : If our representation is increased and we are represented also in the Cabinet. Of course we are opposed to the transfer of Law and Order. If the safeguards that we ask for are taken into account then we would advocate provincial autonomy, but still we are very doubtful about the transfer of Law and Order. What we want is our position to be safeguarded.

35. That is to say you will not agree to full provincial autonomy unless you have representation of the Mussulmans in the Cabinet guaranteed ?—Yes, that is so.

36. *The Chairman :* Your impression is that the number of Muhammadans in the services is getting less and less. I do not imagine that you have got any figures now to prove your statement. I have got in front the detailed figures at present, but perhaps your deputation might give us some figures for some years back which will show how the matter stands. I may tell you that looking at the figures I have before me I get a different impression of the matter. I quite understand the desire of Muhammadans to have a larger number of posts ; it is perfectly natural and legitimate ; but I have no information before me which suggests that they are getting less and less. Let us take, for instance, the subordinate service—tahsildars and naib-tahsildars. The fact is that though the Muhammadans are 3 per cent. of the population they have got 19 per cent. of the tahsildars and naib-tahsildars posts ; they are 34 out of the

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* See Appendix pp. 503–4.

total. If you say that that is less it means that at some earlier stage they had much more than that. I do not expect you to have the figures now, but you see the point is an important one. We would like to get the information if you could supply us ?—(*Mr. Shareef*) May I say a word, sir ? There are some departments, such as the executive lines, in which probably it has been found that the Muhammadans are better executive officers than the members of other communities. For that reason, in those departments, the Muhammadans have got a greater percentage of posts. But in other departments, such as the judicial, we have not got sufficient representation.

37. Is it not a possible view that just as there are some departments in which the Muhammadans are particularly suitable and therefore they have an exceptionally large proportion, there may be some other departments in which in all respects they may not necessarily be particularly suitable. You cannot be best in everything.—There I agree, sir, but experience has shown that we are not wanting in the necessary qualifications for any department.

38. I am not doubting it for a moment. You see one has to try to look at the thing as a whole. I am very anxious about it because I may tell you that the view which you gentlemen have expressed is a view which has been expressed with great force and moderation in all parts of India by your community, and as I have often said, the object of the Conference is merely to ascertain the facts and to make a perfectly clear and impartial statement as to how it stands. I should like your deputation to give us sufficient facts to distinguish from a mere general expression.—Can we supplement hereafter ?

39. *The Chairman :* I would be grateful if you could do that. If you could supply us the figures we would be able to compare them with those contained in the return given to the Legislative Council recently. The figures in front of me rather seem to show that in this province a good deal of care in fact is being taken to secure to the Mussulmans a due share.—(*Mr. Shareef*) The grievance is with regard to the transferred subjects. In regard to reserved subjects the Government makes the appointments, but as regards the transferred subjects there is a grievance.

40. But I understand that your deputation comes before us to tell us that you are in favour of transferring everything ?—My colleague submitted that if we have all the necessary safeguards to protect the minority communities, then certainly it is all very well to have complete autonomy, but otherwise we are not in favour of it but would rather have Dyarchy as it is. In fact we would like to have, as long as we have not reached the same level of progress as other communities, some arbiter, somebody who sees that justice is done to the other communities, to the minorities especially.

The Chairman : I think that was the point Dr. Suhrawardy was putting to you. He pointed out to you that you were expressing an opinion in favour of provincial autonomy and he asked you how you would reconcile it with your other remarks. Anyhow we will see the point. I can assure you that this is not the first time we have heard of it.

APPENDIX (*vide* Q. 21).

PACHMARHI,

4th June, 1929.

When he had heard the Muhammadan deputation at Nagpur, Sir John Simon asked me to prepare statements showing the percentage of Muhammadans in the Provincial and Subordinate Services of the Central Provinces in 1919 and 1929 respectively. I now forward the statements in question. It will be seen that there has been practically no change in the proportion for the Provincial Services. In the Subordinate Services, although the percentage has fallen slightly, it is still many times as large as the proportion of Muhammadans to the rest of the population, namely, 3 per cent.

(*signed*) H. GOWAN.

STATEMENT SHOWING THE PERCENTAGE OF MUHAMMADANS IN THE PROVINCIAL SERVICES (C.P.) ON 1ST JANUARY, 1919 AND 1ST JANUARY, 1929.

S. No.	Service	1st January, 1919			1st January, 1929		
		Sanctioned strength	No. of Muhammadans	Percentage	Sanctioned strength	No. of Muhammadans	Percentage
1	Civil Service (Ex. Branch) ..	101	26	26	108	25	23
2	Civil Service (Judl. Branch) ..	48	2	4	139	9	6·5
3	Land Records	3	—	—	1	—	—
4	Forest	26	2	8	36	5	14·5
5	Exercise	23	—	—	24	—	—
6	Jails	2	—	—	2	—	—
7	Registration	4	1	25	4	—	—
8	Police	22	5	22·5	20	6	30
9	Education	47	1	2·2	120	11	9
10	Medical	40	1	2·5	56	2	3·7
11	Public Health	4	—	—	3	—	—
12	Public Works	31 Irrgn. & B.	1 & R.	3 —	B. & R. 38 Irrgn. 33	3	8
13	Agriculture	10	—	—	16	1	6
14	Veterinary	2	—	—	7	2	28
15	Industries	4	—	—	12	1	8
16	Co-operative	—	—	—	4	..	..
		367	39	10·6	623	65	10·4

ALL-INDIA DEPRESSED CLASSES ASSOCIATION.

STATEMENT SHOWING THE PERCENTAGE OF MUHAMMADANS IN THE SUBORDINATE SERVICES (C.P.) ON 1ST JANUARY, 1919 AND 1ST JANUARY, 1929.

S. No.	Service	1st January, 1919			1st January, 1929		
		Sanctioned strength	No. of Muhammadans	Percentage	Sanctioned strength	No. of Muhammadans	Percentage
1	Subordinate Civil Service ..	212	47	22·16	260	54	20·8
2	Subordinate Judicial Service	72	1	1·4	—	—	—
3	Land Records	36	6	17	34	6	18
4	Forest	3036	898	29·5	3332	942	28·3
5	Excise	309	42	14	256	37	14·45
6	Jails	73	12	16	74	15	20
7	Registration	128	16	12·5	82	15	18
8	Police	943	348	36·9	917	302	32·93
9	Education	642	56	8·7	827	98	11·8
10	Medical	264	32	12·1	295	24	8·1
11	Public Health	13	—	—	43	8	18·5
	B. & R.	167	12	8	138	9	6
12	Public Works Irrigation	79	4	7	230	10	4·4
13	Agriculture	81	3	3·7	139	8	5·75
14	Veterinary	136	60	44·1	145	60	41·3
15	Industries	19	4	21·05	41	5	12·19
16	Co-operative	31	2	6·4	40	2	5
17	Settlement	9	3	33	9	4	44
		6,250	1,546	24·7	6,862	1,599	23·3

Memorandum submitted by the All-India Depressed Classes Association.

On behalf of the All-India Depressed Classes Association, I have the honour to submit the Memorandum attached herewith for your consideration.

ALL-INDIA DEPRESSED CLASSES ASSOCIATION.

2. This Association represents about six crores of people or one-fifth of the population of India which has been denied all social, political and economic rights. It is extremely poor and backward in education and has been treated by the Hindu society as worse than human beings.

3. Most of the members of this community are labourers and as long as property qualification is insisted on this community stands no chance of being included in the electorate and thus exerting its influence in the affairs of the country.

4. In a general electorate this community has no chance of having its representatives selected to the Councils and Local Bodies owing to the prejudice of the other communities against it coupled with the poverty of the members of this community. It is for this reason that we ask for the separate communal electorates.

PUBLIC SERVICES.

5. The members of this community are excluded almost entirely from public services. Communal representation offers the only chance of insuring their admission into the services.

6. The Executive Committee has nominated the following persons to appear before the Royal Commission to give evidence.

Rao Bahadur M. C. Rajah, Member of the Legislative Assembly, St. Thomas Mount, Madras.
Mr. B. C. Mandal, B. A., 203–1 Harrison Road, Calcutta.
Mr. D. Roy, M.A., B.L., 12 Beehu Chatterji Street, Calcutta.
Veeraratha Devidas Jatao, Sadar Bazar, Delhi.
Swani Achhutanand, Editor, Adi Hindu, Col Ganj, Cawnpore.
Babu Khemchand Bohare, Municipal Commissioner and Member, District Board, Agra.
Mr. N. D. Bhosle, Clerk Road, Bombay No. 11.
Mr. G. M. Thaware, Sadar Bazar, Nagpur.
Mr. V. D. Makesar, Superintendent, Chokhamela Hostel, Yeotmal.
Mr. J. G. Sonone, Patipure, Yeotmal.
Mr. L. K. Ogle, M.L.C., Badnera Road, Amraoti.
Mr. Paghunath Shiwaram Shambarkar, Jobber, Express Mills, Nagpur.
Mr. R. S. Nikalje, J.P., Clerk Road, Bombay No. 11.
Mr. J. J. Munuswamy Pillai, M.L.C., Sath Villas, Ootacamund.
Mr. G. A. Gavai, M.L.C., Mahal Tekdi Road, Amraoti.

(*Signed*) J. H. GAVAI,
General Secretary,
All-India Depressed Classes Association.

MEMORANDUM.

1. (*a*) Every adult with an annual income of Rs.96/– should have a right to vote for the Legislative Council, Municipality and Local Boards.

(*b*) Election should be by direct voting, and by ballot in all the bodies.

The representation of the Depressed Classes on the Council of State and the Legislative Assembly should

be by nomination on the recommendation of the All-India Depressed Classes Association and the number of the Depressed Classes to be nominated should be one-sixth of the total strength of these bodies.

(*c*) Communal interest should be safeguarded by means of communal representation based on communal electorates as follows:—

(*a*) Brahmins.
(*b*) Muhammadans.
(*c*) Depressed Classes.
(*d*) Non-Brahmins.

The number of representatives of each community should be in proportion to its population. Economic interests may continue to be represented as at present. University seats should be abolished, and no voter should be required to travel more than two miles to record his vote.

(*d*) (*e*) (*f*). At present there is no community of interest between the electors and the persons elected; in fact their interests are opposed to each other.

At present there are no real parties in the Council. Voting proceeds mainly on communal, territorial, linguistic and personal grounds. Real representation and real parties can, under existing conditions, emerge only out of communal electorates.

Nomination of officials is necessary. Nomination of non-officials to represent important minorities is also necessary. But in no case should fictitious nomination be made such as a Brahmin lawyer aspiring to the post of a sub-Judge to represent factory labour, or a Brahmin liberal politician representing the factory labour in the Assembly.

Over represented communities should not be allowed to capture further seats through the back doors of nomination, as in the case of a Brahmin lawyer and a Brahmin lady in the Central Provinces Council.

4. (*a*) We are not in favour of complete Provincial Autonomy, but having regard to our numbers and therefore to our large interests in the government of the country, we are of opinion that one of the Executive Councillors should be a member of the Depressed Classes.

7. Courts and Judiciary should be so constituted by legislation that there may be representatives of different communities on these in order that the people may have confidence in the administration of justice.

8. (*d*) Caste system in the Hindu community, with consequent social inequality, is thoroughly inconsistent with ideas of democracy. As long as social inequality remains, political equality is impossible. The Brahmin is responsible for imposing the caste system, and for perpetuating it. In this system the Depressed Classes are relegated to the lowest position, and six crores of them forming one-fourth of the population of British India are actually treated as untouchables, unhearables and unseeables, and access to public wells, temples, schools, roads, serais, rivers, tanks, etc., is denied to them, and several other indignities have been imposed upon them, and they are actually treated as worse than animals. Their efforts to secure equal rights with others in these respects, as also the efforts of social reform societies like the Satya Shodhak Samaj have been stoutly opposed by the Brahmins. At present they have practically got the monopoly of all the Government offices, and they have always made use of their official and unofficial power to keep this community in its depressed condition. Whenever the untouchables have come into conflict with the Brahmins and caste Hindus in their struggle for securing their just rights, the British officials, instead of throwing their support on the side of natural justice, have shown a desire to keep the caste Hindus satisfied. Under existing conditions, emancipation of this large community from social slavery seems possible only by legislation backed up by determination on the part of British officials to secure to this community its ordinary rights of humanity. This social ostracism of the untouchables is causing them enormous economic and political loss.

7. 10 (*c*) There should be proportionate representation of all communities in all public services. At present the Depressed Classes forming one-fifth of the population of British India are almost entirely excluded from these services.

(*e*) In recent years there has been considerable Indianisation of higher services, but there is not a single member of the Depressed Community throughout India who has derived any benefit from this change. Indianisation, as carried out in recent years, has resulted in the transfer of power into the hands of people who are unsympathetic towards the interests of the Depressed Classes. For a long time to come the Depressed Classes will require protection while they are going through the struggle to improve their position, and this protection means a strong British element in the higher services capable of understanding the real issue and giving necessary protection to the Depressed Classes during the period of their legitimate struggle.

11. As a result of continued neglect of this community, it has lagged far behind the other classes in education. Justice demands that more public revenues should be spent, and special efforts be made by the State, to educate the members of this community. The members of this community being very poor, it is necessary to help the students liberally with scholarships. It is also necessary to liberally provide hostels for these boys. The tendency to deliberately pluck the students of the Depressed Classes in examinations seems to be on the increase. This is due to the hostility of the higher classes to the educational advancement of the members of these classes.

SUPPLEMENTARY MEMORANDUM.

I. PRELIMINARY.

(i) *Population.* The Depressed Classes in the Central Provinces and Berar are about 3,000,000 or about 25 per cent. of the whole population.

(ii) *Social inequality.* Owing to the caste system, for the imposition and perpetuation of which the Brahmins are responsible, the Depressed Classes are relegated to the lowest position, and they are actually treated as untouchables, unhearables and unseeables. Access to public schools, roads, wells, tanks, rivers, serais, temples, etc., is denied to them and several other indignities have been imposed upon them. In short, they are actually treated as worse than animals. Their efforts to secure equal rights with others in these respects as also the efforts of social reform societies like the Satya Shodhak Samaj have been stoutly opposed by the Brahmins. Thus they have been denied all social, political and economic rights, causing them their enormous economic and political loss. This caste system coupled with its consequent social inequality is thoroughly inconsistent with ideas of democracy. As long as social inequality remains, political equality is impossible.

(iii) *Protection.* Under existing conditions, whenever the so-called untouchables have come into conflict with the Brahmins and the caste Hindus in their struggle for securing their just rights, the British officials, instead of throwing their support on the side of the natural justice have shown a desire to keep the caste Hindus satisfied. Indianisation as carried on in recent years has also resulted in the transfer of power into the hands of people who are unsympathetic towards the interests of the Depressed Classes, with the result that there is no guaranteed protection.

(iv) *Representation.* Most of the members of this community are labourers and property qualifications give them no chance of being included in the electorate and thus exerting its influence in the affairs of the provinces and those of the country. As also in the general electorate this community has no chance of having representatives elected to the central and provincial legislatures and also local bodies owing to the prejudice of other communities. Representation on a very small scale has been given to this com-

munity by nomination on the provincial legislature and on some local bodies, with the result that they can exert almost no influence.

(v) *Public Service.* At present the Brahmins have practically got the monopoly of all Government Offices. The Depressed Classes are excluded almost entirely from public services. This has resulted in creating and increasing the doubt in the minds of the Depressed Classes about the judiciary of these provinces.

II. RECOMMENDATIONS.

(i) *Franchise.* Every adult with an annual income of Rs. 96 should have a right to vote for the Legislative Council, Municipality and Local Bodies. Franchise for the Central Legislature should be sufficiently lowered for the Depressed Classes.

(ii) *Method of Election.* Election should be by direct voting and by ballot in all the bodies.

(iii) *Representation.* There should be only a communal representation and not also a class representation at the very time till at least 1950, strictly in proportion of their population. There should be five communal divisions as follows:

(*a*) Brahmins,
(*b*) Non-Brahmins,
(*c*) Depressed Classes,
(*d*) Muhammadans,
(*e*) Non-Hindus and Non-Muhammadans.

We entirely agree to the principle of election by separate electorate. But considering our present economic and educational condition, we think that for the next twenty years representation of the Depressed Classes of these provinces on the provincial and central legislatures may be made by nomination on the recommendations of the All-India Depressed Classes Association, and not as at present on the recommendations of officials—most of them are caste Hindus, by whom right type of persons are not recommended. Hence the opinion of the educated section of the Depressed Classes should be taken.

Nomination of officials is also necessary.

We are not in favour of complete provincial autonomy. And having regard to our members and therefore our large interests in the government of the province and having regard particularly to the constant prejudice of the caste Hindus against this community in these provinces, we are of opinion that one of the members of the provincial cabinet should be from the members of the Depressed Classes.

(iv) *Strength of the legislatures.* Strength of legislature of the province as also that of the Legislative Assembly and Council of State should be increased, and there should be no second chamber for the Province.

(v) *Public Services.* As the Brahmins have practically got the monopoly of all the government offices at the entire exclusion of the Depressed Classes and other backward communities, communal representation offers them the only chance of insuring this community into the services. And in order that the people may have confidence in the administration and justice of the province, different communities should have proportionate representation in all kinds of public services, viz., (*a*) Police, (*b*) Judicial, (*c*) Executive and (*d*) Administrative.

(vi) *Education.* As a result of the continued neglect of the Depressed Classes coupled with the tendency to pluck the students due to the hostility of the caste Hindus towards them, they have lagged far behind the other classes in education. This community being very poor, justice demands that more public revenues should be spent and special efforts be made by the State to educate them. Hence we think it necessary to liberally provide hostels for the boys, to give special scholarships to the girls, and to give other educational facilities to the boys and girls of these classes.

(vii) *Protection.* Under existing conditions the Depressed Classes will require protection for a long time to come, while they are going through the struggle to improve their position. This protection means a strong British element in the higher services capable of understanding the real issue and giving necessary protection to them during the period of their legitimate struggle. Emancipation of this large community from social slavery seems possible only by social legislation backed by determination on the part of the British Officials to secure to this community its ordinary rights of humanity.

Memorandum submitted by the Central Provinces Depressed Classes Association.

We, the accredited representatives of the Depressed Classes of the Central Provinces, beg to submit the following for the kind and favourable consideration of the Commission.

The Depressed Classes, which in spite of the benefits of the Western education, are supposed by the Hindus to cause pollution to the temples and wells, ordinarily resorted to by them (Hindus), and are on that account forbidden to them, form 20 per cent. of the total population of the province. They are the most down-trodden people of India, and, having due regard to the treatment which they have received at the hands of the Hindus in the past, they need special consideration for safeguarding their political rights and entity in the formulation of the next instalment of reforms.

In the past for a long time even the public schools were closed to them and the benefits of education were denied to them. They were not free to follow avocations other than the ones which were followed by their ancestors. The necessary result of Hindu oligarchy has been that the bulk of the Depressed Classes is illiterate and very poor.

In the last instalment of reforms the constituencies were unfortunately formed into Muhammadan, the special, and the Non-Muhammadan, the general, and they were included with the Hindus in the latter. On account of the poverty of their classes and the high franchise the bulk of their population could not have the voter's qualification, and owing to lamentable general illiteracy they were not able to make an intelligent exercise of the franchise in their interest. Their inclusion in the general constituency only resulted in swelling the numbers of their tormentors, the Hindus, who are responsible for their present unenviable remained position in the polity of the country.

It is, therefore, humbly submitted that in the next instalment of reforms which are under consideration they should be granted the following:—

1. Governor's power of veto and certification should be maintained, and for the protection

of minority interests he should be further invested with powers of control, superintendence and supervision ;

2. Separate representation in the Legislatures and all public bodies including the University in proportion to their numerical strength ;

3. Posts in Government Services and all public bodies should be left open to them, and the minimum qualification absolutely necessary should be required of them ;

4. They must be given a representative in the Cabinet to protect and advance their interests, and his salary, and the vote of confidence in him should depend exclusively on their votes ;

5. Having regard to the fact that they have been exploited in the past to the advancement of the Hindu community, they should be given special grants for education, and

6. No Bill, nor any clause thereof, nor any resolution affecting them or other minorities in the province, shall be proceeded with if three-fourths of the members of the community or interests affected by it, are opposed to it.

In conclusion, we humbly and respectfully hope that the above would receive favourable consideration and be guaranteed to them in the proposed Government of India Act, for which we shall ever remain, as in the past, loyal to the Crown and pray for the continuation and prosperity of the British Empire.

The deputation of the All-India Depressed Classes Association and the Central Provinces and Berar Depressed Classes Association.

The deputation consisted of :—

All-India Depressed Classes Association :—
Mr. G. A. GAVAI, M.L.C., General Secretary (Spokesman).
Mr. DEVIDASS JATAO (Delhi).
Mr. S. U. KATANGALE, M.L.C.
Mr. NANDAGOALI.

The Central Provinces and Berar Depressed Classes Association :—

Mr. G. M. THAWARE.
Mr. J. G. SONONE.
Mr. S. G. NAIK.

41. *The Chairman :* This is a deputation, as the members of the Joint Conference will see, really representing the Depressed Classes. Gentlemen, we are glad to see you. Am I right in thinking that it is Mr. G. A. Gavai, a member of the Legislative Council, who is here ?—(*Mr. Gavai*) Yes.

42. Are you the general secretary, Mr. Gavai ?—Yes, sir.

43. Of which body ?—Of the All-India Depressed Classes Association.

44. Then, Mr. Devidass Jatao comes from Delhi ?—(*Mr. Jatao*) Yes.

45. Mr. Katangale, you are a member of the Legislative Council here ?—(*Mr. Katangale*) Yes.

46. One of the four nominated members ?—Yes.

47. Is there also a Central Provinces and Berar Depressed Classes Association ?—(*Mr. Gavai*) Yes.

48. And they have got representatives here ?—Yes.

49. We should be glad to hear shortly from you what you would like to say. I will just remind you that apart from having a very important Memorandum from the All-India Depressed Classes Association, which we have all of us studied, we have also got a great many other documents about you ; and, as I make out, in this province the two chief depressed castes are the Mahars and Chamars. The Mahars are about 882,000 and the Chamars 1,171,000. And according to the census we get a total of very nearly 3,000,000 out of a total population of 16,000,000. So this is a very important case indeed. Then I gather from the Government Book that has been supplied to us that if you take an ordinary typical district hardly any of the Mahars at present are qualified to vote in the general constituencies ?—It is so.

50. I do not think there is any Mahar in the Council at present ?—Elected ?

51. Yes ?—No.

52. There has been a Chamar ?—Yes, he was sent in by the Extremist Party.

53. In the first Council, I think ?—Yes.

54. In the first Council there was a tendency for people to stay away and put other people in ?—Yes.

55. You have a Chamar nominated to the present Council ?—Yes.

56. Now what is it you gentlemen would like to tell us ?—We want, sir, a separate electorate and a lowering of the franchise. We want a separate electorate for the Depressed Classes and communal representation in the Services, and also a member of the Cabinet.

57. Take the first point. You say you would like to have a separate electorate. What is your idea of the qualification for an elector ?—We have suggested in our Memorandum that a man getting an income by labour of Rs96 should be entitled to vote.

58. And how is it to be ascertained, whether he gets that income or not ?—That can be ascertained from the wages they get.

59. What percentage of these people do you think can read and write ? You are proposing a separate electorate. I want to know how far that separate electorate would be illiterate and how far it would consist of people who can read and write.—Most of the members to be elected would be literate, but the voters mostly would be illiterate. There is a very small percentage among the Depressed Classes who are literate.

60. To what extent do you think at present, Mr. Gavai, that members of the Depressed Classes in this province are voters in ordinary constituencies ?—They are not even one per cent. There are very few. I do not think in the whole of the Central Provinces and Berar there are one per cent. of the population who are entitled to vote for members of the Legislative Council.

61. The Depressed Classes supply a good deal of the industrial labour ?—In villages they are agricultural labourers.

62. But, apart from agriculture, they also supply a good deal of the industrial labour. Let us take the great mills in the province. Do you tell me that a Depressed Class man working in a mill never gets the qualification for the ordinary vote ?—Yes, sir, according to the present system of qualification.

63. We were told as a matter of fact yesterday,

CENTRAL PROVINCES AND BERAR NON-BRAHMIN POLITICAL ASSOCIATION, CIVIL LINES, WARDHA. [*Continued.*

when we heard some evidence, that there were some having such a qualification.—That is in urban areas.

64. I did not ask you to exclude the urban areas from your answer. I asked you of the industrial worker. Let me put my question again. Is it not a fact that the Depressed Classes supply a good deal of the industrial workers ?—Yes.

65. In the mills and factories ?—Yes.

66. And do you tell me that no Depressed Class persons who are employed in industrial work in mills and factories have the qualification for a vote ?—So far as the Central Provinces are concerned the Municipal Act is very liberal here and there is a considerable number of voters from the Depressed Classes.

67. I do not quite follow it. Do you believe that there would be in a place like Nagpur a number of Depressed Class persons who, as a matter of fact, would be qualified to vote in a general constituency ?—Yes, but they will not return their men as the number of voters is very small.

68. Are they qualified to vote ?—In Nagpur there are men so qualified.

69. You want to have them separated off from everybody else, and you suggest that they should then form a separate electorate ?—Yes.

70. Would you prohibit a Depressed Class man who improved his position from being a voter in a general constituency ?—Yes, he will not achieve much.

The Chairman : I see your ideas. I am much obliged to you.

71. *Rao Bahadur Rajah :* Mr. Gavai, you just now said that you want a separate electorate for the Depressed Classes ?—Yes.

72. Supposing a separate electorate is formed for the Depressed Classes, if a member of the Depressed Classes has got a vote in the general constituency would you allow him to vote there or in the separate constituency ?—I will allow him to vote in the separate constituency.

73. If he wants to vote in the general constituency will you have any objection ?—Yes.

74. You will not allow him to exercise his vote both in the general constituency and in the separate constituency ?—That is impossible, I think.

75. What do you mean by "Depressed Classes ?"—The classes who are considered as untouchables.

76. I want to know whether the term "Depressed Classes" is constituted of certain communities or castes ?—They are a group of castes put in a similar degraded position.

77. And who are denied all social, political and economic rights ?—Yes.

78. You say that in a general electorate this community has no chance of having its representatives elected ?—That is so.

79. You want representation in proportion to the population ?—Yes.

80. Do you also advocate separate electorates for the Legislative Assembly ?—Yes. Such representatives should be chosen on the recommendation of the All-India Depressed Classes Association.

81. You want the All-India Depressed Classes Association to recommend names to the Government for nomination ?—Yes.

82. And what is the proportion you would demand in the Legislative Assembly ?—According to the numerical strength.

83. On the population basis there also ?—Yes.

84. Are you against the Indianisation of the Services ?—Dead against.

85. Why ?—We are treated much better at the hands of foreigners than at the hands of our so-called brethren.

86. Supposing you are given your adequate share in the Public Services would you then also refuse to have Indianisation in the Services ?—Yes.

87. The Depressed Classes are now labouring under some social disabilities, and how can you expect this Commission or the Government to help you in this ?—So far as justice is concerned they can help us. For instance in the matter of using public wells the Commission can recommend to enforce the law. So far as the law is concerned it is all right.

88. What I mean is this, whether these social disabilities have got a political background ?—Yes.

89. And whether these social problems influence political problems in India ?—Yes.

90. Am I to understand that the social disabilities should be removed before political power is given to Indians ?—Yes.

91. And if these social disabilities are not removed and political power is given to Indians they will perpetuate these social disabilities ?—Yes.

92. So in order to get rid of these social disabilities you want political power to be given to the Depressed Classes also ?—Yes.

93. And for that you want a separate electorate, adequate representation in proportion to the population and representation in the Services and in the Cabinet ?—Yes.

Memorandum submitted by the President, Central Provinces and Berar Non-Brahmin Political Association.

On behalf of the Central Provinces and Berar Non-Brahmin Political Association I have the honour to submit the Memorandum attached herewith for your consideration. This Memorandum has been prepared as a result of joint deliberation by members of the Select Committee appointed by the Central Provinces and Berar Non-Brahmin Political Conference held at Karodi in the Akola district on 8th of April, 1928, and which was attended by over 5,000 members. The Memorandum represents the unanimous opinion of the members of the Select Committee.

2. *The Non-Brahmin Party.* A brief explanation of the aims and objects of this party and its composition will be helpful in understanding the real political situation in the southern half of the country. Conditions of the northern half of the country are different, and most of the views represented in this Memorandum apply in particular to the Nagpur and Berar Divisions of the Central Provinces and the whole of Bombay and Madras Presidencies, excepting the Province of Sind.

The Non-Brahmin Party consists mainly of the masses who are exploited by the classes. The Non-Brahmin masses are mainly agriculturists and labourers and are the producers of the wealth of the country, and are mostly residents of the rural areas. These masses have for generations been neglected and subjected to a ruthless process of exploitation by the political class. These masses are backward in education and have not till recently taken any appreciable part in politics. Politics has, until the advent of the Non-Brahmin Party and the Depressed Classes into the political field, been a game of the political class mostly living in the urban areas, and whose occupation is mainly that of lawyers and Government servants. This class is the Brahmin. All political organisations—excepting those of the

CENTRAL PROVINCES AND BERAR NON-BRAHMIN POLITICAL ASSOCIATION, CIVIL LINES, WARDHA. [*Continued.*

Non-Brahmins, Depressed Classes and Muhammadans—are Brahmin-ridden organisations, and are merely run for strengthening the grip of the Brahmins over the masses and for getting hold of more power from the British. Their ultimate aim is a Brahmin Raj. Their population is under 5 per cent. of the total population and they monopolise between themselves 80 per cent. of the Public Services and hold a good many of the highest appointments in the gift of the Crown. The so-called Indianisation of the Services, which has proceeded too rapidly within recent years, has really resulted in Brahminisation of the Services. In other words, all the powers transferred to Indians and in the name of Indians have been in effect transferred to this one small section, viz., the Brahmins. This has resulted in strengthening the position of the exploiters and weakening that of the exploited masses. The so-called Indianisation has thus been a curse so far as the masses are concerned. There is absolutely no community of interest between the Brahmin who holds all the great majority of offices of power, patronage and profit and the Non-Brahmin masses. The political organisations other than the three specified above are merely Brahmin organisations run for their benefit and are in no sense representative of the interest or opinion of the masses.

The Brahmin class being politically and educationally far advanced has succeeded in dominating all local bodies and councils, and is also almost entirely in possession of the press and has systematically used its position to benefit itself to the exclusion of others. To give only one instance, an analysis of the Budget of the Central Provinces Government will show that almost all the revenues are contributed by the Non-Brahmin masses, and a very large share of the money, in one shape or the other, is spent for the benefit of the urban Brahmins, and little or nothing is spent for those who contribute the revenues. Little or nothing is spent on rural education, sanitation, medical relief, communications and agriculture, the mainstay of the country. The Constitution should provide for earmarking substantial funds for rural amelioration.

The Brahmins are very fond of describing themselves as Nationalists and Patriots. But in actual practice they are intensely and selfishly communal. The Non-Brahmin Party, as the name implies, includes all except the Brahmins. Its membership is open to all Hindus, Muhammadans, Christians, Jains, Parsees and everyone else except the Brahmins. The real interest of the Brahmins is directly opposed to the interest of the rest who form the Non-Brahmin Party. This Party stands for the communal representation in Public Services, Legislatures and Local Bodies. As long as the caste system remains it is idle to talk of a nation and the existence of different communities must be recognised as a fact, and these communities cannot be satisfied until their share of power, patronage and profit is assured to them. And hence the need for communal representation and communal electorates. The Brahmin-ridden organisations on the other hand are opposed to communal representation as thereby they stand to lose the advantage they have gained in the past.

It is the Brahmin who is responsible for dividing the Hindu society into innumerable castes, at the top of which he has placed himself and has attached to this caste system religious sanction which appeals very strongly to the sentiments of the illiterate masses. The real motive behind it is political and it is based on the principle of " Divide and Rule." The emoluments which he has attached to his exalted religious position bring him a great deal more than the revenues of the Government of India, and he is determined with all the forces at his command to perpetuate this caste system. His cry of Nationalism and Patriotism is all sham. Whatever may be the objects of the Hindu Mahasabha as originally started, in the southern part of the country, in actual working it has created greater tension between the Hindus and Muhammadans and tended to strengthen the grip of the Hindu caste system with all its implications. This organisation appears to be a purely religious organisation. It is noteworthy that it has been running candidates for seats on the Legislative Councils and the Assembly, and its leaders have declared that one of its objects is to fight the principle of communal representation and to create a new bond of alliance between communities that are opposed to communal representation in the political field. The Non-Brahmin Party has thus come into existence for protecting itself against the social and political exploitation by the Brahmins. The Brahmin and Non-Brahmin issue in these provinces is as real as the one between the Hindus and the Muhammadans in the northern half of the country. The social organisation known as the Satya Shodhak Samaj, which has been working in the Bombay Presidency, Berars and Nagpur Division for the last fifty years has greatly changed people's ideas regarding the caste system. It stands for removal of caste barriers and all vicious and ruinous customs in Hindu society and it naturally comes into conflict with the Brahmin interest, and every effort is made by the Brahmins to misrepresent it and even to crush it. The awakening among the masses as a result of this movement has been very great and the masses are prepared to support beneficent social legislation. But as long as the franchise is confined to a few people with property qualifications there will be no chance for the masses to help themselves against ruinous social customs. In the circumstances of this part of the country, therefore, a considerable widening of the franchise is a necessity. The right of communal representation in the Services, right of temple entry for the Depressed Classes, and the free use of all places of public resort should be embodied in the Constitution.

3. The Select Committee has nominated the following persons to appear before the Royal Commission to give evidence :—

(1) Rai Bahadur K. S. Nayudu, B.A., LL.B., President, Central Provinces and Berar Non-Brahmin Association, Wardha.
(2) Mr. N. G. Amritkar, B.A., LL.B., Pleader, Morsi, District Amraoti.
(3) Mr. Pandharinath Sitaram Patel, Secretary, Non-Brahmin Association, Ghikhli, District Buldana.
(4) Anand Swami, President, Non-Brahmin Association, Ghikhli, District Buldana.
(5) M. G. A. Gavai, M.L.C., Mahal Tekdi Road, Amraoti.

Memorandum of the Central Provinces and Berar Non-Brahmin Political Association, adopted by the Select Committee appointed by the Provincial Conference held on the 8th of April, 1928, for submission to the Indian Statutory Commission, in reply to the Questionnaire issued by it.

1. (*a*) Every adult having an income of Rs120/- per year should have a right to vote for the Legislative Councils and Local Boards and Municipalities.

(*b*) Elections should be by direct voting and by ballot in all bodies.

(*c*) To safeguard the interests of different communities there should be communal representation in all bodies based on the following communal electorates :—

(1) Brahmins.
(2) Muhammadans.
(3) Depressed Classes.
(4) Non-Brahmins.

Explanation. Muhammadans and Depressed Classes really form part of the Non-Brahmin political group. But for some time to come their separate representation seems necessary.

The number of representatives of each community

in all bodies should be proportionate to the population of each community.

Economic interests may continue to be represented as at present.

The University seat should be abolished.

No voter should be required to travel more than two miles to record his vote.

At present there is no community of interest between the electors and their representatives in the Council. In fact, their interests are opposed to each other.

Such parties as exist in the Councils are merely nominal. Real representation and real parties can under the existing Indian conditions emerge only out of communal electorates.

Nominations of officials is necessary. Nominations of non-officials to represent important minorities is also necessary. But in no case should fictitious nominations be made, such as that of a Brahmin lawyer aspiring to the post of a sub-Judge representing factory labour.

8. (*d*) *Social progress in British India.* The caste system in India is thoroughly inconsistent with ideas of democracy. Several vicious social customs exist which are utterly detrimental to the healthy growth of the Hindu community. The Brahmins are responsible for the existence and perpetuation of these customs. Several efforts at beneficent social legislation against most degrading and shocking customs have in the past been stoutly opposed by Brahmin legislators. The real implications of the caste system and its degenerating effects have not been fully realised, and attempts at social advancement have not met with the sympathy and support they deserve.

10 (*c*) and 7. There should be proportionate representation of all communities in Public Services. At present these Services are the monopoly of the Brahmins, who are exploiting the masses and have been using their official positions to retain their grip over the masses.

(*e*) In recent years there has been considerable Indianisation of higher Services. In actual effect it has resulted in Brahminisation of Services and the weakening of European element and lowering the efficiency of the administrative machinery. In practice it has been found that a Brahmin official is a Brahmin politician first and an official next. The non-Brahmins want the Services to be held by themselves in proportion to their numbers. At present they are too weak to resist the combined efforts of the Brahmin officials and non-officials to keep them down, and for some time to come they consider it necessary to retain a strong British element in the Services to protect them until they secure sufficient power in their hands to protect themselves. This British element should consist of experienced officers of the right type.

11. At present most of the money spent on education by the Provincial Government is spent in urban areas where only 10 per cent. of the population lives, and most of this money benefits the Brahmins.

Most of the rural population consisting of 90 per cent. is illiterate for want of schools in rural areas. The real need of the province is to divert funds from higher education to primary rural education and rural reconstruction.

Memorandum submitted by the Non-Brahmin Party, Central Provinces and Berar.

1. (*a*) The constitution of the Provincial Government should be one Governor with an Executive Council of four members—one British and three Indians—representing all Interests and all Communities, responsible to Parliament for the next ten years, and responsibility to electorate to be gradually evolved by establishing healthy constitutional conventions. Tenure of office of the Executive Councillors to be five years.

(*b*) The Governor and the Governor-General should have the power of vetoing or certifying all legislation.

2. (*a*) The membership of the Legislative Council C.P. and Berar should be raised so as to provide for one rural seat for each Tahsil, and Maharastra Brahmins should not be eligible for standing for rural constituencies.

(*b*) Every adult having an income of Rs120/- per year should have a right to vote for the Legislative Council and Local Bodies.

(*c*) There should be communal representation in Legislative Councils and Local Bodies based on the following electorates :—

(1) Brahmins,
(2) Muhammadans,
(3) Depressed Classes,
(4) All the rest.

(*d*) The number of representatives of the aforesaid four communities should be proportionate to their respective populations.

(*e*) Economic interests may continue to be represented as at present.

(*f*) University seat should be abolished.

(*g*) Nomination of officials is necessary to make expert advice available.

(*h*) Nomination of non-officials to represent important minorities is also necessary.

(*i*) No Maharastra Brahmins should be nominated on any of the bodies.

(*j*) No voter should be required to travel more than a reasonable fixed distance to record his vote.

(*k*) President of the Legislative Council should, for a period of 10 years, be a non-official, nominated by the Governor. Tenure of office of the President to be five years.

3. The following provisions should be made in the Constitution :—

(1) Earmarking of certain proportion of the revenues for expenditure on rural education, sanitation, medical relief, communications and agriculture.

(2) Proportionate communal representation in the Public Services of the country.

(3) Right of entry in the Hindu temples and the free use of all places of public resort for the Depressed Classes.

(4) A minimum number of appointments in all branches of Public Service to be held by Europeans should be fixed so as to ensure a sufficiently strong British element in the Services.

(5) Income-tax should be provincialised and all provincial contributions to Government of India should be abolished.

K. S. NAYUDU.
President, C.P. & Berar Non-Brahmin Political Association.

Nagpur, 15-3-1929.

APPENDIX NO. 1.

REPORT ON THE TERRITORIES OF THE RAJA OF NAGPUR SUBMITTED TO THE SUPREME GOVERNMENT OF INDIA BY RICHARD JENKINS, ESQ., RESIDENT AT THE COURT OF HIS HIGHNESS THE RAJA OF NAGPUR.

1827.

NAGPUR:

PRINTED AT THE SECRETARIAT PRESS.

1901.

PAGES 24 AND 25.

Inhabitants of the country. The Brahmins are mild and courteous in their manners, particularly in the presence of superiors; but in their intercourse with other classes they are often proud and overbearing. They are great flatterers and dissemblers, and have a complete command over their tempers, which they never lose where their interests are at stake. They are quick, penetrating, and can express themselves with readiness and propriety on all occasions.

The manners of the peasantry and lower classes, both of the city and country, though rougher than those of the Brahmins, are more pleasing to Europeans. The most remarkable feature, perhaps, in the character of the Mahrattas of all descriptions, is the little regard they pay to show or ceremony in the common intercourse of life. A peasant or mechanic of the lowest order, appearing before his superiors, will sit down of his own accord, tell his story without ceremony, and converse more like an equal than an inferior; and if he has a petition to present, he talks in a loud and boisterous tone, and fearlessly sets forth his claims. Both the peasantry and the better classes are often coarse and indelicate in their language and many of the proverbs which they are fond of introducing into conversation are extremely gross. In general, the Mahrattas, and particularly the cultivators, are not possessed of much activity or energy of character, but they have a quick perception of their own interest, though their ignorance of writing and accounts often renders them the dupes of the artful Brahmins.

State of the moral character. The morals of the Brahmins are described, both by Captain Williamson and Captain Gordon, to be very depraved. In all their dealings with the Government they show a total disregard to truth and common honesty, and they are found to be a deceitful, intriguing, and unprincipled race. They are not naturally cruel, but to gratify their avarice, they do not scruple to employ torture and the most cruel punishments. They are considered to be bad masters. Their charity only extends to their own tribe. They unblushingly condemn anything like honest or upright conduct, and deceit is regarded by them as the perfection of wisdom. There are, no doubt, many respectable individuals amongst them, but so sensible are they of the venality of their own order, that if they recommend one of their own relations, even for employment under Government, they either force him to give security, or hire a person to watch his proceedings. Their vices are in part redeemed by some virtues. The Brahmins are quiet, sober and intelligent; they are fond of their children and kind to their women.

APPENDIX NO. 2.

REPORT OF THE LAND REVENUE SETTLEMENT OF THE CHANDA DISTRICT, CENTRAL PROVINCES, 1869, BY MAJOR C. B. LUCIE SMITH, M.S.C. NAGPUR. PRINTED AT THE CHIEF COMMISSIONER'S OFFICE PRESS.

1870.

COMMISSIONER'S REVIEW ON THE CHANDA DISTRICT SETTLEMENT REPORT.

Para 5, *Brahmins*.—Major Lucie Smith quotes from reports written forty years ago passages regarding the Brahmins of the Nagpore country, and he fully endorses Sir R. Jenkins' opinion of their character, and their influence upon the district. It seems as if the Mahrattas and Koonbees had held their own against the Brahmins in the Nagpur and Wurdah districts where the personal influence of the Bhonslah kings was felt. But for the last forty years the Brahmins seem to have worked their will among the alien Gond and Teloogoo races in Chanda. In Chanda, if anywhere, Professor Max Muller's theory holds good—that "Brahminical influence pervaded the whole community, not as a vivifying influence but as a deadly poison." I am glad, however, to be able to think that the Nagpore and Chanda Brahmins are not all bad. Many of them do their duty and business well in many walks of life. We cannot expect that the Brahmins will, within any definite time, cease to be the leaders of Hindu society. But we may hope that the example of the Mahratta Brahmins of the Konkan, who are now so largely employed in this part of the Deccan, will spur on the rising generation of Nagpore Brahmins to educate themselves and to think for themselves. Brahmans mainly congregate in towns where there are good Government schools, so that they can qualify themselves to become leaders instead of obstructors of Chanda progress.

CHANDA SETTLEMENT REPORT.

CHAPTER I.

GENERAL DESCRIPTION.

Para 151, *Brahmins* 6,510.—The Brahmins, though numbering only 6,510, are a very important class, and during the time of the Mahrattas their influence was paramount; indeed those days are known among the people as the "Brahmin raj." As a race the Brahmins possess marked ability and industry, and have courteous manners, with a great talent of ingratiating themselves with those they wish to please, but they are regardless of truth, unscrupulous and intriguing, overbearing to their inferiors, avaricious in money matters and dissolute in morals, grasping landlords and hard creditors, and reach their worst type in the Nagpore Brahmin, whose greed in days gone by entailed unnumbered evils upon the Chanda people. There are of course many individuals to whom this description does not apply, and who are valued members of the upper class, but these form the exception; and to show that this sketch of their general character is not too highly coloured I would extract the picture drawn of them in 1826 by Sir R. Jenkins. (Vide Appendix No. 1.)

Three-fourths of the total number in the district are Mahratta Brahmins, who are chiefly landowners, moneylenders, shopkeepers, priests, Government officials, and private servants where clerical work is required. The Teloogoo Brahmins are the most learned of the body, and have some excellent Sanscrit scholars among them, while the Hindoostanee Brahmins have originally come south to obtain Government employment. The Goojrathi Brahmins, on the other hand, are bankers and landowners, and belong mainly to the influential families.

APPENDIX NO. 3.

REPORT ON LAND REVENUE SETTLEMENT OF THE NAGPUR DISTRICT 1899, BY SIR R. H. CRADDOCK, OFFICIATING COMMISSIONER OF SETTLEMENTS.

PAGE 26, PARA 52.

	1872	1891
Mahratta Brahmans	.. 14505	.. 16009
Hindustani Brahmans	.. 5080	.. 6645

Para 52.—The Brahmins may in one sense claim to be discussed along with agriculturists. They comprise the largest landowners, and hold besides a great deal of land in tenant right, or as small plot-proprietors. The Hindustani Brahmins, who are in a large minority, are engaged in shopkeeping, moneylending, and service, but when they hold

land they do more in the personal supervision of their agriculture than the Mahratta Brahmins, who are for the most part non-resident.

But it is the Mahratta Brahmins of whom most is seen in Nagpur. They almost monopolise the appointments in Government service, at least all the better class of appointments. An outsider in an office largely manned by Mahratta Brahmins stands a very small chance of success; every slip he makes is at once brought to light, while the faults of members of their own community are carefully glossed over. Excellent judges of character themselves, they are past-masters in concealing their own thoughts.

Sir R. Jenkins, in a passage often quoted (but which I will not reproduce as being too dark a picture at the present day), recorded a very unfavourable opinion of the Brahmins. The Brahmins of the Court entourage doubtless justified the character for intrigue and contempt for truth which he gave them. Since his day, however, Western education has raised the standard of honesty, and many upright men are now to be found among the educated members of the caste.

As traders, moneylenders, and lawyers the Brahmins are most successful, as landlords they fall far below the ideal standard. As clerks and officials they are second to none. The barrier of exclusiveness is breaking down; their clannishness shows some signs of diminution, they are losing alike their tendency to flattery and, it must be confessed, some of the courtesy for which they were so distinguished. This change in their characteristics is partly due to the spread of education, and partly to new blood received, soon after the formation of the Provinces, from Poona, Satars, and Ratnagiri, from which places many of our higher officials originally came.

Their abhorrence of practical and mechanical work is also beginning to give way. The superintendent of the Government Farm at Nagpur is thoroughly practical, as well as a scientific agriculturist, and the son of an Extra-Assistant Commissioner, after working as an apprentice in the railway workshops, has now set up a large workshop of his own. Progress may be slow, but as the avenues to Government employment become more crowded with applicants, as the legal profession becomes more and more competitive, as the religious veneration in which the Brahmins are held weakens, which it is already perceptibly doing, they will be wise enough to turn their attention to more technical professions, and will attain as much success as practical workers as they have gained in the past as writers and officials.

Deputation from the Central Provinces and Berar Non-Brahmin Political Association.

The deputation consisted of :—

Rai Bahadur K. S. NAIDU, President (Spokesman).
Mr. N. G. AMRITKAR, B.A., LL.B., Secretary.
Mr. G. A. GAVAI, M.L.C.

94. *The Chairman :* This is a deputation, is it not, from the Central Provinces and Berar Non-Brahmin Political Association ?—(*Rai Bahadur Naidu*) Yes.

95. We have your Memorandum, gentlemen. * * * Rai Bahadur K. S. Naidu, you are the president of the Association and spokesman ?—Yes.

96. I wish you to tell me first of all when was this Non-Brahmin Political Association founded—how long ago ?—Before I begin, may I let you have, sir, a copy of a brief statement of the case of the Non-Brahmin Party ?

97. *The Chairman :* Does it differ materially from your Memorandum ?—No, sir; it is in fact a brief statement of our case. (Copy of the statement handed over to the Chairman).

98. I would like to take your own course in addressing us shortly, but would you tell us when this body was established ?—The Non-Brahmin Political Party really came into existence about six or seven years ago. This is a natural evolution of the Non-Brahmin social movement that was started in this province about fifty years ago. That social movement is known as the Satya Shodhak movement. That came into existence for purposes of destroying these caste barriers among the Hindu communities and consolidating them into one community. The natural development of that has been that about six or seven years ago we started the Non-Brahmin movement also.

99. I do not quite follow. You say that the object of this Association is to destroy the caste barriers ?—It was only a social movement to begin with, and five or six years ago we included among our activities the political side as well.

100. I have got the impression from reading through a document that one of the rules of your Association was that no Brahmin should belong to it ?—Yes, sir. The reason for that is that the Brahmin community here has been in the social as well as in the political field systematically exploiting the Non-Brahmin communities. There is no community of interest between these two communities, and therefore it was not found possible to include that one community in our group.

101. Of course, we know this kind of division. For instance in Madras it is very well known and has had very important political effects, and to some extent in other provinces too. Would you include in your body people who are not Hindus ?—Not in the social one, but in the political one we do.

102. Have you in fact got any such members ?—Yes, we have got Muhammadans; we have got Depressed Classes.

103. Depressed Classes may or may not be regarded as Hindus; but you have Muhammadans ?—Yes, there are Muhammadans.

104. What is your membership altogether ?—We have a very large membership; I could not exactly tell you how many. Practically half the non-Brahmins of Berar and the Nagpur division really belong to us.

105. There is the secretary of this Association who will be able to tell us its membership ?—(*Mr. Amritkar*) The total membership might amount to, say, about a thousand.

106. *Sardar Shivdev Singh Uberoi :* Are they all subscribing members ?—Yes.

107. *The Chairman :* Anyhow it is a large and representative body. Just tell us then, would you, what you would like to represent to us. We shall be very glad to hear you ?—(*Rai Bahadur Naidu*) The position in our province is one of great handicap in the matter of progress of the non-Brahmin people. We really want all that handicap to be removed; we want a fair chance to progress. At present I may tell you, sir, that the circumstances of this province differ materially from the circumstances obtaining in various other provinces. In this province we have got the meeting-ground of all communities and all

castes from all parts of India. Of these several communities that have come here, there is one community, the Maharashtra Brahmin, which has really captured all political power in the place, and the result is that we have to advance against that community in our social as well as our political activities, and these activities are naturally hampered by the obstruction placed in our way by this one community. You will find, sir, that all the points set out in this brief statement practically refer to that aspect of the case. So in the legislative councils, for instance, we have asked for the electorate to be considerably enlarged.

108. You say in paragraph 1 (*a*) of the statement put into my hands just now by you: "The constitution of the Provincial Government should be one "Governor with an executive council of four members "—one British and three Indians—representing all "interests and all communities responsible to "Parliament for the next ten years . . ." What do you mean by "responsible to Parliament"?—That means, just now the ministers are responsible to the electorate. When the subjects are reserved for ten years, which is our proposal, they will exactly be in the same position as the executive councillors are now.

109. Then you are proposing now a Constitution for the next stage in which there will be no member in the Governor's Cabinet responsible to the Legislature?—That is what I am proposing.

110. Then we come to the next recommendation, (2). You say: "The membership of the Legislative "Council, Central Provinces and Berar should be "raised so as to provide for one rural seat for each "*tahsil* and Mahrashtra Brahmins should not be "eligible for standing for rural constituencies." You pick out the Mahrashtra Brahmins, sometimes called the Mahratta Brahmins, and you say they should be disqualified?—Yes, sir.

111. Then no Brahmin should be a rural member; is that not so?—No Brahmin ought to be a rural member, sir.

112. You told me, when we started, that the guiding principle of your organisation as first conceived was to break down caste?—Yes.

113. It strikes one rather as an emphatic assertion?—We must go through a period during which we have to be struggling against this caste system and it is not a very easy thing to be destroyed. There are forces which are counteracting to perpetuate that. Already there are the Hindu Sabha activities and the Sanatana Sabha activities. All these are determined to perpetuate the caste system. So, as against our activities there are counter activities to contend with. In the meantime we have got to evolve some formula by which to go.

114. Then you say in 2 (*c*): "There should be "communal representation in Legislative Councils "and Local Bodies based on the following electorates." Then, according to you, you may have a Brahmin in the Local Body, but you have said that you do not want a Brahmin in the Legislative Council from rural constituencies?—I should also have him, sir, in the Legislative Council.

115. I thought you said in 2 (*a*) that there should be no Mahrashtra Brahmin standing for rural constituencies?—That has not been very accurately stated there. What we really mean is that the Mahrashtra Brahmins at present living in the urban areas are eligible for standing for rural constituencies and thus a very large number of them get returned to the Council. They really do not represent the rural interests, but yet they come in very large numbers.

116. But I understand your proposal is that no man should be a candidate for a particular seat unless he resides in that constituency. Is that what you mean?—Yes, that is right in one sense. Just now the Mahrashtra Brahmins are eligible for standing for rural constituencies because some of them live in those constituencies, and some of them get elected because residence in and also qualification for urban areas also qualify them for rural constituencies.

117. Is what you mean this: You want to establish a principle that the only persons who could be elected for a constituency should be people who reside in it?—Yes.

118. Does that apply also to other people besides the Brahmins?—Yes.

119. I think I appreciate what is meant here. Then we go on to 2 (*c*). You have to elect members to Local Bodies from (1) Brahmins, (2) Muhammadans (3) Depressed Classes, and (4) all the rest. My friend, Mr. Hartshorn, points out to me that out of the 55 elected members now in the Legislative Council all except 8 reside in urban areas?—Yes.

120. That I gather is the sort of point you make, country people to represent country people?—Yes.

121. Then I see you propose to abolish the University seat. You do not give the reason here; just tell me what your reason is?—My reason is this: In the first place it is not a residential university. In the second place all graduates are entitled to vote for this constituency, and the number of graduates in this province consists of a very large proportion of Mahrashtra Brahmins. I have not actually calculated the figures, but my belief is that about 90 per cent. of the graduates are Mahratta Brahmins. They are sub-judges and pleaders living all over the province.

122. You say that 90 per cent. of the graduates are Brahmins, or is it that 90 per cent. of the Mahrashtra Brahmins are graduates?—90 per cent. of the graduates who have votes are Mahratta Brahmins. The result of this is that every time it is only that community that can get returned, and in effect this is a reservation of a seat for a Mahratta Brahmin which is the most powerful community here. No other community stands the remotest chance of getting elected from this constituency for another hundred years if the constituency continues as it is.

123. That is the reason for proposing to abolish the seat, I see?—It turns out to be an indirect reservation for the most powerful community.

124. Then you propose to continue nomination of officials to make expert advice available. I suppose that is because you feel there are cases where you must have a man to give expert and skilled advice?—Yes.

125. Then further down you say that no Maharashtra Brahmin should be nominated?—My reasons are that nominations have to be provided for in the case of the weaker communities——

126. Forgive me. You say in 2 (*g*) that nomination of officials is necessary to make expert advice available. That has nothing to do with communities. And do you propose to make a rule that however expert a Brahmin may be, and however expert the advice he may be able to give, no Brahmin must ever be nominated as an official?—No, sir. I should like to add the word "non-official" after the words "Mahrashtra Brahmins" in paragraph 2 (*i*).

127. At the present moment who is the man nominated to represent labour in the Legislative Council?—He is a Brahmin pleader who is now practising here, and who is an aspirant for the post of a sub-judge.

128. My experience in India has not been that the Brahmins are the only persons who want posts; not at all. But you take the view that there ought to be a law that nobody who is a Brahmin could be nominated as a non-official?—The principle behind it is this, sir: Nomination is to help people to come in who have no opportunity of coming in through election, and to allow the strongest group to come in by nomination is against that principle.

129. You take the view that as things are the Brahmin caste does in fact get a wholly disproportionate amount of influence and power, and you think that steps must be taken to prevent that from spreading and these are the steps which you suggest might be considered?—Yes, I have got the figures

for the second Council. Out of 70 members they were 22, though they are only about 2 per cent. of the population of the province; in the present Council they are 14.

130. Kindly look at paragraph 3 of your Memorandum which deals with the provisions that should be made in the Constitution. There is one which is marked No. (3): "Right of entry in the Hindu temples . . . for members of the Depressed "Classes." Do you suggest that the British Parliament should legislate that?—Certainly. Our point of view is this. These social caste divisions have got a political background. The Brahmins have introduced these to divide up the communities into various communities in order to keep a hold on them. It is a deliberate intention to call it social and thus to exclude it from the political sphere.

131. Let me explain the view which lends itself to me. I should certainly call the difficulty a social one, because it does arise in the course of the social relations of the people. The fact that one man, for example, is not willing to receive food from the hands of another is manifestly a social difficulty, is it not?—That is exactly what we are contending against.

132. It is not really a question whether you are contending against it or not. The fact is that it is a social difficulty. The question is what can be done to produce a more sympathetic state of things. I think myself that while undoubtedly it is most important to secure adequate political representation and to promote every political change which tends to break down these things, it is important at the same time to remember that social ostracism is a thing that cannot be put a stop to by an Act of Parliament?—We have got to take a step forward. I quite follow your point of view about it, but I think that these backward and depressed and oppressed classes, who are suffering under a good many unjust social customs, should be helped by legislation.

133. You see the way they can be helped does not necessarily lie along the route of making certain that they have got adequate representation and a right to argue for fair treatment?—Adequate representation is the best method which will bring out the required result.

134. *The Chairman:* Do you not feel, Mr. Rajah, that there is something in what I have been trying to get at from the deputation. It is very important to pursue all possible ways by which you may contribute to the breakdown of this state of things which I deplore as much as anybody else. But I want to face the difficulties. It seems to me that political evils can, of course, be remedied by political remedies; the right of the community to express itself and to call attention to its grievances can be secured by adequate representation, but I do feel great difficulty in a proposal, for example, that the right of entry in the Hindu temples should be laid down in a constitutional statute.

Rao Bahadur Rajah: We ask for the other thing, sir, viz., "the free use of all places of public resort."

The Chairman: That is another matter.

The Witness (Rai Bahadur Naidu): If you say that the State should not interfere with social customs there will be practical difficulties in the way of our communities securing their rights. One instance that I can point to happened in 1927. There was a Hindu Maha Sabha here. In that Sabha some Non-Brahmins pressed forward and succeeded in getting a resolution passed that the temples should be thrown open to the Depressed Classes. As a result of that one Depressed Class boy who thought that that was a great achievement (and he was very pleased with that) went to enter the Ambamayi temple in Amraoti. He was soon spotted out and prosecuted and finally convicted by a Brahmin judge and sentenced to one month's imprisonment. He did not go to the temple to create any mischief, but out of pure devotion to the deity.

135. *Rao Bahadur Rajah:* Did he go alone?—Yes.

136. *Sardar Shivdev Singh Uberoi:* What was the offence committed?

The Chairman: I should think that there is probably some offence which is described as outraging the religious sentiment.

The Witness (Rai Bahadur Naidu): In this case he was charged with criminal trespass. The idea at the back of it was that the Brahmin was in possession of the temple and everybody else could be excluded by him at will.

137. *The Chairman:* I am told that on appeal the conviction was quashed?—Yes; it was an English judge that acquitted him.

138. I think that a great many of the people who look from outside will sympathise unreservedly with the difficulty. But I frankly feel great doubts as to how far the constitutional statute can be expected to deal with this particular side of the problem?—If relieving people from slavery on any account can be the object of any constitution, I do not see why when there is public opinion to back it up it should not be backed by legislation. There is a large volume of opinion growing in favour of the Depressed Classes.

139. I am asking for practical help. Is it your deliberate view that the constitution passed by the British Parliament at Westminster should contain a provision that there should be a right of entry into the Hindu temples for everybody?—Yes, for every Hindu, as a matter of right.

140. *Sir Sankaran Nair:* Have you got any religious endowment boards here?—There are none, I am sorry to say.

141. *Lord Strathcona:* In your statement in No. 2 (*d*) you say: "The number of representatives "of the aforesaid four communities (that is to say, "Brahmins, Muhammadans, Depressed Classes, and "all the rest), should be proportionate to their "respective populations." Do you mean that the number of representatives in the Legislative Council and also in Local Bodies of those four communities should be proportionate to their populations?—Yes.

142. I have worked out the figures, basing my calculation on the present strength of the Council. That will give us Brahmins 2, Muhammadans 2, Depressed Classes 18, and all the rest, including officials and everybody else, 40. Take Muhammadans, for instance. Do you think it will be a fair representation of Muhammadans to have only two members in the Legislative Council?—The Muhammadans are a weaker community, and I think on that ground the representation in excess of the strict number would be justified.

143. Take the Depressed Classes. Can you find 18 men who are qualified to represent the Depressed Classes in the Council?—I think you can find so many.

144. Just one other question on your printed document. You say in paragraph 3, No. (4): "A minimum number of appointments in all branches "of Public Service to be held by Europeans should "be fixed so as to insure a sufficiently strong British "element in the Services." Do you mean that a minimum number of appointments should be fixed for all time?—Not for all time.

145. I asked that question because in your typed document you say "it is necessary to "retain a strong British element in the Services to "protect the non-Brahmins until they secure "sufficient power in their hands to protect themselves"?—It would come to that. I thought the question was what is to be provided just now. The constitution we are suggesting should be for a limited period. We must have protection so long as we have to fight with a most powerfully organised community.

146. *Colonel Lane-Fox:* About 1 (*a*) in your printed document. Do you find that in your view the province has been so exploited by Brahmins that

you would rather go back and practically do away for the time being with all the Reforms, go back to the government with an Executive Council, not responsible in any sense to an elected body ?—Certainly. The downfall of the last Ministry in this province, for instance, was due to Brahmin intrigue, because there was no Brahmin in the Ministry.

147. The effect of the Reforms has been to set up an unfair domination of one particular caste ? —That is so.

148. Item (5) of the last paragraph : "Income-"tax should be provincialised and all provincial "contributions to the Government of India should "be abolished." Why do you propose that ? How are you going to provide the Central Government with funds, for instance, for defence ?—My only desire is to get more money for the province.

149. But you have to look to the practical disadvantages ?—I do not wish to press the point ; I will leave the matter to you to work out.

150. *Mr. Cadogan :* There is one sentence which I should like to be explained. It is in page 509 of your typed Memorandum. ". . . an analysis "of the budget of the Central Provinces Government "will show that almost all the revenues are contri-"buted by the non-Brahmin masses and a very "large share of the money, in one shape or the other, "is spent for the benefit of the urban Brahmins, and "little or nothing is spent for those who contribute "the revenues ? "—The Brahmins who are referred to are people who usually live in urban areas ; there are very few of them who live in rural areas. They are not in any sense the producers of the wealth of the country. But the non-Brahmins, who are usually agriculturists and labourers, live in rural areas, and they are the persons who are the producers of the wealth of the province. If you look at the budget you will see that practically all the revenue of 6 crores is contributed by the non-Brahmin masses, the agriculturists and the labourers, in the shape of land revenue, stamp revenue, forest revenue, and every other revenue. If you see the debit side of the budget you will find that little is spent on them ; there is just 20 lakhs provided under the head "Agriculture." If you further analyse it you will find that it is spent mostly on salaries. The situation therefore is that in rural areas you have not sufficient schools, you have no communications, and you have no medical relief. Because the Brahmin population is concentrated in urban areas it derives the greatest advantage.

151. *The Chairman :* I do not think you are quite right in your impression. I see that in 1928–29 out of 60 lakhs of new expenditure, 27 lakhs was spent on general indivisible services, and of the rest 9 lakhs was spent in urban areas while 24 lakhs was spent in rural areas ?—I am not personally acquainted with the details of the 24 lakhs.

152. What I feel is this : I no doubt sympathise with you. The rural areas are so spread out that the money spent on them may seem to be comparatively little when one sees the money spent in a particular place. But if you add together the money spent in all the rural areas it may turn out to be a larger sum than it appears at first sight ?—Even assuming that 24 lakhs is actually spent in the rural areas, what is it to the 6 crores that the rural areas contribute ?

The Chairman : I do not know.

153. *Mr. Hartshorn :* I see you suggest that the franchise should be extended to every adult whose income is Rs120 per annum. Can you tell us how many you think would be enfranchised on that qualification ? Would not that be equal to adult suffrage ?—Almost.

154. There would not be many from the adult population who are getting less than Rs10 per month ?—Practically none.

155. I see that the Depressed Classes want every adult with an annual income of Rs96 to be enfranchised. If that is conceded I suppose it would practically include everybody ?—Yes. At present only those who have the property qualification are enfranchised. Roughly speaking, for this purpose, you may divide them into two groups. One is the group of the Maharashtra Brahmins. Most of them possess property and they come in in very large numbers ; their number would be 20 per cent. of the electorate and they are able to cast their solid vote. The other group possessing property qualification is in the grip of the Brahmin lawyer, Brahmin landlord, Brahmin moneylender, Brahmin petty official, and it is very much influenced by the Brahmin. It is not easy for the people of this group to vote for the candidate of their own choice. Unless we get out of this and widen the franchise we will not get the right sort of men.

156. This would mean practically adult male franchise. I trust it will not include many women.—If we cannot go quite so far we will be quite content with the franchise as it is if it is considerably widened.

157. And if you had a franchise sufficiently widened on this basis you would like all election to be by ballot ?—Yes.

158. No nomination ?—No nomination.

159. *Sir Arthur Froom :* Your difficulty is with the Brahmin Party. You say the Brahmins secure the best representation, the best posts, and so on and so forth. Would you describe these difficulties as arising owing to difference in education between Brahmins and non-Brahmins ?—Yes, partly due to education and partly due to the history of how the Maratha Brahmins have captured the power. On pages 511–2 you will find certain extracts given by me. They give the opinions of some responsible British administrators from 1827 down to 1899, and these British officers have described the position as they found it, how the Maratha Brahmins by intrigue and by unscrupulous methods have managed to gain the position that they attained. They are educationally advanced too. Even then, with all their powers, they have not treated the non-Brahmin masses fairly. In the elections you find the Brahmin official is a nuisance. He exerts considerable influence in the districts in favour of the Brahmin candidate or a candidate that will support the Brahmin, and in that way he is a terrible handicap on the backward communities that wish to advance.

160. I have read all that, this Appendix to your printed document. But what I am not clear about is this. The Brahmins are numerically very few compared with the other classes of Hindus, let alone the Depressed Classes. Why can the rest of the non-Brahmin portion not fight their own battle ?—They have got all the engines of oppression, all the machine guns in their hands.

161. Education ?—Education and all Public Services.

162. *The Chairman :* All Public Services ?—I mean most of them.

163. *Mr. Hartshorn :* You said 80 per cent. ?—80 in the subordinate services and 24 in the gazetted appointments.

164. *Sir Arthur Froom :* Are there not many among the non-Brahmins who can stand up against the Brahmins ? You simply regard the Brahmins as having established themselves, and you cannot disestablish them without the assistance of some . . . —I can understand that if we are given a fair chance, but if there are handicaps, persecutions and use of official pressure, as there is in the matter of elections and everything else including appointments, our position is very weak indeed. Not only had they consolidated their position in the past, but they have done most consolidation work since the Reforms. That has been the result on the backward classes of the Reforms.

165. And you do not feel you can so organise yourselves as to meet this ?—Give us some machine guns. You have given them all to them.

166. *Mr. Hartshorn :* You mean the vote in itself

is sufficient ?—The Brahmin uses his influence in the elections from the official downward, and every voter with property qualifications is under the grip of the Brahmin in some form or other, the Brahmin landlord, the Brahmin official, the Brahmin pleader and so on. They are using all their positions. We will get protection if you put in a proportionate representation of all communities. Then they would not go in for these elections and trouble everybody. We will be free from this nuisance then.

167. *The Chairman :* One phrase of yours was " the pleader." How is it that anybody is in the grip of the Brahmin pleader or any other sort of pleader ?—I will tell you an instance. I stood for the last election, and failed. Many people who supported me were people who go to Brahmin pleaders. In these places the proportion of Brahmin pleaders is something like 95 per cent. in every Bar. The briefs of those people supporting me were thrown away and their cases were badly dealt with. Of course, they had no alternative. They had to go to one pleader or other, and most of the choice was limited to Brahmins.

168. *The Chairman :* This is a very serious thing. I belong, or used to belong, to that honourable profession. I never heard that anybody in that honourable profession of the Bar failed to conduct cases properly because he was embittered with somebody.—I am sorry to say it does exist here.

169. *The Chairman :* If it does, it is perfectly monstrous and scandalous.—It does exist on a large scale.

170. *Colonel Lane-Fox :* The whole population is not engaged in litigation. Some of them will be free from that sort of influence.—I think very few.

171. *The Chairman :* From your point of view I think you will be glad if I mention what the figures are which are before me. These figures, prepared impartially and carefully, show how many of the posts in the provincial services are held by Brahmins out of the total. I am excluding the subordinate services and take the three main departments, executive, judicial and police. The figures stand thus : In the provincial executive service out of a total of 106 officers 36 are Brahmins. In the provincial judicial service out of a total of 138 officers 95 are Brahmins. And in the police out of a total of 19 officers 6 are Brahmins. I may add that in none of the three cases, the executive provincial service, the judicial provincial service and the police service is there any European at all, so that the figures are not affected by that.—This preponderance has become a nuisance here to the rest of the community.

172. *Sardar Shivdev Singh Uberoi :* May I ask whether the Brahmins as a class were given some preferential privileges in the constitution of the government of this province for them to become so powerful as to outshine all other communities. Is it by the constitution of the government of this province or by their own ability and intelligence that they have come to the forefront ?—I did not quite follow the question.

173. I am asking whether the Brahmins as a class were given some preferential privileges for them to advance so high and so much in comparison with other communities ?

The Chairman : You mean by the constitution itself ?

174. *Sardar Shivdev Singh Uberoi :* Yes.—Well, the natural result of these Brahmins holding a lot of these appointments, and being in a position to influence the further appointments, has a great deal to do with it. And secondly—I cannot say exactly how it works, whether it is a constitutional matter or not—one thing noticeable is in respect of the Reforms that we have got. We are going through a peculiar history. In this province there have been something like 10 Indian judges in the High Court appointed so far. Of these three were appointed before the Reforms. We find that during the Reforms period seven Indian judges have been appointed, and during that period we have had two Indian Home Members, Brahmin Home Members, and we find that out of the seven judges, six are Maratha Brahmins. How it turned out one cannot say. It is too much for me to know the secret.

175. *The Chairman :* I think the answer to the Sardar's question is plainly this. There is no provision in the constitution which gives any preference. However the present situation may have come about, it is not due to any provision in the constitution.—In one sense it would be the result of this, that the constitution has not provided for proportionate representation, and as long as that provision is not made the present state of things must continue.

176. *Sir Hari Singh Gour :* You are afraid, Mr. Naidu, and you would like to have Europeans to safeguard the interests of the non-Brahmins ?—Yes.

177. Do you think that the interests of the non-Brahmins are safeguarded by the Europeans in this province ?—Well, my party is confining its proposals to this province. We have nothing to do with the other provinces. The conditions of this province are, as I told you, that there is one community that is busy exploiting the remaining communities by means, of course, of its industry and by intrigue.

178. You just now told us that two of the executive councillors who have been appointed by the officials here have been both Maratha Brahmins, the two Home Members, and you have said that the majority of the judges of the local court, six out of seven, were Brahmins, Maratha Brahmins. That is the doing of the European officials, is it not so ?—It is more than I can say.

179. And yet you expect them to hold the balance evenly between you and the Brahmins ?—I have not said that Europeans made these appointments.

180. Who made these appointments ? They were not made by the ministers and not by the Legislative Council.—I take it the Member in charge of Law and Order, that is the Brahmin Home Member, must have had a preponderating influence in the matter.

181. Who appointed the Home Member ? Are you not relying on a broken reed in asking for the support of Europeans who will not help you ?—Divorced from any abstract propositions and taking concrete cases, my experience is that in these warring and jarring communities an Englishman has always been found to be the man who holds the balance.

182. That is what you have been trying to contend. You said first of all that the centre of power is the Home Member, and that through the agency of the Home Member the majority of these appointments have gone to Maratha Brahmins. Therefore the centre of power being in the Home Member, the question is, who appointed the Home Member, and all the mischief that you complain of may be traced directly or indirectly to that fountain head.—Well, that is a political matter.

183. That is exactly what I want you to consider. —It is not that you do not know the history, but I beg to be excused from being drawn into that.

184. I was asking you in what way your salvation lies. When you speak of being helped in your political advancement by the European officials your past experience does not justify you in relying upon them for the necessary assistance.—What I mean is, we are being actually persecuted in everyday life by this community. Every person in the non-Brahmin party or in the backward classes who is trying to come forward is being daily persecuted by the whole group, official and non-official. In this position our safety only lies, we say, in the intervention of the Englishman.

185. But how would that prevent it ? That is exactly the point I am making. How would that prevent the exploitation of your community by the Brahmins ?—The persecution would be reduced. We will probably get a chance to advance without

obstruction, without undue obstruction and without improper obstruction.

186. Has it been reduced during the nine years since the Reforms? Have you not been complaining that it has been accentuated by the Reforms? —During these nine years there have been more appointments of Maratha Brahmins and a worse situation created for us.

187. That is what I am asking you. During the last nine years, by the introduction of the Reforms, there have been more appointments on the reserved side of the Government for Maratha Brahmins through the agency of the Executive Government; and that Executive Government having influenced the large number of Maratha appointments in the reserved half of government, if the popular side of the government is abolished it will accentuate the mischief?—The popular side, so far as I can see, cannot function in this province. As the backward communities are trying to come forward the organised community with all its forces is trying to curb them and keep them down, and what will be left out of the constitution is unrepresentative members, an unstable council and an unstable ministry. That ministry will be no good.

188. We are digressing from the point. The point I am making is quite different. This is a mathematical proposition. Half the government has not improved your position. Half *plus* half is the whole. Therefore your position is doubly bad if you scrap the Reforms?—I do not hold the view that the Executive Government is a bad thing. What I hold is that there are few capable men in our province—and I am glad to say that we will begin with yourself—and if you have men of that sort coming to the position of executive councillors they will be able to do more good and bring in more propositions by which we can bring about the material and moral advancement of the country. Under the present circumstances your ministry is not stable for three months. That is due to clannishness and intrigue.

189. Once more we go back to the main question. How are you going to ensure that men of ability should obtain positions of responsibility if the doors are bolted and barred and there stands in front the Executive Government helping them?—I am not going to put back the hands of the clock for ages to come, but as things are at the present moment I do not see any chance as long as you have no electorate that understands the political value of the vote and as long as you have representatives that themselves do not understand the value of the political vote.

190. How shall we educate them?—By enlarging the electorate and giving them a chance to vote on a larger scale so that they will be used to the ballot box.

191. What is the value of a vote if they cannot influence the decisions of the Government?—They have stultified themselves in the last ministerial crisis.

192. You want to make your province politically conscious?—Yes.

193. Therefore you want to give the people votes?—Yes.

194. And votes are valueless without being backed by power?—Yes.

195. Therefore you want to give your people power?—Yes.

196. And that power you think will be conducive to the advancement of your community?—Yes.

197. That means you must have autonomy?—Yes.

198. Therefore you are in favour of autonomy?—I want to give my people, the representatives in the council, only advisory powers for the next ten years.

199. But that is not the value of a vote. People will say that you are converting your Legislative Councils into debating societies. Before 1919, was there not a clamour raised all over the country like that?—The Legislative Council for some time past has been a bear garden.

200. I am not at all clear that the line you have indicated will help you in the least. On the other hand, instead of helping you, it will aggravate the situation and make it worse. If you are to scrap the Reforms and go back to the pure executive form of Government, it would not in the slightest degree help you, because the reserved half of Government does not help you at all. Therefore, if the whole of the Government is reserved, it will never help you at all. You are not going to influence that Government unless you appoint a non-Brahmin Governor?—I do not agree with the proposition that the four members of the executive council by themselves really constitute the whole influencing element in the place. Until the electorate and the councils develop sufficient sense of responsibility to enable them to have a dominating voice, we have got to see exactly what the present condition is, and that condition is one of ruthless exploitation on the part of the most powerfully organised class, and so by extending the franchise I think the people will have an opportunity of learning the value of the vote within the next ten years, for which period the constitution proposed by me will run on. I think ten years is quite enough time to understand the value of the vote.

201. They are learning the value of the vote now by quarrelling among themselves, but you do not give them a chance to quarrel during the next ten years. That is how they learn, and that is a plain fact; they only learn the value of the vote by quarrelling and they in time will understand that it is a futile game to go on quarrelling?—It is no use simply quarrelling the whole time to learn nothing.

202. *Sardar Shivdev Singh Uberoi:* In clause 3 (4) you say: "A minimum number of appointments in all "branches of public service to be held by Europeans "should be fixed so as to ensure a sufficiently strong "British element in the services." But then you have got the recommendations of the Lee Commission that 50 per cent. should be Europeans and 50 per cent. Indians. Do you stick to that proposal, or do you differ from that?—That was not what I had in my mind. 50 per cent. is not the thing that matters to me.

203. Then how much minimum should be reserved for Europeans in the Public Services?—It may not be from the point of view of the convenience of Englishmen, but it will be from the point of view of affording protection for the backward classes who are suffering from tyranny now. If there is a particular place where the Mahratta power is strongly concentrated, then I should ask for all Europeans in that district.

204. Has your Association made any proposal regarding the minimum that should be reserved for Europeans?—I have not worked it out. I have only indicated the circumstances under which that change ought to come in. At the same time I have not calculated the details. I know that certain districts in the province do require that practically all the heads of departments should be Europeans, while there are some others where they can get on without any Europeans.

205. *Lord Strathcona:* How many districts do you think there are in which all the heads of department are Europeans?—It is a matter of figures; I cannot say.

206. *Mr. Hartshorn:* I do not understand how you propose to achieve a proportionate representation. You were saying that there should be no popular Government until you have proportionate representation, but I do not understand how you are going to accomplish that?—For instance, take the Brahmins. I divide up the population into different communities, not so much because the Brahmins want separate representation, but we want to be relieved of the nuisance. Take their case, and if they are to have two representatives in the Legis-

lative Council, we will have to divide the province into two areas and let them compete in their respective areas.

207. But do you suggest a reservation of seats for each of the communities in proportion to their population ?—As a matter of fact I might explain to you my proposals. Though they look like reservation, I do not want any reservation as such.

208. Then how do you propose to get your proportionate representation ?—With a sort of fixation of the number. I do not want reservation in excess of the population basis. I do not want any arbitrary fixation or reservation of seats. It has got to be proportionate to the population. For instance taking the first group, the Brahmins, to be five per cent. in a certain province, I will give them five per cent seats in the Legislative Council, but how those five seats should be divided in the above area is a matter of detail. In the case of the Muhammadans for instance, it has been solved ; we know exactly how they work it.

209. Supposing you have adult suffrage in the province, what do you think will be the result ? I think at present the total voting strength of the province is about 170,000. If you have got adult suffrage, you will have something in the neighbourhood of 3,000,000. You say that if you have a qualification based on Rs120 income, that will give you practically male adult suffrage, and assuming that you had that, and there is no practical difficulty of handling so large a number of voters, you think you can build up an organisation for any communities—say, for example, for the depressed classes and the backward classes—that they would vote only for candidates drawn from their own communities in the general constituencies ?—They will come in if you will exclude Brahmins from that group.

210. I am assuming now that everybody is entitled to stand as a candidate and all male adults in the population will be entitled to vote. You think that in these circumstances, and under the present condition of affairs when the Brahmins have the educational advantage and possess the organs of publicity and influence which they can bring to bear on the electorate, you could capture a fairly good representation for the Depressed Classes ?—Yes, a fairly good representation for the Depressed Classes and a fairly genuine representation of the large mass of agriculturists and all, provided you save us from this Brahmin group.

211. You will have to save yourself from them ?—For instance, if there are two candidates standing in a constituency having 500 Brahmin votes, those 500 votes are thrown solid in favour of a candidate who is acceptable to the Brahmin and against the candidate who is not acceptable to the Brahmin. He plays havoc in the constituency with his solid vote.

212. That is at present the case where the vote is restricted, but if it were made more universal, what then ?—But why not relieve us from all these quarrels ? There will be obstruction of various kinds. * * *

Memorandum submitted by the Indian Civil Service Central Association.

The Indian Civil Service Central Association is the General Council of the Indian Civil Service Associations of the different provinces. Any provincial Association is at liberty to submit its own Memorandum to the Commission.

2. The Association considers it unnecessary to emphasise the fact that the future constitution of India and the maintenance of efficient administrative machinery are two questions which cannot be considered independently, but have an intimate bearing on each other. At the same time it recognises that the character of the administrative machinery which is, or can be made, available, is only one of many factors having a close bearing on the nature of the future constitution. The Association, while realising the possibility of the introduction of changes of such a character as to alter radically the position of the Services, considers that it would accord best with its responsibilities to confine itself to drawing attention briefly to certain points affecting the members of the Indian Civil Service which have already demanded some consideration under the existing constitution and which would probably assume much greater importance in the event of substantial alterations being made. In particular, a transfer of any large measure of authority from Parliament to Indian hands would bring into prominence certain questions of vital importance to the Service. The Association does not propose to volunteer any views as to the desirability of such a transfer nor does it suggest that any large section of Indian politicians is animated by a conscious desire to do injury to members of the Services. It acknowledges that, even among those who are most keenly opposed to the existing form of administration, there are many who are anxious to do no injustice to those whose presence they believed to be superfluous. But the All-India Services, owing to their largely European character and the extent to which they have been responsible for Government in the past, are necessarily associated with an order of things with which many of the politically minded Indians are not, and are not likely in the future to remain, satisfied, and it is likely that their opposition to this order should influence strongly their attitude to the Services generally. The Association invites an impartial study of the questions, resolutions and references relating to subjects affecting the Services, and particularly European members of the Services, in the Legislatures. It believes that such a study will go far to explain the unwillingness of many members of the Services to accept a position in which they would be more responsible to these Legislatures than they are at present, unless they are assured of an adequate measure of protection.

3. The main direction in which protection can be, and has been given hitherto, is in the matter of retiring rights. At present members of the Indian Civil Service of over 8 years service, who have not qualified for full pension, have the right to retire on terms which, if they frequently involve substantial financial loss, allow an officer who finds the conditions of his service unacceptable to terminate his employment and retire on a proportionate pension. The option so to retire had originally to be exercised before the 31st March, 1924, but the period was subsequently extended to the date on which orders are passed on the report of the present Statutory Commission. But for this extension a considerable number of officers who are still in the service would have retired in 1924.

It was represented to the Royal Commission on the Superior Civil Services in India that the right of retiring on proportionate pension should be extended indefinitely, and the Royal Commission recommended that, in the case of all future British recruits to the All-India Services, they should have the option of retiring on proportionate pension if and when the field of service for which they have been recruited is transferred, such option to remain open for one year from the date of transfer.

The Association regards it as undoubtedly in the interests of the public as well as of the Services that the right to retire on proportionate pension should be granted, or continued, to all members of the Indian Civil Service at the date on which orders are passed on the recommendation of the Commission and that this right should be continued at any rate until any further revision of the constitution. If officers are assured of the right to retire on proportionate pension in the event of the conditions of their service becoming unacceptable to them it will retain in the Service a number of valuable officers who might otherwise retire, may prevent serious deterioration in recruitment and will at the same time enable those officers to go whose service is a burden to them and who are, therefore, probably unsuited to the new conditions.

4. It is possible that the recommendations of the Commission may involve the abolition of, or the appointment of other persons to, posts that have ordinarily been held by members of the Indian Civil Service. In such event the Association would request that any recommendation having this effect should be coupled with a further recommendation that adequate compensation should be given to members of the Indian Civil Service whose prospects may be prejudicially affected by the change.

In their report on Clause 36 of the Government of India Bill of 1919, the Joint Committee observe that " The Committee think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited." The Proviso to Section 96–B (2) of the Government of India Act recites that " Every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the Civil Service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." It would appear that in their legal interpretation the words " existing or accruing rights " do not include the right of appointment to selection posts outside the time-scale. It is submitted that such an interpretation has the effect of stultifying this proviso and the Association cannot believe that such interpretation is in accordance with the intention of Parliament. It was represented to the Royal Commission on the Superior Services in India that, whatever may be the legal interpretation of these words, the intention of the proviso was to secure to the officers concerned their prospects of promotion to all higher posts existing at the time the Act was passed or, alternatively, to secure for them compensation for the loss of such prospects through the abolition of these appointments. The Royal Commission, in Paragraph 82 of their report, found themselves unable to lay down any general ruling on the subject, but recommended that the Secretary of State should refer such claims for compensation as they arise for consideration and report by the Public Service Commission. It is requested that on this occasion the rights of members of the Indian Civil Service in such a contingency should be clearly defined.

5. The only other matter to which the Association desires to direct the Commission's attention is the question of the security of pensions. With regard to the security of pensions generally, it is observed in the Report of the Royal Commission on the Superior Civil Services in India, dated the 27th March, 1924, that " We have found widespread anxiety with regard to the future security of pensions. We do not share this apprehension under existing circumstances, and we assume that if any statutory change is made hereafter, involving a transfer of the financial control in this regard now exercised by the Secretary of State in Council, adequate provision would at the same time be made for safeguarding Service pensions."

6. With regard to the pensions to the widows and

children of deceased members of the Service secured by the Indian Civil Service Family Pension Rules, considerable apprehension has been felt by many members of the Service since the introduction of the Reforms that the security of such pensions may be endangered by the advance of responsible Government in India and the resulting relaxation of the control exercised by the Secretary of State. Excluding the portion of the Family Pension Fund for Asiatic members only, the accounts of which are separately kept, the balance at credit of the Fund as on the 31st March, 1926 (the latest figures available) was £3,003,582–17–2. This sum is entirely represented by compulsory contributions by members of the Indian Civil Service past and present.

Under the regulations at present in force no insurance fund is established. The contributions are credited and the pensions charged directly to Indian Revenues as civil receipts and charges; but, in order to adjust the rate of contribution from time to time to what is necessary to supply the pensions provided by the regulations, a separate pro-forma account is kept of all contributions levied, of all payments made and of the interest which would have been allowed upon such contributions if a mutual insurance fund had actually been established.

The Government of India (Civil Service) Act, 1925, by exempting the provision for such pensions from submission to the Indian Legislatures, allayed immediate fears and it was decided to take no further action in the matter until the next revision of the constitution. The Association desires to press upon the Commission the necessity of safeguarding the Indian Civil Service Family Pension Fund from all possible interference.

7. Similar apprehensions have also been felt by members of the Indian Civil Service with regard to the security of their own pensions. Provision for these pensions has also been exempted from submission to the Indian Legislatures by the Government of India (Civil Service) Act, 1925, but the Association requests that the security of pensions earned by members of the Indian Civil Service should also be adequately provided for in recommending any advance in responsible Government for India.

Memorandum submitted by the Indian Civil Service (Retired) Association.

I am desired by the Indian Civil Service (Retired) Association to submit the following representation for the consideration of the Statutory Commission on Indian Constitutional Reforms.

This Association, which has a membership of 262 retired Indian Civil Servants, has no wish to traverse the whole ground of political reform in India, or to attempt to devise any constitutional scheme, unless its aid is invited by the Commission. In some quarters it may be said that an Association of retired officers should confine its representation solely to the question of the security of pensions, on the narrow view that this is the only matter with which its members as *functi officiis* should concern themselves. But its members represent an accumulation of Indian experience and knowledge gained in all Provinces in India as well as in Indian States and in all spheres of public administration, and the Association would consider itself as having failed in its duty at a very critical period in the relations between Great Britain and India if it did not travel beyond purely personal interests.

2. The Association recognises that even if no announcement had been made in Parliament in 1917, and if no Government of India Act had been passed in 1919, it would still have been necessary to provide for the increasing association of Indians in every branch of the administration, and to gratify—*as far as is compatible with the welfare of the vast masses of the population*—the aspirations for an enlarged share in the government of the country which have been awakened among the educated classes in the several Provinces by the liberal policy consistently pursued by His Majesty's Government and the Government of India during a century of British rule. This policy has taken shape in the extension of the advantages of education to Indians, without distinction of class, creed, or caste, in the steady development of the resources of the country by British brains and British capital, in the establishment of various public services, such as railways, posts and telegraphs, veterinary, irrigation, agricultural, forests, co-operative societies, etc., which had no counterpart under indigenous rule, and, before and above all, in the introduction to hundreds of millions, of the benefits of ordered government and of impartial and humane administration to which the people at large, during the centuries which preceded British rule, had, with occasional intervals, been complete strangers. This policy was, and could only have been put into effect by the sympathetic co-operation and unremitting labours of successive generations of public servants from Great Britain, who instilled into their Indian subordinates, afterwards to become their colleagues, those high standards of duty which they brought with them from the West. As time passed, and as educated Indians have been trained up in these ideals of public service, it has rightly been determined to admit into the higher branches of the Services an increasing Indian personnel, and this Association recognises, not without pride, the manner in which many Indians in the Services have assimilated those high traditions of the Indian Civil Service and the other British Services, traditions which are recognised throughout the Empire and beyond it. But the Association also knows from long experience of Indian sentiment and practice that the maintenance of these high standards depends, and must for long depend, upon the continuance in these Services, in substantial numbers, of this impartial British element. The standard of public service in any country is dependent upon the influence and character of public opinion, and the character of the British Services in India has been based on the standards of British public opinion. These standards they have imported with them and imparted to their Indian colleagues and subordinates. But, with the steady elimination of the British element, the influence of British public opinion will grow ever more faint, until the British public wash their hands of the whole matter, while there is no Indian public opinion of like character to take its place. Amidst racial rivalries, conflicts of creed and caste, and the struggle of hostile sections for power and place, the British members of the great Services have occupied a position of detachment which has enabled them not only to act impartially, but to create a belief in their impartiality, and it is from popular confidence in their integrity—apart from any question of efficiency—that the British members of the Indian Services have found their main support and encouragement, in spite of all the calumnies and vilification with which a hostile Press and an ambitious Intelligentsia have continuously assailed them for so many years past. In this belief in their impartiality the British members have an advantage over their Indian colleagues, for such public opinion as exists in India has not yet learnt

to rise above class considerations. The Indian Public Servant, however impartial he may wish to be, is often liable to suspicion, since he himself must belong to one or other of the classes whose interests may be in conflict. If he decides, however justly, in support of his own class, he is at once open to the charge of favouritism by all the rest, while, if his decision is against them, he is accused of being a renegade and of having been bought by his opponents. Until there springs up a genuine Indian public opinion able to think otherwise than in terms of race, caste, or creed, Indian Public Servants will suffer under this severe handicap. The example and support of the British members of the Services has hitherto helped the Indian members to maintain British traditions in the teeth of class pressure. Without that support there is bound to be a falling off in the standards of efficiency and integrity. The Association is in constant touch with the working members of their old Services and with many Indian correspondents, and from the information thus obtained, as well as from the published Governmental reports, they can assert with confidence that since the advent of reforms (dyarchy) in the Provinces those standards have already seriously declined. If this deterioration should continue, it will inevitably affect the power of the British Parliament to discharge its responsibility to the people of India; it will also have a most damaging effect on British prestige, a term not used in any Imperialistic sense, but as best interpreting the respect felt for the British Raj as a mighty and beneficent authority which has both the will to do justice and the power to enforce it. This form of prestige may be made the subject of scornful reference by men who owe their wealth, education, and status to the opportunities which British rule alone has made available to them, but it is well known to those who have spent their lives in India, that the term, rightly interpreted, explains the whole secret of the wonderful hold of the British Raj upon the minds of the diverse multitudes numbered in the Indian population. It is a precious asset of the British nation not lightly to be thrown away.

3. If British responsibility for the welfare of the Indian masses is to be fulfilled, it follows that, whatever changes in political machinery the Statutory Commission may recommend to Parliament, it is absolutely essential that the British proportion in those Services which are charged with the work of administration should be of a quantity and quality sufficient to leaven the whole mass, and insure as far as possible honest and clean administration. This British contribution will not be forthcoming unless the security offered to these Services is such as to attract to an Indian career the best men that Great Britain can supply. Some members of the Association have taken their share in the recruiting campaign of a few years back to restore the popularity of service in India; some have sent sons to the Services, and though many have had their confidence so shaken by post-reforms experience that they have not seen their way to do either, still all are at one on the necessity of conserving this British character in the Public Services in India, if that country is to be saved from falling back into the tainted Oriental atmosphere of privilege, intrigue, nepotism, and corruption from which she was lifted by many years of honest administration. There are many high-minded Indians who know this, and would sincerely deplore any such backsliding, but unaided they will be quite helpless to overcome the atmosphere into which they would find themselves sinking back. The British public may easily be deceived into accepting at their face value the easy assurances by Indian politicians of their confidence in the continued efficiency of the Services when the last British member of them has departed. But those who have a lifelong experience of the currents of Indian thought know well how futile these protestations will speedily be proved to be. They know how numerous are the weaker vessels who will inevitably fall to the temptations which will surround them. The evil consequences of the elimination of a British element from the Services are not to be measured merely by the diminution or cessation of careers in India for British youth. This might be a matter for some British concern, but could never be regarded as a valid argument against Indianisation, and it has little weight with our Association. It is in India itself that the consequences would be truly disastrous to the best interests of the people. It would mean a recrudescence of official oppression and caste domination, which even British administration has only been able to keep in check and not to eliminate. It would mean the destruction of the whole fabric of peace and order built up so laboriously by the efforts of many generations of British officers.

The prolonged supineness of the Government of India in face of the various manifestations of the Non-Co-operation Movement has entailed most serious consequences and has given grave warning of the evils attendant upon loss of confidence in the power of Government to check the forces of disorder. The many friends of the British were stupefied into a surprised and sorrowful inaction. Their enemies were triumphant and increasingly truculent. The masses watched and wondered not without some feeling of contempt, what had happened to the "Sarkar" which allowed itself to be vilely calumniated and its orders set at defiance, while the King-Emperor's uncle and the King-Emperor's heir were publicly affronted. When at last the Ali brothers and "Mahatma" Gandhi had been brought to tardy justice and firmer action taken against other prime offenders, the Non-Co-operation shibboleths lost their efficacy, the confidence of the people in the Raj began slowly to revive, although the Government has not fully recovered from the shock inflicted upon its "*izzat.*" Indeed, recent incidents in Bengal, Madras and Bombay show that the spirit of defiance of authority is still strong and that the manifestations of lawlessness encouraged by impunity are becoming more frequent. The steady reduction of the British personnel in the administration is admittedly one of the causes of this growing lawlessness.

4. It was just as the tide was beginning to turn that the Lee Commission made its enquiry, and in 1924 it submitted its report upon the "All-India" and British-recruited Services. The Commission's recommendations for the Indianisation of the Indian Civil Service provided that, after deduction of 20 per cent. of the superior posts to be made available to the Provincial Services, the rest were to be recruited half and half from British and Indian personnel. It was calculated that this 50 per cent. in composition would be reached in 1939 in respect of the Indian Civil Service, and some ten years later in the case of the Indian Police. The actual strengths of these two Services in 1924 was 2,029 of whom, perhaps, 1,800 are British. That number will in time be reduced to 1,000 or less—650 British members of the I.C.S. and 350 of the Police, for a population of 320,000,000. In the opinion of this Association, and of many other competent authorities, these proposals touched the extreme limit of safety, and, although the Indian proportion has not yet been nearly reached, the Association believes that in every Province serious difficulty has already been felt in finding a sufficiency of European officers to meet the requirements that have arisen in the recent critical years. The effect of the Reforms has been to bring home to all classes who are in a minority, either in numbers or in educational advancement, the dangers to which they would be subjected by any further relaxation of British control. This anxiety has had its manifestations in the communal bitterness, culminating in bloodthirsty riots throughout the land, which have disturbed the peace of India and made it clearer than ever before how essential it is to the peaceful progress of that Sub-Continent that the British Government should remain in a position to fulfil its responsibilities. The Association does not

suggest that, until a fair trial has been given, the proportion of posts available to Indians in these Security Services under the programme proposed by the Lee Commission should be curtailed, but it urges emphatically that no further reduction in the British share of these responsible posts should be promised or even projected. Communal antagonism has grown greater and not less during the short period that has elapsed since that programme was accepted by the Government of India, and if any further Indianisation were now to be undertaken, the recently restored confidence of these Services and the re-awakened desire of young Englishmen to enter them would be once more rudely shaken, if not completely shattered. This Association is of opinion that while each class or nation naturally desires a greater share in the loaves and fishes for itself, in so far as it cannot secure that share it infinitely prefers that it should be held by British rather than any other Indian officials. In this sense there is no demand at all for Indianisation among the people at large.

Indian nationalism is an aspiration of the intellectuals and not a reality. It is on the lips of certain politicians as a convenient euphemism for Anglophobia, but it does not exist in the hearts of the masses, who consider as foreigners all those who do not belong to their own locality. The Mahratta, the Madrasi, the Bengali, the men of Hindustan, Rajputana and the Punjab are, to the people outside their respective Provinces, just foreign races or clans. The British are only one more foreign clan, but, as they happen to be impartial and aloof from all the inter-communal intrigues and conflicts, their administration is preferred to that of the others. The correctness of this view is patent to all who have served in the country. It is seldom realised by persons whose contact with Indians is limited to those few classes who have learned the phrases and catchwords of Western democratic speech without any corresponding absorption of the spirit that inspired them.

5. In addition to their programme for Indianisation of the two Security Services, the I.C.S. and Police, the Lee Commission advised the Provincialisation of all other Services which were functioning in the "transferred" field. It was logically compelled to this course because it had no authority to criticise the effects of dyarchy or to make any suggestions which appeared to run counter to that scheme. But the Indian Civil Service, as the premier Service, has always regarded the members of these great Departmental Services as colleagues and co-operators in the great and growing field of Indian administration; and this Association regards the rapid disappearance of British personnel from such Services as Public Works, Education, Forests, Agriculture, Veterinary, Co-operative Societies, Medical and Public Health as a measure which, however theoretically consistent with political schemes and dreams, is in practice disastrous to the best interest of the Indian peoples. Nearly all of these beneficent Services are the creation of British rule; in most of them not a single British official has, it is believed, been recruited since 1924. It is impossible that in these conditions the progress and development so essential to the prosperity of India can be maintained. In effect the interests of hundreds of millions of people are being subordinated to the ambitions of a few thousands. If India were reverting to Oriental education and Oriental methods, the disappearance of the British element would be natural and necessary, but when the one hope of Indian reformers is founded on development on Western lines, it is simply suicidal to cut off the supply of men born and bred in Western methods. The actual strength of all these Services in 1924 (paragraph 6, Lee Report) was only 1,946, of whom, perhaps 1,600 were British. The British element in these Services may be materially reduced without endangering the actual peace of the country, but it cannot be eliminated without seriously imperilling its progress. Indian Ministers who privately confess the necessity of obtaining British recruits in these Services have been unable publicly to act on their own belief, through fear of the abuse and ridicule which such action would entail upon them from the Swarajist members of the Legislative Councils and the Press which these control. Few Englishmen of the calibre required for Indian Services will be tempted to embark on a permanent career which offers such doubtful attractions as service on the "transferred" side of a Provincial Government.

I.M.S.—In the opinion of this Association the I.M.S. (Civil) should be definitely included among the Security Services. This is, indeed, the practical effect of the Secretary of State's recent orders as to the composition of the Service and the posts assigned to them, but the Association learns from officers on leave that the British members of the I.M.S. have been further diminished during the interval of uncertainty that has elapsed between the Lee Commission's Report and the recent orders of the Secretary of State. Hardly any new British recruits have yet found their way to the Civil side, and the Medical charge of districts has, to an increasing extent passed to an Indian personnel. The effect of this is most disquieting to the confidence of British officers serving with their families in India, and unless the position is speedily restored, which is only possible by a definite declaration that the I.M.S. is to be reckoned as a Security Service (Mr. Montagu, we understand, regarded it as a "pivotal" Service), recruitment for the Security Services themselves will be seriously prejudiced.

Other Services.—In the other Services mentioned it is obvious, from the recent Report of the Royal Commission on Agriculture, that the Commission regard recruitment of British experts as essential to the success of the programme that they have drawn up. They may be reticent in their expressions, being, like the Lee Commission, restricted by the existing Constitution, which has made Agriculture a "transferred" subject, but their intentions are perfectly clear.

In the Public Works Department, for the irrigation developments so essential in India to-day, and also for all the Public Works of the country, a substantial proportion of British Engineers is required for the initiation of new projects, as well as for efficiency of administration and the prevention of waste. The Forests do not attract the best Indians, who dislike the hardships and isolation of the forest life. In Education, where all the higher knowledge is being imparted in English, the prevalent movement among Ministers to ban British Professors, Teachers, and Inspectors is manifestly ill-advised. "All-India" Services are required if India is to be developed and governed as a whole, and though this Association fully recognises that British personnel may be reduced in the non-Security Services, yet it is essential to efficient administration that the British proportion in these Services should continue in the future, as in the past, to enjoy the security conferred upon them by their membership of an "All-India" Service and their control by the Secretary of State. British youths will seek public service abroad if they are to serve under the final authority of a British Parliament or the Parliament of a British Dominion, but they will not be willing to subject themselves to the caprices or hostility of a Provincial Legislative Council or the Indian Legislative Assembly. We believe that this difficulty has already made itself felt in the few cases where British recruitment has been attempted, and we also understand that many British officials in the transferred departments are only awaiting the action to be taken on the report of the Commission to decide whether to retire on proportionate pension or not.

6. This Association is fully conversant with the argument that loss of efficiency is a small matter beside the "satisfaction of popular desires." This argument as applied to the Indian situation is little better than claptrap. The efficiency on which this Association lays stress, and which in the past the

Government of India endeavoured to secure, is not a "Prussian" efficiency, which never existed and was never attempted by the Indian Civil Service or any other Service in India. It is simply clean and honest administration—namely, to make the best use of the resources available and to apply them honestly for the good of the country; and the so-called "popular desires" to be satisfied are not popular desires at all, but the ambitions of a few special castes, who, having in the past had a monopoly of education and civil offices are anxious to secure as many lucrative posts as possible for their own kith and kin. The Association does not argue that these ambitions are not intelligible, or even not legitimate from the point of view of the classes concerned, but only that they should be clearly recognised for what they are, and not accepted as the "demand of the Indian nation," as the classes concerned would wish the British public to think.

7. During the period of maximum unrest among the Services (1921 to 1924), great anxiety was felt, both among officers serving and those on the retired list, lest continued advances towards self-government in India should place the security of Service and Family Pensions in jeopardy, since the funds from which these are payable, though they may have a separate existence on paper as *pro forma* accounts, have no existence in fact, the payments being made from the Indian revenues as an ordinary annual charge upon them. The existence of this apprehension was mentioned in paragraph 83 of the Lee Commission's Report. It was felt that under the Government of India Act, 1919, the liability of Indian finances for obligations of this nature were sufficiently safeguarded. The Royal Commission wrote: "We assume that if any statutory change is made hereafter involving the transfer of the financial control in this regard now exercised by the Secretary of State in Council, adequate provision would at the same time be made for safeguarding Service Pensions." This Association feels little doubt that under existing conditions the Secretary of State would always charge himself with this duty, but, with the prospect of further constitutional changes in India, involving the reduction of the Secretary of State's powers of control, it would seem necessary that the Statutory Commission should lay special emphasis on the continued security of Service and Family Pensions. It is realised that no Parliament can bind its successors without limit of time, but it would not be sufficient merely to affirm the liability of Indian revenues to meet these charges unless means were continued enabling the liability to be enforced. If in subsequent political arrangements the control of the Secretary of State over Indian finances were to be relaxed, the enactment passed should require as a condition precedent to such relaxation a form of security for the fulfilment of these obligations which would be protected not merely from the contingency of deliberate repudiation but from the vicissitudes of a possibly inefficient Indian finance. The Services may be forgiven for feeling apprehensions on the subject, for the various Indian Legislatures, so far from showing any generous feeling towards British Public Servants, who have laboured hard for the good of the country (and without whose labours the members of these very Councils would not be occupying the position of comfortable security which they now enjoy), miss no opportunity of cutting down their allowances, of attempting to abolish the higher appointments, and generally of belittling their value to the country. Not a single one of the concessions given on the recommendation of the Lee Commission would have been granted by these Legislative bodies. The Services, so far from expecting generosity at their hands, cannot even confidently reckon upon justice, and this not because Indians are individually ungenerous people, but because in their public capacity these bodies consider it as "unpatriotic" and "inconsistent with their national self-respect" to encourage British recruiting, or to confess its indispensability to the safety of the country.

8. To sum up these representations, this Association has some doubts whether democracy in the accepted sense, either now or in any near future, can ever take root in a country so constituted as India and among peoples whose traditions are so completely incompatible with democratic ideas. The only hope of success towards a form of self-government suited to Indian conditions lies in the continued support of British guidance, control, and protection. It therfore submits:—

(i) That the scheme of Indianisation at present adopted for the two Security Services—the I.C.S. and the Police—already provides for the utmost reduction in the British contribution to these Services compatible with the continued peace, safety, and progress of India.

(ii) That the Indian Medical Service should be definitely included as one of the Security Services.

(iii) That the British proportion in the recently Provincialised Services should be a substantial one and should now and in the future continue to enjoy an "All-India" status in order to make certain that such reduced British element as is recruited should be of the strength and the standard required in the interests of the peoples of India.

(iv) That in the matter of Service and Family Pensions the present statutory control of the Secretary of State should not be relaxed without such security being previously furnished as would insure that the liability of the Indian Treasury on this behalf would be met independently of the vicissitudes of the Government of India howsoever it may be constituted in future.

In submitting this representation the Association request that an opportunity may be given at a convenient time to the representatives of the Association who have drawn it up to give oral evidence in support of what has been urged.

Memorandum submitted by the Anglo-Indian Association, London.

THE CASE OF THE DOMICILED COMMUNITY OF INDIA AS PRESENTED BY THE ANGLO-INDIAN ASSOCIATION, LONDON, TO THE INDIAN STATUTORY COMMISSION.

A MESSAGE FROM H.R.H. THE PRINCE OF WALES TO THE DOMICILED COMMUNITY.
GIVEN AT DELHI, 23RD FEBRUARY, 1922.

"You may be confident that Great Britain and the Empire will not forget your Community, who are so united in their devotion to the King-Emperor, and who gave such unmistakeable token of attachment to the Empire by their great sacrifice in the War."

SUMMARY.

A. *Status*:—We accept the official pronouncement of the Under-Secretary of State for India, made in the House of Commons on the 21st December, 1925, as quoted in para. 20. We invite special

attention to para. 346 of the Report on Indian Constitutional Reforms, as quoted in para. 22, with respect to the "peculiar situation" of the Anglo-Indian Community, and in particular to the concluding sentence, "THE GOVERNMENT MUST ACKNOWLEDGE, AND MUST BE GIVEN EFFECTIVE POWERS TO DISCHARGE, THE OBLIGATION TO SEE THAT THEIR INTERESTS ARE NOT PREJUDICIALLY AFFECTED." If this injunction appeared necessary to the framers of the 1919 Constitution, it is much more essential now, if any further advance in responsible government is contemplated.

B. *Employment in Government Service,* especially railways, telegraphs and Indian Medical Department (paragraphs 24–33). We consider there is ample evidence in the experience of the last eight years that the community require to be protected from disturbance, and safeguarded against loss of employment by reason of political pressure on the part of larger communities holding a preponderating vote in the Councils. While the community do not claim any special treatment which they have not hitherto enjoyed, they do claim that their fidelity, reliability and aptitude as Government servants, throughout the period of their existence, and their almost hereditary tenure of certain classes of posts, merit special recognition and special safeguards (*vide* paragraphs 29–33).

(*c*) *Education* :—(Paragraphs 34–42). Anglo-Indian schools being at the mercy of Provincial Legislatures in the matter of grants-in-aid, and being moreover scattered over the whole of India, we press for the centralization of Anglo-Indian education, with a view to ensuring greater efficiency, especially in the matter of the provision of training colleges, and the safeguarding and adjustment of grants.

(*d*) *Representation and Protection* :—(Paragraphs 51–55). Like other minority communities, we ask for communal representation as the only means by which our community can be represented adequately in the Councils. Even so, such communities are likely to be in a minority in the division lobbies, and we ask for the right of appeal by these minority communities to the Governor of the Province and/or the Viceroy, who should be given statutory powers of veto to prevent the introduction of bills, or the enactment of laws, which, in their opinion, are oppressive to any minority community.

(*e*) *Subsidiary Recommendations* :—

(i) The registration of Anglo-Indians with a view to the exclusion of all who are not *bona fide* members of that community (*vide* paragraphs 18 and 54.

(ii) The establishment of impartial Selection Boards to recruit for the various Services (paragraph 31).

(iii) The recognition of the right of all Government servants to appeal direct to the Public Services Commission and ultimately to the Viceroy and Secretary of State, in the event of failure to obtain redress from their local Government (paragraphs 32 and 48).

(iv.) The placing of Anglo-Indian schools under a special Inspector General, and the definition of educational inspection circles (paragraph 41).

(v.) An enquiry into the effect which the Reforms have had on European education in India (paragraph 39).

INTRODUCTION.

The Anglo-Indian and Domiciled European Community is one of the Minority Communities of India, and they urge that they have special claims to consideration on the ground that they are not only permanently domiciled in India, but are connected with Britain by blood, religion, language, habits, and customs, and have similar standards of living and education.

2. The Anglo-Indians number, according to the last Census Report (1921), 113,012; but, as that Report states, "the actual figures of Europeans and those of the Anglo-Indian Domiciled Community are always somewhat doubtful, owing to the tendency of the latter to return themselves as Europeans, and of the Native Christians to claim to be Anglo-Indians." After allowing for these discrepancies it is computed that the Anglo-Indian population is not less than 140,000. The Domiciled Europeans, the people of pure British blood who have settled permanently in India and thus acquired an Indian domicile, number 20,000 out of a total population of 174,057 of European derivation. Their interests are for the most part identical with those of the Anglo-Indians, with whom they freely inter-marry, and together they form one political and social unit. Thus the total number of the Domiciled Community, as these two classes are collectively known, was 160,000 in 1921, and cannot to-day (1928) be far short of 175,000.

3. Although they form a very small minority of the population of India, they nevertheless hold a more important position in the body politic of India than their numerical proportion would appear to indicate; for an overwhelming proportion of the indigenous population are, from a political standpoint, indeed "dumb millions." The Census Report of 1921 states that "like other distinct sections in India the Domiciled Community have greatly improved their communal organisations of recent years and are now represented on the Indian Legislative Councils."

4. In 1923, an Anglo-Indian Association was established in London for the purpose of promoting the interests and welfare of the Anglo-Indian and Domiciled European Community. It is affiliated to the Provincial Associations and Federations of India. Its members fall within two categories: Ordinary Members and Honorary Members. Ordinary Members are members of the community who have permanently settled in this country, but have their kith and kin in India, or members of the community who have come on leave or for purposes of study to England, and overseas members who reside in India. Honorary Members comprise persons who have held high office in India, Members of Parliament and persons both in this country and in India who evince a personal interest in the welfare of the Community, or who have rendered conspicuous service to it. The London Association, the membership of which is approximately 140, is officially recognised by the India Office, and its formation was publicly welcomed by the Under-Secretary of State for India*. Though numerically not a large body, it is mainly composed of retired officials, who, having served in almost every branch of the Services under the Government of India, and coming as they do from practically every province of India, are in a position to view communal problems from the widest and most liberal standpoints.

HISTORICAL SURVEY.

5. The fact must be emphasised that India differs materially from most of the Colonies, and that the Domiciled Community differs as materially from most of the Colonials. Those Englishmen who went to India were to a large extent of a different social class from those who went to the Colonies. The immigrants to India came as administrators, merchants, traders, writers, adventurers, soldiers, and it is largely from these that the Anglo-Indian Community has sprung. It is true that the Portuguese came to India a hundred years before the English, and introduced mixed marriages as one method of permanently settling in and Christianising India, and that other European nations cultivated trading relations with India, but, with the exception of the Portuguese, they have left no appreciable mark on India, and the comparatively few families

* Page 85 of "*India in* 1925."

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which derive from these stocks are now merged in the Anglo-Indian race, though possibly retaining the surnames of their forefathers.

6. As the Commission has already visited India and has undoubtedly acquired information at first hand as to the origin and early history of the Domiciled Community, and as further details are readily available in *Hostages to India** (H. A. Stark), it does not seem necessary to do more than refer briefly to such matters as have materially and lastingly affected the well-being of the Community. The six sub-paragraphs below deal with such of these as originated prior to 1858.

(a) The East India Company by specifically encouraging and subsidising the marriages of their European employees with Indian women (*vide* letter from Court of Directors to President of Madras—Appendix I.), were directly reponsible for bringing the Anglo-Indian Community into existence.

(b) In the early days of the existence of the Community, when its members could be justifiably term "half-castes," no slur attached to them on the ground of their colour or mixed parentage. Those of them whose parents were well-to-do were educated in England and returned to India in the Company's service in positions equivalent to those which had been held by their fathers. They filled every class of post, civil and military, and were not treated in any respect as being other than Europeans.

(c) But while the more well-to-do were thus able, owing entirely to private enterprise, to fill good positions and be a credit to the East India Company, the Company neglected the indigent section of the Community they had called into being. As early as 1778 the condition of this section was said to be a severe reproach, but proposals which were put forward for ameliorating it were pigeon-holed (Dr. Wilson's letter to Madras Council, dated 12th June 1778—Appendix II.).

(d) The policy of neglecting the indigent section was followed by a more deliberate policy of repressing even the well-to-do sections. On 14th March, 1786†, an order was issued preventing the orphans of the Upper Orphanage School, Calcutta, from proceeding to England to qualify for the Covenanted Services. On 19th April, 1791‡, a Standing Order was passed "that no person the son of a native Indian shall henceforth be appointed by this Court in the employment in the Civil, Military, and Marine Services of the Company." This order was extended to sworn officers of the Company's ships and published in the Calcutta Gazette of 31st May and the 14 June, 1792.

(e) In 1795, the Governor-General in Council passed a Resolution disqualifying from service in the Army, except as bandsmen, all persons not descended from Europeans on both sides. Thus ostracised they joined the services of Indian Chiefs, in whose Armies they were freely enlisted, but when the Second Mahratta War was declared, a Proclamation was issued, summoning them to return to the Company's service under penalty of being treated as traitors, *vide Calcutta Gazette* of 8th September, 1803. The Order was obeyed, some Anglo-Indians such as Vickers and others§ preferring death rather than fighting against England, but when the War was over, they were again discharged from the British Army, and under their Treaty Engagement, Chiefs were prohibited from employing them without the sanction of the Government.

(f) In 1822, the Supreme Court at Calcutta decided that the majority of East Indians (as they were then styled) were not British subjects, which culminated in a deputation being sent to England in 1830 to represent their grievances. Mr. Ricketts, who presented their petition, was examined by the Select Committee of both Houses of Parliament, and when the Company's Charter was renewed in 1833, some of these grievances were remedied, but recruitment for the higher posts continued to be made from England, while their ineligibility to hold Commissions in the Indian Army was not removed till 1926.

After this lapse of years little would be gained by enquiring into the reasons for these repressive measures. There is no evidence that they were the result of misconduct on the part of the Community, who had served the Company well and loyally. Sir John Malcolm, in his *Political History of India*, 1784-1823 (Appendix III.), not only corroborates the above statement, but gives a clear picture of the condition of the Community at the time which continued till the end of the Company's rule in 1858. As remarked by Sir Bertram Standen, in the *Indian Church Aid Magazine* for January, 1928, "the fate of the Anglo-Indian population has, from the first, been determined by the demands of more powerful interests connected with British enterprise in India or by the exigencies of politics. At first their utility to the East India Company insured them sympathetic treatment, and they could count on employment either in the mercantile or military services of the Company. But when it acquired political power, its services became more attractive, and it was found possible to recruit men from England for the higher posts, and the Anglo-Indians had then to content themselves with the lower posts in the Company's service"; or, as Sir William Wynn put it when introducing the Ricketts' Commission to the House of Commons in 1830, "the Governors of India first place these individuals in a state of degradation and then urge that degradation as a reason for continuing it."*

7. The transfer of India from the Company to the Crown brought to light the negligence of the former in the matter of the education of the community. Lord Canning, in 1865, found it necessary to emphasise the dangers which an uneducated community might cause and the claims which the community had on the British (Appendix IV.), while Lord Lytton, in 1879, stigmatised the situation, under which a large population of European and Eurasian children was growing up without any education at all, as "a scandal to the English name and English Government," and as amply justifying Lord Canning's warning and "constituting a great social and political danger."

8. This led to the question of education being referred to a Committee, and to the Government of India ultimately passing a resolution, dated the 8th October, 1881, setting forth the necessity of adopting special measures for the education of this class, which laboured under many disadvantages, and declaring the policy it proposed to follow in support of European education. The Committee's recommendation of a more searching system of Government inspection and control, and the introduction of grants-in-aid according to results was accepted by the Government, and later, a uniform code, based on the English and Scottish Code, was introduced

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* NOTE.—A copy has already been supplied to each member of the Commission.

† India Office Records, Bengal Dispatches, vol. XIV, p. 548.

‡ India Office Records, Court Minutes, 19th April and 9th November, 1791.

§ *Military Memoirs of Lt-Col. J. Skinner, C.B.*, 1851, vol. 1, p. 303.

* Hansard's Parliamentary Debates, May 14th, 1830, p. 380.

for all European Schools in India. As a result of these measures European education was placed on a better footing.

9. Of the other inquiries undertaken within recent years, reference may be made to the Pauperism Committee of 1891–92, appointed by the Government of Bengal, to inquire into the indigent condition of Europeans and Eurasians in Calcutta. Apart from urging the desirability of improving the system of education, and the more generous employment of the community in Government service, railways, etc., the Committee recommended :—

(i.) The formation of an Indo-European Regiment to be recruited from orphanages and other charitable institutions.
(ii.) The establishment of a training ship.
(iii.) The better organisation of charity, notably the formation of a Charity Organisation Committee.

The Government of Bengal were prepared to accept the first recommendation, but on conditions which would have made the attempt impossible. The second recommendation was not accepted. As an alternative to the third, the re-organisation of the District Charitable Society was undertaken.

10. Lord Curzon in his address to the Community in Calcutta, on the 23rd March, 1900, said :—

" Every Viceroy from Lord Canning downwards, has gazed at the problem and has been left sympathetic, but puzzled. Some, like Lord Lytton, have tried to do something positive. Others have felt the difficulty of State intervention."

Lord Curzon, who did much to place the position of the community on a more satisfactory footing, sent a despatch to the Secretary of State for India, in which was proposed the experimental raising of an Anglo-Indian regiment in India, which the Secretary of State, for financial reasons and on grounds of subsidiary difficulties, was unable to accept.

11. In July, 1912, a general conference on the education of the Domiciled Community was held at Simla, presided over by Sir Harcourt Butler, the Education Member of the Governor-General's Council, but though important resolutions were passed, the War followed, and on its conclusion the Reforms scheme was introduced, which, as explained under the head " Disabilities," has seriously retarded further progress, and threatened the ultimate extinction of European schools unless adequate protection is extended to them.

12. In 1918–19, an exhaustive inquiry was undertaken in Calcutta into the conditions and needs of the Domiciled Community, which differed from that of 1891–92 in two important respects. In the first place, while possessing the sympathy and support of Government, it was non-official in character, and secondly, it included the whole of the community and not merely the indigent section. The report of the Committee contains many valuable and important recommendations, which, if given effect to, would greatly ameliorate the condition of the poorer classes. It appears, however, the aftermath of the war, combined with the Reforms Scheme, has precluded any action being taken at the present time on the Committee's recommendations.

13. Finally, in drawing this historical survey to a close, it is only fitting to refer to the Community's record of loyalty and devotion to duty during the period of the Great War. During the Mahratta War of 1803 and the Mutiny of 1857, the Community rendered whole-hearted assistance to the East India Company, and the year 1914 proved that the spirit of former days existed undiminished. The Anglo-Indians were the first of the many races of India to offer their services, which at first were refused, but in 1916, by a special Army Order (I.A.O. No. 203, dated 3rd April, 1916), they were permitted to be enrolled, and later, when conscription was enforced, they were the only class to whom it was applied in India.* The Anglo-Indians were employed in every branch of the fighting forces and on every front, and many distinguished themselves in the field; they officered Indian Regiments and commanded Labour Corps, those who were too old to take the field or who were refused permission owing to the exigencies of the civil administration, joined the Indian Defence Force, while many pensioners returned to work or conducted special war duties.

14. After the war, the officers and men were demobilised, and this resulted in a considerable amount of unemployment; for, while the community were fighting for the Empire, Indianisation had begun. One of the first results of this measure was an increase in the number of Indians holding Government appointments in offices, railways, the post and telegraphs, for though Anglo-Indians were by law included in the term " Indians," they were not at first deemed to fall within the scope of " Indianisation." Matters were subsequently adjusted to some extent, but the mischief had been done, and hundreds of Anglo-Indians who fought for their King and country, are, like so many of their former comrades-in-arms in England, reaping the bitter reward of unemployment.

15. The above is a brief statement of the origin of the Anglo-Indian (or, as it was formerly called, the Eurasian) Community, and the disabilities it has had to contend with. At the present time, the description of the community as " half-caste," is no longer applicable. Marriages with natives of the country ceased more than a century ago, and ever since Anglo-Indians intermarry or marry Europeans. In the case of fair-complexioned Anglo-Indians (and there are many such) there is nothing to distinguish them from pure Europeans; and if the colour prejudice, which unhappily still persists in some quarters, is discounted, it may be said that the Anglo-Indian and Domiciled European Communities are identical in all respects.

16. The main fact which emerges from this history is that the East India Company, by debarring the members of the community from access to superior posts, by stigmatising them as an inferior race, and by neglecting both their social condition and their education, retarded their natural development at an early and critical period of their existence, thereby preventing them from becoming, as in their early days they showed every promise of becoming, the powerful support and mainstay of our Empire in the East. It is claimed that even under the governance of the Crown, they have not had full opportunity to recover their lost ground, and it is mainly on these counts that the community feels it has a strong case for protection in order that it may develop as even the smallest nation has the inherent right to develop.

STATUS.

17. The Rules made under the Government of India Act, 1919, contain the following definitions :—

(*a*) An Anglo-Indian means any person being a British subject and resident in British India,
(i.) Of European descent in the male line who is not a European.
or (ii.) Of mixed Asiatic and non-Asiatic descent, whose father, grandfather, or more remote ancestor in the male line was born in the continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union

* When introducing the Indian Defence Force Bill in the Leglislative Council on the 21st February, 1917, the Commander-in-Chief spoke of them as follows :— " The Volunteer Force in India is now some 40,000 strong, and a large proportion of its members have the makings of excellent soldiers. The potential military value of the Force is thus considerable."—(*India's Contribution to the Great War*, 1923.)

of South Africa, or the United States of America, and who is not a European ;

(*b*) A European means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom, or in any British possession or in any State in India, or whose father was so born or has, or had, up to the date of the birth of the person in question such a domicile.

The term "Domiciled Community," may be defined as meaning persons of pure European and mixed Asiatic and Non-Asiatic descent, who are domiciled in India (provided always the non-Asiatic strain is in the male line).

18. In one respect the definition of "Anglo-Indian" is, it is considered, too elastic. It admits of a class claiming to be Anglo-Indians whose ground for such claim is extremely doubtful. A number of this class are to be found in Calcutta, Madras, and in the Native States of Southern India, where they are known as *Feringis*.* This term was formerly applied to Europeans, but is now applied specially to the Indian-born Portuguese. In the Census Reports† they have rightly been excluded from the Anglo-Indian population. They must be treated as Indians, unless they can establish their claims to be Anglo-Indians under a system of registration such as we advocate in para. 54 of this Memorandum.

19. Indian Christians, though not possessing any European blood, have frequently claimed to be Anglo-Indians, adopting a European surname and European garb, and possibly, though not necessarily, living in quasi-European style. Obviously, such claims cannot be admitted.

20. This brings us to the question of Status, for the above definition only applies to enfranchisement, under the Government of India Act, 1919, as well as for Census purposes. On the 21st December, 1925, in answer to a question in the House of Commons, as to the official status of the Anglo-Indian Community, the Under Secretary of State for India stated :—

> "For purposes of employment under the Government, and inclusion in schemes of Indianisation, members of the Anglo-Indian and Domiciled European Community are statutory natives of India. For purposes of education and internal security, their status in so far as it admits of definition, approximates to that of European British subjects."

Asked further if this dual description was not likely to be a danger to their status in India, and whether he could suggest anything which would safeguard the people for whom the British were responsible in India, Earl Winterton replied :—

> "No, I am afraid I cannot. The definition of this community has always been a matter of some difficulty, owing to their position ; but this classification has lasted now for some time, and I certainly cannot admit that under it Anglo-Indians or the Domiciled Community suffer any disabilities."

21. The question of the status of the community formed the subject of representation as far back as 1830, when Mr. Ricketts came to England on deputation, and was examined by the Select Committee of both Houses of Parliament. The Anglo-Indian Association of London are thankful to His Majesty's Government for the official definition of their status as announced by the Under-Secretary of State for India, and are not unmindful of the difficulties mentioned by Lord Winterton. In respect of this matter, however, it is only with regard to their claim to trial by juries consisting of Europeans or members of their own race that they desire further protection.

DISABILITIES AND SAFEGUARDS.

22. The authors of the Indian Constitutional Reforms anticipated that their proposals might affect the Anglo-Indian Community adversely, for they inserted the following safeguard in their Report, in paragraph 346 :—

> "*Some reference is needed also to the case of the large Anglo-Indian or Eurasian Community which, on historic grounds, has a strong claim on the consideration of the British Government. It is not easy for them, occupying as they do an intermediate position between the races of the East and West, to win for themselves by their own unaided enterprise a secure position in the economy of India. They have been hitherto to a great extent in political and economic dependence on the Government ; and they would not be strong enough to withstand the effect of changes which omitted to take account of their peculiar situation. We think the Government must acknowledge, and must be given effective power to discharge, the obligation to see that their interests are not prejudically affected.*"

Moreover, under the King's Instrument of Instructions to the Governors of Provinces, which are embodied in the Rules under the Government of India Act, 1919, they are especially required and charged :—

> "To take care that due provision shall be made for the advancement and social welfare of those classes amongst the people committed to your charge, who, whether on account of the smallness of their number or their lack of educational or material advantages or from any other cause, specially rely on Our protection, and cannot as yet fully rely for their welfare upon joint political action, and that such classes shall not suffer or have cause to fear neglect or oppression."

23. But the experience of the working of the Constitutional Reforms has, in the case of the Anglo-Indian Community, clearly demonstrated that the Royal protection enjoined by the King's Instructions has not succeeded in preventing wrong and injury being done to the material interests of the Community and has engendered serious apprehension as to its future welfare. The position, indeed, became so alarming that the community felt itself compelled to send two Deputations to the Secretary of State for India—one in 1923 and the other in 1925—to represent its grievances to the British Government. The Deputations received a sympathetic hearing, and the grievances which were put forward have been under the consideration of the Government of India. Only such of these grievances as come definitely within the scope of the inquiries of the Statutory Commission are touched upon here.

24. *Railways.*—Lord Curzon, in one of his speeches, drew public attention to employment in the traffic, engineering and locomotive departments of the Railways as being an important, if not the most important, direction to which the community were entitled to look, in seeking careers for their children. He pointed out that in those departments there were some 1,150 posts on every thousand miles of line in India, the pay ranging from Rs.30 to Rs.400 a month, or 25,000 posts in all, for which Anglo-Indians or Eurasians were free and qualified to compete, and that they held only a small percentage of the posts.

25. The inferences to be drawn from that speech are two :—first, that thirty years ago Anglo-Indians held numerically only an insignificant position in the railway service. That they held the more responsible position may be conceded, but this was because of their approved fitness ; just as the administrative

* Pages 16 & 51 of *Hostages to India.*

† *Vide* para. 202 Census Report, 1911.

positions were manned by Englishmen because of their superior education and training. The situation has not changed materially since 1900;* on the contrary, Indianisation, though greatly accelerated after the Reforms of 1919, was already effective when Lord Curzon's statement was made, and has been steadily growing since.

The second inference to be drawn from the statement, without straining its sense, is that his Lordship wished the Anglo-Indian Community to believe that railway service was specially suited to their aspirations, and that they would be welcomed in it in increasing numbers.

26. Sir George Rainey, speaking before the Assembly in New Delhi, on 25th February last, said in connection with Railways:—

> "There is to be a fair field for all, and under the conditions he hoped the Anglo-Indians would be perfectly capable of holding their own. But there were certain things which the Government could not do. There was no question of ousting Anglo-Indians from appointments actually held by them. It was well known that when members of a particular community have held a very large number of appointments in a particular service, the whole economic organisation of that community was wedded to that factor. That point the Government of India could not possibly ignore, and they would not take measures which would involve dislocation of the economic existence of an important community."

From these words, we think, we may derive the assurance that not only is the removal from the serivce of an Anglo-Indian to make an opening for an Indian prohibited, but that in filling future vacancies, of newly created appointments, the principle of Indianisation must not be worked to the disadvantage of the Anglo-Indian. Our request, therefore, is that the policy enunciated in the foregoing statement may be made so clear to all administrations as to make its infringement impossible in future.

27. It is far from our intention to contest the justice of the ruling that all appointments must be made after due consideration of the merits of the candidates, irrespective of race, religion or colour; but we may be forgiven for pointing out that merit is a wide term, involving not only theoretical ability but general aptitude and personality. Railway service eminently demands a practical bent, and this valuable asset has been inherited by the Anglo-Indian from the British side of his parentage. To support this claim, we have the words of the present Governor of Burma, Sir Charles Innes, who, on the eve of his departure for Burma, at the end of 1927, said that as Railway Member he had had a great deal to do with the Community, and held the view that it had an almost hereditary aptitude for railway work. Further, the Railway Department always attached much value to the service of the Community, because it felt it could always rely on its loyalty in a crisis, such, for instance, as a strike. We accordingly trust that when comparative merits are being assessed, these collateral assets of the Anglo-Indian community will be given adequate consideration.

28. In this connection we feel it right to point out that the present policy of nationalizing the railways in India has materially affected the situation. So long as the leading railways were under Company management, the position was analogous to that of a private employer, who appoints his staff regardless of political considerations, in what he believes to be the best interests of his business, and is not subject to outside pressure. It is significant that in the past these interests have been considered to have been best secured by the appointment of Anglo-Indians to certain responsible positions. If, owing to nationalization of the railways, appointments are in future to be influenced by political pressure, of which the debates in the Legislative Assembly give ample proof, it goes without saying that a minority community like the Anglo-Indian community requires adequate safeguards.

29. *State Employment Generally.* Apart altogether from the particular considerations applicable to the continued employment of members of the Community on the railways, it is submitted that there are fundamental considerations which support their petition, that their employment in other departments of the State should not be diminished. It has already been shown that they were brought into existence for the obvious purpose of serving the interests of the Chartered Company, and that among the manifold changes of policy adopted by the Company, the destiny of the Community was moulded to serve such purposes. It has been suggested that the Community now base their claim to State protection, not on their present merits, or on the service which they render to-day, and which they aspire to continue, but merely on their past history, seeking assistance in the future as a kind of compensation or reward for the merits of their ancestors. This is not the case. Their history is relevant as showing the constitutional and administrative purposes for which they may be said to be where they are; and their past service in, and for, the Government of India is relied upon as evidence that they have, throughout the period of British rule in India, faithfully discharged the duties which they were called upon to fulfil. Further, they confidently submit that those services, continuously and consistently rendered through all the changing phases of British control, have not only justified the reliance placed upon them, but have created in their minds a justifiable expectation of similar treatment and employment for the future. It is this very source of their material well-being, and their reliance upon the opportunities for service afforded by it, which have, on the one hand, led them to look mainly to the departments of State when seeking careers for their children, and, on the other hand, diverted them from other avenues of livelihood, and, in a great measure, rendered them less fit for what may be called the struggle for existence in free competition with the vast population amongst whom they live, in ordinary trading and other civic occupations.

30. It cannot be denied that they have shown peculiar aptitude for official life, and that, while they have derived from it special advantages, they have been encouraged to direct their energies in that channel. They have never taken part in any political movement, and if fresh steps in the direction of constitutional development, or of what is called "Indianisation," are to be taken at their expense, or without the safeguards on which they have hitherto, with confidence, relied, they have, for the moment, little or nothing upon which they can fall back. It is not that they are unwilling to make the necessary effort to strike out new lines for themselves, and by broadening and strengthening the education of their children, to find new careers for their posterity. But they are not, as yet, adequately equipped for meeting the changes in their fortunes, such as seem to threaten them. In this regard, they do not ask that new benefits shall be conferred; they only ask that what they have, and always have had, should not be jeopardized by any changes in the Constitution, so long as members of the community continue to perform their duties in State employment with diligence and efficiency.

31. It must be recognised that conditions in

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* NOTE.—According to Lord Curzon's statement out of a total of 303,000 persons employed upon Railways in India, only 7,000 were Eurasians, while according to the Indian Railway Report for 1926-27, the total number of employees was 763,097, of whom Anglo-Indians numbered 14,079; the proportion thus remaining the same as in 1900.

India differ from those in England. The frequent transfer of officials, for one thing, militates against the steady pursuance of any line of policy which vests any large amount of discretion in individual officers, For these reasons we cannot feel confident that any general instructions in regard to recruitment for appointments will be uniformly applied in the various provinces or by successive officers in the same province We accordingly urge the appointment of impartial Selection Boards, which shall be free from political or communal bias, for recruitment for Central, Provincial and Subordinate appointments, as well as for ancillary Services. It should be the duty of such Boards to select candidates after due consideration of all their qualifications—paying due regard not only to their educational and social fitness, but also to such matters as reliability, sense of responsibility, tact, discretion, aptitude, physicial fitness and practical experience or knowledge where necessary ; and it should be a definite direction to the Boards that they should do nothing to disturb unduly or suddenly the conditions of any community which has been accustomed to resort to any particular avenues of employment.

32. Inasmuch as members of the community employed by Provincial Governments or in railway administration have sometimes felt the need of a right of appeal against decisions of the local Government, we desire that Government and other public servants belonging to the community shall be granted the right of appeal, not only to such Public Services Commission as may be created, but also a right of ultimate appeal to the Viceroy and to the Secretary of State.

33. In Great Britain there are no communal divisions, but in India the natural aptitude of certain communities to serve the State in certain capacities is fully recognised. The Indian Army is mainly drawn from the martial races of the North-West. When the Anglo-Indians asked for grants of land in the newly irrigated areas of the Punjab, they were told by the Governor that they were communally unsuited for work on the land. This Association is unable to admit the correctness of this view, since many Anglo-Indians have been zamindars for many generations, but it nevertheless, desires to draw attention to the admission of the principle of communal aptitude for certain occupations, and a striking illustration is the case of the Anglo-Indians in the railways, posts and telegraphs, subordinate medical service, customs, etc. We cannot envisage any constitution which would deprive the military authorities of the right to recruit for the fighting forces the personnel which they consider the best for the purpose required, and we ask that similar safeguards should be provided in the constitution in regard to Anglo-Indian employment in the Civil Services.

34. *Education.* If there is one thing more than another which is specially menaced as an outcome of the Reforms it is the education of the Domiciled Community. The distinctive character of European education has been recognised in the Rules framed under the Government of India Act. Though these Rules provide that European education shall be a " Reserved " subject under the control of a Member of Council, and not a " Transferred " subject under a Minister responsible to the elected Legislature, the grants-in-aid for the maintenance of these schools are voted for in the Provincial Council.

35. A deputation from the European Schools in India Improvement Association, composed of Englishmen, and headed by the Right Rev. Bishop Copleston, the former Metropolitan of India, waited on Lord Olivier, in May, 1923, and pleaded for a renewed assurance of the declared policy of the Indian Government to assist private enterprise by special grants to schools established in India for the children of British descent. It was pointed out that while private efforts had increased, the Indian Legislature had in some cases refused grants to meet urgent and reasonable claims, and that schools were threatened with extinction.

36. In 1922-23 the Bombay Government reduced the grants for European schools by nearly one lakh (Rs96,286), owing, it is stated, to " financial stringency," while grants for other institutions were increased, *vide* Bombay Ed. Report for 1922-23.

In 1924-25, a reduction of Rs99,000 was made by the Bengal Legislative Council in the Budget estimate for European schools, and had this sum not been certified by the Governor, European Primary Schools in that Province would have found themselves in a very serious position, *vide* India Ed. Report for 1924-25.

In 1925-26 the Central Provinces revised the grants-in-aid for European schools, which were formerly assessed at *one-half* of the approved expenditure and reduced them to *one-third*, in order to bring them on to the same basis as Indian schools, *vide* C.P. Ed. Report for 1925-26.

In Burma, where European education is now a " Transferred " subject, the abolition of the post of European Inspector of Schools, and the large influx of non-Europeans has resulted in the lowering of the general tone and standard of the schools, *vide* Burma Ed. Report for 1922-27.

The two State Scholarships which were granted, one for boys and one for girls, to enable students to proceed to England for special courses of study, have, since the introduction of the Reforms, been withdrawn by the Central Government. Again, consequent on the substitution of the Indian Defence Force for the Volunteer Force, as a War measure, the grant for Cadets was withdrawn, but although the Defence Force has now been replaced by the Auxiliary (Volunteer) Force, and most of the High Schools still maintain Cadet Corps, which may be considered the nursery of the Auxiliary Force (India's second line of defence), the Cadet grants have not been re-introduced.

37. But what causes the greatest alarm to the community is the fact that the declared policy of Government, fixing the admission of Indians to European schools at 15 per cent. of admissions, is being violated, and an ever-increasing demand is being made on Managers of European schools to admit Indians in larger numbers, a demand which is being met in practically every Province. At the Conference on the Education of the Domiciled Community in July, 1912, Sir Harcourt Butler, the Education Member, gave an assurance on behalf of Government that there was no intention to alter such limit :—

> " It is necessary to see that this percentage is not exceeded and that such schools are not invaded by children of purely Indian descent who pass themselves as Anglo-Indians."

In spite of this assurance the official reports on education show that the percentage of Indians admitted into European schools has increased in all Provinces. " If, as some urge, without sufficient consideration " (states the quinquennial report for 1917-22) " there is no restriction placed upon the admission of non-Europeans into European schools, there is a risk that in time the schools may lose their European character." Later reports show that provinces are now considering, and indeed some have already introduced, new codes to replace the former All-India Code.

38. The Domiciled Community in India are apprehensive that these measures will seriously affect, if not ultimately destroy, the British tone and character of their schools. They appeal to the Commission and to Parliament to save their schools from any action on the part of Indian politicians which would be fatal to the purpose and spirit of the European schools and which would militate against such schools equipping the Anglo-Indian community for the battle of life. In this appeal they have the full support of the whole European

population in India, and in his Minute on the conclusions of the Royal Commission on the Superior Civil Services of India, Sir Reginald Craddock, a former Governor and a member of the Commission, issued the following warning :—

> " Except in Burma, European and Anglo-Indian education is under the *Reserved* side of Government, but the disposition of the Legislature towards it may at some time compel the Central Government to take it over. Europeans contribute very largely in proportion to their numbers to income tax and customs, namely to Central Revenues, and there would be a certain fitness if European education became the special charge of the Government of India."

39. The cost to the public funds of European education is very small (some 47 lakhs of rupees annually) compared with the cost of Indian education (more than eleven crores annually) ; but this charge upon public funds becomes even smaller when the saving to the Exchequer, through the employment of Anglo-Indians in the Auxiliary Force, is taken into consideration. It is admitted by Government* that in determining the number of British Troops to be maintained in India, the existence of the Auxiliary Force (some 36,000) is taken into consideration. That is, if the Auxiliary Force did not exist, more British Troops would have to be entertained. The annual cost of the British soldier in India is Rs2,500 per head, of the Indian soldier Rs631, and of the Anglo-Indian of the Auxiliary Force, Rs187. Assuming, for the sake of argument, that in replacing the European Auxiliary Force, the additional contingent would be made up partly of British and partly of Indian Troops, say, at the rate of one-third and two-thirds respectively, the extra cost to the Indian Exchequer would be for British Troops Rs2,77,56,000, and for Indian Troops, Rs1,06,56,000 ; or a total of Rs3,84,12,000. And this saving in the employment of British troops has been going on ever since 1860, when the European Volunteer Force was first organised. A consideration of these facts makes it appear that a much more generous support of European education from public funds could be given without injustice to the Indian taxpayer.

Moreover, many of these schools have been established and endowed by private British philanthropy, and their continued maintenance in a state of efficiency is essential to the existence of the Domiciled Community, for, in the words of the late Lord Curzon :—

> " Without efficient schools the Domiciled Community must degenerate rapidly in India."

Great Britain cannot, therefore, divest herself of this sacred responsibility. The Council of the Anglo-Indian Association, London, earnestly request that in conformity with Section 84 (a) (2) of the Government of India Act, 1919, the Royal Statutory Commission will include in their enquiry into the growth of education an investigation of the effect which the Reforms have had on European education in India.

40. In view of the public pronouncement made in the House of Commons by His Majesty's Government on the 21st December, 1925, that, for the purpose of education, the status of the Domiciled Community approximates to that of European British subjects, it behoves the British Government to protect the interests of the European schools from the damage to their efficiency and character that might result from a further advance towards self-government being granted to India. Indeed, we submit that the British Government is under a moral obligation which has been repeatedly admitted by successive Viceroys from Lord Canning downwards. We are of opinion that this object can only be achieved by making European education a Central Reserved subject, and thus placing it beyond the influence of popular legislatures and racial antagonism. Such a course has already been adopted in the case of the Royal Military School at Sanawar for the children of British soldiers.

41. Apart from the objections already urged to European education continuing to be a Provincial subject, there is the further circumstance that the Anglo-Indian schools are so scattered throughout India that they cannot be efficiently organised or systematised on a provincial basis, nor can adequate training colleges be instituted unless the whole scheme of European education is under one controlling authority. We accordingly urge that in addition to European education being made a Central Reserved subject, it be administered by a British Inspector General of European Schools in India, in direct subordination to the Member for Education, Government of India, and that the Circles of the Inspectors under him should be defined with reference to the number and importance of the European Schools to be comprised in each Circle.

42. We suggest that the amount of the grants for European education should be fixed and allotted by the Central Government, and should be capable of alteration from time to time so as not to preclude the due development of education. We do not feel that it would be within our province to suggest whether the cost should be met from Central or Provincial revenues ; but we merely remark that the Central rather than the Provincial revenues benefit from the community, whose contributions mainly take the form of income-tax, customs, and voluntary service which admits of a saving in military expenditure.

43. *Indianisation.* Arising out of the question of the maintenance of European schools in an efficient state, the following extract from the Educational Report for 1924-25 is instructive :—

> " There is no doubt that owing to the increasing competition of Indians for appointments which have in the past been filled by Anglo-Indians, the pupils of European schools are finding it increasingly difficult to obtain employment." *

Before the advent of the Reforms, members of the Domiciled Community were to be found in almost every department of the service of the Government of India. As explained by Lord Lytton, in his Minute of 1878 :—

> " The Anglo-Indian cannot support himself in India by working as a day-labourer, or by adopting the avocation of the native peasant."

Consequently, the Anglo-Indian was so educated as to fit him for the higher avocations of life.

44. The following statement, recently made by Sir Michael O'Dwyer, an eminent ex-Governor of an Indian Province, and an official who has spent the greater part of his life in India, bears eloquent testimony to the manner in which the Community has contributed to the civil development and well-being of India, and completely refutes the charge that the Community has received " preferential treatment " in the past :—

> " All of us who have served in India and know India, realise the great work accomplished by the Anglo-Indian Community ; we also know that in the future, given the opportunity, they will play a great part. In the turmoils of political strife we are apt to forget the facts of history. Setting aside their military achievements and looking to the purely civil administration, you will find that most of the pioneer work in the Public Works, Railways, Medical, Posts and Telegraphs, and Inland Waterways was being

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* *Vide* India Office letter No. M.1776/25, dated the 18th March, 1925.

done, and done well, by your Community at a time when there was nobody else to do it. In fact, if they had not been there to do it, it could not have been done at all. And shall it be said by your descendants that, having given your best at a critical time, you are now to be thrown aside like a sucked orange? I think it would be a most unworthy return for what you have done, and are still prepared to do, for India. In every great crisis your Community has shown its worth and its loyalty to the Crown, the Flag and the Empire, even though it has sometimes received step-motherly treatment from the authorities. Speaking from my own experience, I can say I have had many of your men serving under me in responsible judicial and executive posts, as magistrates, judges, collectors. I have seen them tried high, when men's courage and capacity are taxed to the utmost, and I have never known one of them to fail."

45. Further testimony as to the services rendered by the Domiciled Community to the Indian Empire is to be found in the remarks of another distinguished administrator, Sir Reginald Craddock, who, in his Minute on the Indianisation of the Public Services (already referred to) said :—

> "The Provincial Forest Services have produced some excellent Forest Officers, many of them, it must be said, Anglo-Indians."

And again, referring to the Indian Medical Department, Sir Reginald wrote :—

> "I have seen a great deal of the work done by the officers of this department, and I can only express the hope that this valuable supply will not be neglected by Local Governments. This department affords a very useful avenue of employment for the Domiciled Community, and has supplied in the past many capable district medical officers who, to my knowledge, have won the confidence of all classes of the community and all races."

46. Notwithstanding these eulogies of faithful services rendered by the Domiciled Community in every sphere of administration, they have been the greatest sufferers by the introduction of the Reforms, as evidenced by the amount of destitution prevailing in the community in the years following the war. As already explained in paragraph 14, they were now looked upon as aliens and British, and in spite of the safeguards which the authors of the Reforms laid down, the Governors were powerless to intervene under the law as at present constituted. Most of the services in which the majority of the Domiciled Community are employed are Imperial, such as the Railways, Telegraphs, Post Office and Customs, and it is in regard to these services that there have been persistent demands by the Indian politicians for the replacement of Anglo-Indians by Indians.

47. *Unemployment.* To add to their difficulties, retrenchments in the Railways and other public services were effected as post-war measures of economy. The Inchcape Committee made drastic reductions in the cadre of the Indian Medical Department in obedience to the Indian Legislature's demand for economy in military expenditure. At such a critical stage, the Provincial Government could have helped by taking over such surplus officers, but the Provincial Councils were remorseless, and decreed that no further admission of Indian Medical Department Officers into Civil employment would be allowed, and here again the Central Government were powerless to intervene, since Medical, under the Reforms, was made a "Transferred Provincial" subject. That the retrenchments in the Indian Medical Department were, to a large extent, unnecessary, is borne out by the fact that a number of discharged officers have been re-employed, which forces one to believe that whenever there is a cry for retrenchment or Indianisation, the Anglo-Indian Community are always the first sufferers. Indeed, the history of India proves that their interests have not infrequently been sacrificed on the altar of political expediency.

48. As further evidence of the inadequacy of existing safeguards, it may be mentioned that in 1925, in reply to a representation made by the London Association to the Secretary of State for India, on behalf of the officers of the Burma Provincial Forest Service, we were informed that as the officers of the service (mostly members of the Domiciled Community) were serving under the control of the Local Government, the Secretary of State was not prepared to entertain such representations except through the prescribed channel, to which they had already had recourse, but had failed to obtain redress. Thus, when a Provincial Government fails to remove a grievance or undo an injustice, there appears to be no higher tribunal to which the unfortunate officers concerned can look for redress, as they were able to do in the pre-Reform days.

49. We feel that the above recital of hardships and inequalities of treatment under the changed conditions now prevailing in India, will satisfy the Members of the Statutory Commission that reasonable and just grounds exist for the protection of minorities, such as the Anglo-Indian Community, whose economic position, as a result of the introduction of the Reforms, has been graphically described in the latest official Report "India in 1925–26" in the following terms :—

> "For Anglo-Indians, the contraction of one of their great—possibly their greatest—sphere of employment in the Indian Railways, and the Government service generally, has been already noted in the discussion of European education in this country. At the present moment there is much distress among them on account of unemployment, and no feature of their circumstances causes more anxiety to the leaders of the Community than this. In most of the great cities of India, numbers of respectable Anglo-Indians are suffering distress which is rendered all the more acute when they consider the undeniably unpromising outlook of their children's future. There is, of course, no *a priori* solution of such a problem, but the better education of the Anglo-Indian children, and the training of them for professions, will do something to solve the problem of unemployment, and to raise their status generally."

50. The London Association commend this statement, prepared for presentation to Parliament in accordance with the requirements of the 26th section of the Government of India Act, to the serious consideration of the Members of the Royal Statutory Commission. They have only to add that in spite of its grievances and disabilities, the Community has remained loyal in times of strikes and boycotts, while the crimes which usually accompany destitution and unemployment are practically unheard of.

51. *Representation.* The Anglo-Indian Association of London view with apprehension the possibility of further rapid Indianisation, until such time as there is evidence of a distinct improvement in the present attitude of majority communities towards minority communities. They anticipate that if under the coming régime, a further weakening of British control and an augmentation of Indian administration is granted, their Community in India will be a helpless minority, inadequately represented on the Councils, and liable to be crushed out of existence by the pressure of overwhelming numbers. Adequate communal representation, though not in itself a sufficient

safeguard, is essential in order that the community may make its voice heard effectively in the Councils. In view of the multiplicity of its divergent communities, and the disparity of their respective numbers, no system of popular government other than communal is feasible in a vast country like India, with its inherent racial antagonisms, its vast social differences and its hostile religions. We submit that any attempt to introduce a form of democratic government other than by communal representation, would be most unsuitable for India, as was rightly foreseen by the authors of the Reform scheme, who came to the inevitable conclusion that "no other mode is feasible," and that "the present system must be maintained." Like the Muhammadans and Indian Christians (who number over five millions), we of the Anglo-Indian community regard separate representation and communal electorates as necessary, and in order to render its voice effective, it is essential for the community to have additional members on the Imperial Legislative Assembly and also on the Council of State.

52. It is true that, as the community have a representative on the Imperial Legislative Assembly, they are nominally in a position to voice their grievances, but his voice is one of a multitude, and, however devoted to his political work, no single individual can adequately represent the interests and needs of the community in the various provinces of India and Burma, nor can he guarantee never to be absent from the House when questions affecting the community are under discussion. It has been the experience of the past that such questions arise in the course of debate without warning and on subjects foreign to matters directly affecting the community. Nor can one representative possess the local knowledge which is sometimes essential, or be in more than casual touch with the local feeling on a particular topic. We therefore consider that each major province and group of minor provinces, if not each province, should have representatives elected by the Domiciled Community.

53. Similarly, as regards provinces, the problems of the various Services (Medical, Forests, Excise, etc.), differ, and it is necessary therefore that the community should have adequate representatives on the Provincial Councils.

54. We feel that these representatives should not be nominated but elected. In this connection reference is invited to the remarks in para. 18, about the registration of *bona fide* Anglo-Indians. The preparation of an electorate roll would, it is assumed, necessitate such registration, for which the Collectors of districts would be responsible. Registration of Anglo-Indians would prevent the present practice of certain members of other Indian communities posing as members of the Domiciled Community.

55. *Appeals.* But though adequate representation is necessary, such representation does not in itself afford sufficient safeguards for a minority community against a community which alone might be able to outvote all other communities in the Chamber. In the present state of communal rivalry in India no constitution could guarantee justice to the Anglo-Indian Community unless it provided adequate safeguards, independent of the vote of popularly-elected council. We therefore feel that the community must press for the right of appeal to which resort can be had against possible injustice, and the Viceroy and Governors should be empowered to prevent the introduction of measures and to veto laws of a discriminatory character calculated to militate against the interest of any minority community.

56. *Conclusion.* We have endeavoured to show that in the past, when our Community had the opportunity, it has proved an asset to the British Government. If then it be desired to improve and elevate the Community and utilise it as a source of strength to the Empire, the protective policy of the past should be maintained towards it. Otherwise there will be grave risk of its degenerating into one of the Depressed Classes of the Indian community, and becoming a source of embarrassment to the British Government.

57. The Anglo-Indian Community, in common with the European and other minority communities, has loyally endeavoured to make the Reforms a success, but this Association solemnly affirms, with all the power they can command, their belief that any scheme of responsible government which deprives India of British control would be disastrous, not only to the community, but to the British Empire as well. In the words of one of India's most distinguished Viceroys :—

> "India is the pivot of our Empire. If this Empire lost any other part of its dominion, we could survive, but if we lost India the sun of our Empire would set."

Lord Curzon at Southport in 1893 :—

> "Great Britain would be judged and remembered by the manner in which she had exercised the power, for some peculiar and inscrutable reason entrusted to her by Providence, over the many races which had become subject to her sway. It is only when you get to see and realise what India is—that she is the strength and greatness of England—that you feel that every nerve a man may strain, every energy he may put forward, cannot be devoted to a nobler purpose than keeping the cords that hold India to ourselves."

APPENDICES.

Appendix I. Extract from Despatch from the Court of Directors to the President of Madras dated the 8th April. 1687* :—

> "The marriage of our soldiers to the native women of Fort St. George, formerly recommended by you, is a matter of such consequence to posterity, that we shall be content to encourage it with some expense, and have been thinking for the future to appoint a pagoda to be paid to the mother of any child, that shall hereafter be born of any such future marriage, upon the day the child is christened, if you think this small encouragement will increase the number of such marriages."

Extract from Despatch from the Court of Directors to the President of Madras, dated the 25th January, 1688† :—

> "Induce by all means you can invent, our soldiers to marry with the native women, because it will be impossible to get ordinary young women as we have before directed, to pay their own passages, although gentlewomen sufficient do offer themselves."

Appendix II. Extract from letter from Dr. Richard Wilson, Surgeon of Trichinopoly, to Governor Rumbold and the Council of Madras, dated 12th June, 1778 :—

After describing the condition of the indigent Anglo-Indian population of Trichinopoly, Dr. Wilson suggested the following "national scheme," by which,

> "This vagrant race may be formed into an active, bold and useful body of people, strengthening the hands of Dominion, with a colony of subjects attached to the British Nation by consanguinity, religion, gratitude, and manners."

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* India Office Records, Letter book No. 8, pp. 290 and 498.
† India Office Records, Range 240, vol. 46, p. 703. P.C.1.

Briefly Dr. Wilson's proposals were :—

> " To gather into one establishment as many of these orphans as can be collected under the age of six years ; to feed, clothe and maintain them in every respect until the 16th year ; to educate them in the Protestant religion, and to teach them reading, writing, and a few rules of arithmetic during the first eight years. The last two years to be employed in training them up to a military life and discipline, which completed, they are to be led into the field or garrison for service. Thus happily principled and properly educated, virtue fixed in their minds by precept, their constitutions improved by temperance, and their bodies robust by exercise, they will no longer remain an obscure, vagrant and miserable race ; they will assume a name ; they will become a people bound to us by ties of religion and gratitude, ever willing and able to fight the battles of their fathers, and defend the possessions of the British Nation throughout Hindustan."

Continuing, Dr. Wilson said :—

> " It has long been a severe and unanswerable reproach from the natives of this country that Britain, above all other Nations, have neglected and despised this their progeny, and perhaps we never appeared with more disadvantage in the eyes of the Foreigners than when considered in this light. In short it is to be hoped that three grand National Advantages may be drawn from the Establishment ; the more effectual and extensive propagation of the Protestant religion in India, the seed of a powerful colony sown, and a very considerable and valuable addition to our Army obtained independent of our present resources."

It is stated that Government ordered that the papers should lie on the table for consideration. No further mention, however, is made of them, and Wilson's philanthropic scheme seems to have been permanently shelved*.

Appendix III. Extract from *Political History of India*, by Sir John Malcolm, K.C.B., on Indian affairs during 1784-1823 :—

> " The descendants of Europeans by native mothers, usually termed half-castes or Anglo-Indians, if they do not form part of the English Community in India, are closely allied to it. Independent of those relations of blood by which may of them are united to this community, their common language, education, habits and religion, form ties which must always connect them ; but on the other hand, differences of complexion, and situation of life, separates a great proportion of this race from the English Society ; and as they are still more distinct from the native part of the population, they must be considered as forming a class of themselves. This body of our subjects in India has of late years occupied much attention of Government, both at home and abroad, and there appears an anxiety to adopt every measure which can raise it from its equivocal condition, and render it useful and respectable . . . The date at which this part of our population can arrive at any numerical strength as a separate body is very remote ; but they are almost all well educated, and have from this a consequence beyond what they derive from their numbers . . . A just and generous Government will not, however, have recourse to that narrow principle which apportions benefits by the power any class of its subjects have of enforcing them, nor will it withhold any reasonable boons, because it is offended by the temper in which they are solicited. Acting on different grounds, it will give to this, as to every other class of its subjects, that consideration which is due to their condition and which fulfils their reasonable hopes without a sacrifice of any essential interest of the Empire. Though placed under circumstances of depression and discouragement, this body of men has lost few opportunities of becoming useful and respected in the different walks of life to which their pursuits have been directed. We should continue, therefore, to cultivate their moral and religious principles, and while we institute and encourage seminaries for their instruction, upon an extended scale, we should provide the means of their future employment in the condition of life best suited to their respective situations and qualifications. If the justice of this proposition is admitted, the means of carrying it into execution will not be difficult, as they require no change in those salutary restraints in which the principles of both the civil and military services in India are now grounded. The execution of it will not impair our present, but lay the foundation of our future strength, by care which we bestow on an increasing class of our population, to render them useful and attached subjects. The real consequence of the Anglo-Indians, in the eyes of the natives and in their own, arises chiefly from their connection with Europeans. They cling to an origin which seems to exalt them, and are only driven by the rebuffs of slight or contempt to take measures by themselves as a detached body, with separate and opposite interests. The very pride they have in placing themselves in the rank of Europeans, while it makes them feel with peculiar sensibility every instance of scornful repulse which, from their anomalous situation, they must often be doomed to experience, affords the means of making them useful allies. In being so, they are in their natural situation : they are adopting the policy most beneficial to themselves, and, on the other hand, in treating them with kindness and consideration, we are only acting the part of wise and benevolent rulers ; and the policy of our extending every consideration we can to this class is greatly increased by their recognised rights of holding lands, and of sitting upon juries, which latter has been given them recently. These privileges must gradually augment the influence of this class, and by giving them importance with the English Community, and themselves, will tend to improve their condition, and confirm their attachment to the State to which they owe allegiance."

A further extract from the writer's speech, delivered at a Court of Proprietors of the East India Stock, on 9th July, 1824, shows that the community were also unable to represent their grievances in the Press. Sir John Malcolm, in referring to the difficulties a free Press in India would entail, said :—

> " But its effect on the European part of the community is a very small part of this question. Amongst the increasing part of the population called the half-castes, the sons of European fathers and native mothers, it would do infinite harm. This class must be viewed and treated as an infant society, and all the hopes we entertain of

* *Vestiges of Old Madras.* (1640-1800), vol. III.

their advancement through the adoption of gradual measures for their instruction will be disappointed, if we adopt the free Press as the means of effecting that object. I have for many years given all the consideration I could to the unfavourable and depressed condition of this class. I entertain opinions (which this is not the moment to state) regarding the policy of their introduction to particular branches of the service, but I entertain no doubt as to that of every effort being made for their improvement . . . of every avenue that can be opened being opened, for the encouragement of that industry and talent which many of them possess in a very eminent degree. There are men in this class of society, whom I hold as dear as any friend I possess . . . among those, many in this Court share the regard I have for Colonel Skinner, who has so long commanded a large body of Native Horse, with honour to himself and advantage to Government. But with every desire to see this part of the population encouraged and advanced, I deem it essential for their good that their progress should be gradual in order that they may be fitted for the place they are destined to occupy in our Empire in the East." (App. VI., vol. II, *ibid.*)

Appendix IV. Extract from Lord Canning's Minute of 1865 :—

" If measures for educating these children are not promptly and vigorously encouraged and aided by the Government, we shall soon find ourselves embarrassed in all large towns and stations with a floating population of Indianised English, loosely brought up, and exhibiting most of the worst qualities of both races ; whilst the Eurasian population, already so numerous that the means of education offered to it are quite inadequate, will increase more rapidly than ever. I can hardly imagine a more profitless, unmanageable community than one so composed. It might be long before it would grow to what would be called a class dangerous to the State ; but very few years will make it, if neglected, a glaring reproach to the Government, and to the faith which it will, however ignorant and vicious, nominally profess. On the other hand, if cared for betimes, it will become a source of strength to British rule and usefulness to India.

" The Eurasian class have an especial claim upon us. The presence of a British Government has called them into being ; they serve the Government in many respects more efficiently than the natives can as yet serve it, and more cheaply and conveniently than Europeans can do so ; and they are a class which, while it draws little or no support from its connection with England, is without that deep root in, and hold of, the soil of India, from which our native public servants through their families and relatives, derive advantage."

SUPPLEMENTARY MEMORANDUM SUBMITTED BY THE ANGLO-INDIAN ASSOCIATION, LONDON, TO THE INDIAN STATUTORY COMMISSION.

The London Association of the Anglo-Indian Community ask leave to submit a Supplementary Memorandum, dealing with two important points which appear to have emerged during the discussion relating to their future which took place before the Commission when sitting in India.

I. ECONOMIC VERSUS CONSTITUTIONAL QUESTIONS.

2. It has been suggested that the considerations which the Community has submitted to the Commission raise economic, rather than constitutional questions. This is, undoubtedly, the case. But it is respectfully submitted that, in the solution of the problem of the future government of India, which the present Commission is now engaged in examining, with a view to making recommendations, the two questions cannot be divorced. In order to illustrate this, the London Association desires to make the following submissions :—

(*a*) The declaration of the British Government in August, 1917, contemplating the extended employment in State service of the people of India, and the present demand for the extension of such opportunities of service, in themselves raise economic questions.

(*b*) It has not been, and could not be denied that whereas, on the one hand, what has been called the Montagu-Chelmsford Report anticipated possible injury to the Anglo-Indian Community, experience has shown, on the other hand, that the constitutional changes then made have injuriously affected the economic interests of the Community by diminishing their share in State service, without providing them with any alternative. As a consequence, the economic condition of the Community has been directly injured, and they ask no more than that this injury shall be arrested by special safeguards, operating at least during the present generation.

(*c*) Even in the case of an unwritten constitution like that of England, instances may be recalled of constitutional questions which were in essence, purely economic. Such, for example, were some of the measures adopted by Henry VIII in his quarrel with the Pope during the Reformation, and such, also, were questions which arose between Crown and Parliament during the Stuart dynasty.

(*d*) It is submitted that this interdependence is even more marked in the case of written constitutions. Three instances of purely economic provisions are to be found in the most successful of all written constitutions, that of the United States of America :—

(i) The prohibition of an unequal capitation tax,

(ii) The prohibition of the imposition of duties upon inter-State exportation, were both provided in the original Constitution of the United States, while

(iii) The recent Prohibition of Liquor Law is provided by Amendment XVIII of the Constitution.

3. No difficulty ought to be experienced in drafting a provision affording protection to the Community, once the principle is accepted. The Act might contain a clause to this effect :—

During the period mentioned in the Schedule to this Act, in the departments and grades of Government service mentioned in the said Schedule the proportion borne by the number of Anglo-Indians actually employed to the total number employed in each such department or grade, shall not fall below the proportion which the number actually employed bore to the total on the 1st of January, 1929. The Secretary of State shall have power to revoke any appointment made in breach of this section to which his attention shall be drawn, and to give directions that a fresh appointment shall be made from among the applicants belonging to the said Community, and for the necessary consequential adjustments in the *personnel* of the department to be made. The Secretary of State shall have power, at any time, to amend the

category of departments and grades contained in the Schedule.

4. Such a Schedule would contain a list of service and grades, such as Railway, Posts, Telegraph, etc., etc. The suggestion that it would be difficult, in practice, to work such a provision is met by the observation that it has never been tried, and by the provision that, in the event of it breaking down in any particular case, the Secretary of State could remove the particular department from the list. This power of amendment also meets the strange objection, which has been raised, that before the expiration of the stipulated period railways in India might be superseded by another form of locomotion.

5. Such a clause could be accompanied by the creation of an independent Board for the selection of candidates, as the Community has already submitted, the object being to secure non-political and duly proportioned appointments. Such a provision would not differ in principle from some of the recommendations made by the Lee Commission.

II. EDUCATION.

6. The Anglo-Indian Community in India, as well as their members in England, are fully conscious of the necessity of giving special attention to the education of their children with a view to meeting the diminution in State employment, and other forms of official employment, upon which they have largely depended in the past. They recognise that the standard both of the teacher and of the teaching needs to be kept at a high-level, and in places requires raising. But they submit that the standardisation of qualifications for certain classes of appointment, such as the insistence upon the qualification of a University education, may operate unequally, and become a source of hardship to the Community, and in practice exclude Anglo-Indians who are well-qualified. For while, on the one hand, the residence and social life involved in a University career are often beyond the means of Anglo-Indian youths, while they are cheaper and easier for Indians, on the other hand the facility with which degrees are granted and the imperfect knowledge of English often possessed by Indian graduates, detract from the practical value of the degree, which cannot seriously be regarded, though it is in fact required, or is going to be required, as either essential or useful for an engine-driver, a guard, a ticket-collector, or a telegraph signaller.

7. It will not be denied by anyone conversant with the conditions in India that in order to enable members of the Community to avail themselves of the opportunities of raising their general standard of education, statutory safeguards will be necessary to protect them against the attacks which it may be confidently anticipated will be made in the future, as they have been made in the past, by political parties, upon the provision made by the Government for the assistance of European Education. The members of the Community will obviously be powerless, with their small and practically impotent numerical representation, to protect themselves, in the case of such attacks, by the constitutional methods ordinarily adequate in a free constitution. This condition of affairs is not the fault of the Community, but, on the contrary, constitutes their strongest claim for special protection. The problem of affording due protection to minorities in the re-arrangement of Europe under the Versailles Treaty, is at once the most acute and pressing, and the most troublesome of those which confront the League of Nations. It has been generally recognised that toleration is the best policy. It would be strange that while, on the one hand, in answer to the claim of the community to be afforded special protection in the matter of State employment they are told that they must seek to protect themselves against gradual extinction by improving the education of their children, and by entering into free competition with other communities, the financial provision should, on the other hand, be withheld from them which alone can make a resort to this alternative even a bare possibility.

8. It is submitted by the London Association that the Community have in the past faced and endeavoured to solve the problems involved in the adequate education of their children. The claim of the Community that its members have never shirked the financial burden is a just one. They owe much to the munificence of their wealthier members and of their friends, in the past. They have borne their own share of the burden in the payment of fees to the full extent of their capacity. *It is well-known how limited this is, in view of the struggle, especially under post-war conditions, to maintain their accustomed standard of living on European lines, with their restricted pecuniary resources. They now feel that the deliberate and thorough re-organisation of "European" education, with the object of enabling the members of the Community to hold their own in the changing conditions of India is essential, but that it is beyond the means of the Community, even with the assistance hitherto given by Government, to effect this. The Conference on European Education, held at Simla, in 1912, was practically barren of results because of the Great War and the introduction of the Constitutional Reforms, which prevented the findings and recommendations of the Conference being given effect to.†

9. The letter from the Government of India, dated 11th September, 1928, in reply to the 1923 and 1925 Deputations from the Community to the Secretary of State, recognises "the vital importance . . . of improved standards of education," and states that "the Government of India propose to give their most careful attention to the important problems of education, which, if they can be solved, are likely to provide the true remedy for the dangers that at present threaten the Community."

10. The London Association appreciates that the reply to the Secretary of State was not intended to be final, and that advantage may properly be taken of the interval between such reply and the Report of the Statutory Commission, to make such additional submissions as may have become appropriate during the interval.

11. It may be observed that the above-mentioned Reply, so far as it dealt with the request that European Education should be classified as a "Central Subject," appears to be based upon the misapprehension that the request was made merely to secure the objects of (*b*) preserving the integrity of European schools; (*c*) maintaining Government grants; and (*e*) attaching intermediate classes to selected European schools (*Vide* Par. 18 of the said Reply). This is not the case, and the rejection of the request, so far as the said Reply is concerned, is based upon an entire misconception, and the whole substratum of the reasoning upon which the negative answer is based disappears. The request is based upon other considerations, as the succeeding paragraphs will show.

12. The Central administration of European education is advocated because it is believed that the organisation of the education of the Community as a whole is necessary in the interests of the Community as a whole. The standard of departmental direction, on the one hand, and an appreciation of the true measure of financial requirements on the other, are more likely to be consistent throughout the whole of British India and to be inspired by broad views when under Central control than they would be under Provincial control.

13. It was suggested to a witness who gave evidence before the Hartog Commission that such a change would place the Community, in its efforts to obtain further grants, at the mercy of a single individual. There is no substance in the suggested objection.

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* *Vide* paras. 390-91 (p. 198) of *Progress of Education in India* 1917-1922."

† *Vide* para. 389 *ibid.*

It might with equal force be urged against the decision of the Secretary of State, or of the Viceroy. It would have the same theoretical force when applied to the Educational Minister in each Province. If it has any force at all, the Community would prefer this risk at the headquarters of the Government of India, in the case of a single Minister, acting along a settled line of policy, and consistently with himself, to the risk of being subjected to a number of different decisions by different individuals, in different Provinces, differing probably both in principles and practice.

14. If the subject were centrally administered, the Community would not be exposed to the risk of attacks by different political enemies, in different Assemblies, attacks framed on different lines, but contemporaneously delivered, and each requiring separate defences, and separate handling by an already overworked representative, acting single-handed against an organised nimble and calculated attack. It would only have one concentrated source of attack to fear. In the case of such a small ill-organised body, unequipped for political struggles, this would be a valuable safeguard, and really a measure of bare justice.

15. The fact that a number of officers employed in State service, particularly on the railways, are frequently transferred from one province to another, is a strong argument in favour of homogeneity of administration. This applies particularly to Inspectors, Codes, and Syllabus.

16. The question of maintaining a standard of definitely religious teaching, which may not improbably become more prominent and more acute in years to come, is one which can be left with more confidence to a State Department of the Central Government, than to the discretion of a Provincial Assembly or Minister.

17. Finally, it is submitted that notwithstanding Lord Canning's impressive recognition of the need for placing European education upon a proper footing, and the subsequent introduction of Government grants in aid of European schools, the question of European education has never been thoroughly dealt with. The failure of the existing educational system to fit the Community to hold its own in India is sufficient evidence of this.

The full responsibility for school education has now been assumed by the Governments of most civilised countries, with the object of securing for each member of the community the education that will enable him to play the best part he can as a citizen. No doubt, this is not yet fully the case in India, but it is urged that the Government of India should definitely accept this responsibility in respect of the Anglo-Indian and Domiciled European Community, partly because of the history of that Community, which makes it equitable that the Government of India should do something to conserve it, partly because, from the point of view of education, it is a homogeneous community and the problem, therefore, a comparatively simple one, and partly because it is a small community, and the financial questions involved of proportionate significance. In this connection it may not be improper to remind the Commission that the proportion of the total cost of European education now borne by the Government of India is considerably less than the proportion contributed from public funds towards the cost of *secondary* education in England, and that the saving to the Government in military expenditure, owing to the fact that members of the Community from a preponderating proportion of the Auxiliary Force in India, is admitted.

Memorandum submitted by the All-India Kurmi-Kshatriya Association.

INTRODUCTION.

The present Reforms were inaugurated under the Government of India Act, 1919, which followed the declaration of rights contained in the King's proclamation of August 20, 1917. Gradual development of self-governing institutions with a view to progressive realisation of responsible Government in India as an integral part of British Empire and the increasing association of Indians in every branch of administration constitute the object of the said Act. The Statutory Commission has, according to its terms of reference, to inquire into the working of the system of Government, the growth of education, and the development of representative institutions in British India and matters connected therewith. It is required to report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify or restrict the degree of responsible government now existing including the question whether the establishment of Second Chambers of Local Legislatures is or is not desirable. The experience of the last three elections and the working of the Reformed Constitution for nearly a decade has proved beyond doubt that the benefits of the Reformed Constitution and the franchise thereunder were not fully enjoyed by those communities which were backward in education and which in the social fabric of the country did not occupy a position to command a brotherly response from other and more advanced communities. They have not been able to take part, much less to enjoy their full share, in the increasing association of Indians in every branch of administration on account of the drawbacks noted above. It is the sad experience of these communities which makes them say, in the words of Sir Ali Imam, " that as long as we have not learnt to overcome sectarian aggressiveness, to rise above prejudices based on diversity of races, religions, languages and to alter the alarming conditions of violent intellectual disparity among the peoples of India, so long British occupation is the principal element in the progress of the country." Full responsible government cannot be realised unless and until all the different elements of society are equipped with a sense of responsibility to each other and are in a position to expect that responsibility from others. The alarming conditions of violent intellectual disparity, added to still more alarming conditions of social inequality, require special precautions to be taken in order to safeguard the jeopardised interests of the weaker by those on whom rests the ultimate responsibility for the general welfare of the country. The demands which have been formulated in this Memorandum have been formulated in the spirit, not of aggressive sectarianism to gain an upper hand on any other sister community, but in the spirit of self-protection against the undue predominance of certain more advanced communities. The desire of the Community in submitting this Memorandum is to secure for itself that protection by which it may be able to develop itself socially as well as educationally, to stand abreast with the other sister communities in the self-governing India and to enjoy its full share of the rights of citizenship in the future self-governing institutions peacefully in a spirit of brotherhood with such communities. In the present state of

intellectual and social disparity a peaceful development of self-governing institutions is extremely difficult, if not impossible, and the community has a right as British subjects to expect from the British Government that its demand of justice to its claim of self-protection will not go unheeded when a reformed constitution is formulated. This Community has ever remained loyal to the British Government. The verdict of history is in its favour, for during the Mutiny it was the Madras troops, consisting largely of Kurmi-Kshatriyas, who stood fast to their colours and assisted the Government in maintaining peace. Thus it can claim fullest hearing on the important problems which His Majesty has called on the Royal Commission to study.

SECTION I. PREAMBLE.

The All-India Kurmi-Kshatriya Association, in placing before the Statutory Royal Commission appointed under the Government of India Act, 1919, its views on the problems which are within the scope of the present enquiry, feels it essential at the outset to explain the position, in general, of the Kurmi-Kshatriya Community inhabiting this vast continent of India, which it has the honour to represent and on whose behalf this Memorandum is submitted and, in particular, its own position.

This community is scattered all over the country and forms nearly one-seventeenth of the total Hindu population. They are designated as Kurmi-Kshatriyas in Northern India, and by other names in different parts of the country, such as patels, patidars, reddies, etc., and claim to belong to the Kshatriya races of the ancient Aryan stock. Kurmi-Kshatriyas can justly claim to be the prop of Indian Democracy and their importance in the political development of the country cannot be exaggerated. Almost every one of the Community was once a soldier, who, fighting in defence of his Motherland under adverse circumstances, settled down as a law-abiding and peaceful agriculturist, though he kept up the fire of his race for generations thereafter. In the dark middle ages, when India was torn ruthlessly in the North by foreign invasions and the fair fields were mercilessly devastated by rival marauders, this Community sank into political oblivion, although it seems to have retained its Kshatriya character by becoming leaders of small village communities in different parts of the country. When the political condition of the country became a little more settled during the early period of Moghal Rule, its position seems to have improved and with the rise of the Maratha power it again took part in the political activities of the country. With the advent of the British Rule, the fighting spirit of the Community found but little scope, with the result that the members of this Community were reduced to the position of mere village patels. Ever since, they have been treated more or less indifferently and the competition of other communities has kept them confined to the soil for a pretty long time.

The Kurmi-Kshatriya Community includes within its fold the following sub-communities and the strength of the population of each is noted against it :—

1.	Kurmi-Kshatriya	37,85,998
2.	Kapus	33,79,328
3.	Telangas	10,66,311
4.	Saithwar	1,23,424
5.	Patels	49,689
6.	Rajbansi	18,18,676
7.	Rawat	71,604
8.	Sindhi	8,58,054
9.	Vokkaligar	13,02,552

Throughout the country this Community has various institutions in different parts working for its amelioration. Of these, the Gujrat Patidars Association and the Mysore Vokkaligar Sangh deserve a special mention, but the All-India Kurmi-Kshatriya Association is the only organisation which can claim to be the Central body representing all units. The need of a Central Association to utilise all the forces towards a unification and nationalisation of such a vast community was felt as early as 1909, and this A.I.K.K. Association was founded. The Community stood at that time in urgent need of an organisation, as the different Associations of sub-communities mentioned above were naturally unable to cover the whole field. The chief aim of this Association is to uplift the Community socially, economically, educationally and politically. The managing body of this Association is elected annually by its members in the various provinces and contains representative men of every sub-community, among whom are many distinguished ruling Princes and the acknowledged political leaders of the country.

On account of the appalling ignorance of the masses, the Community has not been able to reap the full benefits of the political rights which have been granted to the country recently, partly for want of encouragement from the Government and mostly for the predominance of the oligarchy of the so-called advanced classes of the country. The Association has, from time to time, passed resolutions requesting the Government to recognise and protect its claims, but, unfortunately, they have not received due attention of the Government. The following are some of the resolutions passed by the Association :—

1. " That this Association of the Kurmi-Kshatriyas of All-India is strongly of opinion that the time has already come when the Government will be pleased to introduce at once a free and compulsory system of primary education in India."

2. " That this Conference humbly requests the Government to increase the number of agricultural schools and colleges in the country and to locate them in thickly populated districts attracting the students of the K.K. Community by liberal grant of scholarships."

3. " This Conference is of opinion that the exclusion of certain sections of the Kurmi-Kshatriya Community from military service casts an unmerited slur on the whole Community. It therefore prays to the Government to remove that slur by providing means for enlistment of all the sections of the Community in the British Army as regular combatants."

4. " Resolved that in spite of the pronouncement of the Government that ' Kurmis constitute a respectable community which the Government would be reluctant to exclude from Government service,' they are still somehow excluded by Government officials responsible for the appointment. Therefore, the Conference requests the Government to issue orders to Government officials not to overlook the claims of the Community and to make the necessary amendments in the rules."

5. " Resolved that this Conference urges upon the Government to continue the recruitment of the members of the Community in the military service and form entirely separate units of the community like those of Brahmins, Jats and Ahirs in order to maintain the traditional military spirit of the Community."

6. " This Conference expresses its deep sense of regret and indignation at the alarming interpretation placed upon section 51D sub-section 4 of the Oudh Rent Act, coupled with section 87 of the Land Revenue Act, in excluding this caste as a whole from the benefits conferred by the section and respectfully, but most emphatically, urges upon the United Provinces Government to issue necessary instructions to special officers in charge of record operation to recognise the claims of the Community, both as Kshatriya and advanced agriculturists in the matter of concessional and favourable rents."

7. " In the light of the experience of the present system and the results of the past eight years, this Conference is certain that unless special representation is given to the agriculturists in Councils, their rights cannot be protected. This Conference, therefore, urges upon the Government the necessity of giving separate representation to the agriculturists in proportion to their number as has been given to the zamindars, and considering such as agriculturists

as pay Rs50/- to the Government as revenue and cultivate three-quarters of their land."

8. " This Association requests the Government of India to give adequate representation in Public Services to this Community, that is, to inform the Managing Committee of the Association of vacancies whenever they occur and to authorise it to certify and send candidates."

SECTION II.

SELF-GOVERNING INSTITUTIONS AND LEGISLATURES.

The electorate, being the foundation upon which responsible Government rests, calls, therefore, for primary consideration. The Association considers the Local Self-Governing Bodies as the initial training ground for the electorate and recommends that where village Panchayats are not in existence, they should be formed on the widest possible franchise with limited powers of taxation to cover the cost of village administration and that the electorate for District Boards and Municipal Bodies should be made as wide as possible with provision of power to the Local Self-Government Department to take over and administer these bodies in the event of mal-administration.

Education has spread less among the Kurmi-Kshatriya Community than amongst others. Thus the political sense of an average member of the other communities is necessarily above that of a Kurmi-Kshatriya. Further the elector of other communities possesses an innate collective sense and whatever may be his individual opinion, he follows the lead of the majority of the intelligentsia of his community who are responsible for forming the majority opinion. In the general elections which have taken place after the inauguration of the Reforms, personal influence of candidates has swayed the choice of electors. Having realised vaguely that the franchise has conferred some sort of power on him, the elector instead of using the power for the proper selection, according to the merits of a candidate seeking election, finds in it a ready instrument to turn to his profit. It is in this way that the rural area has lost rather than gained from this system. The Association suggests a careful examination of the interests represented by the present sitting members in the Provincial Legislatures and recommends reservation of seats for agricultural, landed and business interests, and labour and depressed classes strictly in proportion to their strength of population. The experience of the last three elections has made it clear beyond all doubt that the present system has given a predominating chance to the landed and commercial magnates and had put the interest of the agriculturists and labour classes at their mercy. But for the support which was given to these interests by the official block, many of the measures dangerous to such interests would have become law. Over and above the seats reserved for them they have, by their force of money and powerful influence, which they still exert over poor and illiterate tenants and labourers, secured an overwhelming majority of seats in the general electorate. It may be argued that this is due to the weakness of the people but the weakness of the people is a hard fact which cannot be removed so soon. Illiteracy and poverty which conduce to this weakness it will take considerable time for any reforms to remove from the people. Hence it is absolutely necessary that these interests should be guarded by a reservation of seats to them and specially so in the provinces where landed and commercial interest are so protected.

The hard facts and figures prove it conclusively that the reservation of seats for backward classes is very essential for their uplift all round so long as they are not brought up to the level of the so-called advanced classes. This Association, therefore, recommends that a statutory provision should be made for the reservation of seats for these classes as pointed out above.

SECTION III.

PUBLIC SERVICES AND DISCRIMINATORY LEGISLATION.

The Kurmi-Kshatriya Community numbers about one crore and a half as shown above. It is educationally one of the most backward communities. The chief causes of this backwardness are (1) that it has practically received no encouragement from the Government, (2) that residing as it does in the rural areas generally, it has less facilities for education than other communities, and (3) that the educated of this community on account of their social difficulties have less chances for success in life than those of the other communities.

That the community has liking for education can not be denied, inasmuch as since the very time the University Education was inaugurated in India, men of this community took advantage of it and in certain parts of the country the community has produced men who can compete with the best intellects of the country. Yet their number in the public service is almost negligible. The community has ever remained loyal to the British Government and is paying the highest revenue paid by any other agricultural community. The response, therefore, which it has received as yet from the Government in the matter of public service is disappointing. With the inaguration of the Reforms in 1919, which promised an increasing association of Indians in the administration of the country, it was expected that the community would receive sufficient encouragement in this direction but all in vain and matters have not improved in the least so far as this community is concerned. This Association is, therefore, of opinion that in order to improve the social as well as the economical conditions of the community and to encourage the spirit of education among them, it is necessary that at least one seventeenth of the services in all branches should be reserved for the community and immediate steps should be taken to fill future vacancies in them by preferential recruitment from the community and at least one judgeship in each High Court except the Punjab should be thrown open to the community.

There are discriminatory legislations in some of the provinces as regards the assessment of land. To take an example, in the United Provinces of Agra and Oudh, the Kurmi-Kshatriya Community has to pay more land revenue than the so-called advanced communities on the ground that it itself cultivates the land. The Community has suffered much and is still suffering from such injustice. This Association is, therefore, of opinion that there should be an adequate statutory provision for any discriminatory legislation against any particular section or community in matters of taxation and that the Governor should have the power of vetoing any such law as appears to be unfairly directed against any particular section or community.

SECTION IV.

PROVINCIAL SENATES.

The Indian provinces forming the sub-continent of India are inhabited by heterogeneous races peoples and communities with different traditions and culture. These various sections of the people differ widely from one another not only educationally socially and economically, but also in many other ways. It will, therefore, take a considerably long time to mould them into one common nationality. The Provincial Legislative Councils when further popularised will be more or less ruled by the majority and undesirable laws may often be enacted.

This can be checked by giving the Governor power to veto or withhold his assent to any legislation or administrative measure which he considers to be detrimental to common interest, but this is very likely to strain the relations between the Governor and the Council, and this is not desirable. This Association, therefore, recommends the creation of Provincial Senates to have a check over popular

Councils and these senates should be composed of representative men of outstanding merits taken in strict proportion to the population of all communities.

SECTION V.

GENERAL.

The present system of land tenure in most parts of India is far from satisfactory and requires to be changed radically. This Association, therefore, would recommend that in the future political organisation of India, enough provision should be made by statute for safeguards regulating the land tenure of the country and hence protecting the rights of the peasantry.

In view of the peculiar circumstances and the customs prevailing in some parts of the country, the Association feels it necessary to emphasise the fact that statutory provision should be made to give rights to citizens to the free use of the roads.

In view of the general poverty of the country, this Association thinks that primary and secondary education should be made universally free. The association has passed resolutions, from time to time, in this connection and has thereby urged on the Government its urgent necessity.

SECTION VI.

Summary of the suggestions and safeguards :—

1. Proportionate representation of the Kurmi-Kshatriyas in Legislative Councils, Legislative Assembly and the Council of State.
2. Proportionate State aid in spread of education.
3. Adequate representation of the Kurmi-Kshatriyas on all the Local Self-Governing Bodies.
4. Proportionate representation of the Kurmi-Kshatriyas in the Army and Navy.
5. Proportionate representation of the Kurmi-Kshatriyas in Public Services.
6. Appointment of one Judge in each High Court except the Punjab to give an impetus to education and social uplift of the community.

In conclusion, we trust that your Commission would give the best possible consideration to the proposals made in this Memorandum.

We wish your Commission every success.

INDIAN STATUTORY COMMISSION

INVITATION TO SUBMIT MEMORANDA

1. The Indian Statutory Commission invites the submission of written statements or memoranda, both from official and non-official sources, from representative associations, local bodies, and responsible individuals on any of the subjects which fall within the limits of the enquiry which it is about to undertake. Before the Commission returns to India in October a programme of its sittings in various centres will have to be drawn up. The written statements or memoranda now called for should be prepared and sent to the offices of the Commission *as soon as possible* in order that the Commission may appreciate the main issues to be raised and proposals to be urged before it hereafter and in order that it may make arrangements beforehand for the orderly conduct of its subsequent enquiry.

2. Such written statements or memoranda as are ready before the Commission leaves India on March 31st should be sent by registered post addressed to "The Indian Statutory Commission, Camp, India." After this date the Commission will maintain its own Office in India, where further memoranda will be received on its behalf. They should be sent by registered post addressed to "The Indian Statutory Commission, New Delhi Office, New Delhi," from which office they will be transmitted to the Office of the Commission in England.

3. Twelve copies of each memorandum are required in the first instance. Further copies may be called for hereafter, if the proposed Indian Committees are set up in time.

4. It is most desirable that these memoranda should be delivered to the Offices of the Commission as soon as possible, and in any event *not later than June 1st next*. If for any special reason particular documents cannot be delivered till later, the Commission will be glad to be informed of the circumstances and will do its best to deal with them, but the organization of the Commission's enquiry makes it essential that the written material, much of which has doubtless already been prepared, should be promptly presented.

5. The terms of reference under which the Commission is acting are as follows:—

It is "to enquire into the working of the system "of government, the growth of education, and the "development of representative institutions, in "British India, and matters connected therewith," and it is "to report as to whether and to what "extent it is desirable to establish the principle of "responsible government, or to extend, modify, or "restrict the degree of responsible government then "existing therein, including the question whether "the establishment of second chambers of the local "legislatures is or is not desirable."

6. The Commission has already had the advantage of informal interviews with important and representative bodies and deputations both at Delhi and in several Provinces, and has been much assisted by these interviews in appreciating the nature of some of the main questions which it will shortly begin to investigate.

7. The Appendix to this notice contains a list of some of these topics (though the list does not profess to be exhaustive), and written statements or memoranda are also invited on any other subject within the Commission's terms of reference. It will be understood that those who submit memoranda are not expected or required to deal with all the subjects mentioned in the Appendix but only such of them, or with such other subjects, as specially concern the case they are putting forward.

8. The Commission attaches special importance to the written material which it is now inviting, for in many cases the memorandum will speak for itself, while in other cases the Commission after considering the memorandum (with the assistance of Indian Committees if these are appointed) will intimate whether it desires to hear oral evidence in support of the memorandum and will endeavour to make the most convenient arrangements as to when and where this oral evidence shall be taken.

9. Every memorandum should be dated and signed by or on behalf of those who present it, and should give the address to which any communication from the Commission regarding it should be sent. As already stated, there will be many cases in which the memoranda submitted will themselves sufficiently convey to the Commission the views of those submitting them, but in cases in which it is desired to tender to the Commission oral evidence in support of any memorandum, the document should end with a clear statement giving the name and address of the witness who will be ready to come forward, if required, for examination and cross-examination.

10. Memoranda submitted in a representative capacity should contain a clear statement of the nature, extent and membership of the organization submitting them. When a statement is put forward on behalf of a class of persons, the Commission wishes to have a sufficient indication of the number of individuals who actually authorize it.

OFFICE OF INDIAN STATUTORY COMMISSION,
CAMP, INDIA.
6th March, 1928.

J. W. BHORE,
S. F. STEWART,
Secretaries.

APPENDIX.

Note (*A*).—For the purpose of illustrating the meaning of the main heads below, some of the questions arising under each are given.

Note (*B*).—Replies need not deal with the whole field covered by the heads, but should be limited to the particular matters to which it is desired to draw attention.

Note (*C*).—Suggestions for the future are invited, as well as observations upon the structure and working of the existing constitution of British India. The Commission will be specially glad to receive any draft constitutional scheme which has been worked out beyond the stage of merely general propositions.

1. *The representative system as applied to British India, e.g.*:—

(*a*) The basis of the franchise.
(*b*) Methods of election.
(*c*) Methods whereby particular interests, communal, local, social, and economic, may obtain adequate representation on local self-governing provincial and central representative bodies.
(*d*) The relationship between representatives and constituents.
(*e*) The growth of parties.
(*f*) The growth of informed public opinion.
(*g*) Nomination of officials and non-officials as additional members of elected bodies.

2. *The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions, e.g.* :—

(*a*) Local self-governing.

(*b*) Provincial, including the discussion of proposals for extension of self-governing institutions to other areas than the nine provinces, and of proposals for division of existing provinces.

3. *The local self-governing bodies (Municipalities, District Boards, etc.) and their relationship with the Provincial Government, e.g.* :—

(*a*) Constitution.

(*b*) Functions.

(*c*) Relationship with officials of Provincial Government.

(*d*) Control by Provincial Government.

(*e*) Finance.

4. *The Provincial Governments, e.g.* :—

(*a*) Constitution.

(*b*) Working of dyarchy.

(*c*) Position and powers of Governor.

(*d*) Position of Ministers in relation to Governor and Members of Executive Council.

(*e*) Relationship of Ministers to each other, and question of collective responsibility.

(*f*) Growth of party system in the Provincial Councils.

(*g*) Working of particular departments.

(*h*) Classification into reserved and transferred subjects.

(*i*) Desirability of Second Chambers.

(*j*) Question of provincial autonomy. [See also 6 (*a*) and (*b*).]

(*k*) Finances of Provincial Government and Financial Control. [See also 6 (*c*).]

(*l*) Financial relations between reserved and transferred sides of the Government, including the question of the joint or separate purse.

5. *The Central Government, e.g.* :—

(*a*) Constitution.

(*b*) Position and powers of the Governor-General.

(*c*) Relationship of Governor-General to his Executive Council.

(*d*) Relationship of Governor-General to the Legislative Assembly and the Council of State.

(*e*) Position of the Executive.

(*f*) Question of the responsibility of the Executive to the Legislature.

(*g*) Relationship between the two Houses.

6. *Relations between Central Government and the Provincial Government, e.g.*, in regard to—

(*a*) The extent of the power of superintendence, direction, and control to be exercised by the Central Government.

(*b*) The classification of subjects as central and provincial.

(*c*) The financial relationship between the Central and Provincial Governments, including the Meston Settlement.

7. *The Courts and the Judiciary.*

8. *The Constitutional problem in relation to such vital matters as*—

(*a*) Law and order in British India.

(*b*) Justice in British India.

(*c*) Defence of India.

(*d*) Social progress in British India.

(*e*) Federation in India.

(*f*) The status and position of India in the British Empire.

9. *The relationship between the Central Government, the Secretary of State and the British Parliament.*

10. *The position of the Services, e.g.* :—

(*a*) Indian Civil Service.

(*b*) Other All-India Services.

(*c*) Provincial Services.

(*d*) The question of recruitment and of Public Services Commissions.

(*e*) Indianization.

11. *The Growth of Education.*—The Commission will shortly be making a special announcement as to this branch of the enquiry, but it does not wish the preparation of memoranda on this important topic to be delayed. Documents dealing specifically with it should be marked "Growth of Education" in the top left-hand corner.

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